



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

SECOND SESSION - FIRST MEETING

WEDNESDAY, 7 SEPTEMBER 2022



IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

SECOND SESSION - 27TH SITTING - FIRST MEETING

Wednesday, 7 September 2022

Parliament met at 1.59 p.m. in Parliament House, Kampala.

PRAYERS

(The Speaker, Ms Anita Among, in the Chair.)

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you to today's sitting. I am in receipt of a letter from His Excellency the President. The letter is dated 18 August 2022, and is returning the Fisheries and Aquaculture Bill, 2022.

As you recall, the Fisheries and Aquaculture Bill was read for the first time on 19 September 2021 and referred to the Committee on Agriculture, Animal Industry and Fisheries, pursuant to Rule 129(1) of the Rules of Procedure. The House considered and passed the Bill on 3 May 2022. The Bill was transmitted to the President for assent in furtherance of Article 91(2) of the Constitution of the Republic of Uganda, 1995.

However, the President has evoked Article 91(3)(b) of the Constitution and returned the Bill for reconsideration in the House on the following grounds;

Clause 4: Definition of "licensing officer"

The licensing officer is being defined in the Bill as the chief fisheries officer or district fisheries

officer. This will cause confusion and can be a recipe for malpractice. The licensing officer should be the chief fisheries officer.

Clause 13(2) and (3): The surveillance unit

The Bill domiciles the surveillance unit organisation, command, control and training under the Uganda Police Force. The surveillance unit organisation, command, control and training need to be domiciled under the Uganda People's Defence Forces (UPDF) and the Uganda Police Force (UPF).

The rationale is that given the need for continuous surveillance and sophisticated ways employed by people involved in illegal fishing, the support for both the UPDF and the Uganda Police Force are required.

Therefore, pursuant to Article 91(4) of the Constitution and Rule 143(2) of the Rules of Procedure, I, accordingly, return the Bill to the Committee on Agriculture, Animal Industry and Fisheries for reconsideration.

In considering the returned Bill, I urge the committee to restrict itself to the grounds that have been raised by the President as stipulated under rule 143(1). I hereby grant the committee one week to look at the two clauses and report back to the House.

Honourable members, the Parliamentary Pensions (Amendment) Bill is coming up today. I request Members to give it time so that we finish that Bill today because it concerns all of us in this House.

We have issues that were raised yesterday. There was an issue on school fees. I request that the minister responsible brings a paper next week. On the issue of supply of seedlings, we also want a paper presented.

Honourable members, as the head of the institution, all Members of Parliament here belong to the Speaker. My two Members of Parliament; Hon. Ssewanyana and Hon. Ssegirinya make one year in prison today. I request and I plead with the Government for a speedy trial of these Members so that they can represent their constituencies. Today it is them, tomorrow it is somebody else. Let us see how we can have their case concluded.

I thank you once more.

2.06

MR DICKSONS KATESHUMBWA (NRM, Sheema Municipality, Sheema): Thank you, Madam Speaker. I rise in accordance with rule 218. You appointed an ad hoc committee to investigate the Bujagali tax waiver during the consideration of the Income Tax (Amendment) Bill -

THE SPEAKER: Is it on my communication? I had already given you permission. I told you to put it in writing and come and lay it on the Table so that we give you an extension. So, bring it in writing and we give you an extension.

MR KATESHUMBWA: Much obliged. (*Mr Silwany rose*)

THE SPEAKER: Is it on the communication?

2.07

MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri): Thank you, Madam Speaker. I thank you for your communication on the issue of seedlings, where you have guided the House that next week, the minister is going to bring a paper.

However, considering our planting seasons, we are actually very late. The rains are ending. We have had rains, I think, for a month now and, nowadays, the seasons are changing. Wouldn't

this be too long – that by the time they come, we debate, agree and find the money, we may be targeting next year, and not this season? I seek your indulgence on that.

THE SPEAKER: The responsible minister communicated and said it will be ready on Tuesday. We can't force him to give us a document that is not there. It is like asking for what is not there. So, let us give the ministry up to Tuesday to bring a document and we see what to do. Maybe they want to get an assurance from the Cabinet on Monday.

MR EKANYA: Madam Speaker, as per your communication -

THE SPEAKER: Is it a procedural issue on my communication?

MR EKANYA: Madam Speaker, it is on a very important matter regarding the institution. Yesterday, we were here and a very critical matter was raised on the Floor. The Rt Hon. Prime Minister assured us that the matter of Nyege Nyege would be handled and the House took a decision.

Madam Speaker, Government needs to operate as one; we have the Prime Minister as the Leader of Government Business here, and we have the institution of Parliament that represents the people of Uganda.

We find it abnormal - and a system that is not practised in any country in the world - that the House makes a position where the Prime Minister is represented and then the Prime Minister later on goes to address the press on a matter that has not been concluded.

We operate in a digital world; if we continue to operate like that - everything we communicate here is received around the world. It will show that there is confusion in Parliament. Isn't it proper for the Prime Minister, as the Leader of Government Business, to bring a law here on LGBT and homosexuality so that this matter can be discussed and we conclude it once and for all, instead of playing ping pong - addressing the press on a matter that the House has taken a position on.

Madam Speaker, I want to seek for your indulgence that the Prime Minister brings the Bill, and this matter is discussed and is concluded. Otherwise, operating outside the Constitution will show we are confused and all of us will lose respect, locally and internationally.

MR MWIJUKE: Thank you, Madam Speaker. Just like my colleague has said, yesterday, we took a decision and you directed. We have had incidents in the past where we took decisions and then some ministers went to the media and started speaking against Parliament.

I would understand if the Prime Minister came here and said, "This is our position as Government," rather than addressing a press conference and saying, "Ignore what Parliament has done; this is the position." I think it is unfair, uncalled for and disturbing.

I would want an explanation in that regard: How does somebody say, "Ignore what Parliament has said; this is the position." Does that suggest that somebody does not respect Parliament?

MR OKUPA: Thank you, Madam Speaker. You recently returned from Rome, where you got blessings and it is my belief that yesterday when you made that ruling, it was an inspiration from what you received from the Holy Father. *(Applause)*

We all have faith, values and traditions and I believe the Prime Minister belongs to a certain faith. We saw her the other day with the Bishop – Hon. Dr Baryomunsi narrowly missed becoming a priest. *(Laughter)*

So, I knew your pronouncement, yesterday, was guided by that message that you received and we needed to protect our children. If some people want their children to behave that way, let them take it somewhere.

Madam Speaker, yesterday, you guided as a mother and as our leader in Parliament; so, to see the Prime Minister saying the contrary was absurd. She should have called the Speaker and said, "We have this issue, let us settle it,"

rather than the public looking at us like we are fighting among ourselves. *(Interruption)*

MR SILWANY: Thank you, honourable Member, for giving way. I would like to give the House information that as of this morning, the Nyege Nyege activities are going on. Everything is going on as if there was no directive by this House.

MR OKUPA: As I conclude, Madam Speaker, you are No.3 in Uganda's Order of Precedence while the Prime Minister is No.9; can we respect that hierarchy? Thank you. *(Laughter)*

THE SPEAKER: Honourable members, maybe we need to hear from Government; but whatever statement I made was with my full conscience as a practising Catholic and I am not about to withdraw it - and I will not withdraw it. *(Laughter)*

And there is no confusion in Parliament. If there is confusion on the other side, we in Parliament are at peace.

Can we hear from Government?

2.14

THE THIRD DEPUTY PRIME MINISTER AND MINISTER WITHOUT PORTFOLIO (Ms Rukia Nakadama): Thank you, Madam Speaker. Before I go to that, on the issue of seedlings, I think we can invite the minister to make a statement tomorrow because Cabinet has already taken a decision on that.

Then on the Nyege Nyege -

THE SPEAKER: Hon. Nakadama, what is unfortunate with this House is that when you talk about immorality, people take action very fast. The issue of Nyege Nyege was raised yesterday and it was acted upon immediately as an urgent thing. However, issues of seedlings came some time back. Dr Baryomunsi may not come back to Parliament because of the seedlings; we need to support his farmers.

MS NAKADAMA: Madam Speaker, now I am reacting to the issue of Nyege Nyege; I

would like to call my colleague, Hon. Justine Kasule Lumumba because she has been given the authority to come and explain that issue here. So, she can give us more information about it. I thank you.

THE SPEAKER: Hon. Justine Lumumba was supposed to be a senior nun in this country.

2.16

THE MINISTER, OFFICE OF THE PRIME MINISTER (GENERAL DUTIES)

(Ms Justine Kasule Lumumba): Thank you, Madam Speaker.

Honourable Members, I am born in a family where the firstborn was a nun in the Little Sisters of St. Francis of Assisi, Third Order, Regular in Nkokonjeru. I live by the virtues and values of the Catholic Church, in addition to those that are in the Constitution.

Leadership is not always sweet and you will lead as a team. I was here yesterday when the issue of Nyege Nyege was raised. Later, the Minister of State for Ethics and Integrity gave us her view; what they called the dos and don'ts that they were putting in place with the Ministry of Internal Affairs and the police.

We also had the minister in charge of tourism, who also gave us his view. But after you ruled yesterday, many of us who were in this House, advised the Prime Minister, the Rt Hon. Robinah Nabbanja, that we should have a discussion about this issue. This morning, a meeting she chaired took place and she gave me the responsibility to lead a team of ministers and permanent secretaries to come and have a discussion with you, as the head of the institution, and who was the presiding officer yesterday.

It is very unfortunate that when we got to your Office without an appointment - because of the urgency of the matter - we were informed that you would be coming later. That is why we also behaved unprofessionally today and waylaid you as you entered the Chamber, seeking an appointment with you to have this discussion before we go out to the public.

The decision was taken; and the Executive is part of Parliament; you presided over Parliament yesterday and I am very happy that you have given us an appointment for tomorrow at midday.

My prayer to you, Madam Speaker, is that you allow us to have a discussion under your chairmanship tomorrow, then whatever you will advise us to do, we shall take action on it as the way forward, as agreed with you.

Madam Speaker, I would like to say that I will be available with the team to your Office tomorrow at midday. We will have a discussion. Thank you.

THE SPEAKER: There is a point of clarification from Hon. Maurice. Honourable members, there is free sitting.

MR KIBALYA: Thank you, Madam Speaker. I am seeking clarification from Hon. Justine, who is conveying the message of the Rt Hon. Prime Minister, on whether the message and the information she is reading is from the Prime Minister. Since she is representing the Prime Minister, she can go on the *Hansard* and say that it is not true and the Prime Minister has not said anything about it.

MS LUMUMBA: Madam Speaker, I am a human being. And I was delegated by the Rt Hon. Prime Minister, with fellow human beings. I cannot account for whatever happened between the Office of the Prime Minister and your Office when we were coming to talk to you and after the time we got you. So, I cannot say yes or no, over something I have not seen. Thank you.

THE SPEAKER: Hon. Lumumba, you cannot account for what happened between the Prime Minister and my office. You did not come to my office. I did not meet you in my office. We met in the corridor and I cannot say we had a meeting. So, what the honourable member is asking is whether what was said in the press that you said "Go ahead with Nyege Nyege" is true.

MS LUMUMBA: Madam Speaker, I said that we came to your office and we were given information by the team in your office. We do not have the capacity to disagree or discredit the information they give us. On the issue to do with what happened in the press, I do not have any evidence on the allegations they are making because to me, it is an allegation until I have seen it. That is why I am saying that I can only account for what I know.

MR MWIJUKYE: Thank you. Madam Speaker, the media is quoting the Prime Minister asking the organisers to go ahead. The minister is saying that there was a discussion and they agreed to come and meet you; that is different from what the media is quoting and they are quoting the Prime Minister saying "You can proceed."

Now, is it in order for the minister to come and tell us that they have not taken a decision? That they are still consulting and want to talk to you, yet a decision has already been taken, and they are quoting the Prime Minister. Is she in order?

THE SPEAKER: Of course, the minister is not in order. Honourable members, so are we going to continue with this Nyege Nyege thing?

MR MBWATEKAMWA: Thank you so much, Madam Speaker. I wish to seek clarification from Hon. Justine Lumumba – *(Interjection)*- no. Okay, maybe she is scared of a dog. Honourable minister, as you seek an appointment from the Speaker's office, the clarification I am seeking from you, Hon. Justine is, have the activities of Nyege Nyege been put to a halt or are they continuing? *[Member rose]*

THE SPEAKER: Honourable members, let the minister respond.

MS LUMUMBA: Madam Speaker, the Code of Conduct demands that the message or information that I carried from the meeting, where the Prime Minister delegated me was to the Speaker. Until the Speaker has given me that opportunity, I cannot begin opening that

information here before I have met her. Thank you.

MS OPENDI: Thank you, Madam Speaker. The procedural issue that I want to raise in this House is that we all know that we still have monkeypox in most of those countries in Europe and from the revelation from the minister of tourism, yesterday, over 8,000 people are coming from Europe and all parts of the world to this country.

Madam Speaker, aware that we have just come out of the COVID-19 pandemic where we had issues and people even locked up for two complete years, what plans -

THE SPEAKER: Members, can you keep quiet?

MS OPENDI: And aware that the Government - I was reading that samples of monkeypox were picked by the Minister of Health -

THE SPEAKER: Hon. Anywar, tell your neighbour to concentrate.

MS OPENDI: Madam Speaker, aware that the Ministry of Health even picked samples from some suspected cases and flew them to South Africa. Now, having all these 8,000 people fly in where we - these are tourists but what capacity do we have, as a country, to test for this monkeypox where the incubation period is between six to 13 days? We cannot sell our country just because of money. Tomorrow, we shall have another pandemic here.

Madam Speaker, the procedural issue that I am raising is whether the government has also considered the health aspect - *(Interjection)*- Okay. Can I pick -

THE SPEAKER: Honourable members, those who want to speak in the House before you are given permission to speak; just cross over to the National Theatre.

Now, do not think you are more affected by the issues of Nyege Nyege than anybody else. Maybe the mothers here are more affected than

you. So, stop making that noise of yours; we have serious business.

