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**Thursday, 8 November 2018**

*Parliament met at 3.16 p.m. at Parliament House, Kampala.*

PRAYERS

*(The Deputy Speaker, Mr Jacob Oulanyah, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I welcome you to this sitting. As you recall, we adjusted the time to be three O’clock, which we were also not able to make. As I said, I was coming from upcountry and it has been a hard drive but I am here. I apologise for the few minutes we have not been able to start on time. However, we are ready to start.

There was business that I deferred from Tuesday to today, which will take first priority on today’s business. That is the issue of the National Bio-Technology and Bio-Safety Bill, 2017. I hope the minister is here. The other was the issue of the report from the Committee on Presidential Affairs.

Today also being Private Member’s time, I see some motions that are coming from Members. I also see designation of Members to committees. The motion for a Private Member’s Bill will come after seeing how we progress today.

I am also advised that there was the issue of pupils who had missed examinations because of misconduct or something related to that, of the teachers who put them in those schools and told them they had been registered when they were actually not. They did not have a centre from where they could sit the examinations and when the examinations came, they found that they had no place to do the examinations. What are we going to do with these children? The minister had requested this House to be given some time so that the statement could be made. We will accommodate that statement also. Thank you.

BILLS

FIRST READING

THE SUCCESSION (AMENDMENT) BILL, 2018

3.20

**MS ROSETTE KAJUNGU (NRM, Woman Representative, Mbarara):** Mr Speaker, I beg to move that a Bill entitled, “The Succession (Amendment) Bill, 2018” be read for the first time.

The Bill is to amend The Succession Act to bring it into conformity with the Constitution of the Republic of Uganda and to provide for gender equality in accordance with Article 21 and 32 of the Constitution.

**THE DEPUTY SPEAKER:** Honourable member, you have done what you should do.

**MS KAJUNGU:** In conformity with the Rules of Procedure of the Parliament of Uganda, it is accompanied by the Certificate of Financial Implications. I beg to lay.

**THE DEPUTY SPEAKER:** Thank you. That is the only thing I needed for now. You will justify your Bill when the motion comes.

Honourable members, let the records capture this Bill. It stands referred to the Committee on Legal and Parliamentary Affairs to handle within the framework of the rules and report accordingly.

DESIGNATION OF MEMBERS TO SECTORAL AND STANDING COMMITTEES OF PARLIAMENT IN ACCORDANCE WITH RULE 157 (2) AND 184 (2) OF THE RULES OF PROCEDURE

3.22

**THE GOVERNMENT CHIEF WHIP (Ms Ruth Nankabirwa):** Mr Speaker, I beg your pardon. I was disrupted by hon. Karooro who was giving me very important information regarding the Bill that was presented and I did not hear what the member raised.

**THE DEPUTY SPEAKER:** Did you want to discuss the Bill now? *(Laughter)*

**MS RUTH NANKABIRWA:** No.

**THE DEPUTY SPEAKER:** Please, proceed.

**MS RUTH NANKABIRWA:** I am ready for business. I would like to thank you for this opportunity.

Mr Speaker, we have been joined by a new member of Parliament and I would like to designate her to different committees using Rule 184(2) and Rule 157(2) of the Rules of Procedure of the Parliament of Uganda.

I would like to propose that hon. Naome Kibaaju, Member of Parliament for Sheema North, be designated on the Sectoral Committee on Presidential Affairs and the Standing Committee on Public Accounts.

I would like to designate hon. Margaret Muhanga on the Committee on Physical Infrastructure. These are the two Members and I would like Parliament support.

**THE DEPUTY SPEAKER:** We are required to approve these memberships. I put the question that the Members designated by the Government Chief Whip belong to those respective committees.

*(Question put and agreed to.)*

MINISTERIAL STATEMENT BY THE MINISTER OF EDUCATION AND SPORTS ON PUPILS WHO MISSED THE 2018 PRIMARY LEAVING EXAMINATIONS

3.25

**THE MINISTER OF EDUCATION AND SPORTS (Ms Janet Museveni):** Thank you, Mr Speaker. The statement is about the 2018 Primary Leaving Examinations. The examinations were smoothly conducted on 5th and 6th November 2018 with no major incidents recorded.

A total of 671,923 candidates registered to take the examination of which 346,953 are girls and that is 51.6 per cent and 321,960 are boys, which make up 48.4 per cent. More girls than boys registered for the examination. Out of these, 476,301 candidates who make up 70.9 per cent, were under the Universal Primary Education (UPE) programme while 195,712 were from non-UPE schools.

The number of candidates that did not sit the examinations for various reasons such as dropout after registration and ill health will be known after the attendance records from all 13,027 centres are analysed.

However, some pupils did not take the examinations because they were not registered. A case in point is a school called Bahrain Nursery and Primary School in Iganga where it was discovered that 20 pupils were not registered to sit examination. This is a school that is not registered by Uganda National Examination Board (UNEB) as an examination centre and therefore, this problem could not have been detected.

The media carried a story of unregistered pupils from two other schools in Butambala District: five pupils from Kisenya Junior School and six pupils from St Peter’s Primary School Kibunga. This information is being verified.

As to whether another examination can be prepared and administered, it should be noted that:

1. The examination process starts with the registration of candidates from March in the examination year to end of July and then, preparation of examinations; setting, moderation, typesetting, printing and packing, distribution and field conduct of examinations.
2. Candidates of a particular year should be assessed using the same instrument to ensure uniformity in grading awards. Administering a different examination, therefore, to a group that did not sit is creating another examination within the main examination. It is not a good practice internationally.
3. Giving another examination with its attendant cost can only be done when the examination body cancels or withdraws the entire original examination due to factors that rendered that examination invalid, for example, serious errors or widespread malpractice.
4. Giving another examination set a dangerous precedence as school heads and directors will be emboldened to swindle funds in the knowledge that another examination is possible. Schools would start creating excuses for not presenting candidates if they know there is always another chance. The whole process will be seriously abused.
5. There are time and cost implications too when the examination is to be done. Who meets those costs? Will those who take the examination not have an unfair advantage over the others since they will have had more time to prepare for this examination?

At the end of the registration, UNEB sends out information using various media including printing papers, electronics, television and local FM radios countrywide, informing the public about the end of the registration exercise.

UNEB also gives simple ways through which registration status of any pupil can be checked. For example, by the use of text messaging service. Those pupils discovered unregistered before the printing and packing of examination papers are registered.

No such arrangements are possible, therefore, whereas discovered immediately before beginning a conduct of the examination.

The UNEB Bill coming before Cabinet soon has very strict penalties for such heads of schools and directors who will swindle registration fees. Meanwhile, parents are encouraged to check whether the schools to which they enrol their children are registered by both the Ministry of Education and Sports and UNEB. I beg to submit.

**THE DEPUTY SPEAKER:** Thank you, honourable minister. Honourable members, you will recall that this is a statement that has come arising from an urgent matter raised. So, we usually treat it as a response to a question. It is not a ministerial statement in the real sense of the word. This matter was raised by the Member for Bunyole West County and he was very deeply concerned about the children. Therefore, this is the response to the urgent question that was raised by that honourable member.

Therefore, under Rule 46 of the Rules of Procedure, he has the first call on the question of clarification from the minister.

3.32

**MR JAMES WALUSWAKA (NRM, Bunyole County West, Butaleja):** Thank you, Mr Speaker. First of all, I would like to thank the Minister of Education and Sports for having come herself to answer this noble cause. She used the voice of a teacher and a mother.

In her submission, she said it is not a good practice to give another supplementary examination. However, most of these children are girls and some of the girls are Muslims. They may get married and we shall lose the next Speaker and Minister of Education and Sports.

For this particular case, the pupils who were mentioned are not even 50.

Mr Speaker, I would like to request that this Parliament and Government, at least for the sake, - so that the others are deterred. She did not mention anything about the teachers who swindled the money. They should be apprehended.

I would like to request that these particular pupils are given a special examination. Usually, I am told UNEB has sets of papers so that when one leaks, there is another one. Therefore, my humble request to the minister, as a mother, grandmother and a teacher, is to have this examination set. If what UNEB wants is money, - honourable members, we have been contributing for Cancer runs and so many other things - I request that, as Parliament, we pay for these 30 pupils. This is my humble request.

I would like to submit, Mr Speaker.

**MS MUSEVENI:** Mr Speaker, I can understand the concern of the honourable member but like I said in that statement, we will have set a precedence. This cannot be a one off thing. If this happens again, we will have to do what we will have done.

So, that is why we are having problems with considering taking another examination. There will never be a time when we will say, “No, it is not possible.” There will never be a place where we will set boundaries. We need to let everybody know that when it is examination time, everybody must be ready to take the examination. If they miss it, then they will have to do it the following year. I think we have to accept that, Mr Speaker.

**MR OTIENO:** Thank you, Mr Speaker. I rise to seek your guidance regarding the operation of Rule 50 of our Rules of Procedure. Rule 50 (1) of our Rules of Procedure states, *“As soon as a question is answered in the House, any Member, starting with the Member who asked the question, may, without notice, ask a supplementary question for the further elucidation of any matter of fact regarding the answer which has been given...”*

I just seek your humble guidance on the operation of Rule 50 of our Rules of Procedure, which runs right from Rule 46 so that we get to know at what point a Member may be entitled to ask a supplementary question, once a question has been answered and apparently, there may be need for further clarification.

Apparently, Rule 50 runs all the way from Rule 46 which is on notice of urgent questions. So, Mr Speaker, I seek your guidance on this matter.

**THE DEPUTY SPEAKER:** Honourable members, I wish we could listen to the Speaker when he is speaking. I said, “Starting with the Member who raised the question.” Those are the words I used. Starting does not mean ending. It is very ordinary English and now you have spent a lot of time saying the obvious and yet, we should have gone to something else.

3.38

**MR STEPHEN BIRAAHWA (Independent, Buliisa County, Buliisa):** Mr Speaker, I would like to thank the honourable minister for this response and the Member who raised this matter. My concern, as leaders, is that the sample of the 30 girls, who missed the examination in that constituency, does not fully represent the picture of the sample I have in Buliisa and the neighbourhood –

**THE DEPUTY SPEAKER:** Honourable member, it is a supplementary question.

**MR BIRAAHWA:** Yes, Mr Speaker. The question I am raising is, don’t you think it is because of our examination-oriented system as opposed to continuous assessment that passing examinations has become a do or die? Shouldn’t we be more concerned that there is more drop out in UPE than just 30 children who missed an exam?

**THE DEPUTY SPEAKER:** Honourable members, even the rules that have been so eloquently quoted by the Member from West Budama North have limitations on time. The supplementary question cannot go on forever and so it has to be limited; starting with the Member and some other clarification. Honourable member for Buliisa, I do not think that can be answered now. It might be for another ministerial statement or a report of a committee.

3.40

**MR MEDARD SSEGGONA (DP, Busiro County East, Wakiso):** Thank you, Mr Speaker. My supplementary question to the minister is, as the regulator of private schools, where most of these hazards have been experienced, what remedial measures are you undertaking to compensate those that have been victimised?

**MS MUSEVENI:** Thank you, Mr Speaker. I would like to say that what we are trying to do is to make sure that all children in this country sit their exams during exam time. We would like to make sure that when the time comes for examinations, everybody gets to hear about the time and date it will take place so that they are ready to do that exam. We do not prepare for those who will not sit because we assume that everybody will be ready to sit the examinations.

Therefore, that is a different thing. Right now, we are following up to find out the actual numbers of pupils who may not have taken this examination because we are not sure of how many they are. Nevertheless, if we find out that they are many more than were mentioned in the media, then – *(Interruption)*

**MR SSEGGONA:** As you know, Mr Speaker, I have immense respect for my ministers, particularly *Mama* Janet Museveni. I am rising on this point of order because it is the only avenue in the rules. A question is – do not assume because there are people that have been victimised so you cannot say, “We are assuming they will do examinations.” There are those that have not sat exams as a result, among others, of your weak regulation as the regulator of public and private institutions. The question is remedial compensatory measures.

Is the honourable minister in order to continue making assumptions, when the fact has happened and people have been victimised?

**THE DEPUTY SPEAKER:** Honourable member, I thought the honourable minister was still answering the question. If she had said she had stopped there and was ready to sit, then, we would have probably said she did not answer the question but she was still speaking. Could we listen to her?

**MS MUSEVENI:** Thank you, Mr Speaker. I was saying that when we find out the number of pupils who may have missed this exam, then, that will determine what precautionary measures we will take but right now, we are trying to find that out.

