

TROUBLE IN KNYSNA

**A submission to Parliament by Mike Hampton
Oral presentation by Mike Hampton & Susan Campbell**

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INTRODUCTION

(3-min)

I am Mike Hampton, a community activist from Knysna, blogging from the internet platforms www.LoveKnysna.com and www.KnysnaKeep.org.

I approach the Committee with serious issues affecting Knysna. They involve alleged maladministration and crime by politicians and municipal officials, and deliberate obstruction to justice thereof.

In my experience, from almost 5 year of blockade, challenges and hard times, politics and self-interest takes precedence over public service and honesty.

I face many court cases and firmly believe that the goal is to break me before justice can be gained... and i believe that justice has so far being prevented by political forces stretching from Knysna through DA Eastern Regional Manager Jaco Londt up to MEC Alan Winde, MEC Bredell and Premier Helen Zille.

I do not trust Eden District's police or the local Public Protectors' office. As i have limited time, i will not dig into that but rather stick to the most important issues.

I have summarised these as an oral presentation, in 4 parts, needing approximately 40-minutes.

However, i have brought with me Susan Campbell, a fellow activist with a legal background. She's also the adviser to the Knysna Ratepayers' Association (KRA). Although i've blogged lots about the ISDF tender, the 30-year plan for our town, it's her work that provided that foundation. Thus, she will explain the ISDF in her own words. She also investigated other tender irregularity and, separately from me, investigated the Municipal Manager appointment. She will be of great assistance for questions and answers regards several issues.

I believe that you will find our presentation important, interesting, fact based and worthy of your honourable attention.

Note that detailed documents have been included as attachments to this submission. They will strongly support my claims and assist the panel towards clarity.

These issues are tied together by the failure of governance and oversight. They include:

1. The criminal funding of Knysna Tourism's debt with taxpayers' money;
2. The illegal tendering of the ISDF, the 30-year plan for our town, to Knysna Creative Heads, a company that who did not scored the highest points and is headed by a local property developer, the person with the most conflict of interest.
3. The illegal appointment of Grant Easton as Municipal Manager (MM) and other irregularities under his period as Chief Financial Officer (CFO) and MM;
4. The unconstitutional blocking of communication at local and provincial levels.

1.
THE CORRUPTION & MALADMINISTRATION
OF KNYSNA TOURISM
(7-minutes)

Knysna Tourism's service is part of the Knysna Municipality, the starting point being the Constitution, 1996-Schedule 4, Part A that designates Tourism as a "functional area of concurrent national and legislative competence." Part B states that "The following local government matters to the extent set out in section 155(6)(a) and (7): Local Tourism." **[KT01, KT02]**.

From the Constitution, one goes down to Provincial Legislation and thereafter to Local Government Legislation to look at competencies and where tourism falls. Tourism falls under the competencies of a municipality. Whether one outsources or makes it semi-private or public private participation it does not matter – it falls under the Public Sector and that means it is the municipality's responsibility. They cannot get away from that which is exactly what Knysna Municipality has tried to do.

Knysna Tourism only existed because of a Service Level Agreement with Knysna Municipality **[KT03]** who paid it more than R4-million of taxpayers' money annually, its primary funding which was in the form of a grant-in-aid. Despite the Municipal Finance Management Act (MFMA) applying wherever the money may go, there were, for years, no contracts or tenders with the majority of suppliers. The organisation ran into debt 4 years in a row **[KT04a to KT07]** and was bailed out each time by the grant-in-aid - it's illegal to fund debt with public funds.

The seriousness of the situation is amplified by the politicians on the Board of Directors that was supposed to be held ultimately responsible for the organisation.

Problems were seemingly swept under the rug with over R200 000 spent on court fees **[KT08]** and the ex-CEO, who was found guilty of four charges of gross misconduct (each a dismissable offence), was instead given a R270 000 farewell handshake after signing a non-disclosure agreement **[KT09, KT10]**. I believe the latter was done so that the public would be denied the whole truth and accountability by the guilty. For almost 2 years, the organisation was run without a CEO, controlled by a few Board members headed by their Chairperson, Greg Vogt. It was illegal for the Chairman to act as an Executive **[KT12]**.

At my request, the Public Protector contacted then Municipal Manager Lauren Waring who would not help as, according to her, Knysna Tourism was a private company **[KT11]**. Public Protector Bruce Wessels accepted that whilst knowing that she was being deliberately misleading because, as said, Knysna Tourism's existence was dependent on taxpayers' money. Additionally, the Board of Directors has included DA Deputy Mayor Esme Edge, DA Speaker

Richard Dawson, other DA councillors, ANC Chief Whip Stephen de Vries and the MM. Furthermore, Grant Easton, then the CFO for Knysna Municipality (and now the new MM), was on Tourism's Financial Sub-committee. The minutes of a meeting in February 2013, at which Easton was present, illegally stated that public funds would cover its debt **[KT13a, KT13b]**.

Note that the only grant-in-aid that Knysna Municipality's Grant-in-Aid committee doesn't assess and process is that of Knysna Tourism. Consequently, that's a serious breakdown in Supply Chain Management.

The organisation even received its grant-in-aid when it was in contravention of its Service Level Agreement with the Municipality, failing to spend 20% of its funds on development. Instead, consultants benefitted of which one was Greg Vogt, then Chairman of the Board **[KT14a, KT14b]**. The Office Manager, Glendyrr Fick, was being paid a handsome salary from the development fund. Previously, she had scored a trip to Jamaica, paid by public funds, supposedly to help Knysna's Rasta community.

