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**Tuesday, 11 September 2018**

*Parliament met at 2.42 p.m. at Parliament House, Kampala.*

PRAYERS

*(The Speaker, Ms Rebecca Kadaga, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this afternoon’s sitting. I would like to thank you for the work you have been doing over the past few weeks. I have been away to attend the Commonwealth meeting in Botswana in preparation for our hosting the next Commonwealth meeting in September 2019. A report will be tabled here.

I also attended the Netherland Second Diaspora Expo and there are good prospects for us to get market if we can organise ourselves.

I also attended the Uganda North America Association (UNAA) meeting and quite a bit of progress is being made. Reports will be presented here.

During that time, a number of things have happened. In particular, on Saturday, we lost an officer who was courageous and brave, who spoke out on issues of corruption, indiscipline and fraud in the Uganda Police Force. I would like us to stand up for a moment of silence in his honour.

*(Members rose and observed a moment of silence.)*

**THE SPEAKER:** May his soul rest in peace. Honourable members, you may recall that we hosted the Prime Minister of India here. He was exceptionally happy about his visit to Uganda. He has written to me, to thank us for treating him very well. I will just read the letter written on 13 August 2018.

*“Your Excellency, I wish to convey my heartiest thanks and gratitude for the privilege of addressing the august House of the Parliament of Uganda and the warm welcome that I was accorded during my visit last month. This was the first time such an honour was bestowed upon an Indian Prime Minister.*

*I am grateful your Excellency, honourable Members of Parliament and other dignitaries for the opportunity to share the vision of India for partnership with our brothers and sisters in Africa, especially in Uganda.*

*As I said in my address, my Government is committed to further our cordial ties with Uganda in all areas of mutual interest and benefit.*

*I use this opportunity to extend my best wishes for your good health and well-being. Please, accept, your Excellency, the assurance of my heartiest consideration. Narendra Modi*.”

Honourable members, you may recall that the Parliament of Uganda, the Uganda Communications Commission (UCC) and telecom companies had a consultative meeting on the issue of the scratch cards. In that meeting, it was agreed that scratch cards be left in the market until market forces prove that digital loading of airtime could easily be done in both rural and urban areas. UCC was expected to communicate directly to all the relevant telecommunications operators.

I would like to just confirm that the Minister of Information, Communication Technology and National Guidance has written to me to confirm that the airtime scratch cards should be available for citizens to use throughout the country. The letter is here and it will be uploaded on your iPads for your information.

Honourable members, we are approaching 15th of September. This is the United Nations International Day of Democracy. This time, it will be on a Saturday and it will mark the 11th edition of the international day of democracy and the 21st anniversary of our Universal Declaration on Democracy. This year’s theme is; “Oversight: the Core Function of Parliament and the Vital Part of the Checks and Balances of any Healthy Democracy.”

In a time of disconnect between democratic institutions and the people, the Inter-Parliamentary Union would like to highlight the critical roles of Parliament in holding Governments to account on behalf of the people they represent.

Basing on this, several former and current members of Parliament from around the world have been engaged in different media platforms especially social media, using the hashtag “*#DemocracyDay”* to give their views on the same. There are discussions between the honourable members of Parliament and the public to engage and to mark this day: “What do you understand by Parliamentary Oversight?”

Therefore, Parliament using its Twitter handle “@*Parliament\_Ug”* and facebookwill also be running this campaign starting tomorrow Wednesday, September 12 2018 through to Monday, 17 September 2018. The outcome of this discussion on the social media will be forwarded to the headquarters of the IPU in Geneva.

I would like to urge Members with individual twitter and facebook accounts to participate in these celebrations by giving their views. They can also contact the Communication and Public Affairs Department to have their views posted on the social media handles.

Honourable members, you are also aware that we lost an icon, an international diplomat and former Secretary General of the United Nations, Mr Kofi Annan. He passed on in Switzerland in August 2018. His remains were received yesterday in Accra, Ghana. He will be laid to rest on Thursday, 13 September 2018.

Given the great contribution he rendered the world and also for making us proud globally as black Africans – he was the first African Secretary General of the United Nations and I do not know when we shall get another one – we shall give space on the Order Paper tomorrow to pay tribute to the late Kofi Annan. The tribute will then be sent to the United Nations headquarters and to the Government of Ghana where he came from.

The chairpersons and deputy chairpersons, we are going to have an induction programme on Friday and Saturday at Speke Resort Munyonyo. I, therefore, invite all the chairs and vice chairs to come and we have that induction.

In July 2018, we had an engagement here with the insurance companies. I would like to thank all the Members who have registered for medical insurance. It is very important for our health. However, there are about 100 Members who have not registered. I do not want to name them. I would like to appeal to those 100 Members to sign up. If by 17 September 2018 you have not signed up to any, we shall allocate you. The choice is now yours. *(Laughter)*

On another note, Mr Chinery-Hesse, a national of Ghana who worked in Uganda as First Parliamentary Counsel in the Ministry of Justice died on 30 August 2018 in Ghana. He served the ministry and Parliament from 1989 to 2014. He was always here, helping us in the drafting of Bills, sitting in committees and he was quite knowledgeable in those issues. He will be buried on Friday, 12 October 2018 in Accra. In the meantime, in Uganda, a funeral service will be organised at the All Saints’ Cathedral on Friday, 14 September to honour him. Therefore, Members who are able to attend should do so.

In the Public Gallery, we have pupils and teachers of Rima Nursery and Primary School. They are represented by hon. Jonathan Odur and hon. Joy Atim. They are here to observe the proceedings. Welcome. *(Applause)*

There were some few matters of national interest.

2.53

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Thank you, Madam Speaker. For the benefit of the 99 Members who have not yet registered for medical insurance, I would like to inform them that there are three companies who have signed contracts with the Parliamentary Commission; that is, AAR, IAA and IML. We have gone ahead to get for you details of the persons that you can contact, not only for the purpose of registration but in case you go to any service centre and you get a problem.

Please, contact the following:

1. In AAR, contact Ms Amina Nalubega. Her telephone number is 0772523530 or 0701103813. Their customer care number, which works 24 hours, is 0414255991 or 0712255991.
2. In IAA, the coordinating person is Ms Margaret Nakalema. Her telephone number is 0772593576 or 0754 *–(Interjections)-* Can I repeat?

**THE SPEAKER:** Honourable member, the minister is saying you send it to our iPads.

**MS OGWAL:** Madam Speaker, I agree with you. We have communicated with Members through e-mails and text messaging but we still have almost 100 people who have not registered. However, just in case your e-mail is not working, please, contact the focal person – the medical doctor in our medical unit – who will give you all these numbers I am talking about. You can also contact the Clerk’s Office. I thought this is important and I thought that may be Members are being slow to register because they have not known who to contact.

Members, the reason the Parliamentary Commission is insisting that all Members must register is that should anything happen to any Member, since there are many things happening in the country, the Parliamentary Commission will be blamed for not taking care of honourable members. I know and you know that in the past, there are Members who passed on and they had not been insured, yet the facilities were there.

Therefore, we are urging Members that if you have not insured yourself, your spouse and family, please, do so because if you do not, the Parliamentary Commission remains responsible. That is why the Speaker is insisting that for those who have not made a choice of who to insure with, we shall take a decision to randomly allocate you to any of the three service providers and we notify you where you belong. Thank you, Madam Speaker.

**THE SPEAKER:** Honourable members, I would also like to clarify that you can include your parents among the dependents. In the past, they would not allow old people to be registered but now, you can.

I now invite hon. Mwiru for two minutes.

2.58

**MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja):** Thank you, Madam Speaker. I rise on a matter of national importance. As part of budget support, Parliament passed a loan under the Uganda Support to Municipal Infrastructure Development (USMID) project for the 14 municipalities but in our budget for financial year 2018/2019, that money was not appropriated. Whereas the municipalities have the money, they cannot spend it and therefore, the contractors are stuck. As a result, this is affecting the performance of USMID II.

I seek the indulgence of the House and the minister that the 14 municipalities be allowed to spend money and this should be covered under the supplementary budget, because this is going to cause loss to Government since the contractors are on site. They have finished the first phase but cannot go to another phase before they are paid. This has hampered a lot of Government work. For example, in Jinja, the contractor finished the priming of the road but cannot go to tarmacking because he has no money, yet the population is putting him under pressure to open the road for use. Once the road gets used and he receives the money, it will have to increase the cost because he will have to do priming again.

I seek the indulgence of the House so that the minister is directed to allow municipalities spend within the three per cent supplementary budget ceiling and have a retrospective approval of that money. Thank you.

3.00

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Thank you, Madam Speaker and I thank hon. Mwiru for raising that important issue. We have received the information and we know that problem and we are handling it administratively.

**THE SPEAKER:** How would the consumers know? Have you written to them?

**MR BAHATI:** We are handling this matter with the Ministry of Lands, Housing and Urban Development, which is the supervising ministry, to raise resources and to ensure that the project moves forward. In addition, as you know, we are coming here with the second phase of this programme to include an extra eight municipalities. Therefore, the situation is being handled, Madam Speaker.

3.01

**MR PAULSON LUTTAMAGUZI (DP, Nakaseke County South, Nakaseke):** Madam Speaker, I rise on a matter of national importance. Last night, a group of 30 men wielding pangas invaded a village called Njagalabwami in Kasangombe sub-county, Nakaseke District. They destroyed banana plantations and coffee plantations and most people were left with nothing in the gardens.

It was very difficult for the villagers to communicate to me or the police. They do not have airtime on their phones. Since Parliament took a decision for the airtime scratch cards to be restored on the markets, they are not there in the villages. So, people do not have access to airtime. However, they tried other possible means to communicate to the police but they could not manage.

At the moment, an entire village has nothing to eat. My prayer is that the Ministry of Internal Affairs intervenes quickly and provides security for the people of Njagalabwami. Also, the relevant ministry should provide our people with some compensation because these are hopeless people now. Thank you, Madam Speaker.

**THE SPEAKER:** I do not know whether the Minister of Internal Affairs would like to say something.

3.03

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Kania Obiga):** Madam Speaker, I have just received the information. Immediately after here, I will get in touch with the honourable member to get the particulars. I will also get in touch with the DPC of the area and we get the nature of that problem to make sure the people are secure.

For airtime, the Ministry of Internal Affairs is unable to do anything but I will communicate to my colleague. Thank you.

3.03

**MR DAVID MUTEBI (NRM, Buikwe County South, Buikwe):** Thank you, Madam Speaker. I rise on a matter of national importance concerning the conduct of services in the casualty unit at Mulago Hospital. A few days ago, one of my constituents who had a motor accident was taken to the casualty unit and I established that at that unit, no person is handled unless he or she provides for the kits and drugs that are supposed to be administered. The list is actually provided by the doctors for the attendant to go and look for the surgical kits and medicines required.

I really wondered how people who are taken there in critical conditions have nobody to take care of them. It is, therefore, my humble prayer that the ministry tells this Parliament if this unit is privately managed at the moment and if not, the remedies they have in place that can sufficiently provide for the handling of patients in such a dangerous state. I thank you.

**THE SPEAKER:** The Minister of Health is in the House. She should say something about this.

3.05

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Sarah Opendi):** Thank you, Madam Speaker. Allow me, first of all, to state that the casualty unit is not privately run. Therefore, we do not expect accident victims to be asked for money. However, if this had happened in July, that would be justifiable because we had challenges with the supplies from the National Medical Stores (NMS) in July. This is September and I do not expect the units not to have the necessary supplies from the NMS.

So, Madam Speaker, allow me to investigate the matter and maybe, at an opportune time, come back and give a clearer report. However, we cannot rule out issues of individuals who would like to collect whatever money from people who are in desperate need. Thank you, Madam Speaker.

**MR SSEWUNGU:** Thank you, Madam Speaker. The clarification I am seeking from the minister is in relation to hon. David Mutebi’s issue. As a ministry, do you get statistics of those particular patients like the ones he has stated? One time, I had a patient whose eye was hit by a blowing computer. When I went to an eye unit, there were 35 patients and one eye had to be removed from each of them and the unit never had the equipment. So, I was very tough and my patient who was supposed to be the twenty fifth was brought to be the first one. They removed his eye and he survived.

This means the equipment was not there. The doctors told me they do not have the equipment to remove these people’s eyes. All of them were from different constituencies, not Kalungu alone.

So, do you have that kind of statistics or information as a ministry? Madam Speaker, eye sickness is escalating day by day. Thank you.

**MS OPENDI:** Thank you, Madam Speaker. We have a new information system where we get statistics and information from different health facilities across the country including Mulago. I just would like to state that we have an information system. We capture all this information and it is available. However, Madam Speaker, it is possible that the eye unit, aware that those kinds of services are not everywhere, has challenges. So, it is possible they may not have certain supplies at certain times.

We have always indicated to the hospitals that once they have run out of supplies, it is important they put up a notice so that it is transparent and everybody gets to know supplies have run out. However, we have a challenge where supplies are provided to different health facilities but the health workers hide them and get money from the patients. You are aware that recently, at the Uganda Cancer Institute, we had to suspend three senior officials. Of course, this goes on but we shall not be able to deal with this kind of corruption of selling of Government drugs without the cooperation from the public and the patients. Thank you, Madam Speaker.

3.10

**MR ANTHONY OKELLO (NRM, Kioga County, Amolatar):** Thank you very much, Madam Speaker. I rise on a matter concerning financial discipline of our national budget. You recall this august House passed the National Budget for 2018/2019 financial year.

I came from my constituency recently but I realised that a few months later, the Ministry of Education and Sports invited a number of stakeholders to a meeting in Mbale. They asked Amolatar District to do virement on their planned activities to cater for the construction of Seed Secondary Schools. In Amolatar, we got one seed school, Agidak Secondary School.

However, by implication, this means Amolatar District Local Government has to collapse quite a number of activities they had planned for in order to cater for the construction of the this Seed Secondary School.

Madam Speaker, I am wondering whether this does not tantamount to budget indiscipline because we have just passed the National Budget and already, we are changing many things. I am also wondering whether the Ministry of Education and Sports did not envisage that there would be need for us to construct the seed secondary schools to the extent that they did not cater for it in the previous budget that we passed in this august House.

Amolatar is struggling and we shall end up collapsing quite a number of activities to the tune of Shs 490 million. You can imagine –(*Member timed out.*)

**THE SPEAKER:** Honourable members, a few weeks back, I went to Luuka and the chairman told me they had planned for Health Centres II but they had been directed to put those funds to a seed secondary school. So, he was asking me what they should do. I came here and asked the Minister of Education and Sports to tell us how this is going to happen. They had done their budgets and had got their action plans approved but they were stopped.

3.11

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, we will cross check that and get back here tomorrow because as you recall, this House passed Shs 28 billion for the secondary schools which did not have resources in the previous year.

There is also fiscal transfer project and on the issue of virement, the law allows only 10 per cent by a vote. It is not possible for one to forego a health centre for a seed school.

We will work with the Ministry of Education and Sports and make a statement answering hon. Okello and the question that you raised, Madam Speaker.

**THE SPEAKER:** Have yours also been ordered to do a virement?

**MR ANYWARACH:** Thank you, Madam Speaker and I would like to thank the Member for bringing up the issue. It is a little bit different in my constituency that in some sub counties where there are no Government aided secondary schools, private secondary schools have been put under pressure to decide if their schools should be turned into seed secondary schools.

We need to look at that kind of demand and compare with the budget that we have given the ministry and whether they are trying to undercut so that they make differences. How are you planning to establish seed schools in all the sub counties? Thank you?

**MR AOGON:** Thank you, Madam Speaker. When we get the Indicative Planning Figures (IPFs) for our local councils to budget from, there is a tendency towards the end to change figures when you are about to release money. This must be related to this shifting of figures; you are supposed to give money to a health facility but from nowhere another communication is passed.

Kumi Health Centre IV was supposed to be budgeting for around Shs 174 million under development but I am being told that the only money they were allocated was around Shs 16 million. Can the minister say something about this because the people are so expectant?

Meanwhile, as a Member of Parliament, you have spoken and assured the people that you have worked and Shs 174 million is coming but all of a sudden, they are switching. Can we understand what is happening here?

**MR OUMA:** Thank you very much, Madam Speaker. I think the issue is cutting across and that indiscipline my colleague is referring to also happened in Namayingo. The ministry wrote that they must use the district funds to make sure that they construct seed schools and health centres.

The Ministry of Education and Sports should bring before this House all those sub counties where seed schools are going to be constructed in this country so that we are safe. They may be saying that they are going to construct them but at the end of the day, we shall not see them. We want the list of all these schools per district. Thank you.

**MS AVUR:** Thank you, Madam Speaker, for giving me the opportunity. It is not only Luuka or Namayingo that is affected but almost all the districts. During the budgeting period, you directed the Minister of Education and Sports to bring to the House the list of the next 100 schools that are going to be funded.