3.44

**MR ABBAS AGABA (NRM, Kitagwenda County, Kamwenge):** Thank you, Mr Speaker. The argument of the ministry not to have remedial examinations is persuasive because you set a precedent that might have to be repeated over time. There is also an understanding that primary or secondary school is not the same as university really and it is not a do or die. However, the question I am raising to the minister is, is it possible for the ministry to find those persons responsible for the children missing exams? Where is the problem - because some are in private schools and others in Government schools? Why did the children miss the exams? Why were they not registered? Is it because of the negligence of the administrators of the school? If it is, then we can take action on them.

My honourable colleague mentioned something on private schools, although I did not agree with him. He said our girls are young; some of them are Muslims and if they do not sit examinations, they may be married off. I think that was not proper but I do not want to go into it. When we identify and apportion responsibility for the children missing examinations, is it possible that the Government can shoulder responsibility, especially for those in the private schools because they have to go through the payment of fees for the next year so that they can be assisted also to sit the examinations the next year - because they are not like our own in UPE? Thank you.

**MS MUSEVENI:** So far, what we know about the few pupils who did not sit for their examinations, is that there were in schools that did not have examination centres and they did not register in schools that have examination centres. We do not understand why that happened because there are many schools that do not have examination centres but they register elsewhere.

We do not yet know why this particular school knew that its pupils could not sit for examinations in their school but did not register elsewhere. As I said, that is what we are trying to find out. I am talking about this only one and we are told there are also other schools.

We are still trying to find out why the pupils did not sit for their examinations.

**THE DEPUTY SPEAKER:** Honourable minister, is it possible to let the students know when they register, that they are actually registered? Is there a system that can inform them that the following students are registered to sit for examination? For example, they now have a system for finding out results from UNEB; you send your index number and your results come.

Is it possible to devise a system where each registered candidate has a way of finding out their status of registration or is it too much to ask?

**MS MUSEVENI:** Okay, we can work on that, Mr Speaker. As I said, it is very easy to find out whether your pupils have been registered by measures like exchanging messages on SMS like I said in my statement and all students can ascertain whether they are registered for examinations.

**THE DEPUTY SPEAKER:** Thank you. *(Members rose\_)* Can we pause this here? Leader of the Opposition, is that a supplementary question?

3.48

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Mr Speaker. My supplementary question is, while we know that this problem is not these children’s problem - like in the universities, we have supplementary examinations and I know it is difficult. How about exploring that option?

I would also like to know if you have cautioned the District Education Officers of those districts.

**THE DEPUTY SPEAKER**: I think that issue was answered. Actually, it was a supplementary that was answered and that was a subject of the statement. Can we move now, honourable members?

MOTION TO INTRODUCE A PRIVATE MEMBER’S BILL ENTITLED “THE INSTITUTE OF PARLIAMENTARY STUDIES BILL, 2018”

3.49

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Thank you, Mr Speaker**.** I am here to move a motion seeking leave of this House to introduce a Private Member’s Bill entitled, “The Institute of Parliamentary Studies Bill, 2018.” This is moved under Article 94(4)(b)of the 1995 Constitution of the Republic of Uganda and Rules 120 and 121 of the Rules of Procedure of the Parliament of Uganda.

**THE DEPUTY SPEAKER:** Is the motion seconded? (*Members rose*.)It is seconded by Isingiro, Kabula, Ngora, Kanungu and Rukungiri. Would you like to present your motion, honourable? It has been overwhelmingly seconded.

**MS OGWAL:** Mr Speaker, I would like to thank Parliament for overwhelmingly seconding and supporting this motion. The motion reads:

*”WHEREAS Article 94 of the 1995 Constitution of the Republic of Uganda and Rules 120 and 121 of the Rules of Procedure of Parliament recognise the right of a Member to move a Private Member's Bill;*

*AND WHEREAS Parliament, under Article 79 of the Constitution, is given power to make laws on any matter for peace, order, development and good governance of Uganda;*

*AND WHEREAS in the Ninth Parliament, the Parliamentary Commission identified the need for a specialised institution to provide parliamentarians, parliamentary staff, local councils and other forms of legislatures systematic trainings in various disciplines of parliamentary processes, hence the establishment of the Institute of Parliamentary Studies (IPS), which the Rt Hon. Speaker launched on 28 September 2012;*

*WHEREAS the Institute of Parliamentary Studies has also for the past few years been coordinating the implementation of capacity building programmes for external stakeholders including local government councils and regional parliaments and national assemblies;*

*AND AWARE THAT there are a number of national organisations, which are employing the philosophy and system of in-house service training but the best performing training services are those that exhibit autonomy in areas such as resource mobilisation and standard setting like the Uganda Revenue Authority Training Institute, the Judicial Training Institute and the Civil Service College;*

*FURTHER AWARE that the institute in designing and conducting trainings of Members and staff of Parliament and local government councilors aims at strengthening the linkages between the national Parliament and local government councils and also managing the twining arrangements between the Parliament of Uganda and other parliaments;*

*FURTHER AWARE that the Government of the Republic of Uganda has through programme 01-155151-264101 of the Parliamentary Commission Budget allocation been funding the budget of the institute;*

*NOW, THEREFORE, move this motion:*

1. *That this House accepts the introduction of a Private Member's Bill for an Act entitled, “The Institute of Parliamentary Studies Act, 2018”*
2. *And do order the publication of the said Bill in preparation for its first reading.”*

Mr Speaker, I beg to move.

**THE DEPUTY SPEAKER:** Honourable member, I do not think the motion you have moved is what you should have moved. (*Laughter*)

You are saying that this House accepts the introduction of a Private Member’s Bill. The rule says, you seek leave of this House to grant you the authority to present a Private Member’s Bill. So, when is that motion coming?

**MS OGWAL:** This is the motion to seek leave and I am explaining why I am seeking that leave.

**THE DEPUTY SPEAKER:** Honourable members, that is the motion presented by the honourable member for Dokolo on behalf of the Parliamentary Commission. Is there a secondment for this motion?

4.56

**MR ALEX BYARUGABA (NRM, Isingiro County South, Isingiro):** Mr Speaker, I stand here to second the motion as moved by hon. Ogwal under the provisions of Article 94 clause 4(b) and Rule 124 and 125 respectively.

You will all recall that in September 2012, the then Parliamentary Commission established the IPS by formally approving its first business plan. The overall objective of the establishment of the IPS was to ensure a continuous learning environment at Parliament for Members, staff, stakeholders of Parliament and particularly the local councils. It had been realised that;

1. After every general election, there is a very high attrition rate for Members leading to loss of very many competent and highly skilled Members of Parliament who would have gotten experience in steering the Parliamentary agenda.
2. The other arms of Government, like the Executive and the Judiciary are formally linked to their counterparts up to the parish level in the case of the Executive, actually up to LC I and at district and sub county level in the case of the Judiciary.

Parliament, however, as a legislative arm of Government is not formally linked to any local councils though they do more or less similar work in terms of legislation, oversight, accountability and representation. Therefore, there is urgent need for us to have that umbilical cord down to the LC I level.

3. There is generally good will among development partners to support this very good initiative on the work of the legislature especially in underfunded priorities, particularly capacity building and sharing of information amongst Members of Parliament and their peers down the ladder.

4. The Executive and the Judiciary possess special training institutes to cater for their specific needs of their relevant sectors; for example, the Civil Service College, which we recently passed here, up and working in Jinja to serve all the civil servants under Government. The Judicial studies Institute and Law Development Centre to cater for the Judiciary. Unfortunately, there is none for the third arm of Government.

5. Most Parliaments in Africa and the world over have established specific training institutes to cater for the capacity development needs of their Members in particular and their legislators in general. For example, the Center for Parliamentary Studies in Kenya, the National Institute of Legislative and Democratic Studies in Nigeria, the Bureau of Parliamentary Studies and Training in India, the Pakistan Institute of Parliamentary Service and very many others.

Therefore, Mr Speaker –

**MR AGABA:** Thank you very much, Mr Speaker. Our Rules of Procedure require a Member to seek leave of the House to present a Bill. I thought the justification that the colleague gives is mainly about why they need the leave not why we need the Bill about the Parliamentary Institute of Studies. I need your guidance, Mr Speaker. Thank you.

**THE DEPUTY SPEAKER:** Thank you very much. That is the point we had made. The Constitution already grants that right to present a Private Member’s Bill. Our rules simply act as a sieve to assess the viability of a particular proposal. It is not stopping. Is it violating the constitution? Is it properly spaced? Is it something that would annoy the public? Therefore Parliament sieves but it is not meant to stop. It is supposed to just ventilate what is being presented by the Member and then allow them.

However, when you seek leave, you tell us why you need the leave. If you begin to justify the Bill, then you are going beyond what you need to do. The purpose of the Bill should just be one part of what you say but most of your justification should be, “grant me leave and this is the reason I need it.”

This is a decision of the Parliamentary Commission and the Parliamentary Commission said it is not because of the lack or absence of the Institute of Parliamentary Studies, it is there and it has been working. The question is; can it work without a legal framework managing its operation? The decision we are taking is that no, it cannot. It needs a law to formally handle most of the transactions. I think that is the argument that should be left with the House. That the institute is there, we need a legal framework to regulate it like all the other training institutes in this country. That is the issue. Is it one of those that should be brought by the Government? Would Government be enticed to bring this quickly when it has very many policy legislations to bring to this House? Maybe not. That is probably why we need a private Member to be able to bring this. That is why we are here. Please, do not go and justify the Bill. You can move the House to take a decision.

**MR BYARUGABA:** Thank you very much for your guidance, Mr Speaker. Given the background I have already given, I would like to beg the House that leave be granted to go and process this Bill. I beg to move. Thank you.

**THE DEPUTY SPEAKER:** Honourable Members, can I put the question to this motion? The question that I propose for your consideration is for a motion to allow the honourable member for Dokolo County leave to present a Private Member’s Bill entitled, “The Institute of Parliamentary Studies Bill, 2018.” That is the motion that the Member presents to seek leave.

I now put the question to this motion, that leave be granted to the honourable member, hon. Cecilia Ogwal, to present a Private Member’s Bill entitled, “The Institute of Parliamentary Studies Bill, 2018.”

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Leave is granted and the appropriate institutions of Government are now instructed to support the honourable member in the final preparation of the text of the Bill and for onward transmission to Parliament for its first reading.

Congratulations, honourable member. A copy of the Bill is attached for the benefit of the honourable chief whip. If you would like to peruse it at this stage, you can have my copy. - Leave has been granted to you, please, proceed and seek the necessary support to prepare the final copies of this Bill and bring it to Parliament. (*Laughter)*

In the public gallery, we have a group of student leaders of Masindi District Secondary School represented by hon. Ernest Kiiza and hon. Jalia Bintu Lukumu. They are here to observe the proceedings of the House. Please, join me in welcoming them.

We also have a delegation of Civil Society Organisations under the Succession (Amendment) Bill coalition. They are here to observe the proceedings. Please, join me in welcoming them.

Honourable members, the Catholic Chaplaincy will be holding High Mass today to welcome the new chaplain, Fr Ponsiano and unveiling the icon of the Holy Family given to the ICLN by Pope Francis. The request was that this activity should start at 5.30 p.m. but I have ordered that it should start after 6.00 p.m. to allow me transact the business of the House. Therefore, take note that there will be High Mass after 6.00 p.m.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON PRESIDENTIAL AFFAIRS ON THE MANAGEMENT AND OPERATIONS OF THE CITY ABATTOIRS

**THE DEPUTY SPEAKER:** Honourable members, as I said, this was deferred from Tuesday to today so that we can finalise with it. This matter was debated and when it was about to be concluded, an issue arose that there was a particular recommendation that had been made by a Public Accounts Committee at particular time, which recommendation the committee needed to look at before Parliament could take a decision. That is why it was deferred. Otherwise, this particular matter was actually for decision. Can I now ask the chairperson of the committee to report on what their findings are and we see how to proceed?

4.07

**THE VICE-CHAIRPERSON, COMMITTEE ON PRESIDENTIAL AFFAIRS (Ms Esther Anyakun):** Mr Speaker, on 26 September 2017, a motion for adoption of the report of the Committee on Presidential Affairs on the management and operations of City Abattoir was moved by the then vice chairperson of the committee, hon. Susan Amero, in accordance with Article 90 of the Constitution of the Republic of Uganda and Rule 177(e) of the Rules of Procedure of Parliament. The report was presented and a number of issues arose.

As a result of the debate that ensued, the decision on the motion for adoption of the report was deferred and the Rt hon. Speaker, Rebecca Kadaga, guided the House that the Clerk to Parliament should extract the report of the Committee on Public Accounts on the compensation to HABA Group of Companies and Rhino Investments Limited in Financial Year 2009/2010 for Members to study before taking a decision that would be contrary to the recommendations that had earlier on been passed by the House.