MS OPENDI: Thank you, Madam Speaker. I had given information to the honourable member so that I conclude.

2.27

THE MINISTER OF INFORMATION, COMMUNICATION TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi): Thank you very much, Madam Speaker. As Hon. Kasule Lumumba informed us, the Executive side of Government sat this morning and we agreed to have further consultations with the Office of the Speaker. That is when the statements shall be made.

I beg that we stop the debate here until when that meeting has taken place because there is no need for Parliament to appear to be in conflict –(Interjection)– just hold on. There is no need for Parliament to appear to be in conflict with the Executive because we are serving the same people.

So, I want to beg the House that we wait for the meeting between the Executive and the Office of the Speaker and thereafter, we shall inform the nation. Thank you very much.

THE SPEAKER: Hon. Chris, we also request you, the Executive, to first halt your statements. Halt the statements saying that you have given them a go-ahead and - that kind of thing - until we conclude and agree on a position, as Government.

MS KASULE LUMUMBA: Madam Speaker, I want to, on behalf of the Executive – if my boss, the Rt Hon. Robinah Nabbanja has done that, I apologise. That is not in good spirit especially where we have two institutions that are both concerned with issues to do with our culture, religion and morality of this country; but also *vis-à-vis* our economy, it requires a discussion.

Therefore, I would like to promise that we will not do that again. So, accord us the time at midday, as promised, so that after the

discussion, under your chair and guidance, we shall agree on what is best for this country. Thank you.

THE SPEAKER: Honourable members, I want to thank you for – I thought we already agreed to continue tomorrow - which motion are you bringing?

Hon. Lumumba, the House requests that whatever is happening must be put to a halt until tomorrow when we agree. We should be able to speak, as a country.

MS LUMUMBA: Madam Speaker, I have taken note of this. Let me inform the relevant authorities to do that. Thank you.

THE SPEAKER: Thank you. Honourable members, as I said, we have a very important Bill that everybody is waiting for.

2.31

THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga): Madam Speaker, very briefly. With your kind indulgence, I took seriously your communication on two major issues; not that any of them was any less.

On the returned Bill, I want to say that we expend a lot of time and resources processing these Bills. When they are returned, there are possibly a number of implications. First, that probably the line ministers - especially for Government Bills – did not do their job.

A Bill is a consultative action of Parliament. There are consultations between Parliament, stakeholders and the Executive. The President, being the Head of the Executive, returning Bill after Bill, is an indictment of the frontbench. I would like to invite the frontbench to rise to the occasion so that we do not do this work, over and over.

Over the last couple of months, probably every other Bill we have passed has been returned including tax Bills. Therefore, we need to get the Executive do its work so that we do not expend time and resources on Bills returning.

Secondly, on the issue of our two honourable colleagues that are in detention, today is a full year. Madam Speaker, you can see on your left, almost 90 per cent of the Members are wearing black. You have not seen me in a black tie probably for the time I have been around this House. We did that deliberately in commemoration and raising a red flag over this injustice.

Madam Speaker, we are very concerned and disheartened over the circumstances of their continued detention. Clearly, the State is persecuting them because there is no other meaning of detention without trial other than persecution. Clearly, they were arrested before investigations were done and it is very disheartening to have members of Parliament - for a full year, two constituencies are without representation in this House. I tried to reach out to the Chief Justice and the Principal Judge over this matter because I think that the Judiciary is culpable in their continued detention. They need to rise to the occasion.

However, the two gentlemen did not respond to my plea. Imagine the Chief Justice and the Principal Judge not responding to an official request by the Leader of the Opposition. The Judiciary too is indictable in this. It is not my business to interfere with their work but it is my full time business to raise a red flag when they become flimsy in their business; just like Parliament is called to do its work judiciously.

Madam Speaker, in the circumstances, these two honourable members will require special intervention of Parliament. It is a syndicate, in our view, to have them in detention against the Constitution. Article 23 (1) and 28(3) are clear about the rights of those in detention.

For a full year, the State is unable to prosecute their case. The last time they appeared before court, the judge had been changed; it is unacceptable. Probably, our constitutional order has broken down and people are taking matters in their hands. This House of Parliament will be the last firewall for citizens that have their rights trampled upon by the State. I do not want to say that the Judiciary

has joined in connivance but we are asking of them to do their work to uphold the rights of citizens and have courts independently do their work without undue interference by the State.

Lastly, is again to raise the red flag that the citizens that had disappeared, on whose behalf I did bring their names here, have never been accounted for. Fifteen Ugandans disappeared. I want to inform the frontbench that you are marked because you are the people in charge when citizens are disappearing. Just know that when Ugandans are disappearing unaccounted for, you will be made to account for them. They have children, wives and families.

Madam Speaker, we were promised that they were going to account for them. It is now more than a year. They cannot account for them. They were arrested by the State and that is on record; they cannot deny it.

These are very compelling times, Madam Speaker. It is not just about Members of Parliament but every citizen. Even as we speak, people are being picked without being produced before court. It is very disturbing and I hope the Prime Minister will come to this Parliament and declare a state of constitutional emergency in this country – probably, a rule of the jungle so that we can find our way. I submit. *(Applause)*

THE SPEAKER: Thank you, Leader of the Opposition. Maybe just to make clarification on returned Bills. In most cases, we find that we have a Bill in this House but for the case of this Bill on fisheries, it was returned basically for us to handle the definition of a licensing officer. I would not put blame on the frontbench.

2.37

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Thank you, Madam Speaker. The comment by the Leader of the Opposition that the return of Bills by the President to the House should be blamed on the Executive is not necessarily true and it should be put in context. This is part of legislation. For example, the Bill that was returned by

His Excellency, the President, regarding taxes recently - Government had proposed to put the tax on plastics for purposes of preserving the environment. When it came here in the House, you said we delete but he returned it.

Therefore, there are some amendments that are done by Parliament but when His Excellency, the President looks at them, he says, "Parliament, can you go back and look at this?"

So, for the Leader of the Opposition to suggest that when the President returns a Bill, then, it is the Executive or the Frontbench not doing the work – he needs to cross-check those facts and those facts are not true.

THE SPEAKER: Thank you. Members, maybe when making laws, let us do it for posterity. Let us not look at a definition the way we want it today. For instance, this is on the definition and the second issue the President is saying that instead of having only the UPF, let us add the UPDF to the surveillance unit.

2.39

THE MINISTER OF INFORMATION, COMMUNICATION TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi): Thank you, Madam Speaker. The Constitution and the Rules of Procedure provide for the President to either assent to or return a Bill if he is not satisfied or if he has a different view. So, I think we should commend our President because he is active; he reads the Bills, which we pass as Parliament. He does not just rubberstamp.

Therefore, there should be no room for us to complain that the President is doing his work to read the Bills, which we pass and, where he has concerns, he returns them. The rules are clear on how we manage the Bills, which are returned. *(Applause)*

Therefore, I do not think my friend, the Leader of the Opposition, should make it an issue that the President is returning Bills. He does not return all the Bills, but, where he has an

observation, he returns it and the Constitution and the rules provide for that.

THE SPEAKER: Actually, my only concern is that the Bill should be returned in time – you do not keep the Bill there for all that time and then bring it when... Yes?

MR RUHUNDA: Thank you, Madam Speaker. We should not get worried that when the President returns a Bill, it means that Parliament has no powers. When the President returns a Bill more than once, and Parliament insists, then, by law, it passes. I just wanted to put that addition.

THE SPEAKER: Honourable members, I beg your indulgence on the issues of national importance. I wish we could dispose of your Bill. We have a Bill, which is your Bill, and I want us to dispose of it. So, for matters of national importance, I will give you all the time tomorrow. Next item.

BILLS SECOND READING

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 2022

THE SPEAKER: Honourable Members, The Parliamentary Pensions (Amendment) Bill is a Private Member's Bill by Hon. Arinaitwe Rwakajara, the Workers MP. It was initially read for the first time on 19 July 2022 and referred to the Committee of Legal and Parliamentary Affairs, in line with rule 129(1).

The Bill that we are talking about touches on the rights of Members of Parliament and their privileges, under the Parliamentary Pension Scheme.

Therefore, I urge you, Members of Parliament, to legislate for posterity. Do not legislate for only presently because you are a Member of Parliament now. The committee is ready with its report. However, the Member of Parliament will be required to move a motion in relation to his Bill and give us a brief on the principles of his Bill.

2.43

MR RWAKAJARA ARINAITWE (NRM, Workers Representative): Thank you, Madam Speaker. In accordance with Rule 130 of the Rules of Procedure of Parliament, I beg to move that the Bill entitled, “The Parliamentary Pensions (Amendment) Bill, 2020” be read for the second time.

THE SPEAKER: Is it seconded? (*Members rose*) It is seconded by Hon. Fox Odoi, Hon. Mpindi, Hon. Bashir, Hon. Luttaguzi, Hon. Ekanya – by the whole House. Would you like to speak to your motion?

MR RWAKAJARA: Thank you, Madam Speaker. I thank the honourable members for seconding the Bill

The objective of this Bill is:

- a. To replace the requirement of a recommendation of the Uganda Medical Board with a recommendation from a medical practitioner approved by the board, in cases where;
 - i. A member or pensioner seeks to use a proportion of the benefits on medical treatment.
 - ii. A member retires early on medical grounds.
- b. To increase the contribution made by members from 15 per cent to 20 per cent.
- c. To exclude the application of the laws on succession to a member’s or pensioner’s benefits in case of death. The succession law does not respect the nomination of the members in case there is death.
- d. To repeal the application of vesting scale in regard to the proportion contributed by Government towards a member’s benefits upon early retirement. Madam Speaker, whenever a member has contributed for some time, and maybe he has a petition and he retires early, then, the Government will not add their contribution if they do not finish the five-year term. Therefore, this will cure that challenge of the Government’s contribution.
- e. To make the Clerk to Parliament an ex-officio member of the board, with no right to vote. Honourable members, we have had audit queries because our Clerk has been a secretary of the board and a board member. Therefore, he had the rights to vote and also be the secretary of the board. We need the Clerk on the board as our secretary, but we have had audit queries because of having the powers to vote and at the same time being the one that keeps our records.
- f. To provide for the appointment and functions of the Chief Operations Manager and other staff of the scheme. This is to empower the board to appoint the team that runs our pension.
- g. To permit benefits of untraceable members to be deposited on the reserve account of the scheme. Madam Speaker, I must mention this before we discuss this Bill, that some of you have not given us the proper data that we should base on to post your benefits. In case of any problem, you will find that we do not have some of your details.
- h. The option of receiving a pension rather than a lump sum payment in a case where a member who is eligible for pension elects to do so. We want to give members the option - even if you have served only one term, you can be a pensioner - but this is optional. Before this, if someone lost an election after one term, he or she would pick his or her lump sum and go away.
- i. To establish a post-retirement medical fund, to which contributions are made, from which costs of medical benefits for members during retirement will be met.
- j. Empower the board of trustees to determine and implement the investment

policy of the scheme. For example, most of our members are interested in getting loans from the scheme at a low interest rate, which we offer, but the URBRA law does not allow us to give all members; they just give us rights - maybe to use five per cent of the total fund. We have now negotiated with them for seven per cent.

We want these powers; that whoever wants money that he or she qualifies to have - and we know we can receive this payment from finance here, we can give the money rather than donating all our money to the banks. *(Interjection)* Do you want me to say it again? *(Laughter)*

I can repeat this: “Empower the board of trustees to determine and implement the investment policy of the scheme.” Such that if we were to offer loans to a member, let us say 50 per cent, we can offer loans to our members

THE SPEAKER: Hon. Arinaitwe, please conclude.

MR RWAKAJARA ARINAITWE: Most obliged, Madam Speaker. The last point is to provide dependents of the former Speaker and former Deputy Speaker to access retirement benefits of the Speaker or the Deputy Speaker. In accordance with this rule, I beg to report. Thank you very much.

THE SPEAKER: Thank you, Hon. Arinaitwe. Can I now have the chairperson of the Committee on Legal and Parliamentary Affairs present a brief report?

2.53

THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Ms Robina Rwakoojo): Madam Speaker, and Members of the House, I am here on behalf of the Committee on Legal and Parliamentary Affairs.

THE SPEAKER: Please speak to the microphone. I am not sure if Solomon can hear you.

MS RWAKOOJO: Madam Speaker, I am here on behalf of the Committee on Legal and Parliamentary Affairs, to present this report on the Parliamentary Pensions (Amendment) Bill.

Before I go ahead, I would like to thank all the members of my committee and to ask them to stand up for recognition. *(Laughter)* Yes, they did the hard work that is in this report. *(A Member rose.)* No, you are not our member. *(Laughter)*

Thank you, honourable Members. Without you, we would not have this report.

Permit me to lay on the Table, the report of the committee and the minutes. I beg to lay, Madam Speaker.

THE SPEAKER: Please lay.

MS RWAKOOJO: I am going to read only the clauses and the recommendations.

The first one I will begin with is on the removal - This is 5.1 on page 6 of our report.

Removal of the recommendation of the Uganda Medical Board, on retirement of a member on health grounds and on utilisation of a member or pensioner’s pension or scheme credit for medical treatment.

Our recommendation is that the committee has examined the above views and recommendations and recommends that clauses 4 and 7 be adopted.

We further talk about that on page 14, where we recommend, based on the above, that clauses 4 and 7 be adopted, albeit to;

- (a) in clause 4, to restrict the provisions to only pensioners since the Parliamentary Commission caters for the medical needs of members of the scheme, who are Members of Parliament and staff of the Parliamentary Commission.
- (b) in clause 7, to harmonise the provision with the provisions of the Parliamentary Service (Staff Regulations), 2019, which

obligates in Regulation 62(5)(ii), the Parliamentary Commission Medical Board to consider proposals of staff of the Parliamentary Commission for retirement on medical grounds.

The committee further recommends for the incorporation of best practices contained in the National Social Security Fund Act in accessing a member's scheme credits mid-term, before he or she becomes eligible for retirement.

5.2 is on increase in members' contribution.