Madam Speaker, redirect the same minister to bring the list before the House so that we know because they already have it. Thank you.

**THE SPEAKER:** They are not here but when we discuss this matter tomorrow - Minister of Finance, Planning and Economic Development, you were here when we debated the issue of the 100 schools and we demanded to know all of them.

**MR BAHATI:** Madam Speaker, we are going to come up with that information but as I said earlier, Parliament appropriated Shs 28 billion. We are now three months into the financial year but the ministry has not sent any communication saying that we have failed to raise the money for the budget that Parliament appropriated.

There has been a lot of miscommunication from the accounting officers. Just the other day, the chairperson of Wakiso was saying that Wakiso had not received resources for the first quarter but when we checked, they had the resources but the CAOs were not spending.

We have now communicated to all CAOs because some people received money in July but they did not pay August salaries and later, created an impression that the Ministry of Finance, Planning and Economic Development has not released the money.

We are going to be tough on accounting officers who receive money but do not implement and then give a bad image to a very good ministry like Ministry of Finance, Planning and Economic Development.

3.19

**MR PAUL AKAMBA (Independent, Busiki County, Namutumba):** Thank you, Madam Speaker. There was and there is still a public outcry about the 1 per cent excise duty that was levied on mobile money transactions as a result of the amendment to the Excise Duty Act, 2018.

It prompted Government to introduce the Excise Duty (Amendment No.2) Bill, 2018 on 19 July 2018. When the Bill was being read for the first time, it generated debate to the extent that honourable members of this House wanted the Bill to be passed immediately.

However, the presiding officer then guided and referred the Bill to the committee on Finance, Planning and Economic Development. He said, “I think the committee is abreast with the issue; we cannot wait for the 45 days. The chairman is here and he knows.” He was referring to the chairman of the committee on Finance, Planning and Economic Development.

Today is the 11th of September, 53 days down the road but the Bill has not been processed even when I appeared before that committee as the last witness three weeks ago. Yet rule 140 of our Rules of Procedure of Parliament is very emphatic. Bills are supposed to be processed within 45 days and I am very aware that the chairman of the committee has not even sought leave of this House to extend that time.

I would like to know, because it is a public outcry. Members of the public are continuing to be charged the one per cent tax; when is the committee presenting its report for this august House to debate and pass in an appropriate manner? Thank you.

**THE SPEAKER:** Honourable members, where is the chairperson of the committee? The matter was urgent even when it was brought.

3.23

**The VICE-CHAIRPESON, COMMITTEE ON FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (MS JANE AVUR):** Thank you, Madam Speaker. We received the Excise Duty (Amendment) Bill. It has been at committee level. We have been carrying out consultations, which we concluded today. We are in the process of drafting the report, which we shall have on the Floor of the House next week. Thank you.

**THE SPEAKER:** You did not come to report that you had exceeded the 45 days. You are supposed to come and inform us that you have not been able to work within the 45 days and we give you time. Can you formally come and request?

**MS AVUR:** Madam Speaker, I would like to apologise on behalf of the committee that we did not make it to ask for permission. However, like I have already mentioned, we have concluded with consultations and we request that you give us up to Thursday next week. We shall have the report on the Floor of the House. Thank you.

**THE SPEAKER:** How many more days will that be? Honourable members, they are requesting for a week. Is that okay?

**THE HONOURABLE MEMBERS:** Yes.

**THE SPEAKER:** Okay, a week is granted. You must report on Thursday without fail.

3.25

**MS CECILIA OGWAL (UPC, Woman Representative, Dokolo):** Madam Speaker, I rise on a matter of national importance. A few weeks ago, the Minister of Trade, Industry and Cooperatives reported to the House that there is a special fund to buy maize from the farmers when the prices were falling. I would like to continue disclosing that I am a farmer myself and I do farming very actively in Bunyoro as well as in Lango sub-region.

I would like to disclose to the House that up to this moment, because I went public to tell farmers that Government has put in place facilities to buy their maize at Shs 500 per kilogramme, farmers have been waiting for agencies who are appointed by Government to buy maize at Shs 500. I have not seen any in Dokolo, in Lira or Bunyoro where I operate.

I would like the Minister of Trade, Industry and Cooperatives and the Minister of Agriculture, Animal Industry and Fisheries to lay at the Table the list of these agencies buying maize per district, region or wherever they are. Tell us where these people are; give us their addresses, contacts and the person in charge so that we can take our maize there.

I am raising this because the Minister of Finance, Planning and Economic Development told us that the money, which the Government had put aside for that exercise was $256,427 translating to a total of 338,836 metric tonnes to be bought. If that is the case, this is a lot of money. Where has it gone; who has benefited from this money and where are these people operating from so that we know what is happening?

We always allow the Government to operate on a soft landing basis and we were able to allow the minister to use this money to facilitate farmers. I am now coming back to you after a month to tell you people are still lamenting.

Therefore, can the Minister of Trade, Industry and Cooperatives - this one does not involve the Minister of Finance, Planning and Economic Development - can the Minister of Trade, Industry and Cooperatives and that of Agriculture, Animal Industry and Fisheries lay this information at the Table? We would like to know those who have been buying maize and from where; if possible, per district. Thank you.

**THE SPEAKER:** Can the Minister of Finance, Planning and Economic Development give us an update?

3.29

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, on the side of the financing aspect, we reorganised the Agriculture Credit Facility under the Central Bank through the commercial banks for the traders to access and buy this maize. On the question of how many have accessed this money and whether they are in these districts buying maize, we will give a status tomorrow.

3.29

**MR JAMES WALUSWAKA (NRM, Bunyole County West, Butaleja):** Thank you, Madam Speaker. I rise on a matter of national importance. I have received communication; in fact, it came yesterday on social media about Government merging its institutions. Specifically, I would like to go to education.

You are aware that this Parliament gave some money to Busoga University as the only Government University in that region. They are now saying on the social media that there are universities, which they have left. It seems Busoga University has been thrown away by Cabinet. May I know from the Prime Minister who is here - how information can come as rumours and at the end of the day, you find it is a reality - why are you deleting Busoga University?

Secondly, sub-county councillors from parishes are usually given some money at the end of the financial year as ex-gratia. For Butalejja, they did not get anything. They even wanted to beat the chairman. I had to drive from here to convince them - in fact, yesterday, I had a contingence of all the councillors in five “*Kamunyes”*. They wanted to come here and ask but I told them, “You should not behave like chaotic people.” I had to transport them back to Busolwe.

May I know why Butaleja - I know that even in other districts, councillors have not been paid - May I know why the councillors, especially from Butaleja were not given this money? *(Interruption)*

**MR AOGAN:** The information I would like to give you is that, this problem is not only for Butaleja, even in Kumi, it is the same problem. People have been calling me. They have not got the ex-gratia for three months. They are wondering who is keeping the money. Is it the people there or is it the ministry? So, can the ministry come and clarify this matter?

**THE SPEAKER:** Please, conclude.

**MR WALUSWAKA:** Madam Speaker, in conclusion – I can see even the Member of Parliament for Mbale Municipality and others –

**THE SPEAKER:** But if it the same issue, it has been raised.

**MR WALUSWAKA:** So, I would like to know why Busoga, which you have just given a university is not on the list. There is a Cabinet Memo list. I will print and lay it on the Table. I can even post it. I want to thank you.

**THE SPEAKER:** Honourable minister, the ex-gratia for the Local Government.

3.33

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I would like to encourage members that it is important to use the social media but most importantly, it is important to use the right platform. So, for the Government, social media platform, we have a Twitter account of the President, we have a Twitter account for every ministry and there is no Twitter account or any other social media platform that we have posted the minutes of Cabinet.

So, I think we should not be excited about the issue the engineer is raising. However, on the issue of payment for councillors, I will again update the House. I will cross-check tomorrow and find out whether the problem is at the district or at the Central Government.

**MR SSEKIKUBO:** Thank you, Madam Speaker. I rise on a procedural matter, under Rule 7 of the Rules of the Procedure;

*“7. General authority of the Speaker*

*(2) The Speaker shall preserve order and decorum in the House and shall decide questions of order and practice.”*

Madam Speaker, I sat in the House and listened. You guided this House and we all stood up for a minute of silence about the gruesome murder of the former Buyende DPC. With us, we have the Minister of Internal Affairs statement, where a total of 24,000 guns shall be given out to the people. Madam Speaker, these are very critical matters that should not go without this House being informed about the situation in the country; while over and over again we come here, stand in a minute of silence – even pay tribute to those that have fallen under the violent killings of Ugandans.

For this Parliament to sit and appear as if everything is normal, would be a disservice to this country. Would you, therefore, use your discretion and prerogative, that as Parliament of Uganda, we share the grief with the country but above all, we give assurances to the country that the security situation is being handled and there are measures being taken, so that those who died do not die in vain? It should be a lesson and Government should come up with robust measures to assure the citizenry and all who may want to visit the country that Uganda is still a safe place to live in.

It is the constitutional duty of any Government to safeguard and guarantee lives and property of citizens of the country. Once we see this slipping off our hands, it is a big concern and I would like to seek your indulgence that you allow us as Parliament to be informed, rather than reading from the papers and television about this deteriorating security situation in the country.

What should we do as Parliament? If there is a way Government would want Parliament to join hands - how should we participate in that? We cannot proceed as if the situation is normal, yet, we are being challenged by the people we represent. We receive calls every day from the people we represent, asking if we are safe in Kampala. We need to know, Madam Speaker, and I beg your indulgence that Government gives us a statement - if it is ready – to allow us to express our views on the dire security situation in the country. I thank you, Madam Speaker.

**THE SPEAKER:** Honourable members, I think I had informed Members that when you have something you want to raise in the House, you come and see me by 11.00 a.m. I have been there the whole day. You did not come. So, I cannot guess what is in your mind and what you would like to say.

Additionally, honourable members, of course, it is a bit difficult because our rules say that if a matter has been raised in that session, you do not bring it back but we have had this debate like three or four times; about the state of security in the country. I really do not know.

**MR SSEWUNGU:** Thank you, Madam Speaker. You remember when our friends were arrested and whatever happened in Arua, it was not until members of Parliament came out on this Floor to raise this matter that you gave out the directive that went on to be executed. And you know what proceeded after that.

It is really funny – I am a Member of the Appointments Committee and you preside over it. When these ministers come, they talk a lot of things that they are going to do. Here we are, Madam Speaker. Something has happened. I have been seeing hon. Obiga Kania very busy praying to God, “I hope that this matter does not come on the Floor of Parliament.”

Why doesn’t he come in first – even before Ssewungu comes to the Speaker’s office for matters of national importance, the minister should be coming to you. They need to say that something happened in the country.

However, it is always us coming in on procedural matters, looking for the Speaker. What happened last week here in the House was very funny. It was just a Godly intervention that the report was released. You had sent Members to go and investigate about the people that were beaten. Ministers; do not wait for members of Parliament. The Prime Minister is very rare here, he only comes for Prime Minister’s Question Time and yet, he is in charge of Government business. People are being killed.

Let me tell you, Madam Speaker. Today, I saw hon. Bahati - he moves in a patrol vehicle. The other Members are also doing the same. They have lead cars for police men, they sit behind with the police men. That is where some ministers are sitting these days. Instead of sitting in their ministerial vehicles (*Laughter)*– because they are worried of being killed. This is really funny.

So, Madam Speaker, we cannot hide our heads in the sand. Yes – the President addressed the nation on Sunday. He, himself stated that he knows the person that killed the late Kagezi; the President said that “I am aware of the person that killed Kagezi.” And he has known him for a long time but he is at large.

People are dying – they are being shot. Kirumira, in his own submission said that, “If I am going to die for the sake of improving the police, let me be killed, but police improves.” When some ministers went for burial, they ran away bare footed; Jeje Odong - I saw the spokesperson of police literally running for his life. This is because they were going to kill them.

So, Madam Speaker, as I sit down, let us ask ministers – I have seen hon. Bahati suffering here as he has to answer to everything raised on the Floor. We have 80 ministers in number, yet, the Constitution was providing for only 21 ministers but now we have 87 ministers. They wait for us to raise matters of national importance all the time.

People are being killed. This gallant son of the soil we have talked about; Kirumira – not Kirumira alone but Abiriga as well – I am a DP member and Abiriga was NRM, yet he was my friend. Not very many Members here speak Swahili, I could speak with him Swahili. We felt pain when he was killed.

They are killing people and nothing is being done. When the President comes out, he talks about the history the Batooro, DP and how various things happened. We need to get concrete answers and how we must save our people. Members of Parliament, I do not expect everybody to sit in a patrol vehicle – soldiers are seated behind and you abandon your ministerial vehicle and sit behind in the patrol vehicle. This is all because you are fearing to die. I submit, Madam Speaker.

**THE SPEAKER:** Does the minister intend to come and address the country on this issue?

3.32

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Kania Obiga):** Madam Speaker, it is not true that I said that we are praying that this matter should not be raised. Definitely not. It is true and sad that ASP Muhammad Kirumira was killed on Saturday evening. The following day, Government at the highest possible level made not only a statement related to Kirumira’s death but the entire situation in the country - a statement that was broadcast live by H.E the President. That statement is not of the ministry but if this Parliament so wishes to debate that statement, it has its own procedures. It has its own procedures of calling for debate on that statement.

However, for us in the Ministry of Internal Affairs, from when this sad event occurred on Saturday, our people are in the field investigating the matter. We believe that even at this particular moment other than saying that the late Kirumira was killed by allegedly two people on a motor cycle, we would not be able to say something substantial to inform you. Therefore, our plan is – (*Interjections*) - let me finish this sentence.

**THE SPEAKER:** Members, allow the Minister to – we asked him a question and he is answering. Please, be courteous to one another.

**MR OBIGA:** Let me finish this sentence and you will be able to rise and say what you wish to say. Our plan is that by tomorrow and Thursday, we would be able to get what we consider to be more basic facts regarding this murder and therefore, bring to you a statement which we can debate from an informed position rather than on speculation. That is our position. Thank you.

**MR RUHUNDA:** Thank you, Madam Speaker. I stand here with deep concern for our country. I have seen a series of assassinations. This new malpractice has now clogged the country because we have never had such serialised assassinations like those that we are seeing today.

Each time, we cannot just look at each assassination in a different way instead of holistically looking at the cause because it is the same type of guns that are used, the same approach and following - there is a pattern.

Madam Speaker, I think as Parliament, we should task Government to come up with a comprehensive report on all these serialised killings such that we are able to explain because this has taken far too long. Something must be done.

**MS AMEEDE:** Thank you, Madam Speaker. These killings have been going on and we can now consider them serial killings. Those who were following Kirumira stories on television critically should have observed that he was afraid for his life. If our security is proactive, did they envisage that he was in such danger that perhaps he was a potential witness and a target? Why wasn’t he provided sufficient security? Thank you.

**MR GILBERT OLANYA:** Thank you, Madam Speaker. I would like to seek clarification from the honourable minister. We have had very many killings in this country and whenever someone is killed, you normally say investigations are going on and up to now, you have never presented the results of any investigation of all those killings. Can you commit to the august House, when you are going to present results of all the killings that have taken place in this country?

**THE SPEAKER:** Honourable members, I think the question was whether the minister intends to come here to speak to us after the death of ASP Kirumira - that was the issue. What is he doing about that and when is he coming? However, you are now going into the past. I know that sometime back, there were statements made here. I do not know how far back you want us to go? Why don’t you first concentrate on this one of the late Kirumira and it will be successfully here in a few days?

**MS NAMAYANJA:** Thank you, Madam Speaker. Last week, one of us, hon. Connie Galiwango raised an issue on the Floor about being followed the same way Kirumira has been raising these issues. Should we again provoke the minister and those in Government to come up and speak about an issue that was raised by a colleague about fear for her life?

There is something that must be addressed by Government so that we do not wait for unfortunate incidents to happen. There must be something to be done by Government if we have Government present. However, if we do not, we may remain the way we are – keeping on lamenting about things after they have happened. Thank you, Madam Speaker.

**THE SPEAKER:** What are we debating? *[Hon. Tinkasiimire rose\_]* - under what rule?

**MR TINKASIIMIRE:** Madam Speaker, I rise under Rule 7 of the Rules of Procedure, under the general authority of the Speaker to guide the House. Madam Speaker, whereas I agree that the minister will come here with a report about ASP Kirumira, this morning, there is a one Henry Richard Kanywamusayi who last week published an article criticising President Museveni for attempting to wish away Parliament by saying he can abolish Parliament and he was brutally killed with his son. We would be interested in knowing why Ugandans who are standing up to speak are being tortured and killed in unknown circumstances? As he comes with Kirumira, I thought this matter was very critical that I needed your guidance, Madam Speaker.