The report of the Committee on Public Accounts, findings, conclusions and recommendations

The committee has had the opportunity to extensively scrutinise the report of the Committee on Public Accounts on Government compensation to HABA Group of Companies and Rhino Investments Limited in Financial Year 2009/2010. This was in line with the concerns raised by some honourable members of Parliament that the said report made recommendations concerning the same subject matter, which, if not reconciled, would lead to contradictory findings, conclusions and recommendations.

The purpose of the extensive scrutiny into the report was to ascertain its relevance and impact of the findings and conclusions of the report of the Committee on Presidential Affairs and to harmonise any recommendations in so far as the management and operations of City Abattoir is concerned.

Having perused the report of the Committee on Public Accounts, the committee has been able to ascertain the following:

1. The subject matter of investigation related to the compensation claims for Nakasero Market, Shauliyako Market, Constitutional Square and Balikuddembe/Owino Market by HABA Group of Companies and Rhino Investments Limited.
2. Throughout the investigation, findings, conclusions and recommendations of the PAC report, there is no mention of any investigation, findings and recommendations in respect of plots 1 and 3 Old Port Bell Road, also known as City Abattoirs, the manner of acquisition of interest by Basajjabalaba Hides and Skin (BHS) and the claim of compensation for failure by KCCA to grant vacant possession of the land, which frustrated the said company from redeveloping the abattoir and commercially benefitting from it.
3. All the guidance that may be picked from the said committee report is that the recommendation of the committee, in as far as the compensation of the concerned has to be supported and justified before it is sanctioned. The report also gives an alternative that may be explored to minimise Government’s exposure to ensure that the compensation is not exaggerated.

The position of the Committee on Presidential Affairs

The intention of the committee

The intention of the Committee on Presidential Affairs in this matter was to investigate the management and operations of City Abattoirs located on plots 1 and 3 Old Port Bell Road, Kampala under Kampala Capital City Authority (KCCA), following numerous complaints from KCCA that the authority was not getting any Non-Tax Revenue (NTR) from the abattoirs.

The committee wishes to report that it caused a thorough investigation into the subject matter, within its terms of reference and made appropriate recommendations. The recommendations were well-founded and there is documentary evidence to support the position of the committee.

Justification for the findings, conclusions and recommendations in the committee report

The issue of acquisition of interest by BHS

KCCA is no doubt the lessee of plots 1 and 3 Old Port Bell Road also known as City Abattoir. It has a title and is registered as such. As a committee, we are guided by the registration status. We maintain our position that in perusal of evidence availed to the committee, KCCA is the registered lessee of the said land.

It is not in dispute that KCCA, as the lessee, entered into a management contract with BHS Co. Limited on 1 March 2000 for the management of the abattoir for five years renewable, subject to fulfilment of the conditions in the agreement.

The evidence available to the committee confirmed that position. No evidence was availed that the same has ever been successfully contested in any courts of law. Indeed, by subsequent communication, the Executive Director of KCCA re-affirmed that position. Mr Speaker, I have a copy of a letter from the KCCA Executive Director here and I beg to lay it on the Table.

**THE DEPUTY SPEAKER:** Is it part of the report?

**MS ANYAKUN:** Yes.

**THE DEPUTY SPEAKER:** If it is part of the report then when you lay the whole report, it captures the same.

**MS ANYAKUN:** The sub-lessee paid the agreed premium and initial ground rent in accordance with the sub-lease terms. The sub-lessee has not paid the outstanding balance of Shs 450 million going concern and ground rent to date. The failure to pay was attributed to the continued failure by KCCA to assure the sub-lessee of vacant possession. KCCA does not deny that position.

BHS Company Limited was indeed prevented from enjoying effective occupation by City Abattoirs Development Authority who are currently in occupation. Being out of possession, BHS could not be expected to comply with clause 5 of the sub-lease agreement, which required them to construct an ultra-modern slaughter and meat handling facility.

The status between KCCA and BHS

Due to the lack of standard meat handling equipment, which poses a health risk to meat consumers, coupled with non-realisation of revenue from the City Abattoir, KCCA made a proposal to take over management of City Abattoir and this was formalised by a Memorandum of Understanding between KCCA and BHS, which was executed on 13 November 2014.

In conclusion, the report of the committee was laid before this House. The position of the committee is that we stand by the content, conclusion and recommendation herein. I wish to reiterate the committee’s recommendation and also implore the House that the report of the Committee of Presidential Affairs on the management and operations of City Abattoir, which was presented on 26 September 2017, be adopted. I beg to move.

Mr Speaker, I have the Memorandum of Understanding here and the letter from the Executive Director. I beg to lay them on the Table.

**THE DEPUTY SPEAKER:** Do you have the minutes and report itself? You could lay all of them together. Thank you very much, chairperson.

Honourable members, as I said earlier, this matter came, you debated it but when you were about to conclude it, a matter arose that there was a recommendation from the Committee on Public Accounts that was contrary to what the Committee on Presidential Affairs was recommending for the House to adopt.

Therefore, the committee was sent back to look at the report of the Committee of Public Accounts and come back and advise the House on how to proceed. That is now the advice that has been given by the committee and that would attract small responses because this debate was actually finished.

I was not chairing but I remember it was done, according to the brief I have. If there are interventions limited to the issues I have just summarised here, this would be the perfect time to discuss them.

4.17

**MR JAMES KAKOOZA (Independent, Kabula County, Lyantonde):** Thank you, Mr Speaker. I would like to support the committee report, basically on the recommendation of their finding that the sub-lessee paid the agreed premium and initial ground rent in accordance with the sub-lease terms. He paid Shs 450 million.

Honourable members, if I am a businessman and I make an agreement with you but you fail to meet your obligations, what do I do as a business person? Do I continue with the business or do I cancel? If I am in this position, I cannot commit my money to start a business. When you do not meet your obligations, I stand still.

I think because of KCCA’s failure to meet its obligation, the owner is justified to continue doing business. This is my humble submission and I request Members to consider that as a principle in business.

4.19

**MR JOHN BAPTIST NAMBESHE (NRM, Manjiya County, Bududa):** Mr Speaker, business is not like a marriage wedding. In a marriage wedding, there are vows that –

**THE DEPUTY SPEAKER:** What is a marriage wedding now? *(Laughter)*

**MR NAMBESHE:** It is a wedding where a couple is officially wedded *– (Interjections) –* No, it is a marriage wedding, whether it is in church or outside church. It is where a couple exchanges vows that they will stay together for better or for worse.

In business, if things have gone wrong, I cannot stick to you like in a marriage where we exchanged vows. Therefore, KCCA, in its contract with BHS, has actually not lived up to the expectations of their side of the bargain. BHS, as per the recommendation by the committee is definitely justified to be compensated.

If they were given a sub-lease for a duration of 49 years and have been forced out of possession of the property, which they could have actually given a face lift in that duration of time, it is my considered view that they deserve to be compensated or else it may culminate into serious litigation issues. I beg to submit.

**THE DEPUTY SPEAKER:** Member for Ajuri –

4.21

**MR KASSIANO WADRI (Independent, Arua Municipality, Arua):** Thank you very much, Mr Speaker. I am an institutional memory –

**THE DEPUTY SPEAKER:** Member for Ajuri County? *(Laughter)* You know, hon. Kassiano Wadri has changed constituencies so he might not know which one he is in. *(Laughter)*

4.21

**MR DENIS OBUA (NRM, Ajuri County, Alebtong):** Thank you very much, Mr Speaker. When the committee presented the report and we had a debate, there was only one issue in contention. With the clarity provided by the chairperson of the committee to the effect that the chairperson has adduced evidence on where we had a dilemma, it is my considered opinion that what transpired amounted to some breach.

For that reason, the company in question deserves to be compensated. I beg to move that at an appropriate time, after some limited debate, I am giving notice that I will move a motion formally that a question be put for the adoption of the entire report, including the clarification made with facts and evidence laid on the Floor of Parliament. I beg to submit.

**THE DEPUTY SPEAKER:** Thank you. That motion would not require notice but I receive the notice.

4.22

**MR KASSIANO WADRI (Independent, Arua Municipality, Arua):** Thank you very much, Mr Speaker. Earlier on, I thought you had boxed me below the belt when you said I am not sure of my constituency because I have changed many times. However, I represent Arua Municipality.

As I said earlier on, I am an institutional memory because at that time, I was the Chairman of the Committee on Public Accounts. I remember there were four or five companies, which were mentioned in the Attorney General’s report through which Uganda Government lost Shs 142 billion.

The overall reason why these four or five companies lost the money was because of the manner in which the agreement was drawn by the Attorney-General’s Chambers on behalf of Government, which was representing Kampala City Council then because Kampala was not an authority. It was still City Council of Kampala.

When we looked at all the documents, which were provided to us by the officials from the Attorney-General’s Chambers – I think there is a gentleman now in the Solicitor-General’s Office who tendered all those documents before us. Good enough, even one of those officials then is a Member of Parliament representing Gomba West constituency; hon. Robinah Rwakoojo. I wish she was here.

She appeared before us as a technical staff from the Attorney-General’s Chambers. I only wish all those documents, which were tendered before us and which I believe are still in Parliament’s custody, were considered –*(Interruption)*

**MR MACHO:** Mr Speaker, with due respect to my senior friend from Arua Municipality, I will not call his a maiden speech but I have risen on a point of order. Considering all the honourable members who stood on the Floor of Parliament, considering the report from the Committee of Presidential Affairs and considering the submission of, hon. Denis Obua from Ajuri County, considering my understanding as a Member of Busia and listening attentively to the submission of the chairperson, I do not see why the honourable member from Arua Municipality give us stories.

We do not need stories; we have had comprehensive information concerning the report. Let us proceed on this matter. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable member, you rose on a point of order.

**MR MACHO:** Is he in order to give us many stories? Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Even if you hadn’t raised your voice, we would still have heard. Honourable members, the brief I got from the person who presided and who made this referral was that this matter had been debated.

When it came to decision, a point was raised that there was a report on a similar subject conducted by the Public Accounts committee and the report presented by the Public Accounts committee was contrary to what the Committee on Presidential Affairs was now recommending the House to adopt.

The Speaker then referred this committee back to go and look at the report of the Public Accounts committee. The Committee on Presidential Affairs has looked at the report and from the chairperson’s statement, there was nothing about this transaction that was handled by the Public Accounts committee.

Therefore, we cannot begin discussing matters that were not part of this report but which were in the Public Accounts committee report as if they were relevant to this particular debate. Can we conclude this matter, honourable members? Can I put the question?

Honourable members, we are not going to debate what is not before us. We can only debate what is before us and what was before us was queried because of suspicion of a report that was contrary to what the committee was recommending. The committee has clarified on that. Now that the clarification has been made, we cannot have further debate on the report again.

4.29

**MR MUWANGA KIVUMBI (DP, Butambala County, Butambala):** Mr Speaker, with due respect to your guidance, I was in that session that debated this matter the first time it came up. It was during the debate that a Member informed Parliament that a contradiction arose.

The debate was halted and the committee was told to go back, look into the issue and come back and inform Parliament. After that, Parliament would continue with full knowledge after thorough research. This matter is very critical and that is why, Mr Speaker, you should find it right to give it further hearing.

The Government of Uganda has lost billions of shillings in Kampala City Council Authority due to these kinds of arrangements. We have lost billions in Nakasero and Kisekka markets and it is the same company, the same people, the same clique that is at the forefront with the same methods of work. That is why –*(Interruption)*

**MR WALUSWAKA:** Mr Speaker, I have listened attentively to the shadow Minister of Internal Affairs. The report is very clear and in fact the committee is helping Government to avoid losing money because the contractor will go to Court.

Is the honourable member for Butambala in order to bring a discussion, which will make Government lose a lot of money yet the quality of beef we get in Kampala is for the whole country. Is he in order?

**THE DEPUTY SPEAKER:** I think the money is already lost; but how much more can we allow Government to lose? However, the point being made by the Member for Butambala is that the debate was not yet finished and I would like to find out the true position from the chairperson. My brief was that it was decision time and a matter came out.

**MS ANYAKUN:** Thank you, Mr Speaker. On 26 September, hon. Rebecca Kadaga, the Speaker presiding then, guided the House to go specifically to the *Hansard* and get this information from the previous recommendations made by the Public Accounts committee. However, these were general recommendations about these companies.

We particularly had interest in Plot 1 and Plot 3, which we had gone, as a committee, to investigate and we came up with our report. This is where the committee had particular interest. Recommendation No.5 of the Public Accounts committee report was against Hub and Group of Companies and other companies involved but this particular report on the City Abattoir was not specifically mentioned in this report.

