



Thursday, 20 July 2017

Parliament met at 2.06 p.m. in Parliament House, Kampala.

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

The House was called to order.

COMMUNICATION FROM THE CHAIR

**MOTION FOR THE ADOPTION OF THE PROPOSED AMENDMENTS TO THE RULES OF
PROCEDURE OF PARLIAMENT OF UGANDA**

THE DEPUTY SPEAKER: Honourable chairperson, can you update us on where we are on this matter?

3.15

THE CHAIRPERSON, COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (Mr Kenneth Ongalo-Obote): Thank you very much, Mr Speaker. Yesterday's debate on amendment to the Rules of Procedure was suspended when we were considering a new rule to be inserted immediately after Rule 86 which would list the methods of voting in the House.

The proposed amendment was to insert a new rule immediately after Rule 86 as follows: "(1)Every Member present in the House at the time of voting shall cast a vote.

(2) Voting in the House shall be by:

- (a) voice voting;
- (b) secret voting;
- (c) electronic voting;
- (d) division; or
- (e) roll call and tally."

The justification is to introduce the different methods of voting.

THE DEPUTY SPEAKER: Honourable members, that was the amendment as proposed by the committee. I put the question to that amendment.

(Question put and agreed to.)

MR ONGALO-OBOTE: The committee proposes that we replace Rule 87 to read as follows:

"Voice voting

- (1) Except where these rules expressly provide otherwise, where a matter is to be put to vote, voice voting shall be the default method of voting.
- (2) When a question has been put by the Speaker or the Chairperson, the vote shall be taken by voices of 'Ayes' and 'Noes' and the result shall be declared by the Speaker or the Chairperson."

The justification is that voice voting is the default method of voting.

THE DEPUTY SPEAKER: I put the question to that amendment.

(Question put and agreed to.)

MR ONGALO-OBOTE: The committee proposes that we amend Rule 88 by inserting a new paragraph (c) as follows:

“(c)and on any matter where the House resolves that such a matter be voted upon **by secret ballot.**”

The justification is to allow the House decide depending on the circumstances to vote by **secret ballot.**

THE DEPUTY SPEAKER: I put the question to that amendment.

(Question put and agreed to.)

MR ONGALO-OBOTE: The committee proposes that we replace Rule 89 to read as follows:

“Roll call and tally voting

- (1) Roll call and tally voting shall be held in the following circumstances:
 - (a) At the second and third reading of a Bill for an Act of Parliament to amend the provisions of the Constitution.
 - (b) On a decision to censure a minister.
 - (c) On a decision on an appeal from the President or a reference from the Appointments Committee on appeal to the House.
- (2) When the Speaker directs a roll call voting to be taken, the bell shall be rung for five minutes.
- (3) The names of one teller for the ‘Ayes’ and one teller for the ‘Noes’ shall be submitted to the Speaker and the Speaker shall direct the tellers to take seats at designated places.
- (4) The Speaker shall then direct the doors to be locked and the bar drawn and no Member shall, thereafter, enter or leave the House until after the roll call vote has been taken.
- (5) The Speaker shall put the question again and direct the Clerk to call out the names of Members in alphabetical order in the presence of the tellers.
- (6) When called out, each Member shall, thereupon, rise in his or her place and declare assent or dissent to the question in the following manner: ‘I vote Yes’; or ‘I vote No’; or ‘I Abstain’ or use a recognised sign language.
- (7) After the Clerk has read the last name in the list, the tellers shall present the results of the roll call vote to the Speaker who shall, thereupon, announce the result of the vote to the House.
- (8) Confusion or Error

In case of confusion or error occurring in the course of a roll call voting concerning the numbers or names recorded, which cannot otherwise be corrected, the Speaker shall direct the House to proceed to another roll call vote.”

The justification is to provide for a more detailed procedure for the roll call and tally voting method.

THE DEPUTY SPEAKER: Thank you. Mr Chairperson, in sub-rule (6) which you have proposed, the last phrase “or use a recognised sign language” could import a problem because we may not know what you are referring to. Wouldn’t it have been better if you say “and declare or use a sign language to show what they want to do”? Wouldn’t it not better to be housed there than at the end?

MR ONGALO-OBOTE: Mr Speaker, I agree with your guidance. Therefore, sub-rule (6) would then be amended to read, “When called out, each Member shall, thereupon, rise in his or her place and

declare or use a recognised sign language to assent or dissent to the question in the following manner: ‘I vote Yes’; or ‘I vote No’; or ‘I Abstain’.

THE DEPUTY SPEAKER: Is that okay? Mr Chairperson, if it is clarification, you will have to manage it.

MS KAMATEEKA: Thank you, chairperson. Mr Speaker, in relation to sign language, are we opening it up as a choice for any Member who chooses to use sign language or we would rather restrict it to the PWDs? In which case, at the end, you would say “or use a recognised sign language in case of PWDs”.

THE DEPUTY SPEAKER: Also, you may want to look at the issue of the “Member shall, thereupon, rise”. Suppose the member cannot rise?

MS AMODING: Further clarification.

THE DEPUTY SPEAKER: Chairperson, please manage that process.

MS AMODING: Mine is a general inquiry to the general justification of this rule.

Imagine a situation where the issues we are voting on are very controversial and sensitive and a Member may not have the courage to stand out during roll call and tally; could we rather not have provided for **secret voting** as was in the previous rules especially to do with issues of constitutional amendments?

If I were to censure a minister in this House and if it were a very good friend of mine, for example, hon. Freedom Kwiyucwiny, would you imagine I would have the courage to stand here and censure her?

HONOURABLE MEMBERS: Why not?

MS AMODING: I would like a clarification from the chairperson as to why we would not use this opportunity to protect certain issues, which might need **secret voting** especially on the Constitution and also other sensitive matters that I see in Rule 89? Censure of minister and other things. Can I be guided?

MS OGWAL: Chairperson, I have gone through the eight amendments you have submitted but you have not accommodated the request which I formally put to the House yesterday that in the event that a Member chooses to say neither “aye” nor “nay”, nor “abstain” but just chooses to keep quiet, how would that be accommodated?