**THE SPEAKER:** I do not know what rule requires now because I was not aware about the issues he is talking about but can we ask the minister to also take an interest in that death and come and give us an update?

3.52

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Obiga Kania):** Madam Speaker, I thank the honourable member for the information. I will definitely take interest. From here, I will have a conversation with him. He will give me the details and we shall follow it up. Thank you.

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW UP TO UNITS OF ACCOUNTS (UA) 44.0 MILLION FROM THE AFRICAN DEVELOPMENT FUND (ADF) FOR FINANCING THE STRATEGIC TOWNS WATER SUPPLY AND SANITATION PROJECT (STWSSP)

3.53

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I beg to lay at the Table, a request by Government to borrow up to Unit of Accounts 44 million from the African Development Fund (ADF) for financing the strategic towns’ water supply and sanitation project.

**THE SPEAKER:** Honourable members, the same is sent to the Committee on National Economy to peruse and report back.

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW UP TO US$ 33,000,000 FROM ISLAMIC DEVELOPMENT BANK TO SUPPORT THE LOCAL ECONOMIC GROWTH SUPPORT (LEGS) PROJECT

3.54

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I beg to lay at the Table, a request by Government to borrow US$ 33,000,000 from the Islamic Development Bank to support the Local Economic Growth Support (LEGS) project

**THE DEPUTY SPEAKER:** Honourable members, the same is sent to the Committee on National Economy to peruse and report back.

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW UP TO EURO 40.0 MILLION FROM KREDITANSTALT FUR WIEDERAUFBAU (KFW) THE GERMAN DEVELOPMENT BANK TO FINANCE THE GULU-AGAGO TRANSMISSION LINE PROJECT

3.55

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I beg to lay at the Table, a Government proposal to borrow Euro 40 million from Kreditanstalt Fur Wiederaufbau (KFW), the German Development Bank, to finance the Gulu-Agago Transmission Line Project.

**THE SPEAKER:** It is sent to the Committee on National Economy for perusal and report back.

**MS OGWAL:** Madam Speaker, we have been receiving so many requests to borrow money. When we last discussed the budget, we were very concerned at the amount of money that we spend to service loans in terms of interest and loan repayments.

Now, we are getting all these loans and we are very happy to scrutinise them and approve them. However, could the minister be directed to give us the performance of the loans that we have so far approved? How have they performed? Sometimes we approve these loans when the absorption capacity is poor but we end up paying the interest all the same.

Therefore, can we be given an update as to how the loans we have approved are performing? You will be surprised that some loans we approved eight years ago have not been utilised yet. We would like to know because the country is spending a lot of money.

**THE SPEAKER:** What is the point of procedure? *(Laughter)*

**MS OGWAL:** The procedure right now is that the minister should clarify to us why we should continue to approve loans when we are not informed of how the loans we have so far approved are performing.

Therefore, procedurally, I would like to know why we should continue to approve loans when we do not know how badly we are doing with the loans we have already approved.

**THE SPEAKER:** At this stage, you are acting in anticipation. The requests have not yet gone to the committee. You will seek that when they come back with their report. The request has been sent to the Committee on National Economy.

PRESENTATION OF THE TRAINING REPORT ON GOOD GOVERNANCE FOR EFFECTIVE DELIVERY OF PUBLIC SERVICES AND POVERTY ALLEVIATION – 10TH TO 17TH AUGUST 2018, THAILAND AND INDIA

3.58

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Madam Speaker, I beg to lay at the Table, the training report on Good Governance for Effective Delivery of Public Services and Poverty Alleviation. This training was conducted in Thailand and India between 10th and 17th August 2018. I beg to lay, together with the accompaniment of the training modules of this particular programme. I beg to lay details of the Parliament Museum of *Lok Sabha*, that is, the Indian Parliament which has given us a very good impression of what a parliamentary museum should be. I beg to lay the DVD –*(Laughter)*– of the Parliamentary Museum of the *Lok Sabha*. I beg to lay.

Madam Speaker, I have been informed by the Clerk that the report has already been uploaded to the intranet. Therefore, allow me to just summarise the key points.

First of all, the Commission and particularly the Backbench Commissioners have identified the gaps in capacity building, especially among the top cadres of management in the Commission.

Madam Speaker, you have always complained – and Members of Parliament have also complained – about the shortcomings in the quality of leadership that is being displayed in the Commission. We, therefore, felt that we should consciously encourage our staff, particularly the top cadres to be exposed to some training so that they can build capacity in order to perform better.

The objective of this training was to expose the top cadres in the staff to the kind of planning and how the management style can change an institution or any kind of organisation that one is placed into.

I was fortunate to lead this delegation but we also had the following people on the delegation:

1. Mr Rugambwa Innocent, Director Library Services.
2. Mr Kiggundu Suleiman, Director Parliamentary Budget Office.
3. Mr Henry Waiswa Yoweri, Director Administration and Transport Logistics.
4. Ms Josephine Watera, Assistant Director Monitoring and Evaluation.
5. Mr Solomon Kirunda, Principal Legal Counsel.
6. Mr Moses Kyaligonza, Principal Policy Analyst.

Madam Speaker, as I said, the objectives were:

1. To share knowledge and experience on good governance and effective service delivery.
2. To share experiences and to be exposed to examples of good practices in Thailand and New Delhi, India. Particularly, Madam Speaker, we focused on the metro system of India and how we can build rail network to cut the cost of transport in our community.

Madam Speaker, the training also covered public-private partnerships – which I know Parliament is very conversant with – and how we can promote public-private partnerships and where they should be applied and how we can benefit from that practice and model. Of course there are different models of public-private partnerships. We cannot go into details but the report will be able to enlighten you on these areas.

Madam Speaker, we went to the Parliament of Thailand and as you are already aware, Thailand is being run by the military junta. Therefore, we were restrained from talking much about democracy but we appreciated the stability which is being maintained in Thailand despite the recent political experiences they have had.

We were also exposed to true democracy in India in terms of how the different political parties cooperate and how they perform in harmony as well as the parliamentary practices, rules and so on. Our main centre of focus in the Parliament of India was the museum and that is why we have collected lots of information that will help members of Parliament understand what a museum should be.

The time we visited the *Lok Sabha* was the time the former prime minister had passed on, so, the environment was not very good for us to discuss a lot more as we would have wanted to.

Madam Speaker, in Bangkok, Thailand, we were able to see some of the projects and one of them was the oil project which needs a lot of soya beans and what they do with the soya beans to produce very many products which are – these days – used for medicinal purposes and so on. We thought that if we could borrow ideas from how we can utilise our own soya beans, there is a lot we can do through value addition to benefit from our farming activities.

What lessons did we learn, Madam Speaker?

1. For capacity building to be effective, needs assessment is important at individual and organisational level.
2. Everyone at whatever level has a responsibility and contribution to make towards the betterment of that organisation and even the country. The contribution you make collectively culminates into making a change in the country.
3. Members of Parliament and staff in the Parliament of Uganda have a wealth of knowledge, skills and experience to share with the public for effective accountability of the Executive and Legislature.
4. Increasingly, citizens across the globe are raising pressure for effective social service delivery and accountability from their governments for every action and inaction.

Madam Speaker, Members will be able to read on their own *– (Interjections) -* You have not got? *– (Interruption)*

**MR WALUSWAKA:** Thank you, Madam Speaker. Our Commissioner is presenting a very pertinent report, which will make us also improve where there are mistakes. However, when I look at the Frontbench here, apart from hon. Bahati who is a cushion, all the ministers who were here have gone. Are we proceeding well when the people who are supposed to implement what we have discussed have – either intentionally or by mistake – gone away?

**THE SPEAKER:** Honourable members, in regard to this matter, they are only expected to present an executive summary and a date will be appointed for the debate. However, we would like the ministers to be here. Please, conclude.

**MS OGWAL:** Madam Speaker, in conclusion, I would like to say that Parliament should consciously develop training programmes not only for staff but also for members of Parliament. We must recognise our gaps.

We have managed to identify some training organisations outside there which can do a good job. The CBN that conducted the training is extremely experienced in training top-cadre leadership.

I was happy to identify Uganda with this organisation and I found out that there are very many Ugandans who have attended the training there. They include hon. James Kakooza – I do not know whether he is in the House. I have seen that the head of Public Service, John Mitala, has been in that training. I have seen the former minister, Sarah Kataike, was there. Our Deputy Clerk and very many Permanent Secretaries from our own ministries here have been exposed to that training.

I urge Parliament not to train staff only but also to build capacity of members of Parliament so that we can perform better. I beg to submit the report for the adoption.

**THE SPEAKER:** Honourable members, a date will be appointed for its discussion. As you know, the Second Meeting of the Third Session will be about reports. We shall deal with it in the Second Meeting.

Honourable members, join me in welcoming, in the Public Gallery, pupils and teachers of Testimony Christian Primary School. They are represented by hon. Cheptoris and hon. Chekamondo. You are welcome. *(Applause)*

PRESENTATION AND ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE (CENTRAL GOVERNMENT) ON THE REPORT OF THE AUDITOR-GENERAL FOR FINANCIAL YEAR 2014/2015 (ENERGY SECTOR)

4.11

**THE CHAIRPERSON, COMMITTEE ON PUBLIC ACCOUNTS (Ms Angelline Osegge):** Thank you, Madam Speaker. On behalf of the public accounts committee, I present the report of the Auditor-General on the Ministry of Energy and Minerals for the financial year 2014/2015.

Madam Speaker, before I present the report, allow me lay at the Table, the minutes of the proceedings that culminated into this report. I beg to lay.

The public accounts committee considered the Auditor-General’s report for financial year 2014/2015 on the energy sector mandated by Rule 171 of the Rules of Procedure and Article 90 of the Constitution of the Republic of Uganda. Article 163(4) of the Constitution mandates the Auditor-General to submit to Parliament annually a report of accounts audited by him or her for the financial year immediately preceding. The Constitution further mandates Parliament to debate, consider the report and take appropriate action within six months after submission of the report referred to in clause 4 above.

It is in this regard, therefore, that the report of the Auditor-General for the year ended 30 June 2015; Volume 2 (A) was presented and referred to the Public Accounts Committee for consideration. The audit opinion for the Ministry of Energy and Mineral Development for 2014/2015 was unqualified and covered revenue, expenditures and assets of the ministry.

The highlight of the issues raised by the Auditor-General in this report on the energy sector was the anomalies on the procurement of contractors for the 600-megawatt Karuma Hydropower Dam and the 183.2- megawatt Isimba Hydropower Project. Here below are the findings and recommendations of the committee. I will not go through the methodology if you may allow me.

**THE SPEAKER:** Proceed.

**MS OSEGGE:** Thank you.

Background of the report

Review of the Karuma and Isimba Hydropower Project Works

Government of Uganda is undertaking construction of two hydropower dams; that is Karuma Hydropower Dam of 600 megawatts and Isimba Hydropower Project of 183.2 megawatts at a cost of $1.65 billion and $570 million, respectively. The two projects are jointly funded by Government of Uganda and a loan from Exim Bank of China to the ratio of 15:85.

The Auditor-General raised the following queries which the committee interrogated and adduced some observations and recommendations:

Madam Speaker, there was direct procurement of Engineering, Procurement and Construction (EPC) contractors. It was noted that Government undertook the procurement of an EPC contractor for Karuma through an international bidding process. Evaluation was undertaken and one company, China International Water and Electric Corporation was evaluated as the best bidder. However, following the challenges in the procurement process, executive decisions were taken and M/s Sinohydro Corporation was procured through the direct method to construct both the Karuma Hydropower Dam and the associated transmission lines at $1.65 billion.

Relatedly, the EPC contract for Isimba Hydropower Dam was awarded to China International Water and Electric Corporation at a cost of $567 million, including $27 million for transmission lines and sub-stations through the same method of direct procurement.

However, Madam Speaker, the following issues were noted:

(a) There was no tendering undertaken and therefore, no bidding done.

Madam Speaker, the bidding process would be used by Government to evaluate the technical abilities of various bidders to identify the most capable firm to undertake the works. There is no evidence that these firms had the technical capacities to construct the dams because no bidding was done. Since there was no bidding, the contract price of $567 million had no basis and the Auditor-General could not satisfy himself that this amount was arrived at in the most frugal way. There is, therefore, a risk that the project costs for both Karuma and Isimba Hydropower Projects could be exaggerated.

(b) The Auditor-General indicated in his report that the firm, China International Water and Electric Corporation had been blacklisted by the World Bank because it had previously engaged in “sanctionable practices” in a hydropower project in an African country. Similarly, the Inspectorate of Government and the high court of Uganda had established that the firm had misrepresented facts in their bid for the Karuma Hydropower project. The Auditor-General was not availed with evidence that management undertook appropriate due diligence to determine whether such practices would not affect the firm’s ability to undertake the Isimba Hydropower project.

There was no evidence that the direct procurement method used followed the requirement prescribed by the procurement law. Engineer Paul Mubiru, the accounting officer, explained that the Karuma procurement was characterised by many complaints from different parties, including whistle-blowers, concerned citizens, bidders as well as stoppages of the procurement process through court injunctions which spread for a period of more than two years.

The process was then halted by the IGG and later, Government made a strategic decision to finance the project using funds borrowed from the Government of the People’s Republic of China and have M/s Sinohydro Corporation Limited directly procured to construct both the Karuma Hydropower Project and the associated transmission lines.

The Observations of the Committee

On scrutinising the MoU that was signed between Uganda and the companies that were procured, we noted the following:

1. Government of the Republic of Uganda was obliged to select a Chinese construction company to undertake the construction of the project if the funding had to be got from the People’s Republic of China.
2. The identification and selection of Sinohydro Corporation was not subjected to a competitive process.
3. There is no express provision in the MoU dispensing the selection of the contractor through competitive bidding.
4. There was no justifiable cause for disregarding due process, the bilateral agreement notwithstanding.
5. The accounting officer confessed to the committee that the ministry did not have an estimated cost for the Karuma Project. The $1.4 billion was, therefore, proposed by the contractor.
6. While the contractor in his proposal had promised not to exceed $1.4 billion, the actual cost came to $1.6 billion with no apparent reason given.
7. The contractor procured was known to have been blacklisted by the World Bank according to the Auditor-General. Surprisingly, the accounting officer informed the committee that the ministry ascertained the credibility of the contractor from the World Bank website.
8. Although a Cabinet committee was constituted, whose task was to prepare a paper on the construction of the Karuma Hydropower Dam in accordance with Cabinet Minute 103 (CT 2013), their input into the process was not evident.
9. The work of the preferred contractor at Karuma had already attracted several investigations as you might know.

Madam Speaker, the decision to grant a contract to the said M/s Sinohydro Corporation Limited for the Karuma Project and China International Water and Electrical Operation for the Isimba Hydropower project was a directive by His Excellency the President of the Republic of Uganda.

Recommendations

1. The due process should always be adhered to even in situations where bilateral agreements have been entered into.

2. Government officials should desist from circumventing the due process under the guise of presidential directives.

3. His Excellency the President should desist from interfering with procurement processes and disempowering institutions in the course of their work, which in the end may cost Ugandans unnecessarily as it is evident with Karuma.

Payment of commitment and management fees

Allow me not to read through the body of the report by the Auditor-General, except the observations of the committee from the submission of the accounting officer who wrote a letter of request to the Accountant-General that the debt management and financial analysis system in relation to payment of commitment fees to China Exim Bank be updated to avoid the risk of double payment.

Recommendation

The accounting officer should follow up the commitments made by the Permanent Secretary/Secretary to the Treasury to adjust the obligations in the Debt Management and Financial Analysis system to exclude the obligations.

Unpaid Insurance by the Contractor

1. The lack of various insurance cover exposed the project to potential risks.

2. There was manifest weakness in the supervision and management of the contract as evidenced by the failure to secure the various insurance covers within the stipulated 60 days and up to one year delay.

Recommendation

The accounting officer should, within 30 days of the adoption of this report, undertake to enlist total compliance and report to Parliament.

Payment to Escrow Account of Isimba Hydro Power Project

As part of the financing conditions for Isimba, Government was required to open up an escrow account and deposit funds onto the account.

A sum of Shs 32,736,571,800 was paid to an escrow account in a commercial bank in respect to Isimba; the decision to open an escrow account in a commercial bank using government funds is counterproductive to Government as it creates excess liquidity for the bank.

Such practices induce the banks to invest the money in government stocks, with government ending up paying high interest charges on its own funds.

Observation and Recommendation

The committee agrees with the position of the Auditor-General as stated above and recommends that the accounting officer should adhere to Government procedures of having such accounts opened in Bank of Uganda.

Planned generation vis-à-vis demand and uptake infrastructure by these two companies

Over the years, Government has invested a lot of funds in expansion of the generation capacity, which has grown by 8.45 per cent since 2009/2010, with the current generation estimated at approximately 685 MW as indicated in the table which I will not go through; showing generation capacities per company.

