

VERBATIM REPORT

Committee: Finance and Public Accounts Committee
Meeting: Meeting with the **Ministry of Education** to discuss the Auditor General's Report of 2009 and 2010
Room: Committee Room 3
Date/Time: Monday 20th August, 2012 at 1300 hours

Present:Committee

Hon. David Pierre - *Chairperson*

Hon. Charles De Commarmond – *Vice-Chairperson*

Hon. Lenny Lebon

Hon. Marc Volcere

Hon. Bernard Arnephy

Hon. Sebastien Pillay

Hon. Nichole Barbe

Ministry of Education

Mrs. Merida Delcy – *Principal Secretary for the Ministry of Education*

Ms. Alice Labonte – *Director General for Human Resources and Administration*

Mrs. Melinda Malbrook – *Financial Controller*

In Attendance:Office of the Auditor General

Mr. Marc Benstrong - *Auditor General*

The Secretariat

Ms. Sandra Hall - *Secretary to the Committee*

Ms. Angelic Appoo – *Committee Advisor*

Ms. Saviona Isaac - *Secretary Assistant*

HON DAVID PIERRE

Ok, good afternoon everybody. We are the Finance and Public Accounts Committee of the National Assembly and we are here to do some work with respect to the reports of the Auditor General for 2009 and 2010. But before we even start, I would like to introduce members of the Committee and then you'll introduce your delegation and we will take it from there. We are a Committee of 7, even if there are 6 of us now, one shall be coming anytime soon. I am Mr, Pierre, Hon. David Pierre, and I'm the Chairperson of the Committee. We also have as Vice-Chairperson of the Committee, Hon. Charles De Commarmond, then as members we have Hon. Marc Volcere, Hon. Nichole Barbe, Hon. Bernard Arnephy, Hon. Lenny Lebon, and then we also have Hon. Pillay which will be here like I said at any moment. We have 2 Secretaries to the Committee. Ms. ...

MS SANDRA HALL

I am Sandra Hall, the Secretary to the committee, Ms. Angelic Appoo, the Advisor to the Committee, and the Auditor General, Mr. Marc Benstrong.

MRS MERIDA DELCY

I would like to introduce my delegation. I have Ms. Alice Labonte who is the Director General, Human Resource and Administration, and Mrs Melinda Malbrook, she is the Financial Controller, and myself Merida Delcy, Principal Secretary of Education. May I say something? Although they are seated at the back, I would like them also to be involved as I know the F.C would have a lot of information to give, I may not be able to give everything in detail, so I would just like to point this out.

HON DAVID PIERRE

Yeah, this is understandable and permissible, so it's fine with us. To continue, let me just remind you that Article 104 of our Constitution gives

the Assembly the power to form Standing Committees of which FPAC is one of them. And Article 104 (3) if I may read it, tells us that "For the purposes of effectively performing its functions, a Standing or other Committee may summon a person the Committee believes may assist the Committee in the performance of its functions, and the Committee shall have the powers, rights and privileges of the Supreme Court for:

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise; and then
- (b) secondly, we also have power to compelling the production of documents; and
- (c) issuing a commission or request to examine a witness abroad."

So what we are simply doing here today is calling you in to assist us with our work with respect to reports of the Auditor General for the year 2009 and 2010. And we are here today to ask you a few questions so as to clarify issues with respect to the reports like I've said, and the committee expect any witness to speak the truth and nothing but the truth. And everything that is said here remains for the consumption of the Committee. Thank you very much. So if you have any questions at this pointing time you may ask them, if not then we shall start.

MRS MERIDA DELCY

It's ok you can continue.

HON DAVID PIERRE

Ok thank you very much. I shall be the first person to ask you some questions. But let me point your attention to page 48 of the 2009 report. I'm referring to point 2.2; Purchase of motor vehicles. Now my question would be why did the Ministry not comply with the provision of the Procurement Act when purchasing motor vehicles? Based on the report of the Auditor it is very

clear that the Ministry did not comply with the provision of the Procurement Act. Why did this happen?

MRS MERIDA DELCY

Ok, as you know, at that time that this transaction was going on it was at the time where by the Procurement was just introduced. And at that time we were also having quite some problems to abide to all the demands of the Act, so it was not done intentionally, but in the process it so happened that we missed out on all the requirements of the Act. But again there are some other reasons that most probably it would be good for you to know based on the transactions, how the transactions went on. And for this maybe I would like F.C to just point out what really happened so that they see where they went wrong.

MRS MELINDA MALBROOK

Actually when the transaction was initiated it was towards the end of the year and we were in the process of closing down the accounts, and since we have had the funds, we said why not rather than surrendering the funds and then re-vire the funds, I said why not we procure somebody else because the Ministry was ... need of some transport transport we had. So we proceeded with the payment. It was done in a rush, not intentionally, but with the intention of applying to the Procurement Oversight Unit for approval, but however we missed on that. But later we picked that up and we applied to the Procurement Oversight Unit for respective approval and that was granted, in May 2010.

HON DAVID PIERRE

But u knew that was against the law?