MR ONGALO-OBOTE: Mr Speaker, as my honourable mother correctly pointed out yesterday, this report, upon presentation to this House, is now owned by this House and any such amendment to be made will be by the House. Therefore, I am not in a position to include that amendment in these proposed amendments.

DR BARYOMUNSI: Thank you very much, Mr Speaker. Yesterday we had an extensive discussion about that matter where a Member just keeps quiet. You gave guidance that keeping quiet shall be taken as abstaining because “abstaining” means that you are neither saying “yes” nor “no”.

I recall suggesting that we provide a definition of “abstaining” to include when a Member keeps quiet when a vote is called, so that it is very clear in the rules. Therefore, I would like to suggest that we include a definition of “abstaining” to include a Member keeping quiet when a vote has been called.

THE DEPUTY SPEAKER: Can we deal with this in particular, because that is a specific thing? Can we deal with the proposed amendment in rule 89 and then the Member can substantially propose an amendment, because that is running across all these votes; it is not just one.

Let us finish rule 89, and if the Member is going to substantially move an amendment to be put somewhere, or what you are proposing, then we can deal with it. However, for now, let us deal with what has been proposed.

3.28

MR RAPHAEL MAGYEZI (NRM, Igara County West, Bushenyi): Thank you, Mr Speaker. In sub-rule (7), where it says, “After the Clerk has read the last name in the division list...” was that not for the divisions? I thought this was for roll call and tally, where we are using the general list of all Members of Parliament not the division list. I am not sure whether the chairperson is listening to me, Mr Speaker.

I am drawing your attention to subrule (7) where you say, “After the Clerk has read the last name in the division list...” The division list is for voting by division, which is in another section. This one is about roll call and tally, and we are using the general list. Why use the division list here?

MR ONGALO-OBOTE: Mr Speaker, as the records must have captured, when I read out these amendments, I left out the word “division” because it was put here in error.

THE DEPUTY SPEAKER: So the word “division” is not there?

MR ONGALO-OBOTE: It is not there.

THE DEPUTY SPEAKER: It is important for you to say it so that Members know.

MR FUNGAROO: Mr Speaker, I would like to seek for clarification on this matter. The general list and the attendance list need to be referred to here. When we come here, we sign in at the doorway using electronic signing-in. I believe the voting will be done on the basis of the people who are present in the House, and I believe this list can be printed from the record to show who is in the House. This is because not all the Members of Parliament will be voting. Some of them may have gone on trips outside Parliament and are therefore absent at that time.

Referring to the general list may, therefore, create some errors. Would it not be proper to instead refer to the list of the people who are in the House? How do you call that list? That is what could work in case of the voting - people who are present and have signed in as displayed by the electronic database as shown on the screens.

THE DEPUTY SPEAKER: Honourable members, they use the list of voting Members of Parliament. Everybody will be here, but if they reach hon. Odonga Otto’s name and he is not in the House, nobody can vote for him and so he will be marked as absent. If they call hon. Fungaroo and he is not in the House, nobody can mark him as having voted. They use the general list to ascertain because the Members will be here to see who is voting anyway. There is no issue.

MR FUNGAROO: Mr Speaker, in this House, a case arose recently where a minister was looked at as a stranger. This could also happen to a Member of Parliament who is new and may still be unknown. Issues of impersonation could come in.

We have this electronic signing in and it captures data showing which Member is in the Chamber. I feel this would be the best method for us to use to get the list of the people who are in the House and not the list of Members of Parliament.

THE DEPUTY SPEAKER: Honourable member, let us not split the atom in this matter. The list that is used for voting any time is the list of voting Members of Parliament. That is final. There is no debate about that.

MR ONGALO-OBOTE: Mr Speaker, hon. Amoding raised an issue which our amendments clearly take care of. The House will decide the manner by which it will vote. Therefore, we cannot specifically state that on such an issue, it should vote this way. The House will decide.

MS AMODING: Mr Speaker, I beg the indulgence of the House on this matter because an amendment to the Constitution is no ordinary business. The issues that I made reference to – paragraphs (a) and (b) - are very sensitive. I imagine a situation where you have to painfully censure a minister. I remember in the Seventh Parliament, a minister was censured but the matter eventually became a personal battle between the censured minister and the backbencher.

I think that this would protect our relations in the House. It is important that voting on some of these issues is done by **secret ballot** so that individual safety and relations are promoted. Therefore, I propose an amendment that we move paragraphs (a) and (b) and embed them in rule 88. I beg to move.

THE DEPUTY SPEAKER: Honourable member, the general provision under **secret voting** is that the House can decide to do it on any matter. If the House is going to vote on constitutional amendment and a motion is moved that we want to take this vote by **secret ballot** and the House agrees, then that is it.

MS AMODING: Rule 88 is specific that there shall be **secret voting** in the House in respect of. I believe that this issue that I am raising is something that should also be specifically catered for so that the House is not divided on deciding on how to vote on it. Sometimes there are very controversial issues and they need to be specifically catered for so that on such matters, we vote by **secret ballot** to protect the image of the Members of Parliament.

MS OGWAL: Can I give information, Mr Speaker? The point she is raising is not a new matter because the Seventh Parliament indeed censured some ministers. Censure is normally based on an issue and it is important as Members of Parliament to identify yourself with your people on what you think or what you will vote for on behalf of your people on that issue.

In the case of the Seventh Parliament, we censured ministers who were alleged to have been corrupt and there were cases laid before us for corruption. Your constituents who sent you here and the people of Uganda want to know your view on corruption. Whether it is your friend, husband or wife who happens to be in the House and is being censured, you must tell people your stand on the issue of corruption.

Therefore, Mr Speaker, I stand here to oppose that proposal for the amendment. I think we should vote on those issues of censure publically, for people to know the issues we are censuring a minister for. Members should be able to stand up and state their positions on the issue. I stand to oppose.

THE DEPUTY SPEAKER: Honourable members, please let us seek guidance. Under the amendments, which we have just adopted in rule 88, we adopted a new paragraph (c) which says, “and on any matter where the House resolves that such matter be voted upon by **secret ballot**”.