Observations

1. There is excess capacity of power generation. This is mainly attributed to low demand, limited distribution and transmission networks.

2. Government continues to pay for this excess power generated through tariffs and Government subsidies.

3. Ugandans continue to bear the brunt of high power tariffs due to these unfair contractual arrangements.

4. Although thermal generators are ideal for emergency situations, the maintenance costs are exorbitant, standing at Shs 68 billion per year, which is an extra burden to the already strained economy.

5. The Government plan of improving consumption within the country cannot be achieved due to the uncompetitive rates.

Recommendations

1. The committee reiterates the 27 March 2014 resolution of Parliament recommending the termination of the lease and agreement between UEDCL and Umeme.

2. The thermal power plants, namely Electromaxx and Jacobsen referred to above should be decommissioned.

3. Investment in power production should be done in a phased manner, corresponding with growth of the economy and therefore demand.

4. Government should invest in transmission infrastructure to increase the consumption of excess power.

5. Government should re-negotiate running contracts with power suppliers with a view to lowering tariffs and connection fees and thereby enhancing consumption.

Delayed membership to Extractive Industries Transparency Initiative (EITI)

Parliament earlier resolved that the country should have membership in EITI in order to maximise its benefits from the oil sector. The committee further notes that disclosure is compromised when the country does not have membership in EITI.

Recommendations

1. Government should, in light of Section 61 of the PFMA, submit to Parliament all reports and accountability relating to the Petroleum Fund within 30 days from the adoption of this report.

2. The accounting officer should pursue this obligation and ensure that Uganda joins EITI.

Inefficient Contract Management

The accounting officer, as head of the entity and the head of PDU, exhibited weakness by failing to exercise the powers vested in him under Section 26(1) and 32 of the PPDA Act, 2003.

The committee recommends that the accounting officer and the head PDU should be cautioned for failing to exercise their powers as envisaged by section 26(1) and 32 of the PPDA Act, 2003.

Lack of Risk Management Policy

The committee recommends that the ministry should formulate a risk management policy within 30 days from the adoption of this report.

Mining Sector Anomalies

The committee observes that the actions of the accounting officer to irregularly hire equipment are tantamount to mismanagement, neglect of duty and abuse of office.

There was neither record of the asset register indicating that the equipment was hired out and returned nor terms of hire indicated.

Recommendation

The accounting officer should be investigated with a view to prosecuting him for causing loss of Government property and abuse of office under Section 10 and 11 of the Anti-Corruption Act respectively.

Non-Operational Laboratory Equipment

This is equipment that is supposed to be used in the laboratories that are related to energy.

The committee observes that:

A contract valued at $421,066 (approximately Shs 1.5 billion) should not have been procured without a performance guarantee payment or payment security in accordance with the Public Procurement and Disposal of Public Assets (PPDA) Contracts Regulations.

The Committee was concerned that there was no insurance cover from the onset for such high value equipment.

Our recommendations, therefore, are:

1. Punitive action should be taken against the officers who participated in the procurement of the said equipment.
2. Government should always insure equipment of such high value.

Under-collection of Revenue

During this financial year, it was noted that out of Shs 8,903,0 15,816, which the ministry had assessed as minerals taxes or fees, only Shs 8,402,704,787 was received indicating that an amount of Shs 500,311,029 remained outstanding. Failure to collect a1l assessed fees results into loss of revenues to Government.

Additionally, during field inspections, the Auditor-General also noticed that a mining company, African Panther, had not declared to the Ministry 3.5 metric tonnes of cassiterite (tin), which it had mined contrary to the Mining Act. Such undeclared production denies the Government the much needed revenue or royalties.

Our observation was that, there is no publicised information on companies involved in mining activities in the country and the location of their activities, making it difficult to track the volume of their business and therefore compute fees or taxes that are due. That means that the ministry is not keeping records of who is mining where in Uganda.

Recommendation

1. The committee recommends the cancellation of the mineral rights of African Panther in accordance with Section 90 of the Mining Act, 2003 for failure to declare 3.5 metric tonnes of cassiterite (tin) to the Commissioner.
2. The Ministry should strictly and effectively enforce compliance with the provisions of the Mining Act by all mineral right holders.
3. The recovery of taxes due for the 3.5 metric tonnes of cassiterite should be effected.

Inspections of Mining Activities

Four mining areas were visited during the inspections and the Auditor-General noted various anomalies, which are contrary to the Mining Act. These included:

1. Lack of protective gear for the workers, exposing them to health risks and injury.
2. Lack of mining records on site resulting into inaccurate information and assessments, inadequate safety measures, lack of environmental performance bonds; lack of financial guarantees, which lead to speculative miners and non-submission of geological information.

Such noncompliance leads to health risks, environmental damage and inadequate information for the ministry.

The committee therefore, observes that:

1. There is glaring laxity by the ministry to enforce the provisions of the Mining Act and to accordingly award penalties to culprits who have failed to comply with the requirements.
2. The culprits were identified as follows:
3. Dao Mable – where they did not provide protective wear for workers.
4. African Panther Resources who also did not have mining records on site and did not provide protective gear. They lacked an environmental and performance bond as well.
5. Namekhara Mining Company Limited also lacked environmental and performance bonds.

Recommendations

1. The accounting officer should ensure that the miners strictly adhere to the provisions of the Mining Act, 2003 or revoke their mining rights.

2. The Commissioner for Geological Surveys and Mines should be sanctioned for failure to carry out his mandate with due diligence.

Management of the Government Petroleum Strategic Reserves (Jinja Storage Reserves)

In 2012, the Government of Uganda and M/s Hared Petroleum Limited (operator) entered into a concessional agreement to refurbish, restock, maintain and manage the petroleum strategic reserve facility at Jinja. According to the agreement, the operator was required to manage the facility for a period of 10 years. The operator committed to building up the Government reserves in a period of six months from the signature date.

During the year, the following issues were noted:

Failure to stock the strategic reserves despite the concession obliging the operator to ensure that 40 per cent (12 million litres) of the storage capacity of the products is available at all times as a strategic reserve, which is released whenever there is a national petroleum supply shortfall. At the time of inspection in September 2015, there were only 274,000 litres of petrol and 331,000 litres of diesel in stock.

The committee observed that:

There is a big disparity between the amount of petrol and diesel in stock: 274,000 litres and 331,000 litres, respectively and the expected stock at 12 million litres is a sign that the contractor had failed to fulfil his obligations.

The Auditor-General’s query delayed Contract Implementation.

We observed that:

1. There was inadequate assessment of the extent of dilapidation and therefore the cost of refurbishment.
2. There was no competitive bidding and the contractor was handpicked in total disregard of the PPDA Act.
3. The contractor has failed to deliver.

Recommendations

1. The accounting officer should recover the $1,949,318 within 30 days from the adoption of this report.

I hope that Members will see where these figures are coming from because I am not reading through much of the body.

1. The subsisting contract with the operator, M/s Hared Petroleum Limited should be terminated henceforth for failing to deliver as per the contract terms.
2. Given the national strategic importance of this facility, and considering the failure by the operator, the Government should repossess the management and operation of the facility.

Mischarge of Expenditure

Treasury Accounting Instructions, 2003, require all virement to be approved in advance by the Permanent Secretary/Secretary to Treasury (PS/ST) and that funds available under one item or sub-item of expenditure may not be transferred to another item or sub-item save on the authority of a virement warrant.

However, contrary to the above, a total of Shs 787,474,716 was charged on inappropriate budget lines. The bulk of the funds were diverted from transfers to other Government units, engineering and design studies, other structures, land and non-residential buildings.

The accounting officer attributed the anomaly to spending pressures for which a reallocation could not be made as the resources had already been warranted.

The committee observed that:

1. This is a deliberate violation of financial regulations, and a sign of gross budget indiscipline and poor planning.

2. We also observed that this action is tantamount to usurping the parliamentary powers of appropriation which is unlawful.

The committee, therefore, recommends that:

1. The accounting officer should streamline the budget process to ensure that sufficient funds are allocated to each account and budget line codes.

2. Authority should always be sought prior to any reallocations.

3. Accounting officers must spend according to the funds that they have in their budgets.

4. The accounting officer should be charged under Section 79 of the PFMA 2015, for deliberately violating financial regulations.

Funds not accounted for

Madam Speaker, contrary to Treasury Accounting Instructions, an amount of Shs 188,239,500 which was paid through the Treasury Single Account in Bank of Uganda was not accounted for. The Auditor-General was neither availed payment instruction letters authorising withdrawal of cash/forex nor evidence that the intended beneficiaries had received the money.

Observations

The absence of accountability documents is clear evidence of financial impropriety.

Recommendations

The committee, therefore, recommends that, the accounting officer should refund the Shs 188,239,500 within one month from the adoption of this report and be investigated with a view to prosecuting him.

Un-surveyed land owned by the Ministry of Energy and Mineral

Development

There is a table there indicating the pieces of land.

The committee observed under that query – the committee cited gross negligence on the part of the accounting officer, saying that there is risk of loss of public land, given the land bonanza in this country today.

The committee, therefore, recommends that, the accounting officer should process the land titles and report to Parliament, within 30 days from the adoption of this report.

Understatement of Payables

The Auditor-General noted that a total of Shs 291,133,616 which related to amounts outstanding to a contractor were not included in the “payables” amount, in the financial statements. The payables were thus understated by that amount.

Another Shs 549,764,670 in respect of gratuity for 764 contract staff, which was still outstanding by the end of the financial year, had not also been included in the payables figure. It was however established that, as of March 2015, the payment had not been effected.

Observation

The non-reporting of payables for proper budgeting exposes Government to the risk of possible litigation with attendant costs, interest accrued from accumulated arrears and penalties for breach of contract terms. Such practice debilitates proper planning and service delivery.

Recommendation

The committee, therefore, recommends that, the accounting officer should be reprimanded for failure to report appropriately and be held accountable for any costs, arising out of the above risks.

Electricity Sector Development Project

Madam Speaker, it was noted that there was under-absorption of funds. The Government of Uganda obtained a loan from the International Development Association equivalent to $ 120 million, for Electricity Sector Development Project (ESDP) on 2 September 2011, with the objective of increasing the access of electricity supply in the south western region of Uganda. A review of the loan status revealed that the loan, whose closing date is projected to be 28 February 20l7, has had a low disbursement rate. Of the loan amount of $120 million, only $12,990,465, representing 10.83 percent had been disbursed by end of the current financial year.

It was also noted that in the year under review, $1,026,987 remained unutilised from the funds already disbursed. The under-utilisation of funds negatively affects project implementation. Government also continues to incur unnecessary costs in commitment fees for any outstanding loan balances.

Madam Speaker, the accounting officer acknowledged the need to expedite project implementation and explained that all project consultants had already been procured and contractors were being procured for the works that constitute 74 percent of total project activity costs. Management anticipated that the actual absorption is projected to greatly improve when the civil works commence.

Observations

At the time of audit, the project was already four years into its term, yet, only 10.83 per cent of its cost had been disbursed and the actual implementation was less than 10 per cent.

Recommendations

Madam Speaker, the committee therefore, recommends that the accounting officer should submit a status report of the implementation of the project within one month, from the adoption of this report.

Energy Fund

Under the Energy Fund, the Auditor-General queried the delayed compensation of project-affected persons for the Isimba Hydro Power Project. Delayed compensation may result into contestation of the initial assessments owing to inflation and other factors. Additionally, taking into consideration the fact that the contractor has already started construction, such delays may lead to slow implementation of project works, resulting in extra costs related to commitment fees and interest.

Observations

1. The committee took exception to the explanation given by the accounting officer, given the magnitude of the project.

2. It is the considered view of the committee that the ministry has the capacity to verify all forms of land ownership, in the project area before committing public funds.

Recommendation

The committee, therefore, recommends that the accounting officer should furnish Parliament with a status report on the project within 30 days of the adoption of this report.

Energy for Rural Transformation Project II

The Auditor-General observed some compliance issues, use of donor funds to pay taxes, and failure to remit Government of Uganda counterpart funding.

Madam Speaker, Article IV of the funding agreement requires that the agency uses GOU counterpart funds to defray any customs duties, sales taxes and other taxes, fees and levies on all equipment, materials and supplies financed by the grant and imported into Uganda for the benefitting programme.

It was, however, noted that the agency used Shs 4,235,457,988 from the donor funding to pay for taxes contrary to the financing agreement guidelines. Included in this figure is Shs 2,988,066,465, which had been outstanding.

Madam Speaker, the observations of the committee are as follows:

1. Government commitment to counterpart funding is usually unmatched with its financial projections, thereby causing delays, distortions and sometimes failure of implementation.

2. Diversion of donor funds resulting into sanctions and loss of key development partnerships is normally suffered by Uganda.

We, therefore, recommend that Government should always clearly assess its priorities in borrowing by matching them with its capacity to provide counterpart funds.

Madam Speaker, the committee concluded by highlighting the salient issues in the report and the key recommendations. For purposes of ease, I could just mention this. The key issues were:

Review of Karuma and Isimba Hydro Power Project works where there was no competitive bidding.

There was irregular hire of equipment. Therefore, the accounting officer should be investigated with a view to prosecuting him for causing loss of government property and abuse of office under Section 10 and 11 of the Anti-Corruption Act, respectively.

We also recommend investment in power production, which should be commensurate to the industrialisation need and the growth of the economy or an identified outlet for export.

Government should, in light of Section 61 of the PFMA, submit to Parliament all reports and accountability relating to the Petroleum Fund.

On non-operational laboratory equipment, punitive action should be taken against the officers who participated in the procurement of the said equipment.

On mining sector anomalies, the mineral rights of African Panther should be cancelled in accordance with Section 90 of the Mining Act, 2003 for failure to declare 3.5 metric tonnes of cassiterite to the Commissioner.

On inspection of mining activities, the Commissioner for Geological Surveys and Mines should be sanctioned for failure to carry out his mandate with diligence.

On the management of the Government petroleum state oil reserves (Jinja storage reserves), the subsisting contract with the operator, M/s Hared Petroleum Limited, should be terminated henceforth for failing to deliver as per the contract terms.

Given the national strategic importance of this facility, and considering the failure by the operator, the Government should repossess the management and operation of the facility.

About mischarge of expenditure, the accounting officer should be relieved of this role and be declared unfit for any other public office for gross budget indiscipline and poor planning.

On funds not accounted for, the accounting officer should refund the Shs 188,239,500 within three months of the adoption of this report and be investigated with a view to prosecuting him.

On understatement of payables, the accounting officer should be reprimanded for failure to report appropriately and be held accountable for any costs arising out of the above risks.

On under-absorption of loan funds, the accounting officer should submit a status report of the implementation of the project within one month from the adoption of this report.

On Energy Fund, the accounting officer should furnish Parliament with a status report on the project within one month from the adoption of this report.

Madam Speaker and honourable members, that is the Ministry of Energy Financial Report of the Auditor General, 2014/2015. I, therefore, beg to move that the House adopts the report of the committee and recommendations herein.

**THE SPEAKER:** Thank you, chairperson, of the public accounts committee together with your committee for giving us a comprehensive report on the reports of the Auditor-General financial year 2014/2015 on the Ministry of Energy and Minerals.

Honourable members, the report has been duly signed by the minimum numbers. You are free to debate but before that, I would like to introduce in the Public Gallery, the pupils and teachers of Kyebambe Child Development Centre from Kabarole District represented by Hon. Alex Ruhunda and Hon. Sylvia Rwabwogo. You are welcome. Honourable members, can we use 30 minutes? Okay, two minutes each.

4.58

**MR GORDON ARINDA (NRM, Bushenyi-Ishaka Municipality, Bushenyi):** Thank you, Madam Speaker. I would like to thank the committee for the good report. I will specifically address myself to the Karuma Hydro Power Project.

Madam Speaker, in circumstances when you do not know what you want, you are certainly bound to lose. If you look at this report, you will realise that there was no bill of quantities (BOQs) and there were no estimates. And the company, which got the contract, is the very company which came up with the BOQs. That shows you the inadequacies that were within the ministry. We have engineers in the ministry – what I would want to understand is whether these engineers had no capacity to prepare BOQs. If they had no capacity, couldn’t they contract a consulting agency to come and do that?

Otherwise, Madam Speaker, for somebody to prepare BOQs and at the same time become the contractor, you certainly know what it means. I think as a Government, we must have lost a lot of money and I think this is not fair at all for our Government. I think we adopt this report and the recommendations upheld so that those who made those mistakes pay for them. Thank you.

5.00

**MS MILLY MUGENI (NRM, Woman Representative, Butaleja):** Thank you, Madam Speaker. I would like to thank the chairperson for the comprehensive report. My concern goes on the follow-up; may I know from the chairperson whether the committee has picked interest in the previous reports that have been presented on the Floor where you have made similar recommendations, especially to reprimand those who have mismanaged Government funds like you have indicated. How many so far have been reprimanded?