MRS MELINDA MALBROOK

Well we knew yes, but as said by the PS, the Procurement Section had just been setup in the Ministry and we were still in the process and you

know the size of the Ministry with so many transactions taking place and the urgency of having not to lose the funds, so we did not do it as in the sense of trying to get away from the Procurement Act. It was just a question of sometimes you do things in a rush and you then you find you missed something but we don't do it intentionally, but in good faith for the organisation.

HON DAVID PIERRE

Did you have something to say?

MRS MERIDA DELCY

Yes. Just wanted to add at the end of the year we all know at times how the expenditure is done, we see ourselves with money that we have to surrender. But knowing for instance, at the Ministry of Education we had a lot of problems especially in 2008, 2009, and 2010 whereby we could not purchase at all vehicles. So we are a big Ministry we have to do dispatch, we have to assist our schools, so we said that, that is the only way for us atleast to use that some of money because it doesn't mean that when you surrender the funds that next you are going to get it. It's not a guarantee that we will receive funds for transport because we have been asking, so this is why we did it. And as you may know, procedure for Procurement is quite lengthy and at this period of time it was towards the last quarter of the year, and then we said that it would be good for us atleast just to secure some vehicles. Although we know that there is the Procurement Act that we have to comply.

HON DAVID PIERRE

Yes Hon. Volcere?

HON MARC VOLCERE

I have a question related to this and the response you have given. I think the funds were available as from the beginning of the year when the budget was allocated, so why wait for the last

1 or 2 months before the end of the year to decide if you are going to buy these motor vehicles? So why was it not a decision prior to the end of the year so you can have time to go through the Procurement?

MRS MELINDA MALBROOK

Now can I clarify something? At the beginning of the year we did not get money to procure the vehicles, ok we did not get money. But towards the end of the year when we were in the process of closing down the accounts, when we looked at the overall picture of the Ministry we found that we had funds, and at the approval of the Ministry of Finance, we asked them to vire the funds appropriately to the votes for we to procure the vehicles. That was the reason why it was procured towards the end of the year and not early in the year.

HON MARC VOLCERE

So the funds were not budgeted for?

MRS MELINDA MALBROOK

No, it was under special circumstances that we vired the funds.

MS ALICE LABONTE

Although, just to add up we submitted our request for transport requirements when we submitted the budget request. But no funds were allocated in the budget per say, only towards the end of the year that Finance agreed to vire the funds...

HON DAVID PIERRE

Yes Hon. De Commarmond?

HON CHARLES DE COMMARMOND

Mr. Chair I still don't understand 2 things. The budget that was explained, that was used, I mean, 2008 budget, end of 2008 there was a surplus, there were some money left and so not to

(Intervention)

HON DAVID PIERRE

2009.

HON CHARLES DE COMMARMOND

2009, and it was paid in December? But why is it? You needed the van and it was noted by the Auditor General that you got all the quotations for the seater van costing R110,000 less than what you purchased, the R242,000. Why you did not use the quote or you did not purchase at the supplier which was cheaper? The cost of the 3 vans came to about 1 million rupees. That means it comes to over Rs 300 000 per van, R353,000. But you got quotation for R242,000 which is like I said, about R110,000 less per van. And you did not buy those vans, why? You could have got 4 or 5 vans with the same money instead of 3.

MRS MELINDA MALBROOK

The vans for R242,000 were purchased from the same supplier, it was the only 1 available at the time of the purchase, so that's why you will see that 1 van was sent over prior to the others. So when the others were received, because of the fluctuation in foreign exchange at that time, so the price increased. Because the quotes that we received, some of them did not meet our specifications. We require the van not to have seats because it was supposed to be for the purpose of school meals, and ...

HON DAVID PIERRE

The seats could be easily removed.

MRS MELINDA MALBROOK

Not all of them. Our specifications this is what we asked for, so at the time this is what we got.

HON CHARLES DE COMMARMOND

Why didn't they buy vans that hasn't got seat at the back? There are those.

HON DAVID PIERRE

So basically you mean to tell us that ... (interaction)

MRS MERIDA DELCY

Ketfwa mon ava acknowledge *osi* when you have got the money at the last minute you buy what is available.

HON DAVID PIERRE

When was the virement approval obtained?

MRS MELINDA MALBROOK

Early December. I don't have the date, but early December. Before the closure of the accounts, which normally will be around December 28.

HON DAVID PIERRE

Can you kindly send us a correct ... yes. And 2 more questions; first, when was the Act introduced to your Ministry? That happened in December 2009, when was the Act introduced to your Ministry?

MRS MERIDA DELCY

In 2008. Procurement Act.

MS ALICE LABONTE

The Procurement Act was approved in 2008, but what I can say is the setting up of a unit for Procurement was done in May 2009. However, at that time there was no trained officials in Procurement so one Officer was transferred from the Infrastructure Unit to take the head of the Procurement Unit without I suppose proper knowledge, only now learning the Procurement Act itself and the procedures. And at that time also there was only one Officer until September that we got another officer at the Procurement Unit.

HON DAVID PIERRE

But you knew that there would be consequences if you do not follow the Act?

MS ALICE LABONTE

I suppose so, yes.

HON DAVID PIERRE

Any other questions?