This means it will have to be a decision of the House that on this particular matter, we will vote by **secret ballot**. It is the prerogative of the House. Otherwise, the general rule is that on constitutional amendments – There are issues where specific numbers are required to give proof that they were attained, and that is why they are listing them here.

However, in any case, where the House feels a matter should be voted upon **by secret ballot**, that matter will be voted upon **by secret ballot** if a motion is moved and adopted by the House. Why do you want to straitjacket it? I thought the amendment we adopted takes care of the whole situation. We have adopted that provision and I am going to put it to vote. There is no debate on this matter. Otherwise, we will never finish these rules.

MR ODONGA OTTO: Mr Speaker, I have been in this Parliament for four terms and I have practically witnessed all these scenarios. Therefore, I can raise good arguments on both sides. I would like to plead with Members not to oust their jurisdiction to determine how to vote in each and every situation. If we cast it in rock and stone - Circumstances change and I will give an example.

During consideration of the Constitutional (Amendment) Bill, which lifted term limits, the hon. Nyombi Thembo was seated near where hon. Abiriga is - I hope he is paying attention to what I am saying. (*Laughter*) At the time of voting to lift presidential term limits, hon. Nyombi Thembo shot up and moved a motion that on this particular matter, we vote by open voting. Therefore, even if you entrench it, someone would still move under the rules to remove it from those provisions, we amend that rule and we open it; it is still counterproductive.

After the motion was moved, arguments started on both sides of the House. Honourable members said they wanted their constituents to see how they voted. If we now go for **secret voting** now, how will your constituents know how you voted? There are those who want to be seen. They do not want to miss that opportunity to stand up and be counted. That is a very strong argument and you cannot sweep it under the carpet.

On the other side, there are also those who fear to be seen. If you fear to be seen during voting, then you are in a wrong place and wrong profession –(*Interruption*)

MR LUBOGO: Thank you very much, my senior colleague.

THE DEPUTY SPEAKER: Honourable member, on what matter do you rise?

MR LUBOGO: I asked for clarification from him and he gave way. Thank you, Mr Speaker and colleague. I appreciate your argument, but you should also appreciate that we have passed a rule, which states under which circumstances we have to vote by **secret ballot**. Is it your intention, therefore, to state that all issues which involve voting should be left for the decision of the House at that material time? Is that what you are trying to say? Thank you.

MR ODONGA OTTO: What I am saying is that there is the general rule, but there must be exceptions to the general rule. That is what the committee chair has been raising and it is also the same thing the Speaker has laboured to explain.

The point is that we must not oust our jurisdiction to change the way we want to vote at any one moment. We can say, for example, that we need to vote by show of hands on censuring a minister and we can put it in our rules that for every censure there will be open voting. However, circumstances can arise where that minister turns out to be very dangerous and there are fallen colleagues courtesy of that minister. Therefore, we do not need to tie our hands in those circumstances. We would have to change the rules and say that since this is a very dangerous person, let us now in this case vote by **secret ballot**. That is the kind of the situation I am in. Thank you so much, Mr Speaker.

MR ONGALO-OBOTE: Mr Speaker, on the amendment to rule 89, we propose the following as subrule (6): “When called out, each Member shall thereupon rise in his or her place or raise his or her hand and declare, or by use of recognised sign language, assent or dissent to the question in the following manner: ‘I vote yes’, or ‘I vote no’, or ‘I abstain’”. Mr Speaker, I believe that this would take care of Members who cannot talk or stand.

MS KAMATEEKA: Mr Speaker, as proposed earlier, where sign language is used or where someone is not able to stand and put up their hand, it should be in respect of persons with disabilities or PWDs. Therefore, if you could insert, “in respect of PWDs” -

MS BABA DIRI: Thank you, Mr Speaker. Regarding the raising of the hands, there are people with disability without arms. Therefore, instead of raising hands, you can say that they raise any part of the body –(*Laughter*)– because they may need to raise their leg instead of the hand.

Secondly, Mr Speaker, I think the statement of the chairperson is right. Disability can come anytime. A disabled person is one who has been permanently disabled, but there are times when you can lose your voice due to cough or your mouth can be swollen when you are too sick. Therefore, we cannot limit this only to people with disabilities. Let us maintain the statement of the chairperson. Thank you very much, Mr Speaker.

MR ONGALO-OBOTE: Mr Speaker, I agree with my honourable colleague because there are clear definitions of who falls under the category of PWDs. As my honourable colleague has stated, a Member may be disabled on the day when voting is to take place yet is not a person with disabilities. What would we do with such a Member? This amendment is for general application. I think it can be expanded to fit any situation that arises, which does not fall in these categorisations?

THE DEPUTY SPEAKER: Can I put the question to this? I put the question to the amendment.

(Question put and agreed to.)

THE DEPUTY SPEAKER: That was the amendment to subrule (6). Now I put the question to the proposed amendment to rule 89.

(Question put and agreed to.)

Rule 89, as amended, agreed to.

MR ONGALO-OBOTE: Mr Speaker, the committee proposes a new rule to be inserted immediately after rule 89 to read as follows: “Electronic voting

- (1) Electronic voting shall be ordered by the Speaker where-
 - (a) the House has resolved that a matter be voted upon electronically;
 - (b) after the Speaker has announced the results of the voice voting and immediately 40 or more Members stand in their places signifying their disapproval of the outcome of the vote and in the opinion of the Speaker, he or she deems it fit that the matter be voted upon electronically.
- (2) When an electronic voting is to be taken in the House, the bell shall be rung for five minutes after which the House shall proceed to vote.
- (3) During electronic voting, Members shall cast their votes by pressing either the ‘yes’, ‘no’ or ‘abstain’ button.
- (4) As soon as the result of the voting appears on the indicator board, the Speaker shall declare the results of the votes cast forthwith.
- (5) A Member who is not able to cast his or her vote electronically due to any reason considered justifiable by the Speaker may, before the declaration of the results by the Speaker, have his or her vote recorded verbally by stating whether he or she is in favour of or against the question.