We have seen many companies that have not paid up money for compensation of Ugandans; what have you done to make sure that such Ugandans benefit from projects that have come up and where they have lost larger chunks of land? Have you picked interest in those who have never benefited from such compensations and what are you planning to do as a committee? Thank you.

5.01

**MR ERIC MUSANA (NRM, Buyaga East County, Kibaale):** Thank you, Madam Speaker. I would like to thank the committee and its chair for the good report. My specific interest goes to pages 12 and 13. Madam Speaker, you very well know that the energy sector is highly needed, specifically in generating employment, given that that has been our biggest challenge. The committee has ably found out that we have excess power that is idle and therefore, we are investing much in this particular sector.

I wish the minister would state how we can make sure that every village gets power, not only subcounties. This is because the ministry is looking at extending power to subcounties yet power is underutilised and we are investing a lot of money in it. This is wastage of resources. How do I explain this to my constituents in Buyaga East? They do not have power yet you are telling Ugandans that power is underutilised.

I would like to concur with the recommendation of the committee on reduction of rates. The committee has showed us that we have a lot of power but we are selling it expensively. We have abundance and yet we are producing and selling it to Ugandans at a high cost. Can we devise means of ensuring that Ugandans access this power cheaply and therefore, have an opportunity of generating more small-scale industries, so that we can create employment?

There is also another challenge that I have seen in the report relating to failure to comply with PPDA. I would like these technical officers apprehended because they wanted jobs and we have given them jobs. If they are not doing service to Ugandans, I concur with the report that they be apprehended and held accountable. Government money should be put to good use. Thank you.

5.04

**MR ISAAC MULINDWA (NRM, Lugazi Municipality, Buikwe):** Thank you, Madam Speaker. I would like to thank hon. Angelline Osegge and the committee for the good report.

I am a procurement specialist and I am concerned with the PPDA issue. On page 9, it is mentioned that most of these public servants say that the President gives them directives. Since we have PPDA guidelines, I wonder how a public servant can say that the President has given him or her directives. People should be held accountable for their decisions.

On page 27 - It is not only on this project but there are also other projects where Government has committed to provide counterpart funding but in the end, we find that Government fails to remit the funds. The Minister of Finance, Planning and Economic Development should be very certain before we commit because we end up losing when these projects come to a standstill and in the end, they fail completely. We should find a way of committing funds before we confirm to the donors that the counterpart funding is available.

I fully associate with you on the recommendation that we should hold the Permanent Secretary responsible and he should come out clearly on this accountability. Thank you.

5.06

**MR JAMES WALUSWAKA** **(NRM, Bunyole County West, Butaleja):** Thank you, Madam Speaker. I would like to thank the chairperson and her committee.

Power and construction of these dams is one of the key Government programmes. Unfortunately, the President usually comes in when technical officers have either failed or they want to extort money from investors. In this regard, I would like to thank the President for intervening to get a contractor.

On point number five - non-operational laboratory equipment- I would like to say that in engineering, you have to test whatever you do. I am therefore not certain of the quality of materials and the quality of the work if the laboratory is not operational. I would like to point out that we are not sure of the quality if the people who are supposed to use and test the equipment have not done so. I propose that they be punished.

Regarding refund of money, the law says we should blame accounting officers but if this House buys my argument, I would propose that the individuals who took the money and did not do the work should be the ones to make good. Otherwise, I see a scenario where we are going to squeeze the accounting officers who cannot release money without a request.

I therefore propose that instead of the accounting officer producing the money, the people responsible, who did not account for this money, should bring it back. Thank you, Madam Speaker.

5.08

**MS ELIZABETH KARUNGI (NRM, District Woman Representative, Kanungu):** Thank you very much, Madam Speaker. I would like to add my voice and thank the committee chairperson and members.

I am very happy that we have power that is enough for the country. However, I would like to register my dissatisfaction with how we are using this power. In Kanungu where I come from, for instance, we have Ishasha Hydro Power Station and we have three factories, which make tea. Unfortunately, power goes off for five days or for a week when we would be making a lot of money. In the end, you find that the tea gets spoilt and we lose a lot of money. Remember, this tea is supplied by the farmers and not the Government.

Therefore, we are very happy that we have enough power but we would like to request that in areas where we have factories - not only for tea but any other factories - we should make sure the supply of power in those areas is constant so that we avoid all these losses that these factories are making. The President talked about this and the report is very clear that we really have enough power.

Secondly, I would like to request for information from the ministry about our iron ore because they have hinted on it in the report. In Kanungu, we got some investors who came and they had started doing a great job but the President issued a directive that they should halt and there is nothing going on now. We would like to know the plans going forward because the President had promised us a factory. Can they work on it very fast so that our people can get something to do?

In addition, the investors had bought the land where the iron ore is illegally. Can the Government intervene and allow the local people to use this land as we wait for the factories to come? This would ensure that at least the people have food.

In Kanungu, last time we were heavily hit by hunger and as I talk, the areas where this iron ore is are areas where the people used to plant food. Now they do not have where to plant their crops. They have started going to rent land in Congo to cultivate there and sometimes, women are raped in Congo. You know, in Congo it is as if they do not have a serious Government. Therefore, can the Government help us? Since the investors were halted, can our people keep on using this land up to when the Government comes to construct these factories?

Lastly, Madam Speaker, I think the issue of mining in some of the areas is not going on well. If someone comes to mine in a district, for instance, you will find that the way our law is favours the person who is mining and forgets about the people surrounding the area and the district.

Madam Speaker, I would request that the Mining Act is brought here very fast so that our people can benefit. In Kanungu, we also have gold. There are people mining gold there but they do not bring anything to the people who live near those mining areas. You also find that these people come and start mining without informing the LCIII leaders. The law is not clear and I wish that it could come very fast so that the money, which we are losing, can be recovered immediately. I would like to thank you very much, Madam Speaker.

**THE SPEAKER:** I think the *Hansard* team is not being effective; definitely that was more than two minutes and we agreed on two minutes.

5.13

**MR MICHAEL MAWANDA (Independent, Igara County East, Bushenyi):** Madam Speaker, I would like to thank the committee for its report, which I think has come at the right time.

On Karuma, the construction was structured as Engineering, Procurement and Construction (EPC). Financing was solely on the part of Government. However, as we speak, the contractors, who are fully paid by Government, are trying to sell leftover materials, which are supposed to belong to the Government. We would like to urgently get clarification from the ministry and the Attorney-General on who the owner of the leftover materials is as they amount to a lot of money. We need to get this clarification so that the contractor does not benefit from whatever is left. Even some of the substandard materials that were not used are now being sold off by the contractor.

Secondly, on Isimba, I raised the matter of project-affected persons on the side of Busoga (from Kisozi) in January. The ones on Kayunga side have been fully paid but the ones on the Kisozi side have not. This money was appropriated but compensation is not forthcoming. Therefore, we would like to hear from the minister *–(Member timed out.)*

5.14

**MS ROSEMARY NAUWAT (Independent, Woman Representative, Amudat):** Thank you, Madam Speaker. I would like to thank the committee for their report.

On page 4, we are told the ministry did not have an estimated cost for the Karuma project. We are told that US$ 1.4 billion was proposed by the contractor and it later rose to US$ 1.6 billion. This is unfortunate. In my district, when the villagers go to the markets to sell their goats or cattle, they have their reserve prices upon which they base their negotiations. These are people who are trained in financial management, accounts and procurement. Therefore, for them to cause losses to the taxpayers of this country is unfortunate and such people should be brought to book.

On page 17, it is mentioned that beside exposure of workers to health risks and injury, workers are also being exploited. In Karamoja, we have marble, especially in Moroto and Amudat. Unfortunately, the local people are being exploited. A lorry full of marble costs Shs 50,000 but later when we engaged those companies, they increased it to Shs 100,000, which is still little.

These people tell us that they cough blood when trying to extract marble. Besides, they do not restore the environment. The trenches and ditches created as a result of mining cause harm to members of the community and their livestock. I call upon the minister *–(Member timed out.)*

5.17

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Thank you very much, Madam Speaker. The report that we are discussing is a report for financial year 2014/2015 and we are already in financial year 2018/2019. Honestly, this is unacceptable. How can we base on post-mortems all the time? Three years down the road and we come to debate a report, which is already overrun by events! Sincerely, what are we doing as a country? Look at the attention given to this report by Members. These seats are empty. I am seated here alone; Members have run away. This is very disturbing.

Madam Speaker, we would like to see value come out of the Public Accounts Committee. How do we squeeze out value from this committee? We are talking of matters of procurement. Tomorrow, we shall be lamenting again. The best thing to do is to get a good reverend, with good church water, to baptise this committee “lamentation committee” because we are always lamenting. There is nothing coming out of this committee. The only thing that comes out is, when these people come to the committee and you make noise before the cameras, they get scared. However, some of them have become immune and do not care about this noise anymore. What are we doing?

I think it is a high time that as Parliament, we woke up and did something. If you expect good results from any programme or project, you must be able to inspect it. We need inspectors in the Ministry of Finance, Planning and Economic Development and Government agencies. We need people who go ahead of time to check what somebody is really doing. Otherwise, we are wasting our time and resources only to come and lament. We shall open the book of Lamentations for this Parliament if we are not serious *– (Member timed out.)*

5.19

**MR KENNETH EITUNGANANE (Independent, Soroti County, Soroti):** Thank you, Madam Speaker, for the opportunity.

On page 3 of the report, they talk about tendering and no bidding. This is one of the major projects that Government is undertaking and you question how a project like this can be undertaken without the normal PPDA process. It is very clear that corruption is manifesting itself in the entire process. No wonder, we are facing challenges and talking about the cost of power in this country.

Madam Speaker, a few months ago, we waived income taxes on some of these projects but the power tariffs are not coming down. We are generating excess power but the rate at which connectivity and consumption is going does not match the rate at which we are producing power. Where are we going as a country?

Even if we are crying that we want power, where is it going to be consumed when we are not connecting the consumers? There is a very small percentage of Ugandans who are connected to power. The potential is there but very few resources are ploughed in to spread connectivity. Therefore, some of the officers who were mentioned here should be reprimanded, especially the ones involved in negligence of their responsibilities *–(Member timed out.)*

5.21

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Madam Speaker. I would like to appreciate the committee chairperson and the team for the good report.

On the cost of power, last week one of the industries in Gulu which employs more than 200 youth announced its closure. They claimed that they are paying very highly for electricity. Also because of load shedding, sometimes they get electricity for not more than three to four days a week. As such, the costs have become extremely high. When that industry closes, we shall have redundant youth. We are creating more unemployment and yet such industries would help to give our youth jobs.

Secondly, the Government needs to be serious by following up and making sure that the committee’s recommendations are implemented. There are many instances where committees make recommendations on the Floor of Parliament but if you follow critically, you would find that nothing has ever been done. Those accounting officers continue serving and repeating the same mistakes that Parliament made recommendations on. Therefore, implementation is very important; we cannot keep on coming here to deliberate and recommend and yet in the end, we see no action. Thank you, Madam Speaker.

5.23

**MR MOSES KASIBANTE (Independent, Rubaga Division North, Kampala):** Thank you very much, Madam Speaker. I wish to thank the chairperson and her team for a job well done.

Madam Speaker, one day I think we need to institute an inquiry to deal with how connected some people are to some of these energy companies. People sat and considered a Memorandum of Understanding (MoU), for example, where Government is today paying Shs 11.57 billion on deemed energy purchases – not actually consumed but deemed to have been purchased. The MoU commits this country to buying all that the company is capable of producing and not what we can use. We buy from Electromax and Jacobsen seven megawatts and we pay for 118 megawatts. The balance is a deemed energy purchase because that is what the MoU says.

I believe we need to inquire into how some people are connected to some of these companies. What happens is that the burden is carried to the connected few. How does this encourage those not yet connected and how does it help to save our environment?

Madam Speaker, regarding presidential directives, I would like to appeal to civil servants that when we sit here and come up with laws, it is after long consultations. We can save this –(*Member timed out.*)

5.25

**MS AGNES KUNIHIRA (NRM, Workers’ Representative):** Thank you, Madam Speaker. I would like to thank the committee for the work done.

The committee observed that there is no information on the company. Uganda is known as one of the countries that exports a lot of gold. This could be the reason why these people work in hiding. As they export gold, we lose revenue and taxes. I expect the minister responsible to give us the status of this industry and how it operates.

Secondly, the committee observed that the workers in these mining industries are suffering in terms of protection and their safety is not taken care of. The Ministry of Gender, Labour and Social Development is responsible for the protection of workers and for inspecting these companies. Therefore, it is not only the Ministry of Energy and Mineral Development that should take this responsibility. We call upon the Ministry of Gender, Labour and Social Development to be responsible and ensure that workers are protected in all these industries. Thank you.

5.27

**MS ROSE AYAKA (NRM, Woman Representative, Maracha):** Thank you, Madam Speaker, for the opportunity. I would like to add my voice to thank the committee for having generated this very important report and I commend them for that.

I would like to note that the level of corruption and the impunity with which it is practised in Uganda is amazing. On the list of what was unveiled, it is very unfortunate to note that procurement procedures were not followed and funds were unaccounted for. There is absence of accountability documents and diversion of funds. I think this is really unfortunate for such a ministry. It is uncalled for and it is affecting service delivery in this country. One of the reasons why we are having discontent in this country is because corruption is the order of the day and people are doing it with impunity. It is as if there is no authority in place to curb this.

Madam Speaker, West Nile region is grossly affected as a result of poor supply of power. It is unfortunate to note that as a country, we are generating 685 megawatts of power and this power is mainly concentrated in a few places. I would have loved that power that is generated in plants like Karuma be supplied in regions where it is most needed. In most of my health centres, women have to provide their own source of light to deliver. I have health centres like Ovujo and Eliofe where women deliver in darkness –(*Member timed out.*)

**THE SPEAKER:** We agreed to use 30 minutes and we have already used the 30 minutes. I would like to invite the Minister of Energy and Mineral Development to make some responses.

5.29

**THE MINISTER OF STATE FOR ENGERGY AND MINERAL DEVELOPMENT (ENERGY) (Eng. Simon D’Ujanga):** Thank you very much, Madam Speaker, for this opportunity and I would like to thank my colleague for the report.

On the onset, I would like to say that this report is for financial year 2014/2015. Therefore, some of the issues that have been highlighted and some of the recommendations made may have already taken place. However, we are happy that the committee gives us some time in order to come back to the House to update the House on the developments.

There are some points that I would like to clarify. Investment being in tandem with demand: As much as possible, we try to do that but the good practice is for investment to be ahead of demand. When you are building Karuma Hydropower Dam, for example, it takes five years. If you waited for demand to start building, you would have a problem, like we went through in 2005 to 2007. When we delayed investment, demand caught up with us because demand grows every day. Therefore, we try, as much as possible to invest in tandem with demand but you are better off investing ahead of demand.

On the membership of the Extractive Industry Transparency Initiative (EITI), we are going to join. We are in the process of joining. There are certain steps we must take before we join but we are joining as soon as possible.

Regarding the absorption rate of loans, we shall bring the status report for that particular loan supplied to the southwestern part of Uganda –(*Interruption*)

**MR MAWANDA:** Thank you very much, honourable colleague, for giving way. Regarding the issue of EITI, you have been saying this since the Ninth Parliament. How long is it going take you to become a member of EITI?

**MR D’UJANGA:** Madam Speaker, the key word is “extracting” and we are not yet extracting oil. This membership is for those who are already producing and therefore, it is not in our principal path. However, as a policy, and even the laws you made here, included the principles of EITI. Therefore, we are going to join and the process is ongoing.

The other issue was the question of the Bills of Quantities (BoQs) for Karuma. Procuring EPCs is different from selling a goat. In Kapchorwa, an honourable member said that when they go to sell goats, they have a reserve price. This is how it works. We indeed have a consultant called Energy Infratech, which is a consultancy firm from India that was procured by Government. They designed the underground power station and the contractor was asked to bid against that. In other words, they had BoQs already. Therefore, it is not true that there were no BoQs or that the BoQs were made by the contractor. Even up to now, our so called consultant is on site.

Regarding compensation, I think the situation is now different now. Regarding idle power, I have already explained that it is better to have idle power than to have less power and load shedding. The PPDA law also has direct procurement and bilateral procurement in it.

On the situation of laboratories for mineral testing, we had it in the last budget. I will check to find out how far the procurement has gone.