HON CHARLES DE COMMARMOND

Mr. Chair when I look at the Auditor General's report it says the Ministry purchased 3 Suzuki AP 8 seater van from supplier A at R353,019 each. Ok let alone the approval. But supplier B say; other quotations sighted including one from supplier B for a Hyundai 12 seater mini bus at the cost of R275,088 including 2 year or 50,000km warranty. That's a better condition I presume than the 8-seater, and the 8-seater costing more. I agree you did not follow the Procurement Act, ok, let's say given you got the approval from Finance later, ok I understand, but why did you choose to buy these ones rather than the other ones which were better with warranty and cheaper?

MRS MERIDA DELCY

I cannot provide any justification for...

HON CHARLES DE COMMARMOND

And you were not there at that time?

MRS MERIDA DELCY

No I cannot provide, I don't know but ...
(Interaction)

MS ALICE LABONTE

I'm trying to think back, I'm not sure if it was, but I have to clarify, I'm not sure if it was because of availability of the transport then. It could have been, I'm not sure. I will clarify. It could be that even though we got the quotations the transports were not available then. I'm not sure like I've said, I have to verify, it could have been that the supplier A that we purchased from had all the transports available, but I think it was only for the time that we processed the payments, so by then I think transports had been sold and we had to wait for the next consignment for the 2 others. So that's why we bought just one I think.

HON DAVID PIERRE

You will verify?

MS ALICE LABONTE

We will verify definitely, yes. Sorry just one point, at that time also I want to remind the Committee that we do not have a Transport Section at the moment. Well we don't have Transport Section in the Ministry, so we rely on our Drivers to go and if there's a need for us to purchase transport, we rely on our Drivers to sort the quotations because also at that time we had just received the resignation of our Director Admin so that was not so we did not have the proper officers.

HON DAVID PIERRE

So you never had a Transport?

MRS MELINDA MALBROOK

We had a ... in 2009.

MRS MERIDA DELCY

We use to have one, that was early 2000, that lady left.

HON DAVID PIERRE

So from 2000 up to 2009, you ...

MRS MERIDA DELCY

Today we don't have a Transport Section, but it falls under the responsibility of Administration. There is a somebody who manages, we've got an officer who manages the movement, transport movement and the regulations of transport.

HON DAVID PIERRE

Do you find it important for the Ministry to have a Transport Section?

MRS MERIDA DELCY

I suppose with the amount of transport that we're having now and the demand.

HON SEBASTIEN PILLAY

What is the number of vehicles in your fleet?

MS ALICE LABONTE

We have more than 10 vehicles, but besides them we also have those allocated to Post Secondary institutions but still our Head Quarters have to do their insurance payment.

HON DAVID PIERRE

So basically you would say that you've got more than 20?

MRS MERIDA DELCY

Less than 20.

MRS MELINDA MALBROOK

Not more than 20.

MRS MERIDA DELCY

More than 10, about 12 to 13 plus Post Secondary institutions. The pickup truck and all that.

HON CHARLES DE COMMARMOND

Mr. Chair maybe I understand if they have that number of vehicles maybe there's no need for a special division for transport itself. It falls under Admin. I agree I think it's a good decision, but for the future or from now maybe it's good to have someone to oversee or to manage the transport. Admin will oversee and

HON DAVID PIERRE

You will be having a Transport Manager?

MRS MERIDA DELCY

This is in our plan. We don't have one but it's in our plan.

HON DAVID PIERRE

You haven't had a Transport Manager for how long? More than 10 years?

MRS MERIDA DELCY

No, we don't have a Transport Manager but it falls under the responsibility of one Admin Assistant person who oversees the running, the organisation, the transport movement.

HON DAVID PIERRE

And it's not working?

MRS MERIDA DELCY

It's not that it's not working internally you know, it works. But to look at other aspects of transportation, for instance if you want to buy something, a transport to go and visit on site, to see, you know to go to the mechanic and inspect the work that is being done. This was not

HON DAVID PIERRE

So basically, what you have in place for the moment is not efficient, you need to relook at it?

MRS MERIDA DELCY

Yeah.

HON DAVID PIERRE

Thank you very much. Did you have a question Hon. Arnephy?

HON BERNARD ARNEPHY

Good afternoon everyone. Again based on the 2009 report, paragraph 2.4, there were supposed to be some reconciliation in the sum involved in the purchase of the vehicles. And we just wanted to know whether a refund was obtained from the supplier, based on the paragraph here? 2.4.

MRS MERIDA DELCY

Whether the refund was obtained from the supplier?

MS ALICE LABONTE

The refund has not been made because we purchased the number plates, because we asked the supplier to do all those procedures, so the number plates, and we have credit note for R31,114.

HON DAVID PIERRE

How much?

MS ALICE LABONTE

R31,114, because the number plates cost R10,500. (Intervention)

HON CHARLES DE COMMARMOND

How many?

MS ALICE LABONTE

Three plates.

MRS MELINDA MALBROOK

That is from the amount that is seen there to be outstanding with the supplier, R41,614 less the R10,500 for 3 number plates, that brings us down to R31,114.

MS ALICE LABONTE

It was also for carpets, petrol and labour. I have the documents here.