**THE DEPUTY SPEAKER:** Was the debate concluded or not?

**MS ANYAKUN:** It was not concluded because they wanted us to come up with this.

**THE DEPUTY SPEAKER:** Okay.

**MS ANYAKUN:** This is what the Speaker said, *“Honourable members, I think let us defer the decision on this report but we need the Clerk to get our last report on this matter, we run through it and see how to move. Let us first get that report because we may be taking decisions in a contradictory manner. I want the Clerk to first get the older report, we study it and compare with this and arrange for a committee …”*

**THE DEPUTY SPEAKER:** Honourable member, please, let us understand this before we get too deep into something we do not understand. Is that a copy of the *Hansard*?

**MS ANYAKUN:** Yes, it is.

**THE DEPUTY SPEAKER:** So, what was deferred was a decision, according to the *Hansard*. Can I have a look?

Honourable members, this is the *Hansard* of this Parliament of 26 September 2017 and the Member is reading from page 16. Therefore, what was deferred was the decision of the House; that the House be better informed to avoid taking contradicting decisions.

It has now been clarified by the chairperson and I want us to see how to harmonise and proceed. Can we finish with this matter, honourable members? Can I put the question?

Honourable members, I put the question that the report of the Committee on Presidential Affairs on the management and operations of city abattoirs be adopted.

*(Question put and agreed to.)*

*Report adopted.*

MOTION FOR RECONSIDERATION OF THE NATIONAL BIO-TECHNOLOGY AND BIO-SAFETY BILL, 2017 AS RETURNED BY H.E. THE PRESIDENT

**THE DEPUTY SPEAKER:** Honourable members, this is one of those matters that we deferred to today so that all the parties concerned can be here. I have, in my hands, the law as passed by Parliament, the assent copy. I also have the letter of the President that referred this matter back to us.

As I guided last time, any amendments that are going to be suggested must be in line with what the President referred and not beyond what was referred back to this House. In other words, we cannot reopen the debate on the whole National Bio-technology and Bio-safety Act. We can only focus on the clauses that were referred back to us by the President and any that could be incidental to that referral.

The motion was moved by the minister already, so I think we are ready to move to the next stage. Honourable chairperson, would you like to update us on where we are before we move?

4.37

**THE VICE CHAIRPERSON, COMMITTEE ON SCIENCE AND TECHNOLOGY (Mr Fred Bwino):** Thank you, Mr Speaker. The committee reported and as you guided –(*Interruption*)

**MR NAMBESHE:** Mr Speaker, I rise on a point of procedure. In our Constitution, the mandatory 30 days within which reconsideration of a Bill can be handled are far spent.

Secondly, considering that this Bill was passed without quorum - because it is on record that a Member -

**THE DEPUTY SPEAKER:** Honourable member, can you give me the judgement from court that made that declaration?

**MR NAMBESHE:** No –

**THE DEPUTY SPEAKER:** No, please do not say things just because you have a mouth. It is not right. How can you stand there on record and say the Bill was passed without quorum when it was not challenged? You impeach the integrity of this House and I am here to protect it. If you have nothing to say at this stage, please resume your seat.

**MR NAMBESHE:** I was only raising this to avoid legislating in vain because of the mandatory 30 days.

**THE DEPUTY SPEAKER:** Well then raise that one.

**MR NAMBESHE:** Is it procedurally right to proceed with the reconsideration of the concerns that were raised by His Excellency the President when this Bill has gone beyond the required duration of time?

**THE DEPUTY SPEAKER:** Honourable members, what is reconsideration? If we are clear on what reconsideration is then we might be guided properly. We may need to look at this because reconsideration could mean beginning the process of reconsideration, which we started in time. I think the motion was presented to this House in January or February within the timeframe of the law.

What now I need to find out is whether the law says Parliament must take that decision within a timeframe or begin the reconsideration process within the timeframe. All I know is, at least it is clear about the time that the President should refer the Bill.

I am aware that the President referred the Bill to Parliament within the time that was required by the law. What I am not sure of, and I need to look at it again, is whether the decision of Parliament has got to be taken within a particular timeframe. I will get back to that shortly. Let us deal with the item 10 for now as I look at this issue.

MOTION FOR THE ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE (CENTRAL GOVERNMENT) ON THE REPORT OF THE AUDITOR-GENERAL FOR THE FINANCIAL YEAR 2014/2015 DEALING WITH THE ACCOUNTABILITY SECTOR

4.42

**THE CHAIRPERSON, PUBLIC ACCOUNTS COMMITTEE (Ms Angelline Osegge):** Thank you, Mr Speaker. I take the pleasure to present to this House the report of the Committee on Public Accounts on the accountability sector for the financial year ended 30 June 2015.

Before I delve into the details of the report, allow me lay before this House a set of minutes that precipitated this report. I beg to lay.

**THE DEPUTY SPEAKER:** Let the record capture the minutes.

**MS OSEGGE:** Mr Speaker, the Committee on Public Accounts of the Parliament of Uganda considered the Auditor-General’s report as provided for under rule 162 of the Rules of Procedure and Article 90 of the Constitution of the Republic of Uganda.

Article 163 (4) of the Constitution requires the Auditor-General to submit to Parliament annually a report of the 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 it in sub-section 4 above. Mr Speaker, aware of the problem of backlog that we are facing, I know this is way beyond the time that is required. However, we have tried our best to bring the committee up to date.

Embarking on the findings, observations and recommendations as seen by the Public Accounts Committee, we looked at the Treasury operations and the first query was non-collection of Government dividends. According to the summary statement of the Financial Performance of Public Corporations and State Enterprises for the financial year ended 30 June 2015, Housing Finance Bank Limited made a dividend declaration of Shs 2,554,043,092 implying that Government of Uganda’s share was Shs 1,256,589,201.026.

However, this amount was not received by Government of Uganda and was not recognised in the receivable balance for both the Treasury Operations and the Consolidated Financial statement. The failure to remit dividends deprived Government of revenues on investments, which is a violation of its right as a shareholder in the company.

In the circumstances, it is highly likely that Government of Uganda is losing revenue through laxity in the collection of dividends and that the receivable balance is understated by Shs 1,256,589,201.26 and any other uncollected receivables.

The accounting officer acknowledged the observation and appreciated the need for enhanced monitoring to compliment the efforts of the Project Monitoring Unit and it was further explained that the Accountant-General has accordingly established mechanisms for timely remittance of dividends once declared.

However, the committee observed that the Permanent Secretary/Secretary to Treasury (PS/ST) as a representative of the Government failed to discharge his responsibilities and thereby failed to safeguard the interest and rights of Government as a shareholder in Housing Finance Bank.

We also observed that there is inefficiency and gross negligence of duty in the Privatisation Monitoring Unit coupled with lack of a clear mission and objective in investing in private companies.

Our recommendations are:

1. The accounting officer should immediately collect all outstanding dividends on behalf of Government and submit a report to Parliament.
2. The PS/ST should institute efficient measures of ensuring accountability and transparency in state-owned companies and timely collection of dividends must be ensured.

As far as payments in respect of orders of *mandamus* is concerned, Mr Speaker, during the period under review, the Auditor-General noted that Shs 114,037,786,253 was paid out of treasury operations to various beneficiaries in respect of Court awards and compensations.

However, the following matters were noted:

The way accounting treatment of orders of *Mandamus* payments was done. A review of the consolidated financial statements indicated that only payments made in the year were captured in the accounts. However, the Auditor-General noted that these court orders have been enforced against the Government over a period of time and were not recognised as payables at the time yet there had been evidence that Government had a future obligation to settle.

Under the circumstances, the amount of outstanding payables in this regard may be much more than what has been disclosed as there is no clear system to record and manage such payments. The accounting officer acknowledged the observation and explained that there is need to establish a procedure to record these cases, as disclosure could have implications to Government.

The committee observed that the preparation of inaccurate accounts was a clear indication of failure to adhere to the Internationally Recognised Accounting Standards, thereby failing to recognise a contingent liability.

We, therefore, recommend that the PS/ST, Mr Keith Muhakanizi, should be sanctioned in accordance with sections 11(2)(g) and 79 (1)(d) of the Public Finance Management Act, 20l5.

We also recommend that Court awards should be recognised as payables in the financial statements.

Mr Speaker, concerning payments categorised as *mandamus* without evidence, payments totalling Shs 53,381,086,654, made by the ministry as *mandamus*, were not supported by a writ of *mandamus* served on the PS/ST.

A review of the documentation availed indicated that the claims upon which the payments were made were supported by other documents other than writ of *mandamus*. Accordingly, their payments could have been paid from the Ministry of Justice and Constitutional Affairs where they were budgeted for as per their mandate since they do not constitute a direct charge to the Consolidated Fund.

In response, the PS/ST explained that he had obtained a legal opinion from the Auditor-General indicating that it was lawful for the Secretary to Treasury to make such payments from Treasury operations.

The committee observed that;

1. Effecting payments without a writ of *mandamus* issued against the PS/ST was irregular.
2. The committee also questions the intention of the PS/ST to make payment of this particular court award among other court awards without a writ of *mandamus*.
3. Government risks making a double payment, for example whereby the Ministry of Finance, Planning and Economic Development and the Ministry of Justice and Constitutional Affairs will both pay a claimant.

We, therefore, recommend that;

1. The IGG should investigate the irregularities in *mandamus* payments with a view to prosecuting the PS/ST.
2. The PS/ST should set up a robust system of payment of court awards that ensures fairness and transparency.

Unsustainable payment of orders of *mandamus*

The Auditor-General also noted that payments in respect of orders of *mandamus* increased from Shs 88 billion in the previous year to Shs 114 billion in the year under review. This increment of about 30 per cent may not be sustainable without negatively impacting on other Government programmes. For instance, the annual payments are more than the budget estimates of majority of Government entities.

The accounting officer acknowledged the observation and explained that the ministry is aware of the unsustainability of orders of *mandamus* payments and is making efforts aimed at having this matter contained through increasing the budget of Ministry of Justice and Constitutional Affairs, particularly facilitation of state attorneys. That was an observation by the Auditor-General. In Financial Year 2015/2016, a provision of Shs 10 billion had been made aimed at improving representation in Courts of law.

The second observation by the Auditor-General was in the Budget Call Circular for Financial Year 2014/2015 dated 9 September 2015, all Court awards and compensation payments were to be decentralised to ensure that all accounting officers are fully accountable for their actions.

The committee, therefore, observed that the astronomical increment of Court awards points to grave weaknesses in management of Court cases, incompetence and connivance between the plaintiffs, defendants and the accounting officer.

The committee therefore recommends that:

1. The Ministry of Justice and Constitutional Affairs should ensure that Court awards are minimised through effective and efficient management of court cases.
2. The Auditor-General should be held accountable for poor management of Court cases.
3. The Ministry of Finance, Planning and Economic Development should make adequate provisions in the budget to promptly discharge Court awards.

Mr Speaker, there was also a situation of absence of reconciliation of amounts paid by the Ministry of Finance, Planning and Economic Development and the Ministry of Justice and Constitutional Affairs. The Ministry of Justice and Constitutional Affairs -

**THE DEPUTY SPEAKER:** Chairperson, do you intend to read the entire report.

**MS OSEGGE:** I thought I would enjoy that but if you advise otherwise, I will oblige because it is a small report.

**THE DEPUTY SPEAKER:** No, it is very big. If you are going to read page by page then I have to defy.

**MS OSEGGE:** Okay. Allow me to read the query, observations and recommendations of the committee.

**THE DEPUTY SPEAKER:** Please, chairperson -

**MS OSEGGE**: Thank you, Mr Speaker. Absence of Reconciliation of amounts as paid by Ministry of Finance, Planning and Economic Development and Ministry of Justice and Constitutional Affairs.

The committee observed that:

1. There is a total lack of control of management of Court awards.
2. That the management of Court cases, collusion and connivance contributed highly to the astronomical rise in awards of damages against the Government.
3. There is lack of coordination between the Ministry of Justice and Constitutional Affairs and the Treasury, which has led to variances in balances stated by each of them.
4. In the absence of a reconciled position of outstanding balances, there is a risk of overpayment of claimants by either institution.

The committee, therefore, recommends as follows;

1. A forensic audit of management of Court awards be instigated.
2. The Director Civil Litigation should strengthen the supervision of state attorneys in order to minimise poor performance.
3. Government should set up a compensation policy to ensure that relevant ministries, departments and agencies (MDAs) act as focal points for paying out compensation awards.

Mr Speaker, on the budget for expenditure for the Privatisation Unit under the Ministry of Finance, Planning and Economic Development, the committee observed that there was diversion of funds. This is tantamount to mischarge and it is punishable according to Section 79 (1) (m), (o) and (q) of the Public Finance Management Act.

We, therefore, recommend that the Privatisation Unit be dissolved within three months from the date of adoption of this report to save Government from nugatory expenditure.