The committee recommended as follows;

Clause 2 should be adopted as part of the Bill with the following recommendations:

- a. The Parliamentary Commission should undertake to mitigate the loss of income that will be suffered by members arising from the increase in members' contributions.
- b. Government's contribution should be increased in light of the increase of the members' contributions.

5.3 -

THE SPEAKER: Chairperson, there is a procedural matter.

MR MWIJUKYE: Thank you, Madam Speaker. I have read through the Bill. It is our Bill. I would want to move that we directly go to Committee Stage and consider clause by clause rather than the chairperson having to go through this and then take more time yet it is our Bill. *(Hon. Naluyima rose_)*

THE SPEAKER: Yes, Hon. Ethel. Chairperson, first sit down.

MS NALUYIMA: Thank you, Madam Speaker. I wish to second Hon. Mwijukye, that the committee chairperson should stop there, and then explains to us more at Committee Stage. So, I also beg to second that we move to-

THE SPEAKER: Thank you, Members. This Bill was uploaded and Members have looked at it. I now put the question that the Parliamentary Pensions (Amendment) Bill, 2022, be read for the second time.

(Question put and agreed to.)

BILLS COMMITTEE STAGE

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 2022

Clause 1

THE CHAIRPERSON: Honourable members, we are at Committee Stage. I put the question that clause 1 stands part of the Bill.

(Question put and agreed to.)

Clause 1, agreed to.

Clause 2

MR BAKA: Amendment Madam Chairperson before clause 2.

THE CHAIRPERSON: Hon. Baka, you are a Member of the committee; you are not going to interrupt the chairperson.

MR BAKA: Yes, I am a Member but I am moving under rule 134 (5), where a Member of the committee who had an issue that was not agreed to in the committee can bring that matter to the Committee of the whole House and that is why I rise, Madam Chairperson.

THE CHAIRPERSON: Did you attend the meeting today? Did you raise it in the meeting?

MR BAKA: I did and there was a matter that was not agreed to. When you go to rule 134-

THE CHAIRPERSON: Did you write a minority report?

MR BAKA: No. I do not have to write it under that rule.

THE CHAIRPERSON: In the circumstance that you did not write a minority report, that means you conceded to the majority report and you signed the report.

MR BAKA: I did and entirely agreed with - Madam Chairperson, under rule 134 -

THE CHAIRPERSON: Hon. Baka, can you sit down? What do you want?

MR BAKA: I have a proposal to the Committee of the whole House, such that the Committee of the whole House can address it and either take it up or drop it. Can I proceed?

THE CHAIRPERSON: Under which clause?

MR BAKA: Between clause 1 and clause 2; so, before we proceed to clause 2, I beg that I move it. It is an amendment to section 5 of the principal Act before the amendment to Section 6 of the principal Act.

THE CHAIRPERSON: Okay. Chairperson, let us give him -

MR BAKA: Madam Chairperson, I move and appeal to this House to look at the amendment to Section 5 of the principal Act, which defines the members that are prescribed for benefit under the Parliamentary Pensions Act. This House elects nine members to the East African Legislative Assembly.

Those members, while at the East African Legislative Assembly, earn monthly emoluments and an annual gratuity but they do not earn pension at the East African Legislative Assembly. These are Ugandans just like us, who are serving at a very high level and are entitled to a decent retirement package.

While this Parliament appropriates for them an emolument per month - it is not a salary per month. The intent of this amendment -

THE CHAIRPERSON: Did you say Government contributes annual emoluments?

MR BAKA: This Parliament gives them a monthly emolument.

THE CHAIRPERSON: Is emolument a salary?

MR BAKA: No, it is not but while at the East African Legislative Assembly, they do not get pension. They only get gratuity.

THE CHAIRPERSON: Do they get gratuity?

MR BAKA: They get gratuity.

THE CHAIRPERSON: Which is a retirement benefit?

MR BAKA: So, the import of the amendment is to allow them to be defined as part of this scheme such that they can be able to earn a pension at the end of their term of office.

THE CHAIRPERSON: Hon. Baka, you want to reintroduce new members in the pension scheme?

MR BAKA: Yes -

THE CHAIRPERSON: Which is not acceptable; Yes, it affects Article 93 of the Constitution and the fact that it affects Article 93;

- (i) it would have a financial implication and we are not going to reintroduce other members in the pension that is being paid for members of Parliament, locally;
- (ii) The emoluments they get here is not a salary. If they were getting a salary from here, we would consider it but now that they do not get a salary from here, the law automatically knocks them out. Next -

MR BAKA: I concede, Madam Chairperson.

THE CHAIRPERSON: We are at Committee Stage, not at debate. Chairperson.

MS RWAKOOJO: Amendment of section 6 of the principal Act; for clause 2, they substituted

the following: Section 6 of the principal Act is amended (a) in subsection 1 by substituting for “15” the word “twenty”. And in subsection 2 by substituting “30” the word “fourty”.

The justification is to increase the rate of Government contribution to our members’ pension by 10 per cent in recognition of the additional contribution by the Member.

THE CHAIRPERSON: Hon. Rwakajara, are you in agreement?

MR RWAKAJARAARINAITWE: I concede on that amendment.

MR MUSASIZI: Madam Chairperson, the proposal by the committee has got financial implications and I am constrained to support it.

MR NANDALA-MAFABI: Thank you, Madam Chairperson. I think the minister would do better to tell us the financial implications this is bringing because the issue we are raising is that a Member has contributed his money and that is the money he wants to benefit from. It has no direct implication - what implication has it got? We need to understand before we can support you, honourable minister.

THE CHAIRPERSONS: Honourable minister, we are talking about members’ money.

MR EKANYA: Madam Chairperson, the minister of finance, under the Public Finance Management Act issued a Certificate of Financial Implications to this Bill and we do not legislate in a restricted manner.

In fact, we, Members, are going to lose because they are now asking us to increase our contribution. So, our savings are going to increase, which is good for this Government. According to the World Bank, the savings in Uganda are very low. So, this will help you to meet the World Bank target.

We request the Government to comply and we are not saying that you do it now; we shall discuss the details during the budget process. I rest my case.

THE CHAIRPERSON: Hon. Fox, do you have something to say?

MR FOX ODOI: Thank you, Madam Chairperson. The committee considered the legality of the proposed amendments and we came to the conclusion that we are sound on the law, on logic and on the economics. I beg to move that you put the question.

THE CHAIRPERSON: Honourable members, I put the question that clause 2 be amended as proposed?

(Question put and agreed to.)

Clause 2, as amended, agreed to.

Clause 3

MS RWAKOOJO: Clause 3 is about the insertion of a new section 6(a) in the principal Act. Clause 3 of the Bill is amended in the proposed section 6(a) as follows:

- a) In the proposed subsection (1) by substituting the words “parliamentary post-retirement medical fund” established under Section 17A of the Act with the word “scheme.”
- b) In the proposed subsection (2), by substituting the words “parliamentary post-retirement medical fund” with the word “scheme.”

The justification is to remove the restriction proposed on voluntary contributions under the Bill by allowing a member to make voluntary contributions to that scheme without restricting the utilisation of those voluntary contributions.

THE CHAIRPERSON: Honourable minister, I hope you listened to what the chairperson of the committee said.

MR RWAKAJARA: Madam Chairperson, I concede to the amendment.

THE CHAIRPERSON: Yes, minister.

MR MUSASIZI: Madam Chairperson, I agree with the committee.

Clause 4, as amended, agreed to.

THE CHAIRPERSON: Thank you. I put the question that clause 3 be amended as proposed?

Clause 5, agreed to.

Clause 6, agreed to.

(Question put and agreed to.)

New clause

Clause 3, as amended, agreed to.

MS RWAKOOJO: The committee proposes the insertion of a new clause immediately after clause 6. The Bill is amended by inserting, immediately after clause 6, the following-
“Insertion of Section 13(A) in the principal Act

Clause 4

MS RWAKOOJO: For clause 4, there is substituted the following –

The principal Act is amended by inserting, immediately after section 13, the following-

“Amendment of Section 7 (b) of the principal Act

Section 7B of the principal Act is amended by substituting for subsection (2)(b) the following:

“13A. Midterm access to benefits

“(2)(b) Pay for medical treatment in respect of a pensioner on the recommendation of a medical practitioner approved by the board.”

(1) A member who has made a contribution to the Fund, under section 6, shall be allowed mid-term access to his or her benefits accrued from the contributions.

The justification is as follows:

(2) A member who is 45 years of age and above, and who has made contributions to the Fund for at least 10 years, is eligible to mid-term access to his or her benefits of a sum not exceeding 20 per cent of his or her accrued benefits.

1. The provision of medical treatment for members of the scheme is done by the Parliamentary Commission. This makes the proposals in the Bill as well as section 7B(2)(b) of the principal Act redundant.

1. (3) The board shall prescribe, by statutory instrument, the terms and conditions and procedure, for accessing the accrued benefits under this section; and

2. To restrict the provision to only pensioners since these are not provided medical treatment by the Parliamentary Commission.

2. (4) The statutory instrument under subsection (3) shall be laid before Parliament for approval.

THE CHAIRPERSON: Yes, Hon. Rwakajara.

MR RWAKAJARA: Madam Chairperson, I agree with the committee.

The justification is to incorporate best practices in accessing members’ credits by allowing a member to access his or her scheme credits mid-term, before he or she becomes eligible for pension.

THE CHAIRPERSON: Minister?

MR MUSASIZI: Madam Chairperson, I agree with the committee.

THE CHAIRPERSON: I put the question that clause 4 be amended as proposed.

(Question put and agreed to.)

MR RWAKAJARA ARINAITWE: Madam Chairperson, since there is already a precedent in the National Social Security Fund (Amendment) Act, which is also a pension scheme, I agree with what the committee has proposed.

THE CHAIRPERSON: Can I have the microphones on? Let us first hear from Hon. Anywar and Hon. Hanifa Kawooya, then I will come to you.

MS ANYWAR: Thank you, Madam Chairperson. I would like to move that the amendment includes not only the members who have retired, but also the ex-officios.

I am saying this because, Madam Chairperson, as of now, the ex-officios cannot even access their savings. They are also not even allowed to borrow. That leaves them in a dilemma, if we don't include them in this amendment.

Therefore, I would like to propose that this amendment includes that because one cannot continue saving to the scheme when they are not allowed to access even a third of their savings and not allowed to borrow from the scheme where they are saving. I would like that amendment to be included.

MS BANGIRANA: Thank you so much, Madam Chairperson. I would like to, first of all, apologise because I am taking the Chairperson and Members of this august House back, which is against our rules and practices. However, Madam Speaker, Article 4 - the amendment on 7B that we have passed, as the Minister of Health -

THE CHAIRPERSON: We have not passed any Article; we have passed a clause.

MS BANGIRANA: Yes, the clause. Anyhow, as the Minister of Health I want to raise some issues of concern and I am sure –(Interruption)

THE CHAIRPERSON: Honourable minister, when you want a clause to be reconsidered, you move a motion for recommitment. Do you want us to recommit? Are you aware that the time for recommitting has passed? It was supposed to be recommitted at that time.

Honourable members, maybe you can just understand what she wants to raise.

HON. MEMBERS: No!

THE CHAIRPERSON: I am the Chairperson of this House. I am the one chairing and I want to hear her concerns. Okay! Can you tell us your concerns?

MS BANGIRANA: Thank you, Madam Chairperson. My concern, on behalf of the Minister of Health, is that we do appreciate the spirit of the substitution for the words “medical practitioner” the words “Medical Board”. We are trying to understand what this is trying to cure. Whereas an individual may be having expertise within one field - When we are subjecting that it is only this individual, but at the same time, they are supposed to be approved by the Medical Board, which Medical Board the report and the mover are trying to do away with?

Therefore, we would still appreciate that the Medical Board remains with its mandate. Wherever there maybe shortcomings, we could approve of them. That is my main concern.

THE CHAIRPERSON: Honourable members, first of all, I want to make clarification on Hon. Anywar's issue. I want to refer you to rule 129(3). The Bill was brought to the House. You ought to have taken your concerns to the committee and they put it together in the Bill. You cannot make an amendment on the Floor.

Secondly, on the issue of the Medical Board - and it was good for you to hear from *Ssenga*. It was good for her to raise it because they would castrate her. (Laughter) However, honourable members, the clause was already passed. Can we go to the next?

MR NANDALA-MAFABI: Procedure, Madam Chairperson –(Interjection)-

MR MUWANGA KIVUMBI: Madam Chairperson, you had given me the time.

THE CHAIRPERSON: Okay.

MR MUWANGA KIVUMBI: I have attentively listened to the amendment of the committee. I stand here –

THE CHAIRPERSON: On which clause?

MR MUWANGA-KIVUMBI: The one that allows mid-term access.

THE CHAIRPERSON: You are on new term. Let us first clear her fears.

MR BASALIRWA: Madam Chairperson, I have listened to the *Ssenga*, *Hajat* Anifa Kawooya. On the issue of the Medical Board, first of all, this board rarely sits.

Secondly, we had a scenario here and the frontbench is aware. Hon. Moses Ali was about to die. In fact, it was Dr Rugunda who was moving with documents to get clearance.

Therefore, because of the challenges of the Medical Board, it can only be proper that we have *-(Interjection)-* information from my neighbour.

MS CECILIA OGWAL: Madam Chairperson, I think the point the Member is bringing up is very important. The information I want to give you is that I am happy that, today, the person chairing this session happened to be one of the victims. She was in a desperate situation - I do not want to mention her name, but *-(Laughter)*

The situation was very bad. As commissioners, we had to take a decision that action be taken. Let me tell you; we honoured the Medical Board. We interfaced with the Medical Board and they told us their challenges. They said "we want to meet" – because that is a board of professionals but they do not have the funding. That is what they told us.

That is why when we have serious cases – I am glad I was together with the mover of this Bill. We faced very serious challenges, where lives were threatened but we had to take decisions to save lives.

Now that we are trying to help you, Members, why am I hearing contradictory information, including from the ministers? When you fall sick, it is the Speaker and the Commission that will take care of you. We must have consensus on this.