HON DAVID PIERRE

So for the three of them R41,000?

MS ALICE LABONTE

No, R10,500 which was deducted from the R41,000 and the balance is R31,114 which we have a credit note for it.

HON CHARLES DE COMMARMOND

From the supplier, and those were new vehicles, en?

MRS MELINDA MALBROOK

Yes.

HON CHARLES DE COMMARMOND

Ok. From the supplier you got these vehicles and then that supplier they charged you for the R10,500 for 3 number plates and some petrol in it ...

MS ALICE LABONTE

Carpets sets.
(Intervention)

HON CHARLES DE COMMARMOND

Oh carpets, ok.

HON DAVID PIERRE

To the amount of 10,000?

MRS MERIDA DELCY

R10,500.

HON CHARLES DE COMMARMOND

I was just thinking because I bought my car and the supplier they, the number plates were inclusive, the carpets inside that's something else.

HON DAVID PIERRE

So basically, do you have the cost for the number plates only?

MS ALICE LABONTE

On the invoice, on the documents that I have here it states 3 sets of number plates, carpets, petrol and labour amount to R10,500.

HON CHARLES DE COMMARMOND

And labour?

MS ALICE LABONTE

Yes.

HON CHARLES DE COMMARMOND

Labour for what?

MS ALICE LABONTE

If I'm not mistaken they were the one that took the transport for the test.

HON BERNARD ARNEPHY

So may we know which company this was?

MS ALICE LABONTE

Kim Koon Motors. Would you like copies of the document?

HON DAVID PIERRE

Please, thank you very much. Can you now tell us, what steps have been undertaken to ensure that non-compliance of Procurement Act are not repeated in the future? What are the steps that you have taken to make sure that it doesn't happen again?

MS ALICE LABONTE

Ok, we have firstly structured our Procurement Unit. We've beefed up the number of staff although we're still struggling to have a full amount of Officers that we need. Two of our Officers are actually at SIM undergoing training in Procurement. We work very closely I must say with Ministry of Finance and Procurement Oversight Unit, so when there's things that are not clear, we normally have meetings to discuss issues. Another thing that we have that we never used

to have is the Internal Evaluation Committee. We have one for civil works and one for goods and services. So before any purchase is done even if we have tendered it has to go through that Committee, a number of selected Officers with I think 1 or 2 external partners on the Committee, to assess and make recommendations before it actually goes to Tender Board.

HON DAVID PIERRE

So you are now confident that you are well equipped to ensure that it doesn't happen again?

MRS MELINDA MALBROOK

We are not 100 percent equipped but we are on the road towards ..., yes.

MRS MERIDA DELCY

Just to add Chair, we've also conducted sessions, you know, sessions for all our Heads of sections, those who are vote-holders, so that they know the procedure, they could ask questions, clarify doubts, and know the consequences of not following the procedures. So we did this with our school Head Teachers as well so that we do not continue to forget.

HON CHARLES DE COMMARMOND

Maybe Mr. Chair please, maybe then also on what was said, maybe it should include the Transport Managers also.

HON BERNARD ARNEPHY

Ok, so the next question is on page 49, with reference to page 49, again 2009 report, under revenue. So it is stated here in the report that there were certain fees which were wrongly accounted for and especially with regards to ALDEC ..., so the Ministry was supposed to carry out an enquiry into the matter so we just wanted to know, what was the result of the Ministry's enquiry into that matter?

MRS MERIDA DELCY

Ya, we've done that. We tried to investigate in order to see what really went on and took some decisions with regards to the funds that they had under the Suspense Account, and all funds that they were using has been transferred to the Suspense Account now. Appropriate transfer for the transfer has been made. And this is not happening

MRS MELINDA MALBROOK

We've got copy of receipts that says it has been done, so we can put them together in order and we can let you have them.

HON BERNARD ARNEPHY

Ok, so maybe just to make it simpler, so you mean to say that a refund has been received from ALDEC?

MRS MELINDA MALBROOK

Yes it has been, for both the funds, for the suspense and revenue fund. There were two issues; there was one for the Suspense Account and one for the Tuition Fees. So both has been refunded by ALDEC.

HON CHARLES DE COMMARMOND

When they refunded then you put it in the Suspense Account?

MRS MELINDA MALBROOK

No, no, no, actually the bit that belonged to the Suspense Account went to the Suspense Account and the bit that belonged to the Tuition Fees we credited it to the Tuition Fees Account. There were two accounts, Suspense Account and Tuition Fees. Actually when they collected the funds, rather than banking it under the Suspense Account and the Tuition Fees Account, they banked it under their private bank account at Seychelles Savings Bank. Under the School Fund Account but it was a school fund for ALDEC Centre, rather than having it banked under these 2 codes. Both the funds should have been banked one under Suspense Account and the other one under the

Tuition Fees, but unfortunately they banked both under their account for ALDEC under Seychelles Savings Bank. Now that we have gone back with them, we have checked their records appropriate transfer has been made as per what it should have been.

HON CHARLES DE COMMARMOND

But why do you keep a Suspense Account?