On the payment of avoidable interest on Value Added Tax (VAT), it was noted that as of November 2014, the outstanding VAT obligations for BIDCO stood at Shs 744,420,170. Included in this figure was a late payment interest charge of Shs 168,747,557. Accordingly, a sum of Shs 700,000,000 was paid to Uganda Revenue Authority (URA) towards settlement of the tax arrears.

The committee noted that there has been widespread failure to honour Government’s commitment, resulting into wastage of public funds. We also observed that the source of Shs 700,000,000 paid to URA as tax arrears to BIDCO was not disclosed and that amounts to unauthorised expenditure.

The committee, therefore, recommends that the accounting officer should settle tax obligations to avoid unnecessary penalties going forward. The accounting officer should also always make a provision in the budget for settlement of tax obligations.

Concerning delays in the implementation of agreement terms, the memorandum of understanding (MoU) terms were unfavourable to Government. That was the MoU between BIDCO and Government - I am sorry I risk not making this understood. Allow me to read a few portions.

As far as delay in implementation of agreed terms is concerned, the Government of Uganda entered into an agreement with BIDCO for the development of the Oil Palm Industry in Uganda on the 04 April 2003. Under Article 5(7) of the agreement, Government agreed to pay all VAT obligations on behalf of BIDCO for oil products for a period of 11 years from the date of the Agreement.

After the 11 years, BIDCO would start paying VAT directly on its own and from the 12th year start refunding to Government the VAT plus 5 per cent interest for the first 11 years in eight equal instalments over a period of eight years. This condition was subject to fulfilment of Article 4(3) of the agreement, which requires Government to have handed fully to BIDCO all the agreed 26,500 hectares of land.

However, the above provisions have not been achieved due to delays in implementation of the agreed terms. For instance, Government’s obligation to pay VAT on behalf of BIDCO for 11 years was supposed to end on 04 April 2014. From 05 April 2015, BIDCO was supposed to start meeting its own VAT obligations and by 04 April 2015, the first refund instalment would be due to Government. Government has continued to pay all BIDCO VAT obligations and BIDCO is exercising their right under Article 5(7) to delay the refunds to Government.

Management explained that the delay was due to unsuitable land offers from prospective sellers; otherwise Government is committed to acquiring the balance of 10,000 hectares of land as per the agreement.

The committee observed that the MoU terms were unfavourable to the Government hence benefiting BIDCO and occasioning loss of public funds.

The committee, therefore, recommends that Government is directed to immediately fulfil its obligation of availing BIDCO with the remaining 10,000 hectares of land and report to Parliament thereafter.

Concerning payment of annual subscriptions to international organisations, there was an outstanding balance of $2,135,779.

The committee observed that failure to honour international obligations in time is not only an embarrassment to the nation but also poses a risk of suspension and loss of membership rights and privileges.

The committee, therefore, recommends that the Permanent Secretary/Secretary to the Treasury (PS/ST) is directed to ensure timely payment of subscriptions to international organisations when they fall due to avoid accumulation of interest.

The PS/ST is also directed to provide an update on the status of the outstanding obligations to international organisations and a settlement plan to Parliament within 30 days of adoption of this report.

Payment of the fourth instalment under ADB Subscription

Mr Speaker, in August 2010, the governing council of the African Development Bank (AfDB), under the sixth general capital increase of the bank, allocated Uganda shares worth $19,759,798 payable over a 12-year period in annual instalments of $1,646,649.

It was noted that the payment of Uganda’s fourth instalment of $1,293,299, which was due on 16 March 2015 had not been made. As a result, the callable shares related to the missed instalment had been suspended in line with the board of governors’ resolution on the sixth general capital increase of the bank meeting.

The committee observes that failure to pay annual subscription affects the Bank’s resources for disposal in financing of investment projects and programmes in the member countries. It also curtails Uganda's participation and benefits that accrue from being a member.

Secondly, delays in settlement of agreed annual subscriptions poses a risk of suspension of Uganda's shareholding in the bank.

The committee, therefore, recommends that the PS/ST, Mr Keith Muhakanizi, is directed to ensure timely payment of agreed annual subscription instalments and report to Parliament within 30 days of the adoption of this report.

Payment of avoidable interest on arrears of East African Development Bank (EADB)

Mr Speaker, there was $l,l73,460 as arrears. A review of the capital subscription statement for the EADB dated 02 May 2014 revealed that Government of Uganda has 1,800 shares at $22,667 per share amounting to $40,800,600 and 20 per cent was payable in five instalments, which was worth $8,160,120.

It was noted that there was a delay in settlement of due subscriptions, especially for the period 2009-2012, leading to accumulation of interest of $1,173,460, which was eventually paid together with other arrears.

Payment of the interest on such obligations is regarded as nugatory expenditure.

Management explained that the delay in subscribing to EADB was as a result of insufficient funding.

Observations

The committee expressed concern over the total lack of planning and commitment by the Government to honour international treaties and organisations.

We also observed that the failure to fulfil treaty obligations gives the country a bad image among committee of nations.

Recommendation

We ask you to refer to our recommendation (ii) above.

On foreign exchange loss due to delays in settlement of subscriptions to International Organisations, the committee raised concern over the wilful neglect of obligations to international treaties.

We, therefore, recommend as in (ii) above.

Inadequate budget provision for Subscriptions to International Organisations;

The committee noted that there has been persistent intentional under-allocations and underfunding for subscriptions to international organisations.

The committee noted that the total government obligation to international organisations is Shs 252,372,391,072.

The recommendation is in (ii) above.

On recognition of tax arrears inclusive of interest for Quality Chemicals Industries, the ministry recognised, in its financial statements, outstanding obligation to pay taxes worth Shs 7,060,137,353 on behalf of Quality Chemicals Industries Limited as a tax incentive. The taxes were in respect of corporation tax (tax on profits) for the year 20l4 and six months provision tax for 2015. It was noted that this figure includes interest on late payment of Shs 604,620,309.

Recognition of tax liability, inclusive of interest, implies that the ministry has committed to pay the interest component as well. On payment, the interest component becomes nugatory expenditure since it would have been avoided had timely payments been made.

The committee established that Government had no will to fulfil its commitments and deliberately failed to plan and honour the obligations.

The committee therefore recommends that the PS/ST should be reprimanded by the appointing authority for failure to budget for tax obligations.

**THE DEPUTY SPEAKER:** Honourable chairperson, please let me recognise children that might be going away and then you proceed. Honourable members, in the gallery this afternoon we have students from Teso College Aloet, Soroti District, represented by hon. Cosmas Elotu and hon. Angelline Osegge who is actually in full combat right now –*(Applause)*– You are welcome.

**MS OSEGGE:** Un-registered gaming and pooling companies

The Lottery Board, under the Ministry of Finance, Planning and Economic Development is mandated to issue licences for the players in the casinos, pools and betting business. In the process, URA collects these fees on behalf of the Lottery Board.

A comparison of the MoFPED list of licensed pooling companies as published in the *New Vision* of Thursday, 30 June 2015 with those registered with URA for the period 2014/15 revealed that a number of companies were registered and are subsequently remitting taxes to URA.

However, 45 companies transacted business during the year under review without licences. As a result, the expected NTR from licence fees were not fully realised.

Management explained that the Lotteries and Gaming Act, 2015, was recently passed and is expected to establish a fully-fledged organisation to monitor and regulate the gaming industry.

Observation

The committee did not agree with the explanation of the accounting officer as ignorance of the law is no defence.

Recommendations

1. The accounting officer should be stripped of that responsibility and be assigned other duties.
2. Dues from the 45 companies should be recovered within three months after adoption of this report.

Presidential Initiative on Banana Industrial Development (PIBID)

The Auditor-General questioned the legal status of the project and its attachment to the line ministry. The Presidential Initiative on Banana Industrial Development and its Board and Management Committee was established by an Executive instrument in 2005 and its term renewed for another five years in 2011, which also expired in October, 2015.

Following the expiry of the executive instrument, the Minister of Finance, Planning and Economic Development wrote to the Attorney-General in his communication referenced EDP141278/01 of 16 March, 2015 seeking opinion on the legal status of PIBID and its Board and Management Committee.

Accordingly, the Attorney-General in his reply referenced FPC/33/62/01 of 10 September 2015 advised as follows:

Under issue No.10 that in his opinion, the legality of the executive instruments establishing PIBID and its Board and Management Committee are open to challenge.

In issue No.15 he proposed that PIBID and its Board and Management Committee is established as a Public Agricultural Research Institute under the National Agricultural Research Act, 2005. He argued that an institute established under this Act is in many respects similar in nature and form to PIBID and its Board and Management Committee.

Issue No.16 further explains that the primary function of a public agricultural research institute is similar to the primary function of PIBID and its Board and Management Committee.

Following the above facts and legal advice, it is clear that the legal status of PIBID and its Board and Management Committee remains questionable. It was therefore noted that by the time of writing this report, no evidence was available from PIBID management to show that the issue of the legal status had been or is being resolved. There is a risk that the project is currently operating without any authority and mandate in place.

There was also the issue of lack of an approved strategic plan by PIBID and also an approved business plan.

Observation

The committee observed that the parallel development of this project alongside other similar Government institutions like NARO was not necessary and results into duplication and wastage of public resources.

Lack of a strategic plan and a business plan is an indication of immature implementation, of incomplete thinking and planning processes.

The committee recommends that for purposes of synergy, effective and efficient use of scarce public resources, the management of PIBID should be put under the Ministry of Agriculture, Animal Industry and Fisheries.

**THE DEPUTY SPEAKER:** Madam Chairperson, please try and wind up now.

**MS OSEGGE:** Okay.

Disclosure of accounting for domestic arrears

The committee observed that these arrears were committed without express or written authority.

It further observed that these arrears did not undergo the process of verification and therefore, could not be recognised.

The committee, therefore, recommends that the Auditor-General should undertake verification of the credibility of all these arrears.

The unresolved status of the PIBID patent

I will just read through all the issues of PIBID; there is also the issue of status of land located in Bushenyi under PIBID, the unfunded project planned activities amounting to Shs 6,682,145,000 and the advances to personal accounts for the staff of PIBID.

Observations

1. The committee observed and faulted the accounting officer for disregarding the opinion of the Attorney-General contrary to Article 119 of the Constitution.
2. The committee observed that PIBID is being run contrary to established corporate governance principles.
3. The project manager takes the project as her personal business and it is only liable for mal-administration in the project.
4. Advancing money to individual accounts was wilful violation of financial regulation.
5. In line with section 19 of the Industrial Property Act, 2014, the right to patent for an invention made in execution of a contract of employment belongs to the person having commissioned the work or to the employer, which in this case is the Government of Uganda.

Mr Speaker, the committee, therefore, recommends that;

1. PIBID should be disbanded and no more funds be allocated to it until its legal status is regularised.
2. The PS/ST should urgently pursue the remedies available under the Industrial Property Act, 2014 and have the patents vested in the Government of the Republic of Uganda as the employer of the scientists under PIBID or this be paid for by the scientists.
3. The accounting officer should recover Shs 192,664,939 within 30 days from the adoption of this report. The PS/ST should urgently secure the interest of Government in the land acquired by PIBID using public funds.

Conclusion

Mr Speaker, the audited accounts for the accountability sector for the financial year 2014/15 present the following salient issues; payment in respect of *Mandamus* and accountability for it; the lack of a legal status for the Presidential initiative on Banana Industrial Development and; payment of annual subscription fees to international organisations.

The payment of *mandamus* claims without the writ of *mandamus,* as evidenced, casts doubt on the payment processes and leads to deprivation of those that should have otherwise benefited from the funds provided.

Further, financial impropriety has been cited under PIBID yet the project lacks a legal status and has funds appropriated to it every financial year.

Payments made towards this project should, therefore, be stopped henceforth, until its status has been ascertained.

The committee also noted a poor financial performance of the Microfinance Support Centre.

Mr Speaker, I beg to move that this report be adopted by the House. Thank you.

**THE DEPUTY SPEAKER:** Thank you, chairperson. The report is very elaborate but it faces the usual challenges that we face when we come to debate them; for example, the issue of the unresolved status of PIBID patents. This Parliament discussed this five years ago. We do not know what the current status is.

Your report is talking in terms of five years ago; what is the current status? We do not know it. It is not the committee’s difficulty but it is our difficulty because this report is of the financial year 2014/15. What has happened since that time? There are very many things that have changed since that time but we are now going to debate as if we are in 2014/15; as if the events were current and yet they are not anymore.

I do not how we will eventually update this thing to say that this is what happened in that financial year but as of now, this is what has happened because now we are not sure about the status of land in Bushenyi. Is it still the same five years ago? These are things that Parliament should be assisted with so that we take decisions that can help.