Madam Speaker, the iron ore in southwest Uganda is a good grade. Unfortunately, my colleague is not here. The investor who came in to mine it wanted to mine and export it raw. That is why reference is being made to His Excellency, who said that the iron ore should be processed in the country. In order to process iron ore in that region, we need a 132 kV power line from Mirama Hills to that part of the country. For the time being, there is a smelter in Jinja that is ferrying the ore by road and it is quite expensive for him. The position of Government is that the iron ore should be processed here.

It is not correct for anybody mining in an area not to involve the local leadership; this is an error. The Mining Act specifies the procedure of going to mine in an area. Madam Speaker, you may remember the problem we had in Mubende. We will try to encourage those who are going to mine in Kanungu to make sure that the political leadership is aware.

There has been a big growth of demand for electricity in Gulu, and I sympathise with what our people there are going through. However, this October we are commissioning Agago Power Station. This afternoon, there was a loan request laid on the Table for building a 132 kV line from Gulu to Agago in order to bring power to Gulu. In the meantime, we are going to improve the 33 kV line to make electricity more reliable. Let the company hang in; October is not very far.

There was time when you could not easily get an investor into this country to invest in electricity. Therefore, in order to bring them, you have to promise to buy their power. They say, “Your economy is very weak, what if you do not buy my power?” You have to guarantee that you will buy this power and that is what is called “deemed energy”. Now that the economy has improved and we have our own electricity, the contracts that we are signing from now on should not have these terms in them. However, since we already signed these contracts, we need to live by them in order to be credible.

Regarding safety on site, we have had some accidents, especially at Karuma because of the complexity there, but very few in Isimba. Two weeks ago, a lorry, which was going underground, overturned; three people were critically injured and some had minor injuries. However, the safety procedures are audited by the Ministry of Gender, Labour and Social Development. We always make sure that the safety procedures are audited.

Finally, this Parliament approved a loan request of US$ 100 million from the World Bank. This loan is expected to extend power all the way from Olwiyo through Pakwach, Nebbi and Arua.

Works have started and currently, we are getting wayleaves and land acquisition for the transmission line. We are also building a second power station on River Nyagak.

What has happened is that by the time we took power there, 1.75 megawatts was enough because we had two generators each producing 1.75 megawatts and we could run one generator and serve the whole of West Nile. However, in a few years, the load has grown so much that now the two generators are not enough. We ran downstream to build another one of 6 megawatts and this construction is ongoing. However, what is going to save the people of West Nile is the extension to the main grid for which I am grateful that this Parliament approved US$ 100 million which we are now using to build this transmission line at 132 kV into Arua.

We have been having a problem of local counterpart funding but I am glad to say that this has now been provided, so we are compensating along the line and we are pegging as well. Soon, you will see towers going up that side. It is not true that we are only building towers to Kampala. Madam Speaker, permit me to draw an analogy. If we are coming to Kampala and we would like to reach at the same time - one person is leaving from Kigumba while another is leaving from Arua - the person from Arua should start the journey earlier, and this is what we are doing.

From Karuma to Kawanda is 260 kilometres but a few kilometres to the other side. We started the work together; the work to Olwiyo is 30 per cent, the work to Kawanda is 78 per cent and the work to Lira is around 30 per cent complete. These three lines from Karuma are going to be completed at the same time because of the distances involved.

Madam Speaker, I thank you for the opportunity. However, as I said earlier, three years down the road from that report, a lot of things have changed. However, we will come back, in accordance with the recommendations, to update Parliament.

**THE SPEAKER:** Can I invite the Minister of Finance, Planning and Economic Development to make some remarks on that report?

**MR MAWANDA:** Madam Speaker, there is something he has not answered - the issue I raised -

**THE SPEAKER:** is that about the project affected persons?

**MR MAWANDA:** Who do the offcuts belong to? The Chinese want to sell them yet they belong to Government.

**MR D’UJANGA:** I have not got you; is it the offcuts from the works? Yes, indeed this has come up. In the normal practice in engineering, procurement and construction, if I am still constructing, all the pieces that are cut from the iron bars will have to stay there. If it is EPC, they belong to the contractor.

**MR MAWANDA:** Madam Speaker, if it is EPC/financing, it belongs to the contractor but if it is EPC only, it belongs to Government because we borrowed money and we are paying fully for the whole construction.

**MR D’UJANGA:** The whole point is that those pieces will not leave the site until the job is done, for the simple reason that we do not want anyone to take any piece from there.

**MR MAWANDA:** Are you aware that those things are being sold at night?

**MR D’UJANGA:** If they are being stolen then that is illegal.

5.44

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** I would like to thank the Chairperson of Public Accounts Committee and the committee members for the report they have given to this House. I also thank them because now we debate these reports on a timely basis. This is a commendable job that we are doing and we promise that as we respond through the treasury memorandum, we should be able to show where we have taken action and the reasons why we have not taken action.

Lastly, I would like to give clarification on direct procurement regarding the Exim Bank loans because this issue will be coming often to the House. Madam Speaker, in most cases regarding Exim Bank loans, we do direct procurement because some of these companies are the ones that have sourced the resources to do the job in our country. When we do direct procurement, it does not mean that it is a guarantee to do wrong things. We try, as much as possible, to get value for money for the procurements that we have done. It is important that this Parliament appreciates the fact that Exim Bank, with the EPC arrangement, is always going to have direct procurement and this is within the law.

This does not mean that all procurement must be competitive, but all procurement must comply with the law and direct procurement is one of them. I would like to give you an example and, Madam Speaker, I think you will agree with me. Where we have entered contracts and procured before a loan is approved, progress has been made in a way that we cannot imagine. If you go to Hoima International Airport, which we procured under the same arrangement before a loan was approved, - the loan was approved thereafter - work started immediately.

Overtime, we have seen arrangements where you come and seek for a loan and then go for the procurement after and it takes almost one and a half years after the loan has been approved. However, where the loan is done under the EPC arrangement through Exim Bank, the procurement is direct and the work goes on smoothly. However, that does not guarantee that we will not have value for money. Therefore, what Parliament should be looking for is whether these prices are comparable to the other prices that you think are reasonable. If there was anything that does not comply with value for money, that should come in the report.

However, it is unfair to say in the report that we did direct procurement and therefore, you are not sure whether the prices were going to give us value for money. I think the committee should go ahead and say, “Yes, they did direct procurement but compared to the prices that we think should be favourable for us, there is a problem or there is no problem.” I think the committee can inform us better and do a better job when that work analysis is done.

Madam Speaker, in most of these strategic projects, the President has sometimes come in. As you know, all Executive power belongs to him and he is accountable for everything. He has come in because of frustrations in these procurements. If you look at Karuma, it had taken almost two years of dilly dallying here and there. Therefore, sometimes the President comes in to say, “This must stop; let us move forward to make a decision.” This does not mean that he is coming in to mingle or peddle anything in the procurement process but to quicken the process and also because of the strategic position of the project. Thank you.

**THE SPEAKER:** Honourable members, I put the question that the question be put.

*(Question put and agreed to.)*

**THE SPEAKER:** I put the question that the report be adopted.

*(Question put and agreed to.)*

*(Report adopted.)*

BILLS

COMMITTEE STAGE

THE MENTAL HEALTH BILL, 2014

**THE CHAIRPERSON:** Honourable members, as you recall, the debate had ended and the question had been put, so we now we are at the committee stage.

**MR ANWYARACH:** Madam Chairperson, in relation to the committee stage of this Bill, the Rt Hon. Deputy Speaker had requested that we compare notes. I have made notes but printing has been an issue. There are about three clauses, which we shared with the minister and the vice-chairperson.

I am of the opinion that on those clauses, you should also benefit from the notes and amendments that we were thinking of including, because this Bill is highly technical. We could stand them over or probably, in the best interest of sharing, for the benefit of all Members we could proceed tomorrow.

**THE CHAIRPERSON:** Honourable members, I think you should identify the areas on which you need to consult. We can defer them and deal with the others. Which are those three?

**MS OPENDI:** Madam Chairperson, it is unfortunate that I do not know what challenges he got with the printing. I thought he had the document on his iPad and we would simply have it printed either from the Clerk’s office or from any other office. It is just a page or two, so I do not know why it is a challenge. He could have had this printed from the Clerk’s office.

**THE CHAIRPERSON:** Honourable members, if you agreed to consult, we have said that they are only three clauses, let us deal with the others.

**MS OPENDI:** Madam Chairperson, I suggest we proceed with business and where he has an issue, he will raise it and then we see how to proceed.

**MR ANYWARACH:** Madam Chairperson, for the record, they are about five clauses. The only issue is that I am from ICT and I have an issue with my iPad regarding transfer of documents for printing. We tried to delete some documents from my iPad but it has not worked. However, if it is in the best interest of the House that whatever would be amendable should be stood over, I think it is okay to proceed that way.

**THE CHAIRPERSON:** Okay, honourable members, let us go to clause 1.

Clause 1

**THE CHAIRPERSON:** Honourable members, I put the question that clause 1 do stand part of the Bill.

*(Question put and agreed to.)*

**THE CHAIRPERSON:** We shall deal with clause 2 later. We normally do it last in case there are changes to the interpretation.

Clause 3

**THE CHAIRPERSON, COMMITTEE ON HEALTH (Dr Michael Bukenya):** Thank you, Madam Chairperson. Clause 3 is on interpretation -

**THE CHAIRPERSON:** We shall do the interpretation clause last. Clause 3 is the object of the Act.

**DR BUKENYA**: Clause 3 - Object of the Act. It is amended by - (i) By deleting the word “voluntarily” in paragraph (c).

The justification is: to provide for access to mental health care services, whether voluntarily or involuntarily or under emergency care.

1. By inserting a new subclause to read as follows: “ensure that community mental health services are integrated in the treatment and care of persons with mental illness.”

The justification is: to offer a holistic approach to the treatment of mental illness.

(iii) Insert a new clause immediately after clause 3 to read as follows -

**MR ANYWARACH:** Madam Chairperson, the paragraph (c), for which he is suggesting an amendment, reads, *“ensure that persons with mental illness are enabled to seek treatment voluntarily.”* My understanding would be that all the other forms of seeking mental illness treatment should be considered here. Instead of deleting it, we should actually add “voluntarily, involuntarily or otherwise”; otherwise, we are going to defeat the purpose of this Bill.

Secondly, Madam Chairperson, we are using the word “mental illness” but international standard practice has moved from “mental illness” to using “mental disorder”. This is for the simple reason that “mental disorder” is all encompassing and it will look holistically at all forms of mental illness, including mental disorders, which are not included under metal illness.

Therefore, my proposal to his proposed amendment is that we actually leave (c) as it is and we just add “involuntarily and any other form of seeking treatment.”

**MR SILWANY:** Thank you, Madam Chairperson. I still have an issue with (c). It states, *“ensure that persons with mental illness are enabled to seek treatment voluntarily.”*

Madam Chairperson, this person already has mental issues; how does he or she seek treatment voluntarily? Voluntarily means you walk to the hospital when you are not forced. I do not understand this and I need to have some clarification to help me be on the same page.

**DR BUKENYA:** Madam Chairperson, to answer what hon. Silwany is raising, not all people who are mentally ill are very sick. They can take a decision to seek treatment, depending on the level of illness.

**MR OLANYA:** Thank you, Madam Chairperson. According to the chairperson, he is saying that there are some who may voluntarily go to the hospital. What about others who are badly off? If you are mentally ill, you may not know what is taking place?

**DR BUKENYA:** Madam Chairperson, we are not disagreeing with hon. Anywarach on his amendment. I was just explaining to him the different levels.

**THE CHAIRPERSON:** Are you now withdrawing your amendment in respect to (c)?

**DR BUKENYA:** No, we are adding what he is proposing.

**MR ANGURA:** Madam Chairperson, I think we agree that this amendment should read, “voluntarily or involuntarily among others.” In that case, we will find ourselves wanting to define what mental illness is as per the request of hon. Silwany. Let it be “voluntarily or involuntarily, among others.”

**THE CHAIRPERSON:** Minister, what was the rationale for this provision?

**MS OPENDI:** Madam Chairperson, we are dealing with the object of this Act and (c) says, *“ensure that persons with mental illness are enabled to seek treatment.”* We can either stop at the word “treatment” and delete the word “voluntarily”, or we include hon. Anywarach’s proposal “to seek treatment voluntarily or involuntarily”. This is because there are cases where people are mentally disturbed and cannot walk to the health facility. We have to arrest them and take them. That is why we are saying that we have no problem with hon. Anywarach’s proposal.

**THE CHAIRPERSON:** Okay, can you formulate it?

**MR ANYWARACH:** For the record, I think the words “mental illness” must not portray that somebody is so incapable of making a decision because mental illness includes dementia, kleptomania, erectile dysfunction, - sometimes because of stress or depression - orgasmic dysfunction where you cannot attain orgasm – It is wide.

**THE CHAIRPERSON:** Honourable member, can you make the proposal? *(Laughter)*

**MR ANYWARACH:** The proposal is: “voluntarily and involuntarily or otherwise.” That is the amendment.

**MR MULINDWA:** From our definition, we said mental illness impairs the judgment or behaviour of that person; this person cannot judge. I propose that we amend (c) and simply stop at “treatment”. The “how” part and the circumstances shall be determined as and when –

**DR LYOMOKI:** Thank you very much, Madam Chairperson. Following the debate and the contribution of my colleagues, I would think that the position of the chairperson was most valid, where we just delete the word “voluntarily”. This is because you are catering for all cases, whether voluntary or involuntary. I do not think the draft is proper if you say “voluntarily and involuntarily”. If you just delete the word “voluntarily’, that means that you are catering for both situations. The way the committee had proposed is better as it caters for all situations.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 3 be amended in paragraph (c) as proposed.

*(Question put and agreed to.)*

**MR ANYWARACH:** Madam Chairperson, the title of this Bill is “Mental Health Bill”. That suggests a preventive and curative approach - proactive and reactive. In other words, under the object of the Act, if we are to address mental health comprehensively, we must state an additional provision, “to provide basic mental health services”.

Why is this? The World Health Organisation authored a report and they basically concentrated on Ugandan, Zambian and Ghanaian mental health laws. They said the mental health Act of Uganda, particularly of 1964, is a mental health treatment Act. Therefore, if we are amending a mental health Act, there should be a component of basic health care.

Mental health starts with a free mind-set that can be attained merely through counselling and guidance, employee assistance programmes, psycho-social interventions and others. If we added the component of basic mental health services, then we are looking at both preventive and later curative measures. I therefore suggest that an additional provision be inserted to provide for basic mental health services.

There is a report that one in every 10 pregnant women suffers from mental disorders in different forms, like depression and others. Even after birth, about 10 to 13 out of 100 lactating mothers suffer from mental disorders. There are also childhood disorders.

I was in Makerere University yesterday and there is a professor who said that he cannot even think about retiring, yet he is left with three years of service. I asked him why and he said he has money and his properties can bring him well over Shs 20 million, but he cannot retire because of the loss of dignity that comes with not being a professor in Makerere University, the loss of recognition and all these other aspects. Actually, these constitute part of mental disorder or illness that does not necessarily require treatment but counselling. That is why in Makerere, there is a whole department of counselling and guidance. I beg to submit.

**MS KARUNGI:** I was reading through clause 3 – object of the Act - and I got the definition of primary health care to mean services that are going to be given from health centres II, III and IV. Does it mean that this Bill is specifically for those health centres and it will not go beyond that? I would like to know this because the definition is limiting it to health centre IIs, IIIs and IVs. Thank you.

**DR BUKENYA:** Well, I did not get her issue for clarification clearly.

**THE CHAIRPERSON:** Look at clause 3(b).

**DR BUKENYA:** We had thought that we would go to the amendments to clause 2 later. I did not get her issue for clarification clearly.

**MS KARUNGI:** According to the object of the Act, Government primary health care will be provided at health centres II, III and IV –

**THE CHAIRPERSON:** Are you looking at the interpretation section?

**MS KARUNGI:** Yes.

**THE CHAIRPERSON:** Please leave that; we shall come back to it later.

Honourable chairperson, there was a proposal that a new amendment be made - basic mental health services. What do you say about that?

**DR BUKENYA:** I think we have no problem conceding to that. We shall cater for the difference.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 3 be further amended as proposed.

*(Question put and agreed to.)*

*Clause 3, as amended, agreed to.*

Clause 4

**DR BUKENYA:** District mental health focal person –

“(1) The Chief Administrative Officer of every district shall appoint from among district staff a district mental health focal person who shall work…” –*(Interjections)-* This is an insertion, which we are going to justify. It is a new clause –

**THE CHSIRPERSON:** Can we first deal with the clause 4 in the Bill and then you bring the new one? I put the question that clause 4 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 4, agreed to.*

**DR BUKENYA:** The new clause is on the district mental health focal person:

“(1) The Chief Administrative officer of every district shall appoint from among district staff a district mental health focal person who shall work under the supervision of the District Health Officer.