I want to tell Members that this is a Bill where all of us are involved. *(Applause)* We must look for any loophole and make sure we close it because when you get sick, you are helpless. It does not matter whether you know the President or the Speaker, you will die. *(Laughter)* Therefore, we have to make sure that our system protects us. I beg to clarify.

MR BASALIRWA: Madam Chairperson, as I conclude –

THE CHAIRPERSON: Honourable members, I want to - she wants to concede. Firstly, allow her to concede because she has understood what we are saying.

MS BANGIRANA: Thank you, Madam Chairperson and honourable colleagues. The concerns of the Ministry of Health were in good faith. Now, having heard from colleagues and reading the mood of this House – *(Laughter)* - and the challenges that the Medical Board has been going through, despite the fact that we have been trying to overcome them, I do concede. Thank you. *(Applause)*

MR NANDALA-MAFABI: Thank you, Madam Chairperson. The procedural issue I am raising will, maybe, help Members tomorrow. A Member is free to recommit a clause but the appropriate time is when the Chairperson has left the seat and gone back to her chair as Speaker.

Madam Chairperson, you have been so - I think it is because she is your *Ssenga*. Otherwise, what you did – that she speaks now, when a clause has been passed, was wrong. We want to ask her not to repeat it.

THE CHAIRPERSON: She requested for it. She is a *Ssenga*.

MR NANDALA-MAFABI: Okay, that is done. There is the other issue I want to raise, which is final. Hon. Beatrice Anywar raised an issue. She is out of order because *-(Interjections.)* No, I have ruled myself and I am explaining. She never raised it in good faith -

THE CHAIRPERSON: I know you are the chairperson of BCU but not the House. *(Laughter)*

MR NANDALA-MAFABI: Okay, I withdraw that.

THE CHAIRPERSON: I made a ruling that she was out of order. It was not correct because she ought to have taken her concerns to the committee. This Bill has been with the committee for 45 days.

MR NANDALA-MAFABI: Also, Madam Chairperson, the issue is that these are people who can be appointed today and tomorrow, they are not there. Even if the committee had reconsidered, we would arrest you. These are people who can be appointed in the morning and in the evening, they are not there. That would be very dangerous if we passed it into law.

MS OPENDI: Thank you, Madam Chairperson. I want to allay the fears of the ex-officio Members. Under clause 5, membership of the scheme shall consist of all Members of Parliament – whether elected or ex-officio – and members of staff. So, you are covered under this clause. That is sufficient.

Madam Chairperson, I know you have already ruled on this and *Ssenga* has conceded. We could qualify the issue of “medical practitioner” at a consultant level. That would be okay. Otherwise, we run a risk of people simply going to anybody - even somebody who has just qualified is a medical practitioner. We should qualify “medical practitioner” at consultant level; that makes sense, Madam Chairperson. Thank you.

MR MUWANGA KIVUMBI: Madam Chairperson, on this one, I want to beseech this House. From the word go, I know it may not be a popular submission I am going to make. However, I know it is the right economics and it is right for Members.

Madam Chairperson, on mid-term access, I know there is an argument to be consistent with

the NSSF Act because it was already passed. However, much as the NSSF Act was passed, we had a fundamental objection but it was under COVID-19, and we were constrained to legislate on it.

Now, mid-term access defeats the global standards of social support system –*(Hon. Opendi rose)*

THE CHAIRPERSON: Hon. Sarah, when you were speaking, they gave you chance.

MR MUWANGA KIVUMBI: Madam Chairperson, I am very careful while submitting on this. I think I qualify to even have mid-term access and I am a better investor of my money.

However, Madam Chairperson, we must, in this country, fully internalise the concept of social support and the concept of helping people who face a crisis.

At COVID-19 level, savers in NSSF needed relief. However, Members’ contribution in the pension scheme is to stand with us when we have retired and we need every penny at that time.

Mid-term access creates a danger that some people can access this money and wrongly reinvest it. We have met former Members of Parliament who are in a dire state.

We know that we have capacity to borrow on our emoluments and our salary and we know the story of what is going on in this country.

Madam Chairperson, I know your office has taken an even extreme caution to try to guard Members not to borrow beyond certain limits because once you create that access, you give room for people to abuse it.

This may not be popular because I know in Economics; we say, “A penny today is more important than a penny tomorrow.” However, money saved will stand for you at a time when you are no longer earning. Should you access it when you are earning, wrongly re-invest it and you will lose an opportunity.

I stand here to beseech this House to reject this amendment; to say that this amendment once carried, we run a danger of our Members running into dangerous waters.

We created - when Hon. Kakooza went to the courts of law, we were allowed access to gratuity and it became an annual payment. Because of that, Members were saving gratuity and this gratuity would benefit them during times of campaigns. Why we have a high attrition rate in this Parliament is because of lack of campaign finance; gratuity used to serve us.

THE CHAIRPERSON: Yes, we have understood what you are saying. This clause says that you must have saved for 10 years consistently, without a break and then, you must be 45 and above. Therefore, you will find very few people even qualify for this money.

Secondly, when you are debating it, I also want you to look at the time value of money and remember this is my money, not yours.

MS PACUTO: Thank you, Madam Chairperson. I want to start from where you have stopped. Hon. Kivumbi studied the same Economics that I did; we went to the same school and he definitely knows that time value of money matters.

Secondly, I want to categorically state that I welcome the mid-term access because a precedent has already been set with the NSSF.

I want this House to consider that in terms of number of years, in Parliament, we do not serve in terms of number of years; we serve terms. You serve one term, which is five years and then, another. We should include in this clause that one can access mid-term when you clock 45 years but when you have served two terms, you should be a pensioner like any other Member of Parliament.

THE CHAIRPERSON: Those are ten years; common sense.

MS PACUTO: Madam Chairperson, two terms - when I come midway, or one year to election and I go back, it is counted as one term.

THE CHAIRPERSON: No, no. It is counted as one year. We are talking about 10 years consistently, not these ones that break, where you come this term and then, you miss the next.

MS PACUTO: Then that is okay.

THE CHAIRPERSON: Can the minister help?

MSAISHAKABANDA: Madam Chairperson, you had given me an opportunity.

MR KYOOMA: Madam Chairperson, I have an inquiry; I have perused the report and it suggests that if you have served one term and are above 45, you can make a choice of either getting your total refund there and then, or become a pensioner.

I think the whole essence of the pension is to ensure that this person leads a fairly comfortable life. Why can't we take our stand and say whether you have served one term or more, as long as you are above 45, you are pensionable so that we take it at that?

MR RWAKAJARA: Madam Chairperson, I think the honourable Member is on a different clause, which we have not yet reached; this one is on mid-term access.

THE CHAIRPERSON: Yes, Hon. Aisha.

MS AISHA KABANDA: Thank you, Madam Chairperson. Hon. Muwanga makes a lot of sense when it comes to ordinary pension schemes. Under ordinary pension schemes, where people retire at 55, it makes sense - you can go through your age time but even then, we gave space for people.

However, in this particular sense, you will find a Member of Parliament who is in Parliament even at 70 years. If you deny such a person his or at least part of his savings to do business, it

would be a bad thing. We have people who will retire almost at the departing time.

So, in light of the scheme we have - where even people can stay in Parliament up to 70 years or even more, it makes sense that at one time, when someone serves like two terms, someone is able to access mid-term his savings.

THE CHAIRPERSON: That is a different clause, by the way.

MS AISHA KABANDA: No, Madam Chairperson. The clause we are amending is that if someone has served-

THE CHAIRPERSON: We are not amending. We are introducing a new clause, which has never existed. We are just introducing it.

MS AISHA KABANDA: I agree with you. The clause we are introducing is that if someone has served at least 10 years and is above 45 years, they would access mid-term; that is what they said and I am in support of it. Because the argument of Hon. Muwanga Kivumbi is that you need every penny at your retirement. However, this kind of scheme is that our retirement actually might not come because sometimes, you leave when you are about to die. It is important that we get money and utilise it when we can still work. Thank you.

THE CHAIRPERSON: Hon. Okot Ogong. Do you want to make a clarification?

MR OKOT OGONG: Madam Chairperson, I thank the mover of this Bill. I want to give Members the genesis of the Parliament Pension Scheme. This scheme came after Members realised that when our colleagues leave Parliament, they live in a desperate situation.

We had to provide some social security funds for Members of Parliament who leave Parliament before they are ready. And that is why when this Bill was introduced, Parliament had elaborate discussions with the President. The President accepted that the Government would pay half. When you contribute 15 per

cent, the Government will pay 30 per cent to help Members who leave Parliament after service so that they live a decent life.

I am talking about mid-term access to your fund. This means that a Member of Parliament is accessing that fund when he or she is still serving and you are still earning. Now, you want to get access to your fund when you are still earning. Most Members of Parliament -

THE CHAIRPERSON: Hon. Okot-Ogong, what you are raising is in the report. Everybody understood. We know what we are legislating on. I thought you were going to bring an amendment to the mid-term access and we put the question. Now that you are not bringing an amendment - Can I have Nandala?

MR NANDALA-MAFABI: Thank you, Madam Chairperson. To become a Member of Parliament, you must be of voting age and a senior 6 leaver. The word "pension", under normal circumstances - there is no age when a Member of Parliament retires. And that is where we get the complication. That is why I want to agree with my sister there. Because we do not have an age of retirement, that is where it was coming in to find a middle ground, to deal with a Member of Parliament who leaves the House.

When colleagues leave, if they have not prepared well, they are always in a bad state. As much as they can suffer when they are in the House, it would be better for us to cater for them when they have left the House. It is dangerous for us to allow a Member of Parliament to get money when he is still a Member of Parliament because he will take it to the constituency. At the end of the day, it is gone. The only fallback position when you have left Parliament is that pension money. That is why I am pleading with the Members of Parliament, that you should access money when you leave. They have brought a good amendment that you now borrow from your pension. When you borrow from your pension, instead of going to the commercial bank, you will be allowed to borrow and use your money; So, this is a covered part.

I would request all of you Members, please, do not accept for us to take our money now. Tomorrow, we shall be the people suffering and you will regret it.

MS AKAMPURIRA: Thank you, Madam Chairperson. I would like to support Hon. Nandala. I want to put this before the Members of Parliament. First of all, our scheme is small –(Interjections)- let me give my submission. Ours is a small scheme compared to NSSF.

Madam Chairperson, the moment we accept mid-term, Members, I want to put this before you. We are here in Parliament, at the end of this term, if a Member does not spend two terms or does not come back and has spent only one term, they will take all their money. Remember, as we have been studying and looking at these pension schemes, they were telling us the effect that it causes to the scheme when members withdraw all their pension after five years. You are giving another opportunity for Members after another 10 years to also come and request to take their money. That is also another loophole that we are causing. Therefore, this will affect your investment's return.

THE CHAIRPERSON: Hon. Prossy, is that your money or the Member's money?

MS AKAMPURIRA: Madam Speaker, this is Member's money but in the long run, it affects them. (Interruption)

THE CHAIRPERSON: Can I hear from the minister? Let the Minister speak first.

MR MUSASIZI: Thank you, Madam Chairperson. I want to beg the indulgence of colleagues. Madam Chairperson, the matter at hand is on mid-term access. The committee has proposed that we allow members of the Pension Scheme to access money at mid-term. The principle behind the mid-term access is to allow savers to get some money to be able to do something when they are still strong.

The proposal the committee is bringing is not to allow every Member to access the mid-term.

The committee is saying, you have been saving for 10 years or more, like myself; I have been saving with the scheme for the last 11 years. Assuming I wanted money to build a house, I believe 20 per cent is reasonable money to enable me to complete my house and I stop renting. That is a good principle. The risk Members are posing, which is a real risk is the depletion of the fund; to guard against the risk of depletion of the fund is not to give this mid-term access to everybody. If this mid-term can be given when a Member has saved for 10 years or more, I do not see any problem with this.

Madam Chairperson, the committee - I can take Hon. Aisha's clarification.

MS AISHA KABANDA: Thank you very much. I just want to seek clarification from you, an Economist. I have heard arguments that after all, the scheme has been able to put an avenue for a loan facility. Does it make logic to get money at a cost because a loan is at a cost - Does it make sense to get money at a cost where I could get my own savings and do something?

MR MUSASIZI: Madam Chairperson, the principle behind the pension is that you save to a fund, which invests the money, makes income and pays you benefits upon retirement. When the Fund invests the money, they earn interest. Why the borrowing idea comes, is because you are not borrowing from your own money. You are not borrowing from the Parliamentary Commission. This money you have surrendered to a Pension Fund, which is supposed to invest it and earn you an income. That is why the interest rate on the funds you borrow comes in. Madam Chairperson, can I propose, so that we move on –(Interruption)

MR OKUPA: Thank you, honourable minister. For the first time, I am agreeing with the honourable Minister of Finance on this matter. Madam Chairperson, first, the 20 per cent mid-term is not compulsory. If you do not want it, do not get it. It is not being forced on anyone. It is just like the savings we have in the SACCO here. You can keep saving every month; if you

want to withdraw, you can withdraw. If you do not want it, you can keep it for five years. It is not compulsory and I totally agree with you, honourable minister.

I should not suffer going to the bank to borrow money at 27 per cent, yet, I would access 20 per cent of what I have saved in the last 22 years or so.

Therefore, Madam Chairperson, I think it is the right time that you put the question. The worries people have about accounts being depleted - there are already safeguards of "...10 years continuously." If you have not made 10 continuous years, you cannot access it.

Madam Chairperson, just put the question and we move on. Thank you.

MS OPENDI: Thank you, Madam Chairperson. We have spent time on this clause for absolutely, in my view - maybe Members are confused by the different views that are coming on the Floor but honourable colleagues, this is your pension. You have served for 10 years. Assuming you joined this Parliament when you were 45 or 50 years, you will be 60 years. And maybe, by God's grace, you are still a Member of Parliament.

Why should you be left to go and borrow from the bank at 16 per cent interest, yet, your money is lying there for who to enjoy tomorrow? You want this money to be given to people, yet, you could have used it to invest? Not that everybody is picking this money to go and spend it at the *Nyege Nyege* event; we are adults and we need to invest our money for our young children.