**MS OSEGGE:** Mr Speaker, aware that we are dealing with backlog, we ask the Government agencies to tell us the current status. I can confirm that the status is still the same today.

**THE DEPUTY SPEAKER:** Thank you very much. Honourable members, that is the report and it is very elaborate. I think it will require some time to look at and then come back and have a good debate. Honourable members, study this and we will come back and have a debate on this matter.

I propose the question for your debate and then we will come and debate this matter. Honourable members, the motion that I propose for your debate is that the report of the Public Accounts Committee (Central Government) on the report of the Auditor-General for the financial year 2014/15, (Accountability Sector) be adopted. I will defer debate to allow Members to first internalise this and then we come back to it later.

MOTION FOR RECONSIDERATION OF THE NATIONAL BIO-TECHNOLOGY AND BIO-SAFETY BILL, 2017, AS RETURNED BY H.E. THE PRESIDENT

**THE DEPUTY SPEAKER:** Honourable members, we called this just for purposes of guiding on what the honourable member for Manjiya raised about whether this Parliament is competent to handle Bills returned by the President, considering that this particular Bill was returned on 20 December, 2017.

Our Rules of Procedure are clear, especially Rule 142(2) which is clear on the timeline given to the committee to come back to the House and advise us on how to proceed. However, the rules do not provide any timeline for when Parliament can take a decision.

Therefore, the committee has a time limit but no rules affect the time limitation given to the committees; we have always extended them. I do recall that it was under the chairmanship of the honourable member for Nakifuma, when he made this request that they needed more time. Therefore, it does not affect Parliament.

Even when you look at it, he made reference to the Constitution in Article 91(3) and (4) which is very clear. The only time limitation that is given are the 30 days given to the President in Article 91(3); the President must do something in one way or the other. He must return, assent to or do something within 30 days. That time has no problem but for Parliament, under Article 91(4), there is no limitation. Parliament will consider and then get back, depending on how much time it can take.

Therefore, honourable Member, your procedural matter was not properly placed within the law and it had no legal basis. It suffers the problem that most such things suffer; they are at least with Court but of course we took the opportunity. In this case, we will apply them.

Actually, this matter is properly before the House. The House has competence to handle it except that we will not now be able to start this matter. We need to defer it but I would like to go back to the Bill that was started and we had gone on some clauses. Can you call that Bill now?

BILLS

COMMITTEE STAGE

THE NATIONAL ENVIRONMENT BILL, 2017

**THE DEPUTY CHAIRPERSON:** Honourable members, you will recall that yesterday, we made good progress on this Bill. We stood over clause 2, clause 31, clause 75, clause 96 and we stopped at clause 105. We will proceed knowing that specific issues, especially under clause 31 on the definition of plastics has not been properly resolved and that has implication on clause 75 that is why we deferred it.

Also, the issue of littering under clause 96 was not clear. These are areas that we need to have further engagements on so that they can come out clearly. When we stopped on clause 105 it had issues on how to deal with noise and remember that discussion is where we paused. We will move from there and go to the next clauses and see how much of this work we can do.

Clause 106

**THE DEPUTY CHAIRPERSON:** I put the question that clause 106 –*(Mr James Kakooza rose\_)*- honourable member, do you want to debate or you are always on matters of procedure? We have stood over those ones and we would like to proceed with the rest that we can handle then we come back to those ones that need more scrutiny. You are not on record. Would you like to be on record?

**MR JAMES KAKOOZA:** Yes, I would like to be on record. After passing clause 88(5), the consequential amendments are within clause 106; I thought it should be on record and they become consequential amendments. For example, “the Authority shall, in consultation with the relevant lead agency...” but we had already passed sub-clause (5) where “the minister may, in consultation with the Authority and the relevant lead agency, by regulation or prescribed measures...” I thought that it should be clear wherever we find the word “Authority”, we replace it with the word “minister” because we have already passed sub-clause (5).

**THE DEPUTY CHAIRPERSON:** No, I think those amendments are substantial and we need a clear definition of the House on them. That cannot be consequential but we have to take a decision on it that we are amending what is in the Bill.

For example, consequential amendments would be, if you say we delete “deputy executive director” that would now apply across the Act. However, where you need to examine what we are saying, it may not be right to do it by consequential amendment. Let us look at it, if we change it, let us change it and we move. Clause 105 was stood over.

**MR JAMES KAKOOZA:** Clause 106, “the Authority shall, in consultation with the relevant lead agency...” - the main issues stand the same that it should be the minister because this is a policy issue in the ministry not the Authority. We have to use “the minister shall, in consultation with other relevant lead agencies...”

**MR NIWAGABA:** If you read the clause very well, it talks of guidelines. Guidelines are different from regulations. Regulations are in form of statutory instruments where those guidelines are merely policies and that is why we leave them to the Authority and not to the minister. I beg that you allow us to proceed.

**THE DEPUTY CHAIRPERSON:** No, hon. James Kakooza now knows what my fears are. That what looks the same may not necessary be the same.

**MR JAMES KAKOOZA:** I would like to hear from the minister what the practice has been. I have been in Cabinet and have never heard any Authority whereby - even the regulations we pass here, have been done by the ministers within the sector and not the Authority. What I am saying is that you cannot create a monster to be above a minister on policy issues. This is what you are creating. This is a policy issue and it cannot be handled by the Authority.

**THE DEPUTY CHAIRPERSON:** Honourable minister, does clause 106 have the effect of law?

**DR KITUTU:** Well, the same policy standard, I think what he is raising is of serious concern. You know the National Environment Act came before the Constitution. We have been having issues whereby the NEMA executive director had been given authority and would execute certain activities or guidelines and regulations without consulting the minister. We need to harmonise this here. What the honourable member is raising is –

**THE DEPUTY CHAIRPERSON:** Honourable minister, listen carefully to my question: What is under Rule 106 and under clause 106, does it amount to a provision that has the effect of law? Does it become like a statutory instrument? If it is not, would you like to do administrative guidelines as a minister?

**DR KITUTU:** Yes, some of the guidelines are actually binding.

**THE DEPUTY CHAIRPERSON:** You should then make them rules. Ministers do not make guidelines but rules. Parliament delegates the power to you to make rules and not guidelines.

**DR KITUTU:** Let them do regulations not guidelines –

**THE DEPUTY CHAIRPERSON:** Honourable minister, you need to consult with your team.

**DR KITUTU:** No, I think this should be regulations.

**THE DEPUTY CHAIRPERSON**: Honourable minister, you need to consult with your team on this matter while we stand over it.

**MR SSEGGONA:** If I may come to the aid of my sister, under the Constitution, we have the power to delegate our legislative counsel. Now, when it comes to matters like this one, which;

1. Is procedural and has no effect of law, I think the minister would be over-burdening herself to assume this kind of –the Authority is more competent in the sense that it is technical.
2. There are enforcing agencies. They are the ones that are going to enforce and oversee the implementation of these standards.

I think the minister understood me properly but was simply not taking a decision. I do not know whether they discussed it at Cabinet level and whether she still remembers what was discussed.

My view, with humility my sister, would be that you accept to leave this to the accountants.

**MR KIWANUKA:** We have already confirmed and emphasised that we are looking at making the regulatory agency as strong and as independent as possible. What we are talking about here are matters to do with regulation, establishing standards and then providing that link to other agencies. That cannot be something for the minister and that is why we are referring to the authority and not the minister.

**THE DEPUTY CHAIRPERSON:** Honourable minister, do you need to consult on this and we stand over this?

**DR KITUTU:** I think I stand with my chair. We have consulted. Let the authority –

**THE DEPUTY CHAIRPERSON:** I put the question that clause 106 stand part of the Bill.

*(Question put and agreed to.)*

*Clause 106, agreed to.*

*Clause 107, agreed to.*

*Clause 108, agreed to.*

*Clause 109, agreed to.*

Clause 110

**DR KIWANUKA:** This is about the responsibility of the developer and under sub-clause (3), the committee recommends that we insert “human rights risk assessment” immediately after “social impact assessment”.

Justification: The UN guiding principles on business and human rights make this approach a requirement to ensure that states and companies prevent and address human rights abuses.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the amendment proposed by the committee. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 110, as amended, agreed to.*

*Clause 111, agreed to.*

*Clause 112, agreed to.*

*Clause 113, agreed to.*

Clause 114

**MR KIWANUKA:** The committee is proposing that we replace sub-clause (6) with the following: “The bio-diversity or other offsets or compensation mechanism referred to in sub-clause (4) shall be designed and funded by the developer as long as the impacts exist or preferably, in perpetuity.

Justification

The developer should be responsible for designing and funding of the offset. This is to ensure that the authority only retains the role of monitoring and evaluating without incurring extra cost of maintenance of the offset.

We are also proposing that we replace sub-clause (8) with: “The authority may issue guidelines for bio-diversity offset, other offsets and compensation mechanisms based on best practice”.

Justification

It is a consequential amendment.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have heard that.

**MS NAUWAT:** Thank you, Mr Chairman. My concern is on sub-clause (8). We are not actually replacing the whole clause. If you read the Bill and what you have put there, it reads, “The authority may issue guidelines for bio-diversity offset” and you are inserting “other offsets and compensation mechanisms based on best practice”. Therefore you are just inserting, you are not replacing it in any way.

**MR NIWAGABA:** If you look at sub-clause (4) of this particular clause, the amendment of sub-clause (8) is to make it match with sub-clause (4). Therefore it is a consequential amendment.

**THE DEPUTY CHAIRPERSON:** Are we okay now? Can I put the question to this particular one? I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 114, as amended, agreed to.*

Clause 115

**MR KIWANUKA:** We are proposing that under clause (5), we insert the words, “upstream” before “petroleum” to read as “…upstream petroleum”.

Justification

The provision does not apply to downstream petroleum activities.

**THE DEPUTY CHAIRPERSON:** So you are saying that it will read like this: “For the avoidance of doubt, decommissioning of upstream petroleum activities…” Is that what you are saying?

**MR KIWANUKA:** Yes, that is it.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have heard the amendment. Is it clear enough? Can I put a question to that amendment?

*(Question put and agreed to.)*

*Clause 115, as amended, agreed to.*

*Clause 116, agreed to.*

*Clause 117, agreed to.*

*Clause 118, agreed to.*

*Clause 119, agreed to.*

*Clause 120, agreed to.*

Clause 121

**MR KIWANUKA:** We are replacing sub-clause (5) with the following: “The authority shall, upon detecting any non-compliance by the developer with the requirements of this section, notify the developer in writing and require the developer to comply”.

Justification

Notification for compliance should be in writing.

**THE DEPUTY CHAIRPERSON:** Is it clear enough, Members? I put a question to that amendment.

*(Question put and agreed to.)*

*Clause 121, as amended, agreed to.*

*Clause 122, agreed to.*

*Clause 123, agreed to.*

Clause 124

**MR KIWANUKA:** Clause 124 is about certificate of laboratory analysis and we are proposing the insertion of a new sub clause (4) to read as follows: “The result of any analysis made by the laboratory shall be open to inspection by all interested parties.” The justification is that this will support best practices in quality assurance and test results for any analysis may be accessed through a peer review mechanism.

**THE DEPUTY CHAIRPERSON:** Members, is that clear? I put the question to the amendment.

*(Question put and agreed to.)*

*Clause 124, as amended, agreed to.*

*Clause 125, agreed to.*

*Clause 126, agreed to.*

*Clause 127, agreed to.*

*Clause 128, agreed to.*

*Clause 129, agreed to.*

Clause 130

**MR KIWANUKA:** Mr Chairperson, under clause 130, we propose to replace the word “less” with the word “more”.

**THE DEPUTY CHAIRPERSON:** Where do you want to do this? You need to direct us.

**MR KIWANUKA:** It is under sub clause (1) which reads: “An environmental restoration order issued under section 129(1) shall be served on the responsible person and shall require that person to take the action specified in the order, in such time being not less…” That word “less” was an error and we would like to replace it with “more”. It will then read: “…shall require that person to take the action specified in the order, in such time being not more than 21 days from the date of service of the order or such further period as may be prescribed in the order.”

**THE DEPUTY CHAIRPERSON:** Is that clear? I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 130, as amended, agreed to.*

*Clause 131, agreed to.*

*Clause 132, agreed to.*

*Clause 133, agreed to.*

*Clause 134, agreed to.*

*Clause 135, agreed to.*

*Clause 136, agreed to.*

New clause

**MR KIWANUKA:** We propose that, after clause 136, we insert another clause to read: “Power to seize: The authority, authorised officer or environmental inspector may seize any substance, material, equipment or plant in accordance with this Act.” The justification is that this will empower the authority.