Technical failure, confusion or error occurring

Where a technical failure, confusion or error occurs in the course of electronic voting which in the opinion of the Speaker cannot otherwise be corrected, the Speaker may direct the House to another round of voting.

Where the technical failure, confusion or error continues to occur in the course of electronic voting, the Speaker may direct that the House proceeds to a division.”

The justification is that arrangements are being made to introduce electronic voting in this House.

THE DEPUTY SPEAKER: Chairperson, in rule 89 (5), are the votes only either in favour or against or there is abstention as well? I am talking about the second last line that reads, “...whether he or she is in favour of or against the question.”

MR ONGALO-OBOTE: Mr Speaker, it should be “...in favour of, against or abstain”. Thank you.

MR BAHATI: Mr Speaker, that is a correction I wanted to make. We can actually make it better by stopping at “verbally” and that means it will read, “...may before the declaration of the results by the Speaker, have his or her vote recorded verbally.” This is because we have already talked about the methods of voting.

THE DEPUTY SPEAKER: Chairperson, have you got that? You could stop at “verbally” because you have already talked about the aspect of voting in rule 89 (2), instead of elaborating.

MR BAHATI: In rule 89 (2), under technical failure, confusion or error occurring, it says, “Where the technical failure, confusion or error continues to occur in the course of electronic voting, the Speaker may direct that the House proceeds to a division”. It is like we are now saying that if electronic voting fails, then we will go to a certain type of voting, which is going to the lobby. Can't we be open and say that the Speaker is allowed to direct us to vote using any method instead of going to a division?

THE DEPUTY SPEAKER: Chairperson, there are those two proposals.

MR ONGALO-OBOTE: Mr Speaker, this is a new rule. As to the honourable minister's proposal in rule 89 (5), I have no problem with that, provided -

THE DEPUTY SPEAKER: Chairperson, just give me a minute. I have children who are leaving. I do not know which ones they are. We have pupils and teachers of Rainbow Christian School, Entebbe Municipality, Wakiso District. They are represented by hon. Rosemary Seninde and hon. Rosemary Tumusiime. They are here to observe the proceedings. Please join me in welcoming them. (*Applause*)

We also have pupils and teachers of Makindye Junior School, Kampala District. They are represented by hon. Allan Ssewanyana and hon. Nabilah Naggayi. They are here to observe the proceedings. Please join me in welcoming them. (*Applause*) Chairperson, proceed.

MR ONGALO-OBOTE: Mr Speaker, rule 89 (5) introduces a new aspect of electronic voting. In rule 89 (3), a Member shall press the “yes”, “no” or “abstain” button. In subrule (5), this is to be recorded verbally. That is why the committee thought that it would be important to be clear as to what the Member would verbally state, whether it is “yes”, “no” or “abstain”. It is really for clarity.

THE DEPUTY SPEAKER: It is for the avoidance of doubt. Are we okay with where we are so far? Is there an amendment on this particular issue?

MR ANYWARACH: Mr Speaker, my amendment may not be specifically on this but -

THE DEPUTY SPEAKER: Can we finish with this one? Can we finish with the new rule? If it is not on the new rule, then let us deal with that later.

MR KABERUKA: Thank you, Mr Speaker. We observed that there are some Members who may not be able to verbally declare their positions. However, here we are saying, "...due to any reason considered justifiable by the Speaker may, before the declaration of the results by the Speaker, have his or her vote recorded verbally by stating whether he or she is in favour or against the question." How do we consider the other category, chairperson?

THE DEPUTY SPEAKER: Instead of using the word "stating" can you use the word "indicating"?

MR ONGALO-OBOTE: Mr Speaker, if that is a better word for the sake of clarity, we can adopt it. As to the amendment regarding technical failure, we had proposed that where the technical failure, confusion or error continues, the Speaker may direct that the House proceeds to division. With your guidance, Mr Speaker, I would seek to say, "...proceed to a division or any other manner of voting that is deemed..." -

THE DEPUTY SPEAKER: That was not from me. I think it was from hon. Bahati.

MR KATUSABE: Thank you very much, Mr Speaker. You have a fingerprint or a thumbprint but you need probably to reinforce, or as a matter of precision and clarity, authenticate that with a verbal response.

Mr Chairperson, I am trying to figure out a situation where you wake up with a hoarse voice and you are not in a position to express your position verbally; what happens? Somebody right within the House may have the ability to express themselves electronically by use of the thumbprint or fingerprint but may be unable to express themselves verbally. What, in this particular provisional amendment, do we carry forward in such a category? Thank you.

MR ONGALO-OBOTE: Mr Speaker, as I had pointed out, this really is a general rule. We cannot anticipate every possible disability that can befall a member in this House on a given day. That is why we thought that it would be possible to state this rule as a general principle and leave it to the Speaker to decide based on that disability that occurs to that Member at that particular time.

THE DEPUTY SPEAKER: Yes, I think that covers it. The Speaker would then say, "Hon. Namboozie, how do you vote?" and then she would indicate the vote and that would be recorded. Is that clear, honourable members? Honourable member for Padyere, can I take a vote on this before we come to your issue, which you said that was not part of this?

MS NANTUME EGUNYU: Thank you, Mr Speaker. This is my second term in this Parliament of Uganda and ever since I came to Parliament, there is something that I have noticed and the committee did not capture it. We have had incidences where we take a voice vote here and the Speaker goes by the minority and not by the majority. *(Laughter)* Yes, please allow me to express myself.

This is what usually happens – *(Interjections)* – Yes, they would just say, "the 'ayes' have it". Maybe because of their interest or they did not hear well, the Speaker will go with the minority and you clearly also get to know that the Speaker has gone with the minority vote.

Honourable Speaker, since we are debating Rules of Procedure, I think it would be good if we all debate fairly. I would propose that in the case of voting, we provide some room for appeal, in case someone is not satisfied, because even the Constitution provides for fair hearing. *(Applause)*

THE DEPUTY SPEAKER: Honourable member, we have just passed a rule which says that if it is voice voting and you disagree, if 40 Members rise on their feet objecting to that vote, it will go to division. Didn't you hear that? That has been the rule; it is not new. If 40 Members rise to their feet

and they do not even say anything but just stand, the Speaker will have to call for another vote. That is what has been proposed and it is what we have been using. Can we move on, please? Can we now take a vote on the new rule?