MS ALICE LABONTE

Normally the Suspense Account it is a revolving fund because for example tuition we will spend tuition expenses under this account instead of us asking for new budget every year so we use that fund. So the Suspense Accounts are normally revolving accounts so they spend appropriately.

MRS MELINDA MALBROOK

And normally the Suspense Accounts would be basically for the tailor-made courses that ALDEC would make for the organisation. Let's say an organisation would like a course for sewing, I don't know, I'm just using anything that comes, so in 'A' Level they would tailor-made a course for an organisation at SSFA, and then whatever they would collect would go in that Suspense Account and then they would use that account to sustain the courses, for the tailor-made ones anyway. It was given the approval from Finance for us to open that account.

HON NICHOLE BARBE

Good afternoon to you all, I'm referring to the report 2009, page 50, regarding outstanding amounts overdue. The Ministry have various debt balances amounting of over, to 2.7 million, with the oldest outstanding debt dated from April 1994. I would like to know, what is the status of the outstanding debtors?

MRS MELINDA MALBROOK

Actually when the Ministry went into a restructuring process, some posts numbers were reduced in the Ministry and we had a bit of problem to get people on board to follow up on the debtors, because the Ministry is big and you know you have to be after people, you write they ignore your letter, you send a reminder they ignore your letter. And at one time we went to the Ministry of Finance to give us an assistance, I think they also tried to help us but unfortunately it was a bit difficult to get hold of some of these people although some of them are in business they refrain from paying. And then our problem which is ongoing and we are still having difficulty to get somebody to come and work with us just to look at the debtors. We get people they come for 3 months, they go. They say this is a very tedious job because you have to be phoning people, to be writing people and then you become unpopular.

HON DAVID PIERRE

You pay them well?

MRS MELINDA MALBROOK

We pay them as per the scheme. We try to pay them as per the scheme. But this is our biggest problem; debtors and we are putting a lot of effort, I mean with the help of the PS trying to get somebody now to help us to try and get this out of the way and do the procedure. It's a big problem for us, I have to be frank. We are trying our best but we need to get somebody fulltime. Somebody cannot come take 2 files, you write a write-off 2 files, and then the others stays because you know you have to be following up and we don't have the manpower I would say, the appropriate manpower to do that. We got a good lady at one time, she was very keen and then she started doing a good job for us, and then suddenly she was offered a fat package somewhere else, she went. But the Ministry is pursuing the issue, it's not

that we don't want to do anything about it, but we have a little bit of constraints on that one in spite of all our efforts you know. It is a lot of pressure for this one.

HON DAVID PIERRE

It's close to R2 million. And do you

HON NICHOLE BARBE

One additional question, has the Ministry taken active steps to recover the amounts owed?

MRS MELINDA MALBROOK

We have sent reminders on records but still even you send reminders it goes in vain. People doesn't reply you know.

MRS MERIDA DELCY

If I may just add, with regards to those outstanding *oubyen* long-standing debts, I personally when I came I tried to send letters to those, concerning exam fees. We said that, it came out in the audit report that there has been instances whereby people have not paid for the examination fees, they sat for their examination but they never paid. So, I got the list and I wrote to them personally just to inform them that you have an outstanding debt with us, you sat for the exam in such year but you have not really paid. But they refused to accept.

HON BERNARD ARNEPHY

But isn't there a mechanism whereby you can withhold their certificates?

MS ALICE LABONTE

Sorry, I think this is the issue here. These things have passed and maybe at the time there was no mechanism in place to withheld prior to releasing the certificates, but this has now been rectified. We are now holding, if you have not paid you don't sit for instance for an exam. This is different...

HON DAVID PIERRE

But please clarify, can somebody sit for an exam without paying first? Or does that person has to pay first and then once everything is through the system, then that person is allowed to sit for the exam?

MRS MERIDA DELCY

Now you cannot do it, but then they've done that in the past, they've sat for exam, they've said that they will be coming to pay, alright, and you know, they're so busy they just did not follow up on

HON DAVID PIERRE

But it's not happening anymore?

MRS MERIDA DELCY

Yes, it's not happening anymore.

HON DAVID PIERRE

But let me know if approval has been obtained for the write-off of some of the old debts. Have you seek for approval?

MS ALICE LABONTE

Not yet because Ministry of Finance was actually helping us to recover some of the debts. Maybe now we'll take this step because they've come back to us and say they too

HON DAVID PIERRE

So basically what is the position now?

MRS MELINDA MALBROOK

We have to pursue the procedures for write-off. Pursue the procedure further for us to remove them from our books.

(Intervention)

HON DAVID PIERRE

Hon. Pillay.

HON SEBASTIEN PILLAY

Thank you Mr. Chair. If I may ask, so since the release of the Auditor General's report which highlighted this discrepancy in your debt recollection system, what is the status to date in terms of debt owed to the

Ministry? Can you tell us what is owed to the Ministry since that report? Or have you effectively collated how much is owed to the Ministry now so that you have, let's say for example Ministry of Finance comes in tomorrow and ask you how much is owed to the Ministry of Education, you will take your books out and you will say this is the sum that is owed to the Ministry of Education. Do you know how much is owe to the Ministry of Education today?