(2) The district mental health focal person shall have knowledge or experience in the field of medicine, social work or human rights.

(3) The district mental health focal person shall coordinate the mental health services and community mental health services in the district.

(4) The district mental health focal person may receive such facilitation as is necessary to facilitate co-ordination.”

The justification is: to ensure that mental health services are delivered to the people in their communities.

**MR AOGON:** Madam Chairperson, my concern is where we say that the mental health officer “may” receive facilitation. I think we should be deliberate so that we are clear that there should be a budget for mental health.

We should also provide for a committee on mental health in the districts because we are now going to be proactive and not wait for problems. I request the chairperson to help us formulate something to cater for that.

**MS OPENDI:** I would like to comment on the proposal by the committee. Subclause (1) reads, “The Chief Administrative Officer of every district shall appoint from among district staff a district mental health focal person…”

Madam Chairperson, if we do not qualify this, then the CAO can appoint anybody and we shall have challenges like we are having with the District Health Officers because sometimes we can even have a social worker being appointed to the job. Therefore, we need to qualify this by saying that the Chief Administrative Officer (CAO) shall appoint from among district staff who must be health professionals with knowledge in mental health or we could talk about mental health practitioners.

When you say, “in the field of medicine, social work or human rights” then it can be anything. This is what we are talking about. The person should be a mental health practitioner. Mental health practitioners are already defined in the Bill; they could be psychiatrists, psychiatric nurses or clinical officers. It should be somebody with at least basic training in mental health, other than talking about “medicine, social work or human rights”.

**THE CHAIRPERSON:** Is this person going to be in the hospital or this is a policy person?

**MS OPENDI:** This person is at the district level. He or she could even be a clinical officer at a health centre IV or health centre III because psychiatrists are not many in this country. We have less than 30 psychiatrists but we have clinical officers with training in psychiatry. Therefore, this person could be at the health centre IV or health centre III or at the general hospital and could be appointed as focal person *– (Interjection) -* Yes, you can double, Madam Chairperson.

**MR ABALA:** Madam Chairperson, thank you very much. Now that the committee has defined the kind of qualification and the minister is deferring with the committee, I am of the opinion that we actually limit ourselves to medical practitioners. This is because some of these things require technical knowledge and if we talk about social workers, we might have a challenge. I would buy her opinion because it will actually help us to understand the dynamics involved.

Secondly, I am of the opinion that we should be thinking about establishing centres for such people in the future like they do in other countries. That will actually help us. Thank you.

**MS NAUWAT:** Madam Chairperson, in subclause (1), we need to be clear about the person. Therefore, I would like to propose that subclause (1) should read as follows: “The Chief Administrative Officer of every district shall appoint from among district health staff…” Whether it is psychiatrists or nurses, we need to at least have the words, “district health staff”.

**MR AOGON:** Madam Chairperson, when we say “district health staff”, there could be persons working at the district health office like a sweeper, who is considered a district health staff. That is why it is very pertinent that we specify. This is a technical thing and you need somebody who is a scientist, doctor – a well-trained person who knows what to do.

**THE CHAIRPERSON:** Okay, you propose.

**MR AOGON:** My proposal is that we maintain the proposal by the minister and we say, “a mental health practitioner” – somebody who knows matters to do with mental health.

Secondly, the person should be based at the district health offices, at the headquarters. Let us not talk about health centres III or IV. It should be very clear.

**MS SAFIA NALULE:** Madam Chairperson, the beneficiaries of this Bill normally prefer to have somebody who has training, such as a psychiatrist - Like the minister was saying, somebody who is a professional in this area. They say those people who are not trained mishandle them.

As we stand now, Uganda has got 28 psychiatrists and we have 227 clinical officers who are trained in psychiatry. Therefore, I would propose that we have somebody who has training in psychiatry and additional training, for example, in human rights as the committee chairperson was saying.

**THE CHAIRPERSON:** Honourable members, do we have those people?

**MR ANGURA:** Madam Chairperson, since some of these professionals are few, I would propose that we have a professional in a medical-related field. In that case, we may have a clinical officer who at least has knowledge in psychiatry.

**THE CHAIRPERSON:** Minister, please help us. We should move.

**MS OPENDI:** Madam Chairperson, as we speak now, we have clinical officers trained in psychiatry and we also have psychiatric nurses and they are many. What we do not have are the psychiatrists – the ones at medical officer level. Those are the ones who are few. That is why I am saying, “mental health practitioner” would suffice because it covers the psychiatric nurses, clinical officers and mental health social workers.

Let us move to subclause (2) because subclause (1) is simply about the CAO. Subclause (2) is specific on the issues we have been talking about. Let us say, “The district mental health focal person should be a mental health practitioner” and we stop at that. We have already defined who a mental health practitioner is in the definition clause.

**MR ANYWARACH:** What if we added, “a mental health practitioner and mental health professional”? Madam Chairperson, you asked a serious question: “Do we have these people?” We may have them but for them to work in our upcountry districts may be extremely difficult. According to Dr Mulumba’s report on the mental health status in Uganda, the ratio of psychiatrists to Ugandans is 1 to 1.9 million.

Mental health is an issue of care, treatment and rights. As we go on, later in the Bill you will see that the rights of people with mental illness are being protected at the detention point, admission point, during treatment and all these stages. Therefore, where we are talking about a mental health professional, a practitioner and a professional should also be added because there are people with legal skills who are specialised in mental health matters. I beg to submit.

**MS OPENDI:** I think we are talking about a focal person. You cannot get a psychiatrist to become a focal person at the district. These people are few. We need them more in the hospitals. Therefore, we cannot start talking about them being focal persons. That is why I am saying mental health practitioners would suffice because this is the district level.

**MR AOGON:** The information I would like to give is that if we are to provide for mental health practitioners at the district level, at national level we shall only have referrals. Where things are not easy down at the district, somebody can be referred. Therefore, there should be no fear.

Let us adopt the position of the minster - that is my suggestion – because I think it covers us enough. If we do not have enough people at the district, we can provide for that at the regional or nation levels. If you talk about professionals, those are people who are registered at a high level; how many do we have in the country?

**MS OPENDI:** Let me inform this House that currently, close to 80 per cent of the districts have psychiatric clinical officers. That is why I am saying a mental health practitioner would suffice.

**THE CHAIRPERSON:** The clause will say, “The district mental health focal person shall be a mental health practitioner” and stop there.

**DR BUKENYA:** We concede to that. We had earlier imagined we are not enough in the country. That is why we included the field of human rights and others.

**MS NANTABA:** Madam Chairperson, I stand to second my brother, hon. Anywarach, for a reason. I am a victim. In 2015 when our police attempted to assassinate me, they poisoned me. I was referred to Nairobi where I spent a month in the hospital and the doctors recommended that I should carry out a toxicology test in Germany. So, they had to consult the authorities in Uganda to have me referred to Germany for a toxicology test.

When I came back to Uganda, I had to go through the medical board to carry out the tests and then the recommendation would be done for me to be referred to Germany. In between, my assailants were not resting. They influenced one of the members of the medical board to write, “Her case is not what you assumed; it is psychiatric in nature”. However, this particular member of the board who wrote the referral letter had never seen me in his life nor had I ever met him in my life, but he sat in his Mulago office and wrote a letter that this patient has a psychiatric problem.

This letter landed in my hands and I read through all the other letters that had been written by other doctors who had examined me. I landed on one of them which had been hidden under the other letters. The woman who delivered this letter vanished from my room when she saw me reading it because she knew what they were up to. I do not want to go into the details, Madam Chairperson.

**THE CHAIRPERSON:** So, what is your proposal?

**MS NANTABA:** My proposal is that the professionalism hon. Anywarach is recommending should be added here. Do not just say “a mental health practitioner” and stop at that.

Madam Chairperson, under the interpretation clause, which you advised we should skip for now, they have given us definitions of a senior mental health practitioner. It says, *“‘senior mental health practitioner’ means a psychiatrist, senior psychiatry clinical officer, senior psychiatry nursing officer, senior mental health social worker and senior clinical psychologist.”* I propose that we choose one person from these to be in charge.

Mental issues are not really that huge for us to say we should only have a mental health practitioner at the district. If there is need for us to call in a senior person, let it be one of these. However, just to say “a mental health practitioner” and stop at that, it would mean anyone around the psychiatrists can say Nantaba is mad today and with our political issues, you will be out of office.

**THE CHAIRPERSON:** Honourable members, I would like to know, can you be a practitioner without being a professional?

**MR ANGURA:** There are those who are unethical as hon. Nantaba said. To be a professional, it must also involve ethical behaviour, among others.

**THE CHAIRPERSON:** That is a different issue.

**DR BUKENYA:** Apart from the traditional medical healers, all these practitioners are registered by professional bodies.

However, to allay my sister’s anxiety, this is at the district level. The example she gave, if we try to take it to the district, may not be applicable because the senior people are all based in Kampala where they can do the assessment. We are trying to take something down there to make sure there is a coordinator of this activity. He or she may not actually be treating people in the health units. This person is just going to move around to supervise and coordinate mental health issues.

**THE CHAIRPERSON:** Honourable members, I put the question that the new clause be introduced as proposed.

*(Question put and agreed to.*)

Clause 5

**DR BUKENYA:** Clause 5 - treatment and care of outpatients in primary health centres. Clause 5 is amended -

(i) By substituting subclause (1) with the following: “(1) A primary health centre shall provide treatment for mental illness to all patients taken to the health facility for treatment or care.”

The justification is: To avail treatment and care to all patients taken to the health facilities without discrimination as to whether the patient is resident in the area or not. This will cater for majority of patients with mental illness who do not have health facilities in their area.

(ii) By inserting in subclause (2) the word “informed” immediately after the word “gives”.

The justification is: To ensure that the consent given by the patient is informed and therefore the patient understands the consequences of his or her choices.

(iii) By inserting a new subclause immediately after subclause (2) to read as follows: “A patient who is willing to receive treatment and care under this part, but is not in position to give informed consent by him or herself, shall be entitled to assisted care and treatment in accordance with this Act.”

The justification is: To allow patients, who desire treatment and care but are incapable of giving informed consent due to their prevailing mental status at the time when the decision is required, to receive treatment and care.

(iv) By substituting subclause (7) with the following: “(7) The treatment and care administered under this section shall be appropriate for the person with mental illness.”

The justification: The words “and shall have scientific evidence of safety and effectiveness” seem redundant since treatment is expected to have scientific evidence of safety.

(v) In sub clause (10)-

(a) By inserting the words “or tortures” immediately after the word “ill-treats”.

The justification is: to protect persons with mental illness from torture.

(b) By substituting the word “thirty” with “one hundred and eighty” and the word “fifteen” with “eighteen”.

The justification is: to deter would-be offenders by providing for a stringent fine and sentence.

**THE CHAIRPERSON:** Honourable chairperson, I think you needed to start by amending your title because what I see here is different from what is in the Bill. In your report, you said “treatment and care of outpatients at primary health centres”. However, what is in the Bill is “treatment of outpatients at primary health centres”.

**DR BUKENYA:** It should be “patients”, to cater for inpatients and outpatients. Actually, it is outpatients.

**THE CHAIRPERSON:** So, you have amended that title?

**DR BUKENYA:** Yes; to outpatients.

**MR OTHIENO:** Madam Chair, under subclause (7), they recommended deleting the phrase, “and shall have scientific evidence of safety and effectiveness”, and their argument is that all the treatment is expected be scientific. I thought that we should retain it for emphasis and avoidance of doubt since there is no guarantee that the treatment will meet the criteria for scientific safety and effectiveness.

**THE CHAIRPERSON:** The honourable member prefers that we leave subclause (7) as it is because it is essential. I was also thinking that sometimes you read a drug and there is a disclaimer on the impact.

**DR BUKENYA:** I understand where he is coming from. In our discussions, we thought that all treatment would be standard, so we did not need to emphasise evidence. We thought that it would be something that is obvious, that you visit a health unit and get standard treatment. We thought it would be redundant in that aspect. However, we shall go with the decision of the House.

Madam Chairperson, you had talked about the title earlier. It is “outpatients” because there is another section for inpatients.

**THE CHAIRPERSON:** Therefore, we leave subclause (7) as it is. Honourable members, I put the question that the title of clause 5 be amended as proposed.

*(Question put and agreed to.)*

**MR ANYWARACH:** My amendment has an impact on this clause, especially where the chairperson says that clause 5 is amended by substituting subclause (1) for following: “A primary health centre shall provide treatment for mental illness to all patients taken to the health facility for treatment or care.”

We need to capture the basic mental health services - “A primary health centre shall provide basic mental health services and treatment for mental illness to all patients…” Here should we say “persons” or “patients”? This is because those who will be consuming the basic mental health services are not necessarily patients but they will be benefitting from preventive provision of those services, to ensure that they do not lapse. Should it be here or will it be under another independent clause? I do not know what the committee chairperson would want to provide but I think the basic mental health services should be captured here?

**THE CHAIRPERSON:** Are there basic and non-basic mental health services?

**MR ANYWARACH:** Yes, the basic ones, according to World Health Organisation’s record, include guidance and counselling, psychosocial intervention, mental health sensitisation activities, mental health programmes, employee assistance programmes. They also include physical activities like what you provided us here - a nice gym to take away stress, which is the origin of mental illness - A healthy mind and body. Thank you.

**THE CHAIRPERSON:** What does the mover of the Bill say?

**MS OPENDI:** What hon. Anywarach is saying is very important. However, for this particular purpose, because the heading is “Treatment and care of patients at primary health centres”, we are looking at patients who have been taken to the health facilities.

I would like to propose that this clause remains as amended and then if he so wishes, we can have a different clause somewhere else. Mental health services start at home, in schools, radio programmes and also the national health policy mentions prevention. We do not have to include it under this particular clause.

**THE CHAIRPERSON:** Honourable members, we should avoid diverting from the title and objectives of the Bill. I know there are things we would like to include, but let us stick to the title as provided.

**MR ANYWARACH:** I agree with the minister. My only fear was where the chairperson in his amendment mentioned a primary health centre and I thought that a primary health centre would only be for treatment. However, if she guides that we can put it under the amendment for basic healthcare services, then it is very clear. I beg to concede.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 5 be amended as proposed.

*(Question put and agreed to.)*

*Clause 5, as amended, agreed to.*

**MR ANYWARACH:** Before the chairperson comes on board, my amendment on basic healthcare services should have come before or after clause 5, but before clause 5 would be much better. I would like to know whether I can still introduce it. I can read it and Members will not have any issue with it, but where they have an issue, we will probably stand over it and bring the copies. I beg to submit.

**THE CHAIRPERSON:** Let us hear it.

**MR ANYWARACH:** I propose a new clause to be inserted before clause 5 to read as follows:

“Basic mental health services

(1) The Government shall ensure provision and access to basic mental health services. For the purposes of this Act, basic mental health service is any service, activity or programme intended for mental health benefit of a person and may include but not limited to -

(a) Guidance and counselling

(b) Psychosocial interventions

(c) Mental health sensitisation activities

(d) Mental health programmes

(e) Employee assistance programmes

(2) Such mental health services under 5 (1) above shall be provided by –

(a) Government

(b) employers

(c) approved mental health professionals

(d) institutions of learning,

(e) hospitals, health centres, primary health centres

(f) local community and

(g) any other group or body mandated to do so…” It can either be a father or mother.

“…(ii) Shall be tailored to meet the mental health needs of persons unemployed, persons employed, persons about to retire, retirees, persons who have lost their jobs, persons traumatised by external labour programmes, businessmen, farmers, children and young people, women, pregnant women, lactating mothers, populations subjected to extreme mental stress…” -

**THE CHAIRPERSON:** Honourable member, can you put your proposal in writing and distribute it so that we follow it. I do not know how it fits in.

**MR ANYWARACH:** This is about basic mental health care services. I just wanted to bring it here for the record but I am going to print it tomorrow –

**THE CHAIRPERSON:** Print it and then we can look at it.

**MR OBOTH:** Madam Chairperson, if there is anybody in the House who is most interested in this Bill, it is me. I have been following the proposals being made in this House and I think those are the ideal provisions for mental health. Is Government ready?

Now we are mixing two things - the mental health treatment, which should be part of a separate legislation, and then the Mental Health Bill that is providing the structure. I thought we are now providing the structure, which is purely basic. The details that my brother is proposing are the ideal, but the moment we start impregnating this Bill, the delivery will have some complications.

This Bill is for 2014; so many things have changed. When you go to the United Kingdom where we take some of our clients, they no longer want the traditional medication being used in Butabika. They are shifting from medication to counselling. We have a catholic facility on Entebbe Road doing something which is being done elsewhere - speaking to people. It is the therapy of just speaking as opposed to the side effects caused by medication. Do not ask me why I am the most interested person here. Some of you may look at me with suspicion; I forgive you. *(Laughter)*

Madam Chairperson, from the word go, if we are to save this Bill we have to agree. I would like to implore my brother to make something small. The line you are taking is going to make this Bill heavier and it will not take off. What you are proposing is a good ideal thing, but it is so detailed towards treatment.