MR ONGALO-OBOTE: Yes.

THE DEPUTY SPEAKER: Can I put the question to the rule as amended?

(Question put and agreed to.)

THE DEPUTY SPEAKER: Do you have a new amendment?

MR ANYWARACH: Mr Speaker, my concern on is on the international principles that electronic voting must, first of all, protect the integrity of the voting material, that is, the ballot; must make the whole process of voting speedy; and also must make the tallying very credible.

Mr Speaker, where the machine fails, and here we are talking about a human being failing to access or to make good the voting using the machine. The machine may fail in tallying the results yet we want to keep a proper track of the records of everyone's vote or voting trend. Therefore, I thought that there should be a provision that in case the system for the electronic voting fails before tallying the results, either every Member or the presiding officer will decide on how to ascertain the person's vote away from the electronic system, which will have failed. In that way, we will protect our votes from unnecessary failure of systems or machines. Thank you and I beg to submit.

THE DEPUTY SPEAKER: Is it not what has been proposed in (1) and (2)? That is what is proposed under "technical failure, confusion or error occurring". There is a proposal to that effect. As long as you have voted and the system is not working, whether it is at the beginning or in the middle, as long as you have not yet got the results, that will be a technical error and the provision is there. Have we finished with this? Okay, let us move to the next item, please.

MR ONGALO-OBOTE: Mr Speaker, we propose an amendment to rule 90 by replacing subrule (1) with the following:

"(1) A division may be ordered by the Speaker where-

- (a) a technical failure, confusion or an error has occurred in the course of the electronic voting and the electronic voting cannot proceed; or
- (b) after the Speaker has announced the results of the voice voting and immediately 40 or more Members stand in their places signifying their disapproval of the outcome of the vote."

The justification is that this is being introduced because of the introduction of electronic voting in the House.

MR MAGYEZI: Thank you, Mr Speaker. This mentions voting by the division lobbies, but I realise that (1)(a) is exactly what we have stated just above under (2); it is a repetition. Therefore, is it possible to simply refer to what has been passed just above? Under (2) above it says that where technical failure, confusion or error occurs in the course of electronic voting, the Speaker directs the House to proceed to the division. You have simply repeated it under (1)(a).

Secondly, in (1)(b), after the Speaker has announced results of voice voting and 40 Members stand, signifying disapproval of the outcome of the vote, I realise that it is the same provision under the electronic voting. Under electronic voting, it is also stated that when there is voice voting and immediately 40 Members stand signifying their disapproval, the House then proceeds to electronic voting. Under division, we said the same thing.

Is it possible to capture what has been captured above and we say, "...in the opinion of the Speaker, he or she deems it fit that the matter be voted upon by the division lobby." We can then be clear that we should not go back to electronic voting but to the division. I hope I am clear.

THE DEPUTY SPEAKER: Honourable member, this is now about division voting. It is specifically about division and it is stating the circumstances under which it occurs. So, it is not under any other voting but division now. Let us leave it that way please. Electronic voting was finished and now we are coming to division voting. Under what circumstances do we do division voting - That is what it is stating.

MR MAGYEZI: Mr Speaker, I would like you to get my point this way: Both electronic and division voting are coming out of voice voting. We are saying that when there is voice voting and 40 Members or more stand signifying their disapproval, then they proceed to electronic voting or division. The point I am making is that both provide for the same and it should be left to the Speaker even under the division lobby. It should be in the wisdom of the Speaker that we then go to the division rather than electronic.

MR ONGALO-OBOTE: Mr Speaker, whereas it may sound as if the committee is repeating itself, these are separate rules and what we are trying to do is to operationalise them. Therefore, by clearly stating this under rule 89 and rule 90, we are trying to make the rule operational - when does the rule apply. This is really the operational part of this rule. Even though it appears repetitive, we have to operationalise the rule. We have to make it functional - when does it apply. That is why we felt these amendments had to be made.

MR NZOGHU: Mr Speaker, I am particularly concerned about the proposed rule 90 (1) (b), which says, "after the Speaker has announced the results of the voice voting and immediately 40 or more Members stand in their places, signifying their disapproval of the outcome of the vote."

Mr Speaker, I have no problem with the wording there but I have an issue with the number. There are times in this House when we take a vote on a particular matter and the numbers are generally small. In circumstances like that, where we are less than 50 in the whole House and we are taking a decision and you require that 40 or more Members should stand –

THE DEPUTY SPEAKER: You cannot take a decision without quorum.

MR NZOGHU: Mr Speaker, sometimes we do –

THE DEPUTY SPEAKER: No, please. You are on the record of this House. Please, respect the integrity of this House.

Honourable members, I announced earlier that we would be rising early today because there is a High Mass for our colleagues from the Catholic faith. The people to preside over this mass are already here. In the VIP gallery this afternoon, we have Bishop Joseph Anthony Zziwa from Kiyinda-Mityana Diocese, who is also the Vice-Chairperson of the Uganda Episcopal Conference. *(Applause)*

We also have Fr Frederick Tusingire, the Secretary for Laity, Uganda Catholic Secretariat; Fr John Baptist Kaganda, the Executive Secretary, Pastoral Liturgy; Fr Benedict Mugerwa, the National Youth Chaplain; Fr Phillip Balikuddembe, the Chaplain Parliamentary Catholic Chaplaincy; Sr Nalumansi from Kiyinda-Mityana Diocese. *(Applause)* You are welcome. We are mindful of your presence and are trying to finish business to give you time to deal with the business that brings you here.

MR NZOGHU: Mr Speaker, I am mindful of the two sides of the House. Imagine we are taking a decision and the other side has mobilised and this side has also mobilised. However, at one point we

may not have more than 40 Members on this side and they are not satisfied with the decision that is going to be taken. How would you cure that?