MRS MELINDA MALBROOK

Yes, we have ... from the Debtors' Register we would pick that up. We have the appropriate records. Each time we invoice somebody it goes into the Debtors' Register and when the person comes to pay we record, yes.

HON DAVID PIERRE

So you will know exactly how much is owed?

MRS MELINDA MALBROOK

Yes.

HON DAVID PIERRE

Ok, Hon. Volcere.

HON MARC VOLCERE

I refer to report 2009, number 4.2; overpayment of allowances. According to the Auditor's report there are employees who have been paid overtime allowances in excess to the committed over time payment. Well, my question is has the Ministry receive the refunds from the concerned individuals, for the overpayment?

MRS MERIDA DELCY

Yes, the Ministry has received the refund from the people concerned. They were written a letter in which they stated the amount they owed and they refunded that.

HON MARC VOLCERE

Ok, secondly there were also staffs that were on overseas training and they were being paid their salary. So with regards to this situation, has the Ministry completed the request for a refund with regards to the overpayment of salaries whilst employees are on overseas training? Has there been a request for these people to... ?

MS ALICE LABONTE

There was one staff in particular, we have actually met that staff and she has expressed her situation vis-a-vis this, because she submitted a request for full salary prior to help her proceeding on the training. However, due to lack of information from the NHRDC, the approval people, so her case was not finalised. And this has been an error of the Ministry where the payment should have revert to one third, until such time that the approval was granted but that was not done. We're still negotiating with her because she has some financial constraints, we're still negotiating with her atleast to make part payments. What we're doing now, we are, because there is I must say some sort of resistance from her, we are reverting to the Employment Act where there is the authorisation that you can deduct some money. What we are doing is assessing her current financial situation so that whatever we do will not impair, make her situation any worse, she does have a lot of loans I must say.

HON DAVID PIERRE

But then you'll be in trouble with the Auditor and with us.

MRS MELINDA MALBROOK

No, but she will pay. We will make automatic deductions like we've done for the others from her salary. This is what we plan to do but we are not going to make a big lump sum, to create more burdens socially for her. (Intervention)

HON BERNARD ARNEPHY

Again, under that section there are some issues raised in regards to overtime payment. So can you give us some clarity on, under what circumstances can an employee claim for overtime payment? And just shed some light for us.

MS ALICE LABONTE

Ok, if they are doing a work after work hours, for instance if they are doing a specific exercise that they cannot do within the normal working hours. For instance one example would be with the introduction of the wage grade, we had to carry out excessive exercise because of the problem of staff. Beside that we also had a normal day-to-day where you have to process the recruitment, appointment, resignation, whatever, so the bulk of volume is quite high. So we tend to focus the exercise after work hours, but it is normally for a specific purpose. At other times you would have, for instance the Drivers when there's request of staff coming from Praslin or attending conferences or something like that, it would be for specific purpose. For instance, Store section, if there's a container, a consignment has arrived and we have to clear everything. So this is normally when overtime are authorised. Maybe I should add now with the introduction of schemes for Administrative, Human Resource and Accounts ..., the overtime definitely will go down because the inducement allowance given in the schemes of service makes it very clear that you cannot perform overtime.

HON DAVID PIERRE

Very quickly, do you have a mechanism in place to supervise and to verify overtime?

MRS MELINDA MALBROOK

Each Head of section is responsible for the supervision of overtime but normally it is requested that approval

is sought prior to you actually doing the overtime.

HON DAVID PIERRE

Ok, thank you.

HON SEBASTIEN PILLAY

You've answered part of my question; the second part of my question which I wanted to clarify is this issue with the employee went overseas and received an over payment of salary. You said that the request for full salary payment was made with NHRDC, was approval given eventually, and what mechanism have you put in place from then on to ensure that should a staff of the Ministry travel overseas, there would not be a situation like this that repeats itself again? I would like to point out that Members on this panel have been overseas and we have also had our salaries deducted after there were overpayments made, so we would like you to shed some light on this please.

MS ALICE LABONTE

Just one clarification, the approval for authorisation withdraw more than one third is normally sought from the Department of Public Administration, but for them to be able to give you the approval you also need to have the approval from NHRDC that gives you the approval for that person to proceed on the training. This is the document that was missing. The training was funded by NHRDC but the approval document was not sent to the Ministry. We have on records the request to NHRDC requesting for us to get the approval documents so we can forward to DPA. I think this is maybe on our part where we failed, we had not follow up on our request sent to NHRDC, but I can say now the procedure is nobody can, even if you've submitted your request, your salary is revert to two-thirds, because now it's two-thirds in the PSO until such time that approval has been granted. So no Officer is allowed to

keep salary at full if the person has proceeded on training. What we however have a problem still is normally we get to know that the person is going overseas maybe one week or two weeks before the person leaves, and by then in some cases the salary would have already been processed but we would amend the following month and make sure that the salary reverts to two-thirds.

HON DAVID PIERRE

Thank you very much. Honourable Lebon.

HON LENNY LEBON

Thank you Chair, good afternoon. Report 2010, page 47, 48, concerning school cleaning works. The question is; what is the Ministry planning to do regarding the Cleaning Agency considering the current situation?