**THE DEPUTY CHAIRPERSON:** Is that clear, honourable members? Member for Bwamba County?

**MR GAFABUSA:** Thank you, Mr Chairman. I have an issue with the “authorised officer” because it is not defined. At least we are clear with the “authority” and “environment inspector” but when we say “authorised officer” and it has not been clarified to us who that person is, then we may have anybody coming up to seize and we have problems in future. Who is that?

**THE DEPUTY CHAIRPERSON:** It is defined in clause 2

I put the question that the new clause, as proposed by the committee, stand part of the Bill.

*New clause, agreed to.*

*Clause 137, agreed to.*

*Clause 138, agreed to.*

*Clause 139, agreed to.*

Clause 140

**MR KIWANUKA:** Mr Chairman, we propose that we delete the entire part 13, which is about “Environmental Tribunal”, i.e., deleting clauses 140-159 and wherever there is a reference to the tribunal in this Bill.

The justification for this, as I put it yesterday in the summary of our report, is that this has been overtaken by events. The Judiciary has established a division within the judicial system to handle environmental matters.

Secondly, it will be an additional burden to the taxpayers, which we are trying to avoid at the moment.

Thirdly, unless we accept it as an additional burden to the taxpayers and expand it throughput the country, it will only be a Kampala outfit. For those reasons, therefore, we are recommending that this idea of a tribunal is completely deleted from the Bill.

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal is for deletion of part 13 of this Bill, comprising clauses 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158 and 159. The proposal of the committee is that this part 13 and the clauses mentioned be deleted. I put the question that motion.

*(Question put and agreed to.)*

*Part 13, deleted.*

*Clause 160, agreed to.*

*Clause 161, agreed to.*

*Clause 162, agreed to.*

*Clause 163, agreed to.*

*Clause 164, agreed to.*

*Clause 165, agreed to.*

*Clause 166, agreed to.*

*Clause 167, agreed to.*

Clause 168

**MR KIWANUKA:** We are proposing an insertion here under –

**THE DEPUTY CHAIRPERSON:** No, handle Clause 168 first.

**MR KIWANUKA:** On Clause 168, which is assessment of environmental implications of a Treaty, we are proposing an insertion of a new sub-clause to be sub-clause (2) and to read as follows -

**THE DEPUTY CHAIRPERSON:** No, there is no sub-clause (1) so you are proposing to introduce what is already there; we have sub-clause (1) so you are proposing a new sub-clause which is (2).

**MR KIWANUKA:** We are proposing to insert a second sub-clause here to read as sub-clause (2) so we have sub-clause (1) and sub-clause (2). Sub-clause (2) will read as follows:

“Where Uganda is a party to an International Treaty, Convention or Agreement concerning the management of the environment, the minister shall, with the approval of Cabinet and in consultation with the authority and relevant lead agencies-

1. initiate legislative proposals for purposes of giving effect to such treaty, convention or agreement in Uganda of enabling Uganda to perform her obligations; or
2. identify other appropriate measures necessary for the national implementation of such treaty, convention or agreement.”

**THE DEPUTY CHAIRPERSON:** Honourable members, is that clear? I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 168, as amended, agreed to.*

Clause 169

**THE DEPUTY CHAIRPERSON:** Chairperson, you had a proposal after Clause 168.

**MR KIWANUKA:** We are proposing that we insert another clause after Clause 168, which is to do with presentations of treaties, protocols and international agreements before Parliament. This will be Clause 169:

“ (1) The minister responsible for treaties, protocols and international agreements concerning the management of the environment shall lay before Parliament any treaty, protocol or international agreement entered into by the Government of Uganda within six months after it has been concluded or signed.

(2) The minister shall, at least twice a year, report to Parliament on the implementation of any international treaty, protocol and agreement entered into by Government.

(3) Where an international treaty, protocol or international agreement imposes an obligation on Uganda to submit periodic reports, the minister shall present to Parliament the draft periodic compliance reports, prior to them being submitted to the relevant treaty.”

Basically, this is against the background that Uganda has signed many treaties but many of them have not been domesticated. Secondly, these international treaties offer us as a country to commit to certain international requirements, which help to speed up things in our own country and bring commitment.

Here, we are putting a mechanism which brings these ratified international treaties to the attention of Parliament. We are also seeking to ensure that Parliament can follow up on how these treaties are being complied with. That is the justification for this clause.

**THE DEPUTY CHAIRPERSON:** Honourable members, the presentation is there but as a technical issue with the drafting, you have the minister responsible for treaties. There is no guidance to which minister is in sub-clause (2) or even in sub-clause (3). Which minister is this now because the minister is defined under this law? Not so? You need to clarify. Have you redrafted it?

I still have a problem with the drafting. Can it be clarified better or separated all together? If somebody is reading this, how do you now know that sub-clause (2) refers to a different minister from the one in sub-clause (1)? He can find avenue for challenging or making issues out of it. So, can we tidy it up to read better? You are mentioning two kinds of ministers here so it would be better if it is clear.”

Can we stand over this? It is just a drafting issue?

**MR KASULE:** Mr Chairperson, apart from the drafting, even requiring the minister to come and report to Parliament twice a year is too cumbersome. Let the minister come once a year and update Parliament. It is as if the international community is pushing so many laws to us in a year. Let it be at least once a year and then we redraft.

**THE DEPUTY CHAIRPERSON:** The clause has already been stood over so your amendment is now in vain. *(Laughter)* We have stood over this proposal to improve on the drafting and then we come back and look at it.

**MS BABA DIRI:** Thank you, Mr Chairperson. I would like the chairperson to differentiate for me because there are two stages when we are adopting a treaty. The first stage is to sign. Normally, the signing is no problem. The President or the minister can sign.

However, the most important is to ratify. Are we talking of ratification or signing? It is the ratification which compels us to implement that treaty. Chairperson, I would like to get that clarification. What are you talking about? Thank you.

**MR KIWANUKA:** I think it is both, Mr Chairperson. There is a bit about signing and then another bit about ratification. It may vary from treaty to treaty, depending on what it might be. However, what we are emphasising here is the need to have the treaties that have been signed and probably ratified to have a compliance of how Parliament continuously assesses what is happening.

**THE DEPUTY CHAIRPERSON:** Here there are already those that are in the final stages, they have already been ratified whether they do not require constitutional changes which would have been done by Cabinet or they would have already been done by Parliament where it requires changes in the Constitution.

This process would have already been concluded. Now what do you do with a treaty that has all the final stages; you lay it before Parliament.

This is not laying for approval or for anything else but for information that this particular treaty is now operational in Uganda and we put a copy *-(Interruption)*

**MR SSEGGONA:** Mr Chairman, when you look at the language in this particular clause; they are saying which has been “concluded or signed”. We need to clarify on the language. Which of the two is meant: concluded or signed?

**MR KIWANUKA:** Mr Chairman, we stood over this clause and as a learned man-

**THE DEPUTY CHAIRPERSON:** For purposes of coming back properly you need to look at all those things.

**MR KIWANUKA:** The main principle which we are trying to capture here is that there is a mechanism to help follow-up on treaties that have been ratified and to know what is happening to them.

The obligation is to put whoever is responsible for implementing this treaty to provide a feedback or report on how we are progressing. They have been signed and ratified, and we are looking at how they are being implemented.

**MR SSEGGONA:** Mr Chairman, I am raising this in good faith, you need to guide the minister who you want to come here in Parliament, on when to come and if you make a law that is vague; you are going to assist the minister to hide under that vagueness.

Secondly, you are going to fail the minister in his or her responsibility of coming here to report. You need to be clear on when you need the minister to come; it cannot be under both.

**THE DEPUTY CHAIRPERSON:** Uganda has a dual system of ratification of treaties under the ratification of treaties’ Act. All treaties can be ratified by Cabinet; the only exception is where a treaty has implication on the Constitution of Uganda. That ratification has to be done by Parliament.

My understanding of this proposed new clause is that after all those processes are concluded there is a treaty that is now in force in this country – no, it is not for purposes of domestication.

It should be laid in Parliament so that it is in the know that such a treaty is now in force. No further action is required on the treaty per se but to monitor its implementation. The language has to capture the spirit; that is the concern of the Member for Busiro.

**MR NIWAGABA:** Mr Chairman, you have rightly guided, we may not need this particular provision because the ratification of treaties Act is clear. If a treaty has been ratified by Cabinet, it must be laid before Parliament as soon as possible. If it is a treaty that Parliament must ratify by a resolution, then necessarily it comes to Parliament.

We may not need that particular clause because the ratification of treaties Act coupled with our rules of procedure would be adequately covering it.

**THE DEPUTY CHAIRPERSON:** With that wise counsel would you still like to stand over this matter?

**MR AOGON:** Mr Chairman, I thought the words, “concluded and signed” which were inserted there were the problem. Once something has been concluded, it includes the entire process-

**THE DEPUTY CHAIRPERSON:** They are advising you that it is in the ratification of treaties’ Act. They are telling you that there is even no need to conclude or sign because it is already contained in another Act.

**MR KIWANUKA:** With the advice of the honourable members from across the august House, I beg to withdraw this amendment.

**THE DEPUTY CHAIRPERSON:** Thank you very much, there is no standing over this proposal it is withdrawn.

Clause 169

**THE DEPUTY CHAIRPERSON:** I put the question that clause 169 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 169, agreed to.*

*Clause 170 agreed to.*

Clause 171

**MR SSEGGONA:** Mr Chairman, yesterday’s deliberations raised a similar issue among others on corporate bodies and it is one of those that we stood over in respect to clause 31. Just like the others, I pray that we stand over this one because it has similar implications-

**THE DEPUTY CHAIRPERSON:** Can we stand over clause 171 for the reasons we did with others? Clause 171 stood over.

*(Question put and agreed to.)*

*Clause 172, agreed to.*

*Clause 173, agreed to.*

*Clause 174, agreed to.*

*Clause 175, agreed to.*

Clause 176

**MR SSEGGONA:** Along the same line on offences I think that we are moving very fast right from 172 to 175. Among other reasons why we stood over issues to do with these offences related to the penalty. For example, you are talking about bribing and the penalty is Shs 10,000 currency points, we already have a standard in the Anti-Corruption Act that you are providing in a matter of corruption a non-custodial sentence.

My appeal to you, Mr Chairman and my colleagues is that we go slowly on matters of these offences because there is a problem we are trying to cure; we need to re-look at the offences and the penalties we are creating.

How, for example, can you prescribe a penalty for bribing an officer and you say somebody commits an offence and is liable on conviction to a fine not exceeding Shs 10,000 currency points or imprisonment*-(Interjections)*- okay I will concede.

**THE DEPUTY CHAIRPERSON**: Is it reasonable? Okay we had already gone up to clause 175 and adopted it so can we go to the next.

Clause 176

**THE DEPUTY CHAIRPERSON:** I put the question that clause 176 stands as part of the Bill.

*(Question put and agreed to.)*

*Clause 176, agreed to.*

*Clause 177, agreed to.*

*Clause 178, agreed to.*

*Clause 179, agreed to.*

*Clause 180, agreed to.*

Clause 181

**MR KIWANUKA:** Clause 181, which is on pollution, the committee is recommending, first of all, that we renumber the current sub-clause. There is only one clause there at the moment. We are recommending that it should be renumbered as clause (1) and thereafter, we insert two other clauses, with Clause (2) reading as follow:

In addition to any sentence that the court may impose upon a polluter under sub-section (1), court may direct that person to-

1. pay the full cost of cleaning up the polluted environment and of removing the pollution;
2. clean up the polluted environment and remove the effects of pollution to the satisfaction of the authority.”

Sub-clause (3) states, “Without prejudice to the provisions of sub-sections (1) and (2), court may direct the polluter to meet the cost of pollution to any third party through adequate compensation, restoration or restitution”. I believe this is straightforward. However, it is just to add that it is intended to empower court to make additional orders directing a person to clean up the polluted environment.

**THE DEPUTY CHAIRPERSON:** Honourable members, is that clear? Can I put the question to that amendment?

**MR NIWAGABA:** I am sorry. These are very good proposals because we need to deal with polluters. However, if you leave it at the discretion of court, then, there are dangers that those other provisions you have given may never be invoked.

So, we should, instead of saying “in addition, court may”, say “shall consider any of the following” so that it becomes mandatory. If you have convicted and sentenced him, it will also directly order him to either pay or compensate. Those provisions are good but the wording should have “shall” immediately before you provide those other remedies.

**THE DEPUTY CHAIRPERSON:** Honourable members, the minute you say “shall consider” it is already discretionary.

**MR SSEGGONA:** Mr Chairperson, we just need to improve that to say “shall, in addition”. You see, you have polluted – Why should it be discretionary on the part of court to decide whether you make good where you have caused a defect? This is to clarify the language by saying “the court shall, in addition, order”. It is because you have been convicted.