THE DEPUTY SPEAKER: Honourable members, it is put this way because it is generally a practice in the Commonwealth that for you to challenge, it must be really a substantial disagreement, not just on any issue. It cannot be a situation where if two or three Members stand, you have a division. It has to be something serious that incites a huge number of Members of Parliament to get up and say “on this one, no”. Is there any significant reason why we should change the number?

MR NZOGHU: We should change the number, Mr Speaker.

THE DEPUTY SPEAKER: Is there any reason, with a Parliament that has over 427 Members? Should we change the number of 40, really?

We have pupils and teachers of Seeta High School in Mukono District. They are represented by hon. Ronald Kibuule and hon. Peace Kusasira. They are here to observe the proceedings. Please, join me in welcoming them. *(Applause)*

MS ALUM: Thank you very much, Mr Speaker, for the opportunity. First, I feel the number 40 is okay.

Secondly, we have a provision on electronic voting and division. However, I would like to put it clear that we have **secret voting** here and many times even in the national elections, you find that there is always confusion in **secret voting**. If there is always confusion even in **secret voting**, how have we catered for it here –*(Interruption)*

MR NZOGHU: Thank you, Mr Speaker –

THE DEPUTY SPEAKER: Honourable member, it is okay also to smile when you raise a point of order. *(Laughter)*

MR NZOGHU: Mr Speaker, we are here trying to get a scenario where the House should operate in a harmonised way. We are actually revisiting these rules, mindful of the current situation in the House. I am very aware that most political parties which are in this House cannot even raise 10 Members. Uganda People’s Congress (UPC) has six Members, the Democratic Party (DP) has 15 and the Forum for Democratic Change (FDC) has 37. You realise that there is a problem there. This is why I am saying –

THE DEPUTY SPEAKER: You rose on a point of order.

MR NZOGHU: The point of order I am raising is: is the honourable member from UPC, which actually has six Members, and who is the party whip, in order to claim that 40 is good enough yet she has six Members in this House? *(Laughter)*

THE DEPUTY SPEAKER: Honourable members, when you are disagreeing with the results announced by the Speaker in voice voting and your only source of discontent is because of a political party, then you have lost it. It has to be on an issue where you say, “on this, you did not announce the vote properly”, and that does not have to be UPC, DP or anybody else. It just has to be Members of Parliament who have heard the vote and disagreed. *(Applause)*

MS ALUM: Thank you, Mr Speaker, for your wise ruling. Actually, when I am here I am here as a Member of Parliament of Uganda, not UPC. I was looking at the number of Members of Parliament in this Parliament of Uganda, not as UPC.

Having said that, I was cut short when I was making my point; I was saying that even when we are doing the **secret voting**, you find that sometimes there is confusion. If during **secret voting** we have confusion, have we catered for it here? This is because in all elections, voters sometimes cast their votes and they cannot be read properly. If there is confusion which always arises over spoilt votes, how are we going to cater for that in terms of **secret voting**? Thank you.

MR ONGALO-OBOTE: Mr Speaker, I am not really an expert on how computer systems work. Where a Member has voted “no” when they intended to vote “Yes”, I do not know how the system can be made to rectify it. However, I will consult further because I have no idea how this technology works.

THE DEPUTY SPEAKER: She also talked about **secret voting** and there are spoilt votes.

MR ONGALO-OBOTE: Generally, when we vote and votes are spoilt, they are counted as spoilt votes. I do not understand what you are proposing -

THE DEPUTY SPEAKER: Would a spoilt vote be a “yes”, “no” or an abstention?

MR ONGALO-OBOTE: I think it would be a spoilt vote.

MR BAHATI: Thank you, Mr Speaker. I rise to give information to hon. Magyezi. If you look at the original rule 90 of our Rules of Procedure, it only provides for a division where there is some failure in voice voting and 40 Members have risen to challenge the ruling. Again, in electronic voting, there is a high risk that a computer system can fail. Therefore, because of those two circumstances, the committee is providing for a division and I think the committee has put it very well.

THE DEPUTY SPEAKER: Honourable members, can I put the question to that amendment on the rule? I now put the question to the amendment.

(Question put and agreed to.)

MR ONGALO-OBOTE: The committee proposes to rephrase rule 107 to read as follows:
“Certificate of Financial Implications

- (1) Every Bill introduced in the House shall be accompanied by a certificate of financial implications issued by the minister responsible for finance.
- (2) The certificate of financial implications issued under subrule (1) shall indicate the estimates of revenue and expenditure over the period of not less than two years after the coming into effect of the Bill when passed.
- (3) In addition to the requirements under subrule (2), the certificate of financial implications shall indicate the impact of the Bill on the economy.
- (4) Notwithstanding subrules (1), (2) and (3), a certificate of financial implications shall be deemed to have been issued after 60 days from the date of request for the certificate.”

The justification is that it is in line with section 76 of the Public Finance Management Act, 2015.

MR MUHEIRWE: Mr Speaker, there are situations where we have a certificate of financial implications for a specific Bill but with time, we may find it necessary to amend the title of Bill. If you wish to amend the title of the Marriage and Divorce Bill, 2009 to the marriage and stay Bill, for example, how do you use the same certificate of financial implications, in the event that the same certificate was issued in regard to that title? How does our rule cater for that kind of amendment?

THE DEPUTY SPEAKER: Honourable members, a certificate of financial implications is issued for a Bill and it comes from the Minister of Finance, Planning and Economic Development. Once the Bill is in Parliament, it becomes property of the House and the House can do whatever it wants to do with it. The certificate of financial implications is only required to bring a Bill to Parliament. Let us not go into amending the certificate of financial implications. *(Laughter)* Can I put the question to this?

MS NANTUME EGUNYU: Thank you very much, Mr Speaker. When every Bill is brought to this House, we issue a certificate of financial implications but we never issue a certificate of compliance. In that regard, therefore, I would like to propose that we also issue a certificate of compliance for all the Bills that come to the House.