MS ALICE LABONTE

We have just awarded a new Cleaning Agencies their new However I must say we have not issued their contracts yet, simply because we've been to Attorney General's office to help us insert clauses in the contract that will hold them responsible for anything that goes wrong if they do not apply to what they should be doing. And this has come very clear, we have drafted something and we just need to send it back to AG's office. But we've picked up the critical issues for instance the lack of cleaning, on time, because we have schedules for which they are supposed to do the cleaning for example toilets which they do not abide to. But now it is being inserted in their contract. And one other thing I must add on, previously when we had one Officer in the Ministry managing or sort of monitoring the cleaning agencies. We've submitted request to the Ministry of Finance for another two Officials because it is practically impossible for one Officer to monitor all the 40 institutions we have, schools and institutions, and their locations are spread out to

ensure that the cleaning agencies are actually performing to the level on a daily basis. Additional to that, our Office Managers are currently following a training at the SIM because they are going to hold the responsibility of monitoring the Cleaning Agencies and also the other contract...

HON DAVID PIERRE

But basically, those Agencies which have been awarded new contracts, they are working under the old ..?

MS ALICE LABONTE

No, no. They are actually working under the new conditions, but these conditions were not in the contract prior to that, it was under the bidding instructions. What we are now trying to do is insert those in the contract and making it binding. And also in the contract before we did not have what will happen if you don't do that, consequences yes, consequences now have been inserted in the contract.

HON DAVID PIERRE

Thank you very much.

HON SEBASTIEN PILLAY

Quick question Mr. Chairman, in light of the record, the monitoring record which the Ministry has in relation to Cleaning Agencies, and I can ... that personally, you said you've put in some measures that will ensure. What is the role of the Head Teachers at the school level for them to ensure that there is some monitoring at school level so that you would may not given the current financial constraints of Government for you to get more people within the Ministry might be an issue, can you not put in a structure of mechanism whereby the A.O at the school level or the Head Teacher at the school level can in fact help with monitoring these Cleaning Agencies? And also, can we expect the Ministry to act more efficiently in relation to comments and queries raised by Head Teachers in relation to

Cleaning Agencies that are not performing? Again I have evidence as to when Cleaning Agencies have not performed and the Ministry has not acted promptly enough.

MS ALICE LABONTE

Like I said, prior to this year, we did not have consequences in the contract, so we had to go through all those procedures, you have to send reports to Tender Board, Procurement Oversight, before you can actually either decide to determine a contractor or even take legal actions to that contractor. But yes, we have Head Teachers on board and like I said, all these deficiencies are now being rectified in the new contract, the Head Teachers would be explained on the exact content of the contract and what is expected of them.

HON DAVID PIERRE

Normally contracts are for a period of how many years?

MS ALICE LABONTE

Two years.

HON DAVID PIERRE

And what would happen if when you insert the new bits and pieces that you are working on in the new contract, what would happen if an Agency does not agree with the new terms and conditions? What would happen with the contract?

MS ALICE LABONTE

Like I said, there's nothing new that they don't know, everything

HON DAVID PIERRE

What about the consequences bit of it?

MS ALICE LABONTE

We've already told them that, they know because we've given them example of past incidents that had happened. So they know, it's nothing new.

HON DAVID PIERRE

So it's just a question of inserting it?

MS ALICE LABONTE

Inserting and making it legal.

MRS MERIDA DELCY

I think this time it will work better now that everything is incorporated in the contract. In the first contract everything was done in a rush I supposed. There are certain experiences that we've acquired now that will help us to do better. But going back to Honourable Pillay where he talked about the Head Teachers, what we're doing now is getting the Head Teachers on board because it's their school, they have to take responsibility to what happen and they should be the one appraising the contractor on site and refer. At times we do not get to know, because they're not reporting, they're not appraising. Now they know their role, what role they play in this new contract services and they have to act, otherwise we cannot just take reports, just formal reports, they don't like to write, that's the problem. So we feel that this time the contract will work better.

HON DAVID PIERRE

Thank you very much. Hon. De Commarmond.

HON CHARLES DE COMMARMOND

If we refer to page 54, 55 of 2009, and also go to 2010, with regards to the books, the History books, what mechanism, you know the history books purchased and then not used and so on. What mechanism are in place to ensure that books, History or otherwise, are used effectively and not left to be wasted? Maybe at the same time I'll ask both questions together. What are therefore the circumstances which led to the books not being used for its original purpose? And give us the present status of the books.