**THE CHAIRPERSON:** Honourable member, put your proposal in writing and circulate it. Let us study it overnight.

**MR ANYWARACH:** Madam Chairperson, I agree with you 100 per cent. This Bill is called “Mental Health Bill” and not “Mental Treatment Bill”. We are repealing the Mental Treatment Act of 1964, Cap 279, a copy of which I have here. In the recommendations of the World Health Organisation, a copy of which I have, this provision –

**THE CHAIRPERSON:** Hon. Anywarach, I have guided that you put your ideas in writing, share and let us study them. Do not continue speaking to the amendment because you are alone.

**MR AOGON:** Before he writes, I would like to also suggest that he takes the guidance that you gave earlier - The title of the Bill should not be contradicted. We are looking at the structure without going into the details for now. Let us not make it pregnant like somebody said, because you might deliver things that you do not have enough nappies for, and that will be a problem.

**THE CHAIRPERSON:** We note your desire to introduce an amendment and we shall come back to it tomorrow.

**DR BUKENYA:** Clause 6 is on admission, treatment and care at primary health centres. Clause 6 is amended by substituting subclause (1) with the following: “(1) Subject to subsection (2), a person with mental illness shall be admitted at a primary health centre within his or her reach.”

The justification is: To give allowance to patients to be admitted at a primary health centre, which they can easily access.

**MR OTHIENO:** I may find that there is a health centre within my reach but the services there are not so good and far away, there are much better services. The moment I go there, somebody will pull out this law and say, “Look, you are supposed to go to areas within your reach; why have you come here? Go back.”

I need clarification as to whether this will not turn out to be a disadvantage to those seeking services from areas where they are providing better services because the services near me may not be good.

**DR BUKENYA:** Madam Chairperson, the honourable member has not read –

**THE CHAIRPERSON:** We have been having a problem with Mulago Hospital, which is a referral hospital but people go there as a point of first call. This is relevant because you may need a lower level facility and you take yourself -

**MS OPENDI:** Chairperson, the honourable member may not have looked at the original Bill because what was in the Bill is that you must go where you are resident and now they are referring to a facility within reach. So it can be the Mbale Regional Referral Hospital for him who is from Tororo. I think this is open –

**MR OTHIENO:** Madam Chairperson, I concede. We proceed.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 6 be amended as proposed.

*(Question put and agreed to.)*

*Clause 6, as amended, agreed to.*

**DR BUKENYA:** Clause 7 - Emergency admission and treatment.

Clause 7 is amended -

(i) By substituting subclause (6) with the following: “(6) A person who is admitted under subsection (4) and (5) shall be assessed within 12 hours and the emergency treatment shall be for a period of not more than 72 hours of assessment.”

The justification is: To protect the rights of persons with mental health issues so that they are assessed as soon as possible.

(ii) By inserting a new subclause (10) immediately after subclause (9) to read as follows: “The mental health practitioner or medical practitioner shall where possible obtain consent for emergency treatment for competent patients and where consent cannot be obtained, the mental health practitioner or medical practitioner shall provide medical treatment that is in the patient’s best interest to save life or prevent the deterioration of the patient’s health.”

The justification is: To ensure that treatment given is accepted by the patient or is in the best interest of the patient as the case may be.

(iii) By inserting an new subclause immediately before subclause (10) to read as follows: “A police officer or any other person shall, where there is a person with a mental illness who is discharged but has nowhere to go or is cruelly treated or neglected by a person having charge over him or her, immediately report that fact to the District Community Development Officer.”

(iv) By inserting a new subclause immediately before subclause (10) to read as follows: “The District Community Development Officer may, after receiving the report, cause a social assessment to be conducted and work with available mental health facilities to improve social support structures for the person with mental illness.”

The justification is: To cater for a person with mental illness who receives mental health treatment and care but has nowhere to go after.

**MR AOGON:** Chairperson, you talked about 72 hours but I wonder whether that is not too much. You could probably talk about 60 hours. Please look through what you have just been saying.

Secondly, you mentioned a police officer bringing to the attention of the Community Development Officer (CDO) availability of the mentally disturbed person. Why don’t we talk about Local Council (LC) members because the police are just within certain areas? What are you going to do in the villages? Maybe you need to explain this further so that we understand exactly what you mean. Does everybody have access to the police? Do they access all places?

Districts are so large; maybe we should talk about local councils. Let us think about that and we have a conversation on that. We could use the nearest local authority. Can we get something better?

**MS NAUWAT:** Madam Chairperson, subclause (6) mentions hours and subclause (8), which is referring to subclause (6), mentions days. I do not know whether we do not need consistency in this Bill. To me, days would serve better because the patient would have attendants who may not easily translate hours into days.

Therefore, I propose that we maintain “days”. There are so many other clauses which mention hours and then others that mention days. Madam Chairperson, for consistency, we need to use one of them.

**THE CHAIRPERSON:** I think what the honourable member is saying, why don’t we just say “two days” or “five days” but not refer to hours and days in the same law?

**DR BUKENYA:** Maybe because we had started with 12 hours and that is why we kept 72 hours, but I concede. We can refer to three days. However, what would we do with the 12 hours, because some people are admitted and kept away without being attended to and their rights are abused?

**THE CHAIRPERSON:** The assessment is within 12 hours, which I think is okay. The 12 hours are important because he or she must be attended to within those 12 hours.

**DR BUKENYA:** After discussing with professionals, we thought people who qualify for this kind of admission need a restricted time to be managed without taking it too far, because they can easily be abused, and that is why we proposed 72 hours. So, the three days is okay.

In addition, where we talked about the police, I think we also said “any other person”. We did not restrict it to the police, unless Members insist that we say “the police or local authorities”.

**THE CHAIRPERSON:** Where is the police? The police officer is being required to report to the CDO; the police officer tells the CDO that there is a person who needs treatment.

**MR ANGURA:** I think, Madam Chairperson, the police are not well spread. If we had said “local authority” or “responsible person”, that could even include a police officer. However, since the police are not well spread across the country, if we limit it to the police, the reaction and response may be late.

**MR OBOTH:** That is one area I would like to agree with hon. Silas Aogon and hon. Angura, with whom we rarely agree. However, on this one, why must we give the responsibility of this situation, which is unique but everywhere, to the police? You can say, “the police, local authority and any other person” *– (Interjection) -* Not “responsible person”. What is the definition of who would be responsible? How many of us here are responsible persons on matters of mental health?

Sometimes, you allow vagueness in the law just because you want to spread your wings a little wider - you catch and help. On Sunday, we were at a fundraising function with the Deputy Speaker and there was a young girl, registered for senior four, who was experiencing episodes of mental disorder. That is why I agree with hon. Anywarach about “disorder” not just mental illness. This girl was all over, only to find out that she had registered. The police were also there but nobody was bothered. Legislation like this can create responsibility for the police, local authorities or any other person.

**THE CHAIRPERSON:** Honourable members, the chairperson’s proposal says, “A police officer or any other person shall, where there is a person with mental illness who is discharged but has nowhere to go or is cruelly treated or neglected by a person having charge over him or her, immediately report that fact to the District Community Development Officer.”

**MR OBOTH:** We can insert “local authority”, and that includes LCI to LCIII, and then any other person. I wish the chairperson of the committee could agree to that.

**THE CHAIRPERSON:** But a local council leader is Government.

**MR AOGON:** Madam Chairperson, my suggestion is that we be really specific by saying, “a member of any local authority”. Why am I saying this? Sometimes when we over spread issues and say “any other person”, everybody will think that another person will do it. Responsibility should be attached to somebody so that it is clear - any member of a local authority or the police force.

**MS ASAMO:** Madam Chairperson, I wanted to say, “the police, the local authority and any other person”. I can be a neighbour to this person with a mental challenge and they are being mistreated, then I have to go and report to somebody about the mistreatment. They may say they have been discharged. We have seen many of them when they leave Butabika, nobody takes care of them. Therefore, somebody should be able to help them to see to it that they okay. Sometimes they are mistreated. We have seen cases where they are locked in and not given food. Therefore, any person who may not be a local authority but can be able to report is okay.

**THE CHAIRPERSON:** Therefore, a police officer, member of the local authority or any other person.

**MR AKAMBA:** Thank you, Madam Chairperson. A police officer is a person, a member of a local authority is a person; why can’t we be precise and say “any person”?

**THE CHAIRPERSON:** No; we need to create a duty.

**MR AOGON:** For now, I think we need to move on. Let us accommodate what my sister there proposed - a member of any local authority, a police officer or any other person. Let us go with that for now and where need be - you know laws keep on improving - we shall also come back. Let us pray that God brings us back for another term in Parliament so we can improve on some of these things.

**MS SAFIA NALULE:** I also wish to emphasise that the users of this Bill would like to move away from institutionalisation and go into the community as hon. Oboth said. Therefore, when we get this wide scope of people responsible, I think we are taking the responsibility to the community. As we go on, we would like to get the community knowledgeable about this situation so that they can reduce stigmatisation, discrimination and other kinds of similar treatment.

**MR ABALA:** Madam Chairperson, we should not reinvent the wheel now. There are already laws. Whenever there are problems in society, we know where we are supposed to go. Like my sister has said, we refer to simple terms and adopt what is being suggested. It is very clear; everybody will know where to go. If we are going to talk about individuals, it will be vague in simple terms. That is why I buy her suggestion as a way for us to move fast. Remember, we must finish dealing with this law because currently, we are using a law of the 1960s. We should approve this one and move to the next clause.

**MR OLANYA:** Madam Chairperson, it is good that we are giving responsibility to police officers. However, it should be noted that as of now, we have very many security structures on the ground, some of which are more active and accessible than the police. Therefore, instead of calling on police officers, who are part of the security establishment, why not say “security personnel”?

**DR BUKENYA:** Madam Chairperson, the spirit of this provision is that this is a person who has been treated, discharged and has nowhere to go and is therefore stuck. Therefore, part of the process is that the police should offer protection but also, amongst others, any other responsible person can take responsibility.

We put it to the Community Development Officer to help them sort out their social issues because this person has been on treatment and has been discharged. Other people may mistreat or attack them. That is where the police can give him some guidance. The responsibility would be with everyone, including the police, to notify the Community Development Officer who is responsible for social issues in the area.

**MR ANYWARACH:** I would like to seek clarification from the chairperson. If we say “local authority and any other person”, shouldn’t it be expressly clear that we are talking of the Community Development Officer and also local authority in the context of LCI, II and III as my brother, hon. Oboth, submitted?

If that is true, then I think we can talk about the police, the CDO - we can also say Deputy Community Development Officer (DCDO) because the powers exercised by those CDOs at the subcounties are actually of the DCDO - and then we go to the local authority and any other person. I beg to submit.

**MR AOGON:** I have really thought about this “any person” and it disturbs my mind. I think the Holy Spirit is communicating. I think there is something we must do about this. “Any person” can even be somebody who can abduct; so, what shall we do? We have to be very careful. Let us think deeply about this.

Secondly, instead of framing this as “an officer of police”, it should be “an Officer of the Uganda Police Force”. The other one is “member of a local authority”, and that is okay, but then “any person” is not. Somebody can come and just put this person in a vehicle and take them away forever and we would just be there. What shall we do? Let us think critically about this “any person”.

**THE CHAIRPERSON:** Honourable members, I would like to ask, do you read the *New Vision* newspaper on Saturday? Do you see the people who have been recovered by the police? These are children who have been abandoned at the taxi park and other areas? This is the work of the civil police; we cannot take it away from them. When you do not know what to do, you say, “Let me look for a policeman”.

**MR OTHIENO:** Madam Chairperson, I agree with what you are saying but the law is to the contrary. Ordinarily, we know that when someone is stranded and has nowhere to go, the place to go to is the police. However, now we are saying the policeman is the one who should be reporting to the CDO. I find that contradictory and not practical.

**THE CHAIRPERSON:** Have you read the proposal? It says, “A police officer or any other person shall, where there is a person with mental illness who is discharged but has nowhere to go or is cruelly treated or neglected by a person having charge over him or her, immediately report that fact to the District Community Development Officer.”

**MR OTHIENO:** Chairperson, I am looking at a person who is discharged and has nowhere to go; this person is stranded. Ordinarily, these people normally find refuge at police stations where they can be kept as we look for maybe a relative to take them in, but now –

**THE CHAIRPERSON:** Precisely! This person arrives at the police station and the police officer first says, “I have in my possession a person who has nowhere to go”. He then reports to the CDO that there is a person with nowhere to go. That is what the police officer is doing.

**MR ABALA:** Madam Chairperson, here is a situation where there is a person who has been discharged and the CDO does not have a place where he or she can keep this person. With this kind of arrangement, I do not know what the law is providing, because the CDO does not have a place or centre where such people are going to be kept. As a point of clarification, what is the law saying about this? The CDO has nowhere to keep these people. He or she might be having only a hut and office at the district or subcounty headquarters. Where is the CDO going to keep this man or woman that has been discharged?

**MS ASAMO:** Madam Chairperson, we are discussing a person who is discharged and is with a person who is handling him in a cruel manner. Now, we report to the CDO because CDOs are in charge of the public. If a child is lost, take the child either to the probation officer or to the CDO. The CDO then goes either to counsel this parent or talk to the community about how this person can be settled back in the community. The role of the CDO is to get you back to your community. It does not mean that the CDO has to take you to his or her home. A CDO can even negotiate with a hospital and say, “As I am doing this, can this person remain at the health centre?” They are like middlemen.

Therefore, Madam Chairperson, we need to agree that the police is a reporting position but they have to tell the CDO that this is the person. We expect, in the hospital or at the health centre, to have this person’s details captured at admission so that they can be traced. Thank you.

**MS OPENDI:** Madam Chairperson, I really want to state that we need to move on. I think we are just going round in circles. The proposal to amend and include “any other local authority, a police officer or any other person” covers this. I may not be a police officer or local council official but I am a community person, as hon. Asamo said. Therefore, Madam Chairperson, let us accept that the way this clause is presented covers any responsible person to go and take the necessary action so that this person can be assisted.

We have had challenges with very many of our people. I even had a girl whom I picked. I went for Women’s Day celebrations somewhere and this girl came around speaking very good English. She was making the audience laugh but at some point she started *- (Interjection) -* Yes, hon. Oboth was there. I brought this girl to Butabika. After recovering, she tried to go back home but the people at home were not receptive. They still considered her as somebody who was mentally disturbed. A pastor took her on and later I took her to school. She is now even married in Butaleja.

Therefore, Madam Chairperson, it is a problem for these people to go back to the communities when they come from the hospital. Therefore, let us allow “any other person” because I was neither a community leader nor a police officer at that point but I took the initiative to take care of this girl. Therefore that proposal covers it – a police officer accommodates a member of the local authority, or any other person.

**THE CHAIRPERSON:** Okay. Honourable members, I put the question that subclause (11) be amended as proposed.

*(Question put and agreed to.)*

*Clause 7, as amended, agreed to.*

**THE CHAIRPERSON:** Honourable members, I would like to propose that Members go and read the report and the amendments so that we move together.

**DR BUKENYA:** Madam Chairperson, that is very true because the debate here suggests that people did not read the last amendment on the role of the District Community Development Officer. Therefore, it means people have to complete reading the amendments before debate. However, there is also a big phobia for the police, which we have to deal with after this.

Clause 8

**THE CHAIRPERSON:** Clause 8 will be the final clause for today. I put the question that clause 8 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 8, agreed to.*

**THE CHAIRPERSON:** We shall start with clause 9, where there are amendments.

MOTION FOR THE HOUSE TO RESUME

7.15

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Sarah Opendi):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House report thereto.

**THE CHAIRPERSON:** Honourable members, I put the question that the House do resume and the Committee of the whole House do report thereto.

*(Question put and agreed to.)*

*(The House resumed, the Speaker presiding.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.16

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Sarah Opendi):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Mental Health Bill, 2014 from clause 1, stood over clause 2, and continued to consider clauses 3 up to 8 and passed them with amendments.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.17

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Sarah Opendi):** Madam Speaker, I beg to move that the report of the Committee of the whole House be adopted.

**THE SPEAKER:** Honourable members, I put the question that the report of the Committee of the whole House be adopted.

*(Question put and agreed to.)*

**THE SPEAKER:** Honourable members, we shall continue tomorrow from clause 9. However, please take some time and catch on the areas which have been bothering us, so that tomorrow we can move quickly. The House is adjourned to tomorrow at 2.00 p.m.

*(The House rose at 7.18 p.m. and adjourned until Wednesday, 12 September 2018 at 2.00 p.m.)*