You will recall that hon. Amoding, the Chairperson of Uganda Women's Parliamentary Association (UWOPA), informed the House that the money that was meant for women and youth was diverted to other sectors. The problem originates from the Bills that we make. Therefore, I would like to suggest that we insert a provision saying that every Bill that comes to the House should have a certificate of compliance. The Government of Uganda has signed many agreements -

THE DEPUTY SPEAKER: What is the certificate of compliance for?

MS NANTUME EGUNYU: It would depend on the sector that the Bill is going to. If the Bill is going to cater for the climate sector, for example, it must be complaint to climatic changes and if the Bill is for the gender sector, they must issue a certificate of compliance to gender issues.

MR ONGALO-OBOTE: Mr Speaker, this amendment is in reference to the certificate of financial implications. We are bringing this amendment because the Public Finance Management Act, 2015, has introduced this requirement. Therefore, we are only amending the rule to align it with the Public Finance Management Act, 2015.

THE DEPUTY SPEAKER: Can I put the question?

MR KAKOOZA: Mr Speaker, I have a problem with the amendment to rule 107 (2) on certificate of financial implications, where it says, "...shall indicate the estimates of revenue and expenditure over the period of not less than two years..."

Mr Speaker, any amount of money provided in the budget must be for one year. It must also depend on the work plan of that agency, which fits in within the programme and policy of Government. This is because money which is not utilised in a year is returned to the Treasury. Therefore, the two years here contradict section 13 of the Public Finance Management Act, 2015, which says that if you do not utilise money that is released to you in a year, it has to be returned to the Treasury. Why are we talking about two years?

THE DEPUTY SPEAKER: Is this the budget now, hon. Kakooza?

MR KAKOOZA: It is not the budget. However, the amendment says, "The certificate of financial implications issued under subrule (1) shall indicate the estimates of revenue and expenditure over the period of not less than two years after the coming into effect of the Bill..." It cannot happen.

THE DEPUTY SPEAKER: Don't we have projections in Bills – Medium Term Expenditure Framework (MTEF)?

MR JAMES KAKOOZA: The projections come in three medium terms.

THE DEPUTY SPEAKER: This is a Bill and the certificate of financial implications is saying that we can implement it in two years.

MR JAMES KAKOOZA: Mr Speaker, what I am trying to say is that the moment Parliament appropriates money for that budget year, even if the ministry issues a certificate of financial implications, they cannot issue it for two years. This is because it would contradict section 13 of the Public Finance Management Act, 2015, which says that the Treasury cannot release money for two years.

DR BARYOMUNSI: Thank you very much, Mr Speaker, and I thank hon. Kakooza for giving way. I would like to provide information.

The committee has just lifted section 76 of the Public Finance Management Act, 2015. Section 76(2) of the Public Finance Management Act, 2015, says, “*The certificate of financial implications issued under subsection (1) shall indicate the estimates of revenue and expenditure over the period of not less than two years after the coming into effect of the Bill when passed.*” The provision in the rules is consistent with what the Act is referring to. Therefore, I would like to inform you that you should read the Act. There is no problem with it.

THE DEPUTY SPEAKER: Usually, the ministers do not even use years; they say “in the medium term”. Therefore, let us not - Can I put the question to this?

MR BAHATI: I am sorry for behaving like our colleague, hon. Nzoghu - (*Laughter*)- but this is very important. I wish this rule had further clarified the mandate of the Minister of Finance, Planning and Economic Development.

I have seen situations where a Bill comes to our side and we discover the Bill as having serious implications on the economy but then we would not know whether to advise Parliament that the Bill is good or bad. I wish it clarified the mandate of the Ministry of Finance, Planning and Economic Development so that it is very clear and we are not seen as if we are either giving or not giving.

THE DEPUTY SPEAKER: It is very clear in the Act just like it is in what is being proposed. That is what the Public Finance Management Act says, unless you would like now to move an amendment to your Act without a Bill. Can I put the question to this?

Hon. Nzoghu you will also get an opportunity to put him in his place. Let us move on. I put the question to the amendment of rule.

(Question put and agreed to.)

THE DEPUTY SPEAKER: Honourable members, can we rise at a quarter to 5.00 p.m. Can we 15 minutes so that we can allow Members to move for the mass? Let us use the 15 minutes very well.

MR ONGALO-OBOTE: Mr Speaker, the committee had proposed to amend rule 111 to replace sub-rule (1) with the following new sub-rules: “(1) A Private Member’s Bill seeking to amend the Constitution shall be introduced first by way of motion to which shall be attached the proposed draft of the Bill.”

However, Mr Speaker, during the 13th Sitting of this session, you ruled on our proposed amendment and the committee was satisfied with your ruling. What we were proposing here was to have a Member who is proposing a Private Member’s Bill to bring it without leave, but you ruled on why the leave is necessary. Therefore, the committee withdraws that proposed amendment in keeping with the ruling you made.

We only now propose to amend sub-rule (1) of rule 111 as follows:

“(1a) A Member shall not introduce a Private Member’s Bill where the Government has made commitment to introduce a Bill on the same matter”.

THE DEPUTY SPEAKER: Mr Chairperson, we would like to make progress. Please, withdraw that one and we proceed. Supposing they make an undertaking this year and two years down the line, there is no Bill-

MR ONGALO-OBOTE: Allow me to withdraw with dignity. (*Laughter*)

THE DEPUTY SPEAKER: Even without dignity, you can still do it. (*Laughter*)

MR ONGALO-OBOTE: Mr Speaker, these proposed amendments were brought to the committee by Members of this House. Therefore, if the very Members propose that I withdraw them, I will do that.

THE DEPUTY SPEAKER: Thank you. Let us go to the next amendment.

MR ONGALO-OBOTE: Mr Speaker, the committee proposes that we insert a new rule immediately after rule 116 as follows:

“Procedure where two similar Bills are tabled

Where two Bills are substantially similar, the committee shall consider the Bill which was tabled first, and the provisions of the second Bill shall, where applicable, be incorporated as proposed amendments to the first Bill.”

The justification is: to provide for cases where two substantially similar Bills, or Bills with the same purpose, are presented to the House. This occurred in the Ninth Parliament when the Children (Amendment) Bill was introduced.