So, I would like to propose that - this mid-term access is not for everybody. Not everybody is going to pick this money but there are those who may want to use it. Madam Chairperson, I request that you put the question on the committee's proposal and we vote.

MR MPUUGA: Madam Chairperson, my earlier submissions on the NSSF Amendment Bill that triggered the mid-term access - my thoughts have not changed and I thought there

was a problem with it. Now that this is at Parliament, we need to understand that there is a difference between a transfer earning and a transfer payment. Pension per se is not income and that, we need to understand unequivocally and the reason it is not taxed.

Secondly, Members need to appreciate that, for example, the borrowing component is already before even the amendment. Members can borrow upon their pension, so that is catered for, regardless.

My view is that this being a committee amendment, would it be fatal if we stood over it? You see, dying today and dying tomorrow are all deaths but dying a shameful death is a bad death. Would it be okay if Members gave themselves a night to sleep over this amendment? Tomorrow, first thing and move it - because it is about them?

THE CHAIRPERSON: Honourable members, this is about Members and if one does not want to get the 20 per cent, they should not go for it. Let us die a shameful death for now. *(Laughter)*

I put the question that the proposed new clause be inserted as proposed.

(Question put and agreed to.)

New clause, agreed to.

Clause 7

MS RWAKOOJO: In clause 7, there is a proposed amendment to section 15 of the principal Act. The committee proposed to substitute the words "Medical Board appointed by the Director General of Medical Services" with the words "Parliamentary Commission Medical board, in the case of a member who is a staff of the Parliamentary Commission or a medical practitioner approved by the board, in the case of a member who is a Member of Parliament."

The justification is to harmonise the provision with the provisions of the Parliamentary

Service (Staff Regulations) 2019, which obligates, in regulation 62(5)(ii), the Parliamentary Commission Medical Board to consider proposals of staff of the Parliamentary Commission for retirement on medical grounds.

MR RWAKAJARA: Madam Chairperson, the Parliamentary Staff Regulations are different from the ones for the Members of Parliament. I went through the explanation and I concede with the committee.

MR MUSASIZI: Madam Chairperson, I agree with the committee's proposal.

THE CHAIRPERSON: I put the question that clause 7 be amended as proposed.

(Question put and agreed to.)

Clause 7, as amended, agreed to.

Clause 8

MS ROBINAH RWAKOOJO: In clause 8, the committee proposes to move an amendment that reads: "Clause 8 of the Bill is amended in the proposed section 16, by substituting the proposed subsections (3) and (4), with the following –

(3) Where a member or pensioner does not nominate a beneficiary under subsection (2), the Board shall –

(a) In the case of a member, refund the member's scheme credits to a person who has obtained letters of administration or probate over the estate of the deceased member for benefit of the member's beneficiaries under the estate;

(b) In the case of a pensioner, pay the pensioner's benefits under the scheme to a person who has obtained letters of administration or probate over estate of a deceased pensioner, for the benefit of the beneficiaries of the pensioner;

(4) Where the person nominated under subsection (2), predeceases the member or pensioner or for any reason, the nominated

person cannot take the member's or pensioner's benefits or scheme credits respectively, the member's scheme credits or pensioner's benefits or any part thereof that cannot be taken by the nominated member shall be distributed as if the member or pensioner did not nominate a beneficiary."

Justification:

i) To remove the proposal in the Bill, allowing the board to distribute the benefits or scheme credits of a deceased pensioner member since it can be abused and instead apply the provisions of the Succession Act by requiring that the member's scheme credits or pensioner's benefits are made available to a person to whom letters of administration or probate have been granted for distribution to the beneficiaries of the deceased pensioner, or member under his or her estate; and

ii) To make provision for the distribution of a member's scheme credits or pensioner's benefits in circumstances where the beneficiary predeceases a pensioner or member.

MR RWAKAJARA: Madam Chairperson, I request the House to maintain the original proposal because I believe that everybody should nominate their beneficiaries. Under the UBRA law, it is very clear that pension is not part of the estate of the pensioner. So, I suggest that we should have nominated beneficiaries rather than someone getting letters of administration to take it. But also, these letters of administration can take even 10 years when there is no one benefiting. So, I suggest that the clause be maintained as it is.

MR MUSASIZI: Madam Chairperson, the best practice in pension management separates pensions from estates of the deceased and they are managed under the rules set by the regulator. What the committee is proposing – they are tending to take us to manage pension as if we are managing the deceased's estate. I, therefore, agree with the mover of the Bill that

we maintain the provision as it is in the Bill and not as proposed by the committee. *(Applause)*

THE CHAIRPERSON: Honourable members, I put the question that clause 8 stands part of the Bill.

(Question put and agreed to.)

Clause 8, agreed to.

Clause 9

MS RWAKOOJO: Clause 9 of the Bill is amended by inserting immediately after the proposed subsection (2) the following-

“The Board shall deduct an amount not exceeding two per cent of the contribution made under section 6 and remit the contribution to the Parliamentary Post-Retirement Medical Fund for the benefit of the member.”

Justification

This is to require the board to deduct a percentage not exceeding two per cent of the contributions of each Member to be remitted to the Parliamentary Post-Retirement Medical Fund.

Secondly, it is to ensure that every member contributes to the Parliamentary Post-Retirement Medical Fund rather than making the contribution voluntary.

MR RWAKAJARA: Madam Chairperson, I had not scrutinised this. I request the chairperson of the committee to repeat *-(Interjection)-* Yes.

MR MUSASIZI: Madam Chairperson, what the chairperson of the committee is proposing is that all Members be compelled to contribute two per cent to the medical fund. The essence here is that this fund takes care of the medical bills when the savers are no longer working. Ideally, it adopts the principle of insurance.

I have a different view that we make this voluntary. Whoever wants to benefit from it should contribute to this fund and if you do not want to benefit, then, you have an option

of not contributing. It is a view, which can be debated.

MR MUWANGA KIVUMBI: I would like to inform my very good friend, the honourable Minister of Finance, that our social responsibility to each other in times of need should be met when we have to. You see, we have an obligation to care for each other; it cannot be optional.

MR MUSASIZI: Hon. Kivumbi has persuaded me to believe that we should adopt the principle of subsidising each other the same way insurance works. Therefore, I concede and agree with the chairperson.

THE CHAIRPERSON: So, are you supporting the clause – are you in agreement?

MR MUSASIZI: Yes.

THE CHAIRPERSON: I put the question that clause 9 be amended as proposed.

(Question put and agreed to.)

Clause 9, as amended, agreed to.

Clause 10, agreed to.

Clause 11, agreed to.

Clause 12

MS CECILIA OGWAL: Clause 12 talks about the appointment of the Chief Operations Manager. Madam Chairperson, the issue of management of pension must attract all our attention. It is dangerous that we should leave it open for any person – however excellent that person could be in terms of management – to be a permanent performer in the pension.

Therefore, to be fair, and for us to be given the opportunity to source for the best team of management, we should talk of five years, renewable once. That is the practice. I would also like to propose, maybe, five years would be too much. Maybe we say four years but renewable once. That is the practice in corporate governance. Thank you.

THE CHAIRPERSON: I also want you to appreciate that once you have somebody staying there for long that will lead to misuse of people's money. That is savers' money. So, we need to have term limits. Why would you remove term limits? Why? It is not politics – like where we have removed the term limits here? *(Laughter)*

MR ENOS ASIIMWE: Thank you, Madam Chairperson. I am trying to understand why we are running away from pension fund managers to an individual who is going to be subject to the board. Why don't we deal with -

THE CHAIRPERSON: No, there will be an abuse if we get out of that.

MR ENOS ASIIMWE: What I am looking at, Madam Chairperson, is that instead of appointing an individual to run the fund under the supervision of the board, why don't we leave it to fund managers who are regulated by the Insurance Regulatory Authority and other agencies? An individual can do anything at any time, especially if he is under the supervision of the board. My suggestion to Parliament is that we pass *-(Interruption)*

MS AISHA KABANDA: Thank you, honourable colleague, for giving way. This does not recommend doing away with fund managers. Fund managers do a different role. Once the money is collected, it is sent to fund managers but you need an administrator of the fund. That is the person we are talking about. These are two different things.

Having said that, Madam, whereas I support the issue of term limits – there should be a term limit, renewable. When you say “not more than two terms”, you are restricting it. Sometimes you could have a very good performer and we throw away this person. We could say renewable – they can renew it as long as the person is working well.

MR ENOS ASIIMWE: Thank you for the information. Now, can I seek clarification from the honourable colleague, the mover of the Bill? How is it being handled now? *(Member*

rose_) I am seeking clarification. Wait a minute – you gave me information. I am seeking clarification and then, I can make my argument *-(Interruption)-* Being a Member does not give you rights to *-(Interruption)*

MS AISHA KABANDA: I am a board member and I gave you information as a board member. I am telling you that fund managers are different from administrators of the fund.

MR ENOS ASIIMWE: It is okay.

MR BASALIRWA: Thank you, Madam Chairperson. The issues of corporate governance and succession planning are related. There is no way you are going to discuss corporate governance without the concept of term limits, especially for a very important entity like this. Therefore, the proposal of having term limits becomes central in corporate governance. I agree with proposals that it should be four years, renewable once, as an aspect of corporate governance. *(Applause)*

MR MUSASIZI: Madam Chairperson, whereas the proposal being brought by Hon. Cecilia and supported by Hon. Asuman could be having reasonable grounds, I beg your indulgence. We have just had a precedence in this House that proposals should be sent to the committee so that the committee looks at them before they are brought to this House. Therefore, is it procedurally okay for Hon. Cecilia Ogwal to begin introducing new proposals in the Bill, which have not been brought to the attention of the committee?

MR BASALIRWA: Madam Chairperson, I first want to give information.

THE CHAIRPERSON: Give me the amendment.

MR BASALIRWA: Madam Chairperson, I move a motion to amend clause 12 to read thus: “The scheme shall have a Chief Operations Manager who shall be appointed by the board for a term of four years, renewable once.” I beg to move. *(Applause)*

THE CHAIRPERSON: Is that seconded?

MR RWAKAJARA: Madam Chairperson, although he has come up with an amendment, I would propose that in the pension scheme, this is a finance management business that needs some time. I thought if it were five years, renewable once, maybe it would be better.

First of all, this is practice in the management of many other funds. Also, knowing the delicate part –

THE CHAIRPERSON: Hon. Rwakajara, we shall still bring an amendment if there is need for it.

I put the question that clause 12 be amended as proposed by Hon. Asuman Basalirwa.

(Question put and agreed to.)

Clause 12, as amended, agreed to.

Clause 13, agreed to.

Clause 14, agreed to.

Clause 15

MS RWAKOOJO: Clause 15: Amendment of section 20D of the principal Act.

Clause 15 of the Bill is amended by substituting for the proposed subsection (2) the following -

“2) Notwithstanding the provisions of any other written law, the investment policy of the scheme in respect of the schemes lending to its members shall be implemented in a manner determined by the board.”

Justification

The provision is to allow the scheme to determine the investment policy in respect of the scheme’s lending policy.

MR RWAKAJARA: Madam Chairperson, my proposal in the Bill was very clear. I wanted the board to determine the investment asset

policy. However, the committee suggested an amendment that the investment policies that will determine - apart from the URBRA law that determines asset classes of investment - that we can only agree on loans that we offer.

What they are trying to cure is that, the law now, as it is, allows us to lend only up to seven per cent of the total assets of the Fund. Therefore, this will give us an opportunity that once Members want to borrow and they qualify, according to the regulations of the Fund, you can borrow. Rather than Members borrowing from banks at a higher rate, we can lend at a lower rate such that we have return on investment. *(Interruption)*

MS AISHA KABANDA: Thank you, Madam Chairperson. The proposal of Hon. Rwakajara was about investment policy. An investment policy is inclusive -

THE CHAIRPERSON: Honourable Members –

MSAISHAKABANDA: Madam Chairperson, let me provide this information. Investment policy is inclusive of the loan as an investment class. When we separate loans alone, it is like we are taking away the rights of the board to determine on other asset allocation.

Therefore, the way it had been proposed, the board having rights to determine the investment policy, was sufficient to cover all other asset classes, plus the loans. This would take away the restrictions that were being given by URBRA. I think it is sufficient for it to stay the way it had been proposed by Hon. Rwakajara.

THE CHAIRPERSON: When you look at what the Chairperson was saying, part two, “Notwithstanding the provision of any other written law -”; you are creating a supremacy clause within the law.

MR RWAKAJARA: Madam Chairperson, that is the committee, but my proposal in the Bill is very clear that the board –*(Interjection)* - I give you an opportunity, please, you can add on.

MS CECILIA OGWAL: Madam Chairperson, I have looked at the proposal of the committee and that of the Bill. As somebody who has served on that board for quite some time, I would rather go by the proposal in the Bill.

MR WERIKHE: Madam Chairperson, the wisdom of the committee was that leaving the board to do the investment policy, would be giving them a wide-open door. That is why we restricted them to only loans; the other policy issues are restricted by URBRA; they should be regulated. However, for loans, for our benefit, we gave them an open door.

MS CECILIA OGWAL: But, Madam Chairperson, I do not understand. Why do we want to surrender our thing to URBRA, which is a stranger in this scheme? Instead, we should subject it to the Commission, if you want an overseer.

THE CHAIRPERSON: Honourable members, you are giving the board too much power; you are risking Members' money. Why don't you have the law as it was?

MR MUSASIZI: Thank you, Madam Chairperson. I am uncomfortable with both the committee proposal and the provision in the Bill, on grounds that we are really extending this risk so much. We are tending now to give powers to the board to act as if it is a financial institution. Madam Chairperson, I beg to propose that clause 15 be deleted.

MR RWAKAJARA: Madam Chairperson, I think we are being very unfair to our service. There are no powers that we are giving to the board beyond the powers that they have. The only cure - when we were formulating the law of URBRA, the banks knew that some schemes could have powers to control their money and loan themselves.