MRS MERIDA DELCY

So as you know, we got the consignment of History books, the Ministry received that sometimes in 2009. Because we needed, the existing History of Seychelles, the part, the post independent part was missing, so students were only learning about the normal History of Seychelles. And we got somebody to carry out a research and come up with the missing part of it which is the post independent. But when it came to our attention, we saw that there were certain facts that needed to be corrected before we actually give the books out to the schools. And I must say that the books are only resources, they are not the only books that we are using in the school, they are only reference books, resources that teachers could use alongside their programs. What we did in 2011, a workshop was conducted and people from the Curriculum section they reviewed the part that needed to be reviewed and workshops were conducted with teachers. And only after that, that the books were dispatched to school, were distributed to schools. We had more than 8,000 copies of the books and like I said, it's resource materials so we could not dispatch all the books you know at one go but we gave out the books as resource materials. All ten Secondary schools received a pack of books for their resource centres, and we also gave out some to the National Library, we distributed what we had. But now that we know that the content of the book has been reviewed and everything it is in our plan to ensure that the balance also is distributed. Why? Because otherwise each time that the Auditor will come round they would see that the books are there, they are not being distributed. So we're working out on how best to distribute the books, we've worked out so that schools could continue. Should they need more, it would be available in their schools, but keeping a stock of about 2,000 in the Ministry because they are not books that we're

going to print soon. So we need to have atleast a stock centrally in any case if tsunami or whatever happens at the school we know that we have the stock there in our disposal. But for the time being schools are using the books. I know that at some point you may have heard some criticisms coming from many parents, it is because the books are being used and parents are aware of its content. New teachers, young teachers, they had certain difficulty in interpreting the facts in the book. And then in some schools they've got people to come and assist. Now they are ok because before I came I rang a few Head Teachers to say; what is the status now? It's ok, so I feel we can make the books available to our schools.

HON CHARLES DE COMMARMOND

Thank you for your explanation PS, but according to the report a majority of the books are there. So you will be using now?

MRS MERIDA DELCY

Yes.

HON CHARLES DE COMMARMOND

With the corrections?

MRS MERIDA DELCY

Yes.

HON CHARLES DE COMMARMOND

But prior to that, when the contract was given to that person who wrote the book and so on, who checked it to see if there were any corrections and so on, the dates were not correct or whatever?

MRS MERIDA DELCY

Well I don't quite know but I'm sure that it must have been the Minister for Education at that time who saw the need to have this research done and this part of our history. But you know what, I don't think it's a question of dates, because in Secondary schools at this level you've got people to look at facts and be

critical about it, you know, we want this kind of skills that we develop in our students, but I believe based on the corrections that had been made, we see that this was lacking, and now they've worked on it, it's an additional chapter, the school now can use with the corrections that have been made. But I don't quite know whether somebody looked at the content before they finalised the printing. I don't know.

HON CHARLES DE COMMARMOND

That was an oversight ...?

MRS MERIDA DELCY

It could have been, yes.

HON CHARLES DE COMMARMOND

Mr. Chair my last point on this issue and I appreciate the way our first guest today has answered our questions. I want to express that to say that she's been, well with the assistants as well, they've been very open to us and frank, I can see that. May I suggest, I'm not compromising anything, is it possible for us to get a copy of the book with the correction?

HON DAVID PIERRE

Well in fact I was going to ask for a copy.

MRS MERIDA DELCY

Yeah.

HON CHARLES DE COMMARMOND

It becomes a souvenir as well because it's History of Seychelles for the lot we are here, I mean 10, 11 now, *deryer osi laba*. Thank you.

HON DAVID PIERRE

Ok, we are running out of time. Thank you very much. Just one clarification, the whole, the cost for the book was R1.48 million, right? So the full amount was paid, and knowing that there were mistakes in the books, nothing was done about it? You paid for the mistakes as well?

MRS MERIDA DELCY

I may be wrong, but until the books were seen and really went through that we discovered that maybe there are some facts that needed to be rectified before we brought them back. I mean, no, no, no, there's nothing wrong with the books, it's because you're going to use the books with students. The level, you see. There is nothing wrong. Actually when you read the book, there's nothing wrong with the book. It's only to put it at the level of the students, for the student to access it, for the critical analysis of the book as educators we felt we needed, yes. (Intervention)

HON SEBASTIEN PILLAY

I have a very quick point. Have you subsequently from there put in place a mechanism to review books bought from then on for other subjects to ensure that a similar situation doesn't repeat itself, whereby you buy a lot of books and it's not used, it goes into store at the Ministry of Education, its there, it gets destroyed and it's money lost?

MRS MERIDA DELCY

Yes, because it's now with the reorganisation that we have our Curriculum back with us, so they will do everything before actually outsourcing. So now it is in order.

HON DAVID PIERRE

Ok, since we're running out of time, two last point very quick. 2009, page 55, 3.5; procurement procedures not followed, again. Now, how in that particular case, how was the contract awarded?

MRS MERIDA DELCY

For that same? For the History books?

HON DAVID PIERRE

Yes.

MRS MERIDA DELCY

I have to be frank, I don't know how the contract was made. I suppose at

that time we just started implementing the procurement and everything, I suppose it followed the I cannot give false information.

HON DAVID PIERRE

And then there was some training to be given. Has the training been done?

MS ALICE LABONTE

It was done last year ...a workshop.

MRS MERIDA DELCY

2011, based on the adjustments.

HON DAVID PIERRE

Ok, if there are no further questions it remains for me to thank you so very much for the time given and for the answer that you've given to us. There have been circumstances where we've sought for written answers, we've asked you to write us with the written answers for some questions, please kindly do that and send us all the documents that we've requested from you. And once again, thank you very much.

MRS MERIDA DELCY

Thank you very much.