THE DEPUTY SPEAKER: Why would you allow two similar Bills to be read?

MR ANYWARACH: Mr Speaker, I was a member of the Committee on Gender, Labour and Social Development and when we were faced with the situation where two Bills were introduced at the same time, - the private Member’s Bill by hon. Atiku and that of the Government - the Speaker then resolved that the two Bills be sent to the committee. When the Bills came to the committee, we ably processed them by intermarrying and considering their merits on a case by case basis. We would look at a particular clause of the Government’s Bill and then the one of the private Member.

What I am trying to bring forward is that if we say we use the rule of equity, where there are two equal and competing Bills the first in time must prevail. We do not want a situation where, like in the children’s law, the Government was actually deliberately delaying to introduce their Bill. When hon. Atiku brought his, then they also brought theirs. Sometimes -

THE DEPUTY SPEAKER: Honourable members, once there is a Bill on the same subject read for the first time in Parliament, why accept another Bill of the same character to be read the first time? I think that was just done out of courtesy and not to disgrace people in the House. However, I think strictly speaking, you cannot have that; otherwise, you are going to end up with four Bills here on the same subject and then you send them to the committee.

MR ANYWARACH: Mr Speaker, the issue can be settled by the Business Committee. However, that time, you will agree with us that the two Bills were on the Order Paper. Besides, - (*Interruption*)

THE GOVERNMENT CHIEF WHIP (Ms Ruth Nankabirwa): Mr Speaker, you are very right; we should not allow two similar Bills to be tabled. Even when it happened in the Ninth Parliament, I attended the Business Committee meeting and I was asked to formally withdraw the Government’s Bill because the private Member’s Bill was more comprehensive. Therefore, I wrote to hon. Muruli Mukasa, who was the Minister of Gender, Labour and Social Development, and he came here and

formally withdrew the Bill. We, therefore, cannot provide a rule for a mistake. We have to decide not to entertain two Bills on the same subject.

MR ONGALO-OBOTE: Mr Speaker, after all the assurances that the committee has received, we withdraw that proposed amendment.

THE DEPUTY SPEAKER: Thank you. We have five minutes left. What is the next proposed amendment?

MR ONGALO-OBOTE: The committee proposes that we amend rule 118, subrule (2) as follows: Replace the words, “forty five days” with the words, “two months”.

The justification is that two months is more practical than 45 days. This answers the question whether the days as envisaged under the rules are calendar days or parliamentary working days.

MR LUGOLOOBI: Mr Speaker, whereas I agree with the proposed amendment, instead of the expression “two months”, I think it should read “two calendar months”. That will make it explicitly clear that we are talking about calendar months.

THE DEPUTY SPEAKER: Supposing it is introduced on the 15th?

MR LUGOLOOBI: We should then count two calendar months from that time.

THE DEPUTY SPEAKER: If it is introduced on the 15th of March, the two calendar months would be March and April.

MR BAHATI: Mr Speaker, I have a different opinion. I suggest we maintain 45 days. We should actually be thinking of reducing the days. We cannot increase them. We sit here for only three days in a week, and those are 12 days in a month; we do not have all that time. Therefore, the time that we are here should be used maximally, and 45 days has been working well in my opinion.

THE LEADER OF THE OPPOSITION (Ms Winfred Kiiza): Mr Speaker, I do agree with hon. Bahati that the 45 days can still suffice. Our laws have not barred anyone who thinks they have not thoroughly internalised their law to come up and ask Parliament for an extension of time. From time to time, whenever Members have come to the House to ask for an extension of time, time has always been granted.

I would be of the opinion that we should even reduce the time from 45 days to 30 days so that in case Members think that they still need more time, then they can ask for an extension. However, in the meantime, I would pray that we retain the 45 days as provided in our rules.

THE DEPUTY SPEAKER: Honourable members, can we retain 45 days please?

MR MAGYEZI: Mr Speaker, I beg to move a slight amendment on the 45 days. To me, 45 days could still include Saturdays, Sundays and public holidays, which assumes that Parliament works on holidays. I would like to say, “45 working days”. I beg to move.

MR OKUMU: Thank you, Mr Speaker. I do not know whether some Members are making reference to plenary sittings or committee sittings. Experience in this House has shown that committees sit sometimes even for six days in a week. Therefore, when you are defining the working days, you are referring to a whole week. Therefore, 45 days would be sufficient to work on these matters. Committees have even gone overtime on a number of occasions to produce reports for Parliament. I do not see the need to extend it beyond 45 days.

MR ONGALO-OBOTE: Mr Speaker, under such circumstances, therefore, the committee, with dignity, withdraws the proposed amendment to rule 118 and the same would then apply to the proposed amendment to rule 130.

MS NAMBOOZE: Thank you, Mr Speaker. I would like to propose an amendment that will put a limit to the time the Bill can stay in Parliament unprocessed. A committee has liberty to come here and ask for time but we should indicate that in any case, the extension shall not exceed 90 days. I beg to propose.

THE DEPUTY SPEAKER: Mr Chairman, should we put an upper limit and cap it?

MR ONGALO-OBOTE: Mr Speaker, as it has been clearly stated, the practice has been that the committee is given 45 days. If this is not sufficient, the committee comes to this House and asks for an extension. There is no need to put a cap on this.

THE DEPUTY SPEAKER: Okay, there is no amendment. Honourable members, it is now 4.45p.m. and we made an undertaking that we would pause at this time to allow our colleagues go for mass. Can I now end here, because we are now starting a new part and it would be a good part to start on next time? We have not amended this rule. All amendments that were proposed have been withdrawn.

Honourable members, in the public gallery, we have pupils and teachers of Kagando Primary School, Kasese Municipality. They are represented by hon. Robert Centenary and hon. Winfred Kiiza. They are here to observe proceedings. Join me in welcoming them. *(Applause)* Thank you. The House is adjourned to Tuesday, 2 o'clock.

(The House rose at 4.46 p.m. and adjourned until Tuesday, 25 July 2017 at 2.00 p.m.)