In addition, Madam Chairperson, when our Members reach here, when the term is starting, they run to different banks. We are allowed to lend up to seven per cent of the total asset and remember that money cannot be enough for our members.

They go and borrow at a higher interest rate of 18, 17, and 20 percent from the banks - when they borrow, the money here is very easy. What we are trying to cure, here nobody can default. It is a return on investment of your own money when you borrow in the scheme, yet, when we borrow from outside, the return on investment goes to others. They keep on limiting us to lend little, then, we do not get return on investment, moreover on easy money.

Madam Chairperson and Members, I still have power as a board member, as the chair of the board to invest in equity in Kenya, which you are not considering, which is riskier and you can lose your money there without knowing. But here is clean money that I will invest and get returns without hustle and boost your scheme and post returns on your investment.

THE CHAIRPERSON: Hon. Rwakajara, when you look at section 18 of the Principal Act, on the powers of the board, where it says to invest any monies forming part of the scheme as it deems fit - do you have any problem with that?

Assuming we have that, and you remove this subclause (2) where you are saying "*Notwithstanding any provisions of the written law*"; because this is a supremacy clause; once you leave it, it overrides all the clauses, all the laws of the land.

MR RWAKAJARA: Madam Chairperson, what they were trying to cure is the other law of URBRA that says, "all schemes." URBRA will determine class assets; treasury bills - 70 per cent, equity - 20, this - 10, then when it comes to us who can lend ourselves and make money from ourselves, it limits us.

Therefore, this is what we are trying to cure Members. When we are debating, let us see how we can have that opening on our own money that we can lend ourselves and have returns on investment at an even lower interest rate.

MR KIBALYA: Thank you, Madam

Chairperson. The minister is over debating; let him sit so that we can have an input. He had time to discuss this with the committee.

Madam Chairperson, URBRA was established by this same Parliament, and we gave it powers to oversee the operations of the schemes and our scheme is not exceptional from other schemes.

Madam Chairperson, the board are people that we have given the responsibility to do and oversee some work. We the owners of the money are saying, “your limits are here; let the rest of these operations be overseen by URBRA.”

Therefore, unless there is something, the board must have limits, and URBRA must have powers to oversee. Otherwise, we have had issues with the board, we are having issues with different boards. So, let the board have its limits and let URBRA remain as a body that oversees the rest of the operations.

THE CHAIRPERSON: But I think you can also negotiate with URBRA because it is a regulator and it is an administrative matter. We formed URBRA and we still have an option of negotiating with them on your fears but do not bring a supremacy clause.

MR KATESHUMBWA: Madam Chairperson, I want to give a submission from a technical point of view because I was a chairman of a scheme for six years. This is a pension scheme; it is not a SACCO. As we debate these clauses, we must not change the objectives of this scheme.

If we want to turn it into a lending institution or a SACCO, we are going to miss the point why the – (*Interjection*) - it is my maiden submission on this matter. (*Laughter*)

Therefore, Madam Chairperson-

THE CHAIRPERSON: You workers, it seems you want to take our money.

MR KATESHUMBWA: Madam Chairperson, we should not dilute the powers of URBRA to provide oversight over this matter because the whole purpose is to protect Members’ savings. You are talking of investment, seven per cent; what is it when we are looking at investments of 30 per cent? You are going to drain this Fund by drawing out all the money when you have actually committed it for investment for the long term. Therefore, I want to support the minister’s proposal.

Madam Chairperson, I think you have enough powers but you should make sure you do not dilute the oversight of URBRA over this Act. Honourable members, as we debate, you need to know that this Pension Scheme is not like a SACCO or a financial institution and so, we must not dilute its overall purpose. It is for us when we have retired. We need to have it when we can no longer access any source of income. I beg to submit.

THE CHAIRPERSON: Honourable members, we all have a stake in this thing. We are deleting clause 15.

MR WERIKHE: Before you delete, Chairperson -

THE CHAIRPERSON: I know why I am saying this; let us delete.

MR WERIKHE: Before you delete, Chairperson, give an opportunity to other people to present.

THE CHAIRPERSON: I want you to understand that I know what is moving around as the Chairperson of the Parliamentary Commission; everything is about protecting Member’s money.

MR WERIKHE: I am rising in regard to the issue of URBRA where we have been battling, over and over, with the honourable minister on workers’ money. We looked as if we had specific interests, which was not the case. What we have done to that law today is not the wish of the Minister of Finance.

The issue we are talking about, Madam Chairperson, is only restricted to lending on salaries. We are saying that people can borrow this money instead of going out. That is the only power we are providing because URBRA has given seven per cent, which cannot accommodate loans of all these people. That is the point you, colleagues, are missing. You want to get money at a lower rate. For us to get it, we need that rider to be included in the law. Otherwise, if you leave it, URBRA will still say, "lend only up to 7 per cent" and how many are we. We are 500 people. Why are you people punishing us by wanting us to go to the bank and we suffer with 20 per cent interest rates? You know very well, Madam Chairperson, that URBRA is an agent of those banks. They do not want us to enjoy a facility with low interest yet, they benefit as individuals. That is the protection we are trying to create; only on lending.

THE CHAIRPERSON: Honourable members, what you are trying to do is blackmail. URBRA is not here to be heard. The rules of this House are such that you do not speak about somebody or an institution that is not here to defend himself or herself. Do not blackmail URBRA. What we are trying to do is to protect the Members' money. We are only going to do that.

Let me first hear from the shadow finance minister.

MR MUWANGA-KIVUMBI: Madam Speaker, maybe, let us read for them - let us read the other provision, which they are tampering with; it may rest our fears. Honourable colleagues, this is what they say: "*Investments: (1) the scheme shall have an investment policy approved by the board. (2) all monies in the Fund, including the reserve account, which are known for the time being required to be applied for the purpose of the Fund, shall be invested in such assets, as may be determined by the board.*" For heaven's sake, why do you want to tamper with that?

MR RWAKAJARA: Thank you very much. While I may agree with Members I want to

make this statement. First of all, we brought this proposal without any personal interest. Secondly, between you and I, you know that the only investment, which is risk free, is lending to Members of Parliament. If you are denying that, then there is a problem.

Three, what hon. Kateshumbwa was saying -

THE CHAIRPERSON: Hon. Rwakajara, the board has powers to decide to lend Members and that is administrative.

MR RWAKAJARA: Madam Chairperson, what I am saying is that I can only lend Members up to seven per cent. That is the URBRA law, yet, I have responsibility to invest Member's money.

THE CHAIRPERSON: You can negotiate that with URBRA.

MR RWAKAJARA: Still it will be about begging.

THE CHAIRPERSON: No, you would rather beg, when the Member's money is safe.

MR MUWANGA-KIVUMBI: Madam Chairperson, some of these deterrent efforts are made to protect against abuse and excesses. It will be wrong for us to remove a caveat that protects Member's money. You know, the boards can be overriding and the interest of making more money can blind them. The only protection we have is to cushion them. Without that, we are rendering this Fund or opening it to all manners of abuse. With that, I beg that you put the question. (*Members rose*)

THE CHAIRPERSON: Honourable members, we are deleting 15. I know the information you want to give me. I put the question that clause 15 be deleted.

(*Question put and agreed to.*)

Clause 15, deleted.

Clause 16, agreed to.

Clause 17, agreed to.

THE CHAIRPERSON: Hon. Sarah, can you have respect for the House? Can we have the new clause moved? There is a new clause before 18.

New clause

MS RWAKOOJO: Madam Chairperson, the committee proposes to insert a new clause as follows –

The Bill is amended by inserting, immediately after clause 17, the following –

“Amendment of section 20H of the principal Act

Section 20H of the principal Act is amended in subsection (5), by deleting the words ‘provided the Government does not make a contribution.’”

The justification is that the amendments proposed to section 28 are intended to remove words that make the provision ambiguous since the spirit of the provision is to allow a former Speaker or Deputy Speaker to rejoin the scheme after retiring from the Office of Speaker or Deputy Speaker respectively.

The words proposed for deletion create ambiguity since they bar Government from making a contribution to the Scheme, on behalf of such a Member yet the same provision requires that section 6, which obligates the Government to make a contribution for a member of the Scheme, applies in the circumstances.

The provision unfairly disadvantages former Speakers and Deputy Speakers who rejoined the scheme by barring the Government from making a contribution for such a Member, yet, the Government is obligated in section 6 to make contributions for all Members of Parliament as long as that Member is a member of the Scheme.

MR RWAKAJARA: I agree with the committee, Madam Chairperson.

MR MUSASIZI: Madam Chairperson, we have no objection to the committee’s proposal.

THE CHAIRPERSON: Thank you. I put the question that -

MR EKANYA: Madam Chairperson, I request to move a slight amendment, to the amendment introduced by the chairperson, as regards to the timeframe to the commencement of this benefit.

Madam Chairperson, the record of Parliament under discussion, when the Members of Parliament discussed with the President in Mbale and it was during -

THE CHAIRPERSON: Hon. Ekanya, that will come in the next clause. I put the question that a new clause be inserted as proposed.

(Question put and agreed to.)

New clause, inserted.

Clause 18

MS RWAKOOJO: Clause 18: Amendment of section 20J of the principal Act

For clause 18, there is substituted the following-

“Insertion of section 20JA and 20JB in the principal Act

The principal Act is amended by inserting immediately after section 20J, the following-

“20JA Benefits of a dependent of a Speaker or Deputy Speaker who dies in office

1. Where the person who dies while holding office of Speaker or Deputy Speaker does not have a spouse, a dependent of the former Speaker or Deputy Speaker shall be granted benefits prescribed in part CA of schedules 4 or 5, as the case be.
2. The benefits under this section shall be guaranteed for a period of 20 years and granted collectively where the dependents are more than one.”

“20JB. Benefits of a dependent of a Speaker or Deputy Speaker who dies in retirement

Where a former Speaker or Deputy Speaker dies in retirement, the surviving spouse or spouses and dependents of the former Speaker or Deputy Speaker shall be entitled to the monthly allowances specified in paragraph 1 of parts C and CA of schedules 4 and 5 for the unexpired period of 20 years from the date of retirement of the Speaker or Deputy Speaker.”

Justification

This is to create a new part, making provision for payment of benefits to dependents of a Speaker or Deputy Speaker who dies in office without being survived by a spouse.

To make provision for the benefits of a spouse and dependents of a Speaker or Deputy Speaker who dies in retirement and to limit their benefits to the monthly allowances granted to the retired Speaker and Deputy Speaker for the unexpired period of 20 years.

THE CHAIRPERSON: Hon. Ekanya had an amendment.

MR EKANYA: Madam Chairperson, I have a slight amendment – and I want to refresh the mind of the Members. When we introduced this pension, the Parliamentary Commission met the President in Mbale and the idea of the President was that we needed to cover all MPs since 1962.

I was one of the people who moved a constitutional amendment, which Hon. Moses Ali rejected. Since we lost that opportunity, for the sake of the Speaker and Deputy Speaker, it is paramount that we put the commencement period of this benefit to 1962.

We have many former Speakers who are destitute. You have former Speakers and Deputy Speakers whose children cannot afford anything and they contributed to the building of this country.

It will not have a serious financial implication because they are very few people. They have dignity and are respected worldwide. They have made this Parliament what it is and we need to leave a legacy. Madam Chairperson, I beg to move.

THE CHAIRPERSON: Thank you for the amendment. Hon. Rwakajara -

MR RWAKAJARA: Thank you, Madam Chairperson. I agree with the amendment and the justification as he said. First of all, I think we have three or four retired Speakers. The experience we had recently, when we lost our Speaker, is that we found out that the family had no benefits at all.

So, this was not a very good experience. Usually, we learn from experience. Since they are very few and their beneficiaries need to benefit, I support the amendment.

MR EKANYA: Hon. Rwakajara, I think I made a mistake. It should be since 1962 – after independence.

MR RWAKAJARA: That is what I am saying. For those who are saying this Scheme is a contributory scheme, the amendment does not affect the contribution of the Scheme. The Speakers are catered for by the Parliamentary Commission. So, it is a matter of putting it in the law and the Parliamentary Commission will budget for that. It will not affect our contributory scheme.

MR AOGON: Madam Chairperson, this is just to find out whether the definition of the word “dependent” is fully catered for under the interpretation clause because I feel that is very important. Who is a dependent in this case?

MR RWAKAJARA: I think we need to check and confirm that the definition is very clear.

MS CECILIA OGWAL: Madam Chairperson, I would like to seek clarification. I remember some years back, the President invited those who served in the First and Second Parliament

– after Independence – and they were given special awards. I remember one of the Speakers, after receiving that award, passed on – after three months.

In addition, the President had promised that those who were not accommodated in this Pension Scheme – because this Pension Scheme was introduced in 2007, if I recall. For those who missed, the President promised that he would give them a lump sum, some kind of “thank you”.

Up to now, the Commission has not been able to deal with the matter. Since it is a pension matter or related to retirement, is there any way you can advise the House to accommodate those people, while they are still alive?

I beg to propose that those Members, who had served in the Sixth – yes, we can have it in the same amendment.

THE CHAIRPERSON: Let us dispose of the amendment of Hon. Ekanya and then, we go to the next.

MR FOX ODOI: Thank you, Madam Chairperson. We passed clause 17, which takes care of the concerns of my brother, Hon. Ekanya.

Clause 17, verbatim, says: “The principal Act is amended by inserting immediately after section 20G, the following-

“20GA. Application

The provisions of this part applies to –

- a) a person who ceases to hold the office of Speaker or Deputy Speaker after the commencement of this Act, and;
- b) a person who is a former Speaker or Deputy Speaker of Parliament, who ceased to hold the office of Speaker or Deputy Speaker prior to the commencement of this Act and is alive.”

That takes care of all the concerns of Hon -

THE CHAIRPERSON: You are limiting it to those who are alive but Hon. Ekanya is saying that we have all the Speakers and Deputy Speakers since Independence. They are less than five. One of them has even taken us to court.

MR FOX ODOI: If I understand the concerns of Hon. Ekanya, it is to provide for those who are still alive.