**THE DEPUTY CHAIRPERSON:** The mind of the committee was to give the discretion to court to do this. Now, how do we guarantee that the court at least considers this? That is what we want to achieve. We do not want to take away the discretion of the court to either do it or not do it. The committee would like to give court the discretion to be able to consider it and do it. However, hon. Niwagaba’s concern is that court may not even consider it at all.

**MR SSEGGONA:** To beef up your point, I addressed my mind well to the decision in Susan Kigula v. the Attorney-General where the court put its feet down and said “our discretion cannot be interfered with”. However, I am also mindful of the provisions of Article 126 (2) (c) which states that victims of wrongs are entitled to adequate compensations. We are making a law while recognising here that there is a victim of the wrong and it is in our power, I believe, to say we have not taken away the discretion of courts in terms of penalty. We are talking about compensating a person who has been a victim of a wrong. So, we should make it mandatory within our power.

**THE DEPUTY CHAIRPERSON:** Honourable members, are we okay with that? So, “In addition to any sentence that the court may impose upon a polluter under sub-section (1), court shall direct that person to clean up the mess”.

**MR KIWANUKA:** The committee was cognisant of the fact that there may be mitigating circumstances where such an order may not be practical.

**THE DEPUTY CHAIRPERSON:** Their point is simple. They are saying by that time, you have already convicted and sentenced the person for polluting. Now, you are saying in addition, that person should be ordered to clean up.

**MR KIWANUKA:** Okay, we concede. So, Clause (2) will read as follow: “In addition to any sentence that the court may impose upon a polluter under sub-section (1), court shall direct that person to -”

**THE DEPUTY CHAIRPERSON:** Then also in clause (3) - There is an issue coming from Kyankwanzi.

**MS ANNA MARIA NANKABIRWA:** Thank you, Mr Chairperson. When we go to the definition of pollution, then we may have to change the word “either” where it says “court shall direct that person to either” so that it is at the discretion of the court for the offender to do either one or both. However, when we leave it as “shall direct a person to”, it means we are mandating court to have them both done at once.

When I go back to the definition of pollution – we had a scenario one time - somebody may be found committing some different type of pollution which is not measurable and it may cause issues. It can be a person easing off; then, how do you measure it?

**THE DEPUTY CHAIRPERSON:** Honourable members, the question to the person proposing the amendment is; if you say “shall”, suppose it is noise and it was already made, how will the person rectify the noise? (*Laughter*) How do you clean up the noise? That is the question they are asking.

**MR SSEGGONA:** I think I agree with hon. Anna Nankabirwa to the extent where she said either or; whatever is applicable in the circumstance. It is because you cannot tell someone to clean up when the thing has already ceased. So, compensation would then come in. Unless we are going to break it into more sub-clauses to cater for the specific ones, I do not see any danger in adopting her approach.

What that means is that either way, there would be a cleaning up. If the pollution is not cleaned up, then somebody is ordered to clean up. He may also be ordered, in addition, to compensate.

**THE DEPUTY CHAIRPERSON:** How do you draft this?

**MR AOGON:** Mr Chairperson, I request that we stand over this one since it is critical so that we draft it properly to avoid making mistakes.

**THE DEPUTY CHAIRPERSON:** The honourable member for Kyankwanzi thinks it is okay to just add something. (*Laughter*) Can we stand over this so that we perfect the drafting? The concerns are noted; that there has to be a kind of discretion that is not too open or only open to options rather than even considering whether to not do it at all. You are only limited to option to either do one or both. Is that okay?

**MR KIWANUKA:** I agree with you, Mr Chairperson. That was my earlier point. However, the best way forward on this, is to stand over it, honourable members.

**THE DEPUTY CHAIRPERSON:** Should we stand over it? Let us stand over it and have it back. Okay clause 181 stood over.

*Clause 182 agreed to.*

*Clause 183 agreed to.*

Clause 184

**MR KIWANUKA:** I propose that we stand over this as well.

**THE DEPUTY CHAIRPERSON:** You had proposed to delete. Now why are you-?

**MR KIWANUKA:** Oh Sorry. This is environmental- okay. The committee recommends that this be deleted as it is a consequential amendment. We have already deleted the tribunal.

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal of the committee is that following the deletion part 13, we should also delete this. It is consequential. Therefore, can I put the question for deletion?

*(Question put and agreed to.)*

*Clause 184 deleted.*

*Clause 185 agreed to.*

*Clause 186 agreed to.*

*Clause 187 agreed to.*

*Clause 188 agreed to.*

Clause 189

**MR SSEGGONA:** The general penalty is affected by some principles.

**THE DEPUTY CHAIRPERSON:** Honourable members, we remember that we have generally stood over these clauses about general penalties, general offences and things like that. Therefore, let us stand over this and handle them altogether in one transaction. Clause 189 stood over.

*Clause 190 agreed to.*

*Clause 191 agreed to.*

*Clause 192 agreed to.*

Clause 193

**MR SSEGGONA:** Mr Chairperson, the idea of express penalty is a good one but we need to relook at it more critically because it has enforcement issues. You have- “with the approval of the minister may prescribe any express penalty scheme to contravention of the provisions of this Act”. Now-

**THE DEPUTY CHAIRPERSON:** That also goes back to the other issue or we say the regulation should be done by the minister and now this regulation is being done by the authority.

**MR SSEGGONA:** You know, it is creating an offence; therefore, it has a problem.

**THE DEPUTY CHAIRPERSON:** Can we stand over this clause and rectify it properly? Let us stand over clause 193.

*Clause 194 agreed to.*

*Clause 195 agreed to.*

*Clause 196 agreed to.*

*Clause 197 agreed to.*

*Clause 198 agreed to.*

Clause 199

**MR KIWANUKA:**  We are proposing that we insert clause 199 after clause 198 to read as follows:

“Clause 198 Supremacy of this Act

(1) This Act takes precedence over all existing Acts relating to environmental management and where there is a conflict between this Act and any other written law other than the Constitution, this Act shall prevail.

(2) Anything duly done under the authority of this Act for the purpose of giving effect to the Government on environmental management shall have effects not withstanding any other enactments.

(3) Any written law which conflicts with this Act shall be amended to bring it in conformity with this Act.”

The justification for this was that we intended it to be a framework law from all other laws on environment therein.

**THE DEPUTY CHAIRPERSON:** If you look at- you have proposed clause one and you are using all existing Acts in relation to environment; what about regulations that are not Acts of Parliament? Would you like to use the word “laws”? “This Act takes precedence of all our exist laws relating to the environment rather than Acts regulating the environment.”

**MR KIWANUKA:** Okay. Mr Chairman, 199(1) should read “This Act takes over all existing Acts and regulations relating to environmental-”

**THE DEPUTY CHAIRPERSON:** No, all existing “laws” instead of “Acts”.

**MR KUWANUKA:** Okay, sub clause (1) “This Act takes precedence over all existing laws and regulations relating to environmental management and where there is a conflict between this Act and any other written law other than the Constitution, this Act shall prevail.”

**THE DEPUTY CHAIRPERSON:** You just say law; you do not have to put regulations. Laws cover all of them. Therefore, just say this Act takes precedence over all the existing laws relating to environmental management of the land.

Are we okay with laws there? There was a matter – yes?

**MR OTIENO:** Mr Chairperson, the clarification I am seeking here is that we allowed clause 198 to stand part of the Bill. However, when you look at sub clause (2), it requires us to make regulations. We have part (t) - we have already deleted the environmental tribunal.

However, it is like we are maintaining that the minister shall make regulations relating to the environmental tribunal. Yet we have already *–(Interjection)-* yes, but here we are maintaining this that is what I am saying.

**THE DEPUTY CHAIRPERSON:** It is consequential. There is no tribunal so there is nothing to do there. That will just be taken out.

**MR OTIENO:** Mr Chairperson, there was something I was rising on what we have already - on issues of pollution. Sorry to take you back.

**THE DEPUTY CHAIRPERSON:**  No you cannot, the rules do not allow you to take me back just like that.

**MR OTIENO:** But I can make an observation before we -

**THE DEPUTY CHAIRPERSON:** The rules allow you to use a certain procedure to take me back but you do not just show up. *(Laughter)*

**MR SSEGGONA:** I agree with the chairperson except that proposal No.3 is idle. We should delete it because it is already catered for in item 1.

**THE DEPUTY CHAIRPERSON:** Mr Chairperson, No.3 may not be necessary. Would you like to re-consider it?

**MR KIWANUKA:** I concede and withdraw sub-clause 3.

**THE DEPUTY CHAIRPERSON**: Sub-clause (3) is withdrawn so the proposed new clause has to do with two sub-clauses only. I put the question to that amendment.

*(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON**: Honourable members, I now put the question that the new clause as amended stands part of this Bill.

*(Question put and agreed to.)*

*The new clause, as amended, agreed to.*

Clause 199

**MR KIWANUKA:** Clause 199 is about amendment of schedules to this Bill. We are proposing to insert a new sub-clause (3) to read as follows:

“The minister may, with the approval of Parliament by statutory instrument, amend Schedule 11.”

The justification is that this will require the minister to seek Parliament approval in amending Schedule 11, the one that deals with plastics and plastic products.

**THE DEPUTY CHAIRPERSON:** There is no Schedule 11 in the Bill. The one I have stops at Schedule 9. You have not inserted it so you cannot be deleting what we do not have.

**MR KIWANUKA:** Sorry, Mr Chairperson. We stood over a certain clause, which would have inserted Schedule 11 but we intend to insert a schedule.

**THE DEPUTY CHAIRPERSON:** Why don’t you first do so? Suppose we do not?

**MR KIWANUKA:** In that case, we stand over this clause.

**THE DEPUTY CHAIRPERSON:** Clause 199 is stood over.

Clause 200

**THE DEPUTY CHAIRPERSON:** I put to the question that Clause 200 stands part of the Bill.

*(Question put and agreed to.)*

Schedule 1

**THE DEPUTY CHAIRPERSON:** Do we handle schedules separately?

**MR SSEGGONA:** Mr Chairperson, it is evident from our clerk at Table that the technical side is exhausted and if it is, so are we as people of advanced age.

**THE DEPUTY CHAIRPERSON:** In other words, are you moving a motion for adjournment?

**MR SSEGGONA:** I move a motion that we go back to the House, report and retire accordingly.

**THE DEPUTY CHAIRPERSON:** Okay, it is a good place to pause for now and the chairperson consolidates all those things so that when we come back we are able to neatly finish this matter.

MOTION FOR THE HOUSE TO RESUME

6.40

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Chairperson, I beg to move that the House do resume and the committee of the whole House reports thereto.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for resumption of the House to enable the committee of the whole House report. I put the question to that motion.

*(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON:** Did I hear you say “No”, honourable member? *(Laughter)*

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

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

6.41

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I beg to report that the committee of the whole House has considered the Bill entitled, “The National Environment Bill, 2017” and passed all clauses from 150 to 200 except that we stood over clauses 171, 181, 189, 193 and 199. I beg to move.

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

6.42

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I beg to move that the report from the committee of the whole House be adopted.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for the adoption of the report of the committee of the whole House. I put the question to that motion.

*(Question put and agreed to.)*

*(Report adopted.)*

**THE DEPUTY SPEAKER:** Honourable members, you have done well. Congratulations and thank you. It is a big Bill but we have been able to break its back; what is left is small and we will be able to finish at the earliest opportunity.

Go and look at those clauses that have been stood over including Clause 2, which is interpretation. If there are issues that we have dealt with that are not properly captured including the definition of “plastics” should be dealt with more comprehensively. Also look at the issues that had come out strongly like that of general penalties so that they are properly classified and correspond to the gravity of specific offences highlighted. We can deal with those properly and make this law one that works to protect the environment and restore where damage has been caused.

Let us work on this together. Those willing can harmonise it with the chairperson. Honourable minister, be in touch to get these things done and have all those things that you propose to amend re-circulated and shared so that when we come we are ready to move quickly.

Honourable member, are you rising on a point of procedure or otherwise?

**MR NIWAGABA:** It is a procedural matter where you had directed my brother, the Minister of State for Finance, Planning and Economic Development (Planning) to report on a matter that entails intended payment of over Shs 7 billion to a one Muhammad Kasasa contrary to the advice of the Solicitor General. He was supposed to report yesterday but he could report now.

**THE DEPUTY SPEAKER:** There is no time now. The reason we came to where we have come is because, according to the honourable member, the House is now in a state in which there is need to go and rest. House adjourned to Tuesday at 2 o’clock.

(*The House rose at 6.44 p.m. and was adjourned until Tuesday, 13 November 2018 at 2.00p.m.)*