MR EKANYA: Madam Chairperson, the amendment is to provide for the former Speakers and Deputy Speakers since Independence, including their dependents.

THE CHAIRPERSON: Section 18 looks at even those who have passed on - who are the beneficiaries because originally, the beneficiary was a spouse and so, we are saying we must bring in the dependents.

MR FOX ODOI: I concede, Madam Chairperson.

MR KATESHUMBWA: Madam Chairperson, our Scheme is a Defined Contribution (DC) Scheme. One of the characteristics of a DC scheme is the promise. The employer promises to contribute periodically to each member’s individual account. You were creating an obligation since Independence without submitting the financial implication.

What we are legislating is not in tandem with the characteristics of a DC scheme. I do not know what you are trying to do. If you are paying benefits, it is a different story but under this Pension Scheme, we cannot violate the principles of a Defined Contribution Scheme.

MS AISHA KABANDA: Thank you, Hon. Kateshumbwa for giving way. As a way of information, I would like to inform the House that it is equally difficult to define a dependent of a person who passed on a long time ago. Unless you want to say “including all their descendants,” then you know their descendants. However, in the definition of a “dependent”; a dependent should have been dependent on that particular person.

Now, we are talking about a person who could have passed on a long time ago; how are we going to define whom their dependents are? It is really a difficult thing unless we say “their descendants”.

MR OKOT OGONG: Madam Chairperson, I really want to be helped by the legal persons here because in the Constitution, we talk of retrospective application of the law. And also when you look at the retrospective application of the law, once you pass a law here, it will only be effective from the date of passing. However, the law itself will not be retrospective.

And, therefore, to accommodate those who died a long time ago, it is going to create legal duplication in that matter. So, maybe, the lawyers can help me with the retrospective application of the law.

MS EKANYA: Madam Chairperson, let me inform Members that when we made this Pension Act in 2007, we made it retrospectively in terms of Government contribution and because Members who had left the other Parliament were not here, they had not contributed anything. We made it retrospectively and then the Parliamentary Commission budgeted for what we should have contributed and Government put in its percentage. So, what we are doing is not new; it is not a miracle.

MR KAYEMBA: Thank you, Madam Chairperson. I need clarification: With the issue of dependents for people in 1964, we are going to bring the whole clan here and they will claim that they are all dependents - (*Interjection*) - actually, the whole tribe. Therefore, we need to be sure - (*Interjection*) - a full UPC will come here. Therefore, we need to be sure about that.

THE CHAIRPERSON: Honourable members, all of you, first sit down. First of all, you need to know one thing; Speakers do not get or earn pension. We get retirement benefits. So, if you are discussing, you might think it is a pension like yours, Sarah; it is a retirement benefit.

I want you to understand where Hon. Ekanya is coming from. On the issue of the late Speaker; what happened? He cannot have his retirement benefits because he did not have a spouse - which has now been corrected so that the dependents can get it.

However, then Hon. Ekanya's issue was - Okay, if we are now going to do a retrospective one - for him, he wants to do a retrospective one - it is now you to determine how far back. If you decide that it should be one year back, well and good but the principle is agreed that the beneficiaries should be able to get. Do you get it? And we have also corrected the aspect of the dependents.

First of all, I want us to agree; are you in agreement with the clause? [Hon. Members: “No.”] If you are not in agreement with the clause, then you are contradicting clause 17, which has already been passed. You are contradicting it.

MS CHRISTINE APOLOT: Thank you very much, Madam Chairperson. I honour all the submissions that have been made. I disagree a little bit with the submission given by Hon. Ekanya in terms of the period of time.

THE CHAIRPERSON: First of all, are we together with the principle?

MS CHRISTINE APOLOT: Yes.

THE CHAIRPERSON: We are okay with a principle. [Hon. Members: “No.”] You cannot say that you are not because you are contradicting the Succession Act yet it is very clear.

MS CHRISTINE APOLOT: Thank you, Madam Chairperson. My proposal would be that we take consideration from the period of time when the Scheme was put in place.

THE CHAIRPERSON: The Pension Scheme?

MS CHRISTINE APOLOT: Getting back to take up all the Speakers from 1962 -

THE CHAIRPERSON: That is okay – “when the Scheme was put in place”. That is okay.

MR AOGON: Madam Chairperson, for me, the contribution from Hon. Ekanya is brilliant. The only thing that we need to do is, first of all, to check whether we have defined the word “dependents” under the interpretation clause; who is a dependent? So, if it is there and is well sorted, then we are okay.

THE CHAIRPERSON: That is okay.

MR AOGON: Starting from 2007.

THE CHAIRPERSON: That is fine.

MR BASALIRWA: Madam Chairperson, there is an attempt to define who a dependent is. Maybe we can only make it comprehensive but according to the Bill, “A dependent includes a son or daughter.” That is how it is structured.

THE CHAIRPERSON: How is a “dependent” defined under the Succession Act?

MR BASALIRWA: Obviously, in the Succession Act, it is broader. So, if we want to adopt the definition of a “dependent” under the Succession Act-

THE CHAIRPERSON: When you fail here, you subject it to the Succession Act definition.

MR BASALIRWA: No. Madam Chairperson, maybe, let us be very specific, because-

THE CHAIRPERSON: We can go ahead and borrow the other definition.

MR BASALIRWA: This is what I am saying; that if that is what we want, we could say “A dependent as defined under the Succession Act,” because I know it is very broad. (*Interjection*) There is nothing wrong. Colleagues, in legislation, reference to other laws is acceptable.

THE CHAIRPERSON: You can say, “as defined in other laws”.

MR BASALIRWA: No, we need to be very specific because - Madam Chairperson, you must be very careful because different laws may have different definitions. And in legislation, that becomes a challenge.

Therefore, what do we want to achieve from this? If we want to describe who dependents are, for purposes of this Bill, let us say so. The working definition here is that “a dependent is a son or daughter.” That is the working definition here. So, do we want to maintain that or do we want to broaden it?

If we want to broaden it, then colleagues could come up and provide the definition that they are talking about. If you want to include wife - or in my case, wives - let us say so here, for purposes of clarity.

MR EKANYA: Thank you, Hon. Asuman. My thinking is that it is only very important that any definition pertaining to any particular Bill or law is derived and inserted in that particular law. If you want to alter what we have so far, let us do so but it should be in this very Bill. It is not proper for us to even refer to another law. We give the judges, the presiding officers headache, looking for what they are supposed to put here.

Secondly, the Members of Parliament here need to understand what the succession -

THE CHAIRPERSON: Honourable members, “daughter” is defined under clause 16. It includes a daughter adopted in a manner recognised under the law. A “dependent” includes a son or daughter. I want to hear from Government.

MR BASALIRWA: Madam Chairperson, let us dispose of the issue of dependents. When you look at the Succession Act, it talks about a dependent relative. However, for purposes of this Bill, we could listen to this:

“Includes a wife, husband, son or daughter under the age of 18 years; a son or daughter above the age of 18 years who is wholly or substantially dependent on the deceased.” Then, it includes

a parent, a brother or sister, a grandparent or grandchild, who at the death of the deceased was substantially dependent.

That is the point I was making that when it comes to the Succession Act, it broadens who a dependent is. For purposes of this Pension Bill, do we want to adopt that wholly or we adopt it mutatis mutandis. That is something we should discuss here.

THE CHAIRPERSON: I think we need to restrict in terms of this pension where you are talking about a husband, wife, son or daughter.

MS ABABIKU: Thank you, Madam Chairperson. My opinion is that the proposal made by Hon. Ekanya can still be managed as long as the issue of the source of the funds is defined. We know what Members go through after leaving these positions. Therefore, if they are few, as you have stated, as long as Government can commit itself, I second it. Thank you.

THE CHAIRPERSON: Thank you, Hon. Jesca. Now, I want a commitment from the Government in terms of the funding and timing. Which year are you comfortable with as Government?

Honourable members, money is not an issue. We are going to make a provision.

DR BARYOMUNSI: Thank you, Madam Chairperson. First, like the honourable member for Bugiri Municipality said, we need to define the “dependents” so that we do not leave it vague. In my view, I would say maybe we limit it to a parent, a spouse(s) and a biological child, who is either a daughter or a son.

Secondly, I think the amendment brought by Hon. Ekanya is good.

THE CHAIRPERSON: Honourable members, listen to the minister.

DR BARYOMUNSI: The amendment brought by Hon. Ekanya to accommodate previous speakers, I think, is good. We only need to agree

on how far we can stretch the time. There is a proposal of 1962 Independence and a proposal of when this scheme started. We also have a proposal, which we want to bring. Therefore, we propose that we stretch it to 1980.

MR EKANYA: Madam Chairperson, I concede to 1980.

THE CHAIRPERSON: Thank you, honourable minister – how long are we going to take on this Bill?

MS OPENDI: Just this one and we move. Thank you very much. Honourable colleagues, this is a pension scheme, which is a contributory one. Members contribute their money and Government contributes. I am finding difficulty in bringing in people who have not contributed to the Scheme to actually benefit from it -

THE CHAIRPERSON: Hon. Sarah, you are speaking about what you do not know. The Speaker and Deputy Speaker do not contribute.

MS OPENDI: I am supporting you, Madam Chairperson –

THE CHAIRPERSON: No. Please, sit.

MS OPENDI: I am supporting that we move from the 11th Parliament.

THE CHAIRPERSON: Sit. Honourable members, I put the question that clause 18 be amended as proposed.

(Question put and agreed to.)

Clause 18, as amended, agreed to.

THE CHAIRPERSON: For emphasis, it is from 1980.

New clause

MS RWAKOOJO: Insertion of a new clause immediately after clause 18. The Bill is amended by inserting immediately after clause 18 the following:

“Repeal of section 27 of the principal Act:

Section 27 of the principal Act is repealed.

Amendment of Fourth Schedule to the principal Act

The Fourth Schedule to the principal Act is amended by inserting immediately after Part C the following -

“Part CA

Benefits of a dependent of a Speaker who dies in office:

- (1) A monthly allowance equivalent to 60 per cent of the monthly salary of the sitting Speaker, and
- (2) Other allowances to cater for the transport, health and security of the dependent as may be determined by the Parliamentary Commission.”

Amendment of Fifth Schedule to the principal Act

The Fifth Schedule to the principal Act is amended by inserting immediately after Part C, the following -

“Part CA

Benefits of a dependent of a Deputy Speaker who dies in office -

- (1) A monthly allowance equivalent 60 per cent of the monthly salary of the sitting Deputy Speaker, and
- (2) Other allowances to cater for the transport, health and security of the dependent as may be determined by the Parliamentary Commission.”

Justification

1. The repeal of section 27 of the principal Act is to remove a spent provision

2. Amendments to Schedule Four and Five of the principal Act is to prescribe the benefits of a dependent of a Speaker or Deputy Speaker who dies while in office.

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

(Question put and agreed to.)

New clause, agreed to.

The Fourth Schedule

MR AOGON: Madam Chairperson, while the minister was giving guidance on the issue of the definition of “dependents”, he talked about the child, the parent and the spouse.

My suggestion is for us to recommit that particular provision so that we maintain the original position of a son, daughter, parents, and then spouse to avoid running into the definition of the word “child.” I am saying this because in this case, I do not know what definition we have for the “child.”

THE CHAIRPERSON: You are saying that because you do not know - you came late and now, you have just jumped in to discuss what you have not looked at. Hon. Silas, it is already defined and the people who handled this are professional lawyers. I know you did Political Science. *(Laughter)*

The Fourth Schedule

MS RWAKOOJO: We propose an amendment to the Fourth Schedule of the principal Act and it reads: “The Fourth Schedule to the principal Act is amended by inserting, immediately after Part C, the following –

“Part CA

Benefits of a dependent of a Speaker who dies in office

- (1) A monthly allowance equivalent to 60 per cent of the monthly salary of the sitting Speaker; and
- (2) Other allowances to cater for the transport, health and security of the dependent, as may be determined by the Parliamentary Commission.”

THE CHAIRPERSON: I put the question that the Fourth Schedule be amended as proposed.

(Question put and agreed to.)

The Fourth schedule, as amended, agreed to.

The Fifth Schedule

MS RWAKOOJO: Madam Chairperson, the committee proposes an amendment to the Fifth Schedule to the principal Act and it reads: “The Fifth Schedule to the principal Act is amended by inserting, immediately after Part C, the following-

“Part CA

Benefits of a dependent of a Deputy Speaker who dies in office

- (1) A monthly allowance equivalent to 60 per cent of the monthly salary of the sitting Deputy Speaker; and
- (2) Other allowances to cater for the transport, health and security of the dependent, as may be determined by the Parliamentary Commission.”

Justification

The repeal of section 27 of the principal Act is to remove a spent provision.

Amendments to the Fourth and Fifth schedules of the principal Act is to prescribe the benefits of a dependent of a Speaker or Deputy Speaker who dies in office.

THE CHAIRPERSON: I put the question that the Fifth Schedule be amended as proposed.

(Question put and agreed to.)

The Fifth Schedule, as amended, agreed to.

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

5.10

MR RWAKAJARA ARINAITWE (NRM, Workers’ Representative): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

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

(Question put and agreed to.)

(The House resumed, the Speaker presiding)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

5.10

MR RWAKAJARA ARINAITWE (NRM, Workers’ Representative): Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Parliamentary Pensions (Amendment) Bill, 2022,” and passed it with amendments.

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

5.11

MR RWAKAJARA ARINAITWE (NRM, Workers’ Representative): Madam Speaker, I move that the report of the Committee of the whole House be adopted.

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

(Question put and agreed to.)

Report adopted.

THE SPEAKER: There is a recommittal.

5.12

THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi): Thank you, Madam Speaker. I would like to move to recommit clause 4, just to add something small although significant because we passed that the Medical Board approves a medical practitioner who would enable a Member access the funds.

Therefore, I just want to move that we add the words, “a specialist medical practitioner” so that it reads: “Section 7(b) of the principal Act is amended –

- a. In subsection 2(b), by substituting the words, “the Uganda Medical Board” with the words, “specialist medical practitioner, approved by the board.”

This because a medical practitioner can be a general practitioner but in this case, somebody who makes a referral should be a specialist medical practitioner. So, I am just adding the word “specialist.”

THE CHAIRPERSON: Yes, there is a procedural matter.

MR EKANYA: Madam Chairperson, our rules are very clear. If a Member wants to recommit any clause, they have to move a motion to recommit that clause for the House to decide; and they have to justify. But I notice that the minister has gone ahead to justify the recommittal without him first moving a motion. Are we moving according to our rules, Madam Speaker?

THE SPEAKER: The minister stood to move a motion that he wants to recommit some clause, which he has done. I do not know - did you want him to read a motion of five pages?

MR AOGON: All we need is maybe a question. Otherwise, the minister did not move

a motion. You know we have the *Hansard*, which captures the official record.

THE SPEAKER: That is where I am going. I am going to put the question on whether it is agreeable with the Members and whether we should do a recommittal.

MR AOGON: But he did not move a motion.

THE SPEAKER: What did he do? Okay, minister, please, move a motion.

DR BARYOMUNSI: Thank you, Madam Speaker. Okay, let me to be very procedural. I now rise to move a motion to recommit clause 4, which is an amendment to section 7(b) of the principal Act. It reads: “Subsection (2) (b) is amended by substituting the words, ‘the Uganda Medical Board’ with the words, ‘specialist medical practitioner approved by the Board’.”

My amendment is to only insert the word “specialist.”

The justification is that a medical practitioner may refer to anybody who is even a junior practitioner and maybe just a general practitioner yet in cases of medical referral it should be by a specialist. I beg to move, Madam Speaker.

THE SPEAKER: Honourable members –

MS NALUYIMA: Madam Speaker, I am sorry to come in. To my knowledge, the board has good knowledge of the kind of medical practitioners we have. So, I entirely defer from that *-(Interruption)*

MR AOGON: Madam Speaker, our rules are very clear. Once a motion has been moved, the question is put. We would not expect any debate before the Speaker has put the question. So, let us wait for the question to be put before we say “aye” or “nay”. So, is it in order for the Member to rise to debate what has not yet been opened?

THE SPEAKER: Honourable members – (*Mr Fox Odoi rose*) - Yes, Counsel?

MR FOX ODOI: Thank you, Madam Speaker. The phrase “medical practitioner”, which is in issue, is used in clause 4 and clause 7. If the minister intends to recommit and provide for “specialist medical practitioner”, it should be dealing with those clauses.

MR BASALIRWA: Madam Speaker, the Bill defines “a medical practitioner” as “a person registered and licensed to practice as a medical practitioner under the Medical and Dental Practitioners Act”. However, the wording of the clause the minister wants to recommit is talking about approval by the board.

I want to imagine that the board cannot approve somebody who is not up to the task. I also want to imagine that these approvals will be on the basis of circumstances and situations.

Therefore, I find no lacuna because the board is involved along the way, unless we do not trust the ability of the board to approve a competent person.

THE SPEAKER: Honourable minister, is there a problem with having procedures in the system that will define who is supposed to approve, administratively? You have the set standards that should be followed.

DR BARYOMUNSI: Thank you -

THE SPEAKER: No, I am asking you.

DR BARYOMUNSI: First of all, I do not appreciate the fears that the Members have. Yes, the board will be there, but we just want to be specific. This is because from the definition you have given, if we leave it the way it is, the board can even recommend somebody who is one year into practice as a medical officer –(*Interjection*)- Yes, it can, legally -

THE SPEAKER: We are talking about approval.

DR BARYOMUNSI: Yes. What I am saying -

THE SPEAKER: An approval is a process. If you go for a medical report, it is not a one-day thing. It goes through a process.

DR BARYOMUNSI: Madam Speaker, when we live it as “medical practitioner”, from Hon. Basalirwa’s definition, it means that, legally, the board can recommend somebody who qualified last year. We are saying an action like this requires a specialist medical practitioner to make a referral. There is no harm in this. I do not know what the fears of the honourable members are. I am saying this as a medical professional. So, I fairly know why I am saying this.

THE SPEAKER: Yes?

MR RWAKAJARA ARINAITWE: Madam Speaker, thank you. (*Mr Aogon rose*) Can you sit, Hon. Silas?

MR AOGON: Madam Speaker, our rules allow for a point of procedure.

MR RWAKAJARA: Madam Speaker, can I be protected?

THE SPEAKER: Hon. Silas, first sit. You will talk.

MR RWAKAJARA ARINAITWE: Thank you for the protection, Madam Speaker. Apart from the challenges they raised to the minister on the procedures of the motion and all that, I do not see any problem with his proposal. Really, to define that it should be a specialist, is very important. Today, when I am the chairperson of the board, I may choose that but another day, I may choose my brother who is a not a specialist and not up to the task.

Therefore, I want to concede, since I am the mover of the Bill, that “specialist” be included. (*Applause*) Thank you.

THE SPEAKER: Honourable members, I put the question that clause 4 be recommitted.

(*Question put and agreed to.*)

BILLS
COMMITTEE STAGE

THE PARLIAMENTARY PENSIONS
(AMENDMENT) BILL, 2022

5.22

Clause 4

THE MINISTER OF INFORMATION, COMMUNICATION TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi): Thank you, Madam Chairperson. I rise to move a motion –

THE CHAIRPERSON: You are making an amendment to clause 4 by inserting the word “specialist”.

DR BARYOMUNSI: The honourable members have talked a lot about an innocent amendment. I now move that we amend clause 4 to insert the word “specialist” before the words, “medical practitioner” to read, “specialist medical practitioner”.

THE CHAIRPERSON: ...and wherever it appears, we consequentially amend?

DR BARYOMUNSI: Wherever it appears, we consequentially amended.

THE CHAIRPERSON: Justification?

DR BARYOMUNSI: The justification is that we have ladders within the medical profession in terms of treatment of patients. For purposes of clarity, much as the board may, in its wisdom, recommend a specialist, it is important for Parliament to be very clear that – *(Interjection)* - the ladder. *(Laughter)* A specialist is somebody who has attained -

THE CHAIRPERSON: Can you speak to the justification? Leave this -

DR BARYOMUNSI: A specialist in the medical profession is one who has attained a master’s degree, particularly in the clinical disciplines such as surgery, internal medicine, paediatrics and so forth. I hold a PhD; so, I am a senior consultant.

Basically, these kind of referrals should be made by a specialised medical person, say, a surgeon who has got a master’s and above in surgery or a master’s in internal medicine, but not a medical officer who has one bachelor’s degree. It is for clarity and it is an innocent amendment.

THE CHAIRPERSON: I put the question that clause 4 be amended as proposed by the minister.

(Question put and agreed to.)

Clause 4, as amended, agreed to.

MOTION FOR THE HOUSE TO RESUME

5.28

MR ARINAITWE RWAKAJARA (NRM, Workers Representative): Madam Chairperson, I move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: Honourable Members, I put the question that the House does resume and the committee of the whole House reports thereto.

(Question put and agreed to.)

(On resumption, the Speaker presiding.)

REPORT FROM THE COMMITTEE OF
THE WHOLE HOUSE

5.29

MR ARINAITWE RWAKAJARA (NRM, Workers Representative): Madam Speaker, the Committee of the Whole House has considered the recommittal of clause 4 and passed it with amendment.

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

5.30

MR RWAKAJARA ARINAITWE (NRM, Workers Representative): Madam Speaker, I move that the report from the Committee of the whole House be adopted.

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

(Question put and agreed to.)

Report adopted.

BILLS
THIRD READING

THE PARLIAMENTARY PENSIONS
(AMENDMENT) BILL, 2022

5.31

MR ARINAITWE RWAKAJARA (NRM, Workers Representative): Madam Speaker, I move that the Bill entitled, “The Parliamentary Pensions (Amendment) Bill, 2022” be read for the third time and do pass.

THE SPEAKER: Honourable members, I put the question that the Parliamentary Pensions (Amendment) Bill, 2022 be read for the third time and do pass.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED,
“THE PARLIAMENTARY PENSIONS
(AMENDMENT) ACT, 2022”

THE SPEAKER: Bill passed and settled.
(Applause)

Honourable members, I thank you very much for passing this Bill. As I said earlier, this Bill is for your own benefit. I thank Hon. Rwakajara for taking the courage to introduce it, our very good and able minister – Rt Hon. Prime Minister, you have a very good minister

for finance. The chairperson and members of the Committee on Legal and Parliamentary Affairs, the Shadow Ministers on the other side, including my Independents.

Rt Hon. Prime Minister, I thank you for being here up to this time and thank you for joining us in the “*Nyege Nyege*”. *(Laughter)*

Honourable members, the Prime Minister has a short statement to make.

MS CECILIA OGWAL: Madam Speaker, I just want to appreciate this Bill, which we have just passed. It would be unfair just to take the Speaker’s appreciation. One of the things that I appreciate of this Bill is to provide for exited Members, opportunity to access medical facilities. This is extremely good because most of the Members that we have met on the street, particularly during this COVID-19 period, are of advanced age and they have no way of accessing medical facilities.

I am very grateful to you, the Commission and Hon. Rwakajara, for having brought this amendment on the Floor of Parliament; I would like to appreciate that.

Without forgetting the point that I brought before, there are former Members who did not have the opportunity to be part of this scheme that we are now running and the President had committed himself to help these people. That does not mean that we need money; it means Government is willing to make the contribution, which ordinarily Government does for all those former Members.

Madam Speaker, may I plead to you, on their behalf, that this matter be taken up because most of us who are aware of it, particularly you and others, are being approached by these former Members and we have nothing to say.

Now that we have polished up our own scheme, can we now also settle this matter? That way, we can at least have some comfort to give the former Members who have served our community - they are not with us; not because of their own making. These voters retire us

prematurely and we have no way of appealing. So, Madam Speaker, please, I pray that you look at their case with a lot of sympathy so that we can retire this case once and for all, but I am extremely happy that Hajji Moses Kigongo, Francis Butagira - the former Speakers - and Joseph Ekemu, a former Attorney-General - are now going to be accommodated.

Some of you who know these people should clap for them. *(Applause)*

I am very proud of the committee and Hon. Rwakajara, for agreeing that these people are going to be appreciated for the great work they have done to make Parliament – and Hon. Ekanya. I do not need to appreciate you because you are part of us.

I would like to praise God for what has happened. May God bless all of you. Thank you.

THE SPEAKER: Thank you very much. We would not have had a good evening if “*Imat*” had not spoken. Prime Minister, one of the beneficiaries is the Speaker, Yoweri.

5.33

THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Ms Robinah Nabbanja): Madam Speaker, I would like to commit that the matter brought forward by our senior colleague - that is for the former Members of Parliament - they are not only disturbing you, they also come to my office. I commit that I will inform the Head of State who promised us, so that this matter is put to rest. *(Applause)*

Madam Speaker, allow me to inform fellow Ugandans that we woke up once again to terrible news about the landslides in Kakiika Village, Kagoro Parish, Rukoki Subcounty, Kasese District; where it is reported that so far, over 16 people have been confirmed dead, seven people are seriously injured and are in hospital, while three are reported still missing.

Initial reports indicate that over 30 households, consisting of about 150 people, have been

displaced. This is a tragedy. I bring condolences from the President of the Republic of Uganda to the families that have lost their dear ones. On learning about the sad occurrence, the President has directed Government to provide Shs 5 million to each family that has lost a loved one, to help in the burial arrangements.

Madam Speaker, as soon as I received the information this morning, through our colleague the honourable Member of Parliament for Busongora South - the newest, Hon. Thembo, the Office of the Prime Minister activated our Emergency Response Unit headed by Brig Gen. Kinalwa, who is already on the ground.

The District Disaster Management Committee in Kasese is carrying out search and rescue operations together with other partners and other security agencies. Affected households have been advised to move to Kagere Church of Uganda in Kasese Municipality.

My office has, this afternoon, dispatched food and non-food relief items to the affected families. On the ground, the Office of the Prime Minister is coordinating partners such as the Uganda Red Cross, the World Health Organisation, the Ministry of Health, the Ministry of Works and Transport, the Uganda Police Force, and Save the Children, to avail emergency support.

Madam Speaker, in view of all of this, H.E. the President of the Republic of Uganda has called on the nation to protect the environment so that nature can also protect us. What we are witnessing across the country, for example in Kasese, Mbale and elsewhere is as a result of destruction of the environment. We appeal to the general public to heed the information that is provided about weather forecasts by government agencies and also to move to safer places.

Honourable colleagues, we will continue monitoring the situation as per the weather forecast and keep issuing updates to the country. Madam Speaker and Members, I thank you. *(Applause)*

THE SPEAKER: Thank you so much, Prime Minister, for the information and for the support that is being given to the people of Kasese. Our condolences, as Parliament, to the Kasese people and we promise to always be with them at all times; in times of happiness and times of sorrow like this. I want to thank the Government for the contribution and for the message that you have given them. Thank you so much.

(Members rose and observed a moment of silence.)

THE SPEAKER: I adjourn the House to 2.00 p.m. tomorrow.

(The House rose at 5.41 p.m. and adjourned until Thursday, 8 September 2022 at 2.00 p.m.)

Honourable members, the information that I have here is that whereas we have been debating and legislating on the issue of pension, most of you have not filled in the forms. We do not even know who your beneficiaries are. So, you should go to the pension office and give in the information of who your beneficiaries are, the number of your children, wives and husbands and we have it sorted.

Honourable members, I sincerely want to thank you - *[Member rose]* Procedure on what?

MR OKUPA: Thank you, Madam Speaker. Following the statement from the Rt Hon. Prime Minister regarding the tragedy that has happened in Kasese, it has been our tradition that we observe a moment of silence for those who have passed on. I think the Prime Minister forgot to add that. Therefore, I would appeal to you, Madam Speaker, that is the procedure. Thank you.

THE SPEAKER: We will do that; we are still communicating. Hon. Sarah, I am not going to allow - I know you come from Kasese - *(Laughter)* - but we are not going to allow that.

Honourable members, as we conclude the day, can we stand up and observe a moment of silence for those people who lost their lives?