Vogt became CEO, granted the position by a panel that conveniently included his ex-fellow Board members; then MM Lauren Waring, the ANC Chief Whip and his Deputy Chair. They were all involved in the period that finances were in the red and the CEO was gracefully booted out. The process included Dirk Joubert, a consultant who worked with Vogt, and earned funds from Tourism under Vogt [that consultant was initially paid for by Knysna Municipality, allegedly with no tender having gone out - **KT15**].

Vogt's appointment was further a controversial move considering Knysna is a tourist town and Vogt was, at that time, not only under investigation for abuse of animals but also in dispute with his previous employers, the second biggest tourism attraction for Knysna. The public officials involved had a clear conflict of interest as they were all culpable for Tourism's losses too. His appointment prevented accountability.

Councillor Esme Edge got promoted to Deputy Mayor, Grant Easton promoted to Municipal Manager and Greg Vogt, as stated, became CEO (with a big salary).

MEC Alan Winde and Premier Helen Zille would not help **[KT16a&b]**. Their lack of co-operation and political hindrance is extensive and will be discussed in section 4 of this complaint.

The Knysna Oyster Festival is the largest, and by far the richest, event of the year yet we know little about it. Who exactly benefits from the money? How much is paid in salaries, particularly to the Cape Town based company, Worldsport which manages it? Why is it audited separately to Knysna Tourism which owns the brand? Why did Councillor Richard Dawson and ex-Board member lie in his affidavit to the High Court that the Municipality has "nothing to do with it", essentially repeating the earlier lie by then Municipal Manager

Waring to the Public Protector.

How can the public not know what is happening with the biggest tourist event in their tourist based economy?

Additionally, it's liquor licence is illegal. The Western Cape Education Board confirmed it yet the Head of the Liquor Board refused to do anything about it and CCied Ministers, something that, along with his tone, i took as intimidation. I'm not treated normally even when querying a liquor licence. They have truly erected a wall around me.

Knysna Tourism, as an organisation, was in crisis. Besides monetary issues, 4 Directors quit, last year, in the space of a month. Equity directors were always failing to turn up to meetings.

I have attached my extensive responding affidavit and evidence to the harassment charge laid against me by Tourism's CEO **[KT17]**. That will provide you far deeper insight into the matter.

I have used past tense with regards Knysna Tourism because, in 2015, the organisation was expanded to include all business in Knysna, not just the tourism industry. Instead of being held accountable, Greg Vogt and some directors stayed in power in the new organisation named Knysna & Partners. Their grant-in-aid still skips Knysna Municipality's Grant-in-Aid committee and it's hard to know what is happening in the organisation as reports to Council have been oral instead of hard copy submittances.

2.

ISDF

THE INTEGRATED STRATEGIC DEVELOPMENT FRAMEWORK

(12-minutes)

For this complaint, I draw upon the work of activist Susan Campbell. She is the expert in this matter:

On the 15th of April 2013, the Knysna Municipality appointed Chris Mulder's consortium, known as Knysna Creative Heads (KCH), to prepare an Integrated Strategic Development Framework (ISDF) for Knysna. The ISDF is essentially a process to review a number of legally mandated policy documents for the Knysna Municipality. The documents that are being reviewed are the Spatial Development Framework (SDF), Strategic Environmental Assessment (SEA), Human Settlement Plan and Economic Development strategy. The first two policy documents are of particular concern. In layman's terms, the ISDF will plan the future of Knysna for the next 30 years.

Many Knysna residents were shocked at the obvious conflict of interest associated with appointing a local property developer and his development team to determine areas where future development would be permitted and infrastructure spend would be directed.

An unprecedented 133 people and groups (including the Western Heads Protection Group) objected to the award of the tender. The then Municipal Manager, Lauren Waring, was obliged by law, in terms of the Supply Chain Management Policy of the Municipality, to appoint an independent person to deal with the objections. They did not.

Some objectors received no response at all.

Campbell's objection was 29 pages long [ISDF1] and contained extensive allegations but were dismissed by Lauren Waring in a single letter. None of the allegations or arguments were dealt with and the complainants were not afforded a hearing to state their case. Campbell has a subsequent document [ISDF 3] detailing all her submissions. It also questions the strange actions by high placed members in the Knysna Municipality. Hopefully some of those, long avoided, will be answered today or in subsequent investigation.

They referred their objection to the treasury of the Western Cape Provincial Government and had a meeting with Alan Winde, the MEC for Finance.

The concerns, set out in emails to MEC Alan Winde and MEC Anton Bredell, are briefly set out hereunder:

1. PG Bison is the largest private property owner in Knysna. The company owns more land than Barlows in the Western Heads area and just about the whole of Rheenendal, Ruitgevelei, Bracken Hill etc.

2. PG Bison appointed the property developer, Chris Mulder of CMAI, in 2012 to investigate and obtain the necessary approvals for a residential property development in Rheenendal.
3. Mulder approached Mike Maughan-Brown (MMB), the Director of Planning and Development for the Knysna Municipality to discuss PG Bison's plans and was advised that the Spatial Development Framework (SDF) did not cater for their development proposals. This led to the questionable arrangement, endorsed by Council, where Mulder and his usual development team (with the addition of Peet Joubert), were appointed in November 2012 by the Knysna Municipality to prepare a Structure Plan for Rheenendal.
4. PG Bison would pay the majority of the consultants' fee and Knysna Municipality would contribute R80 000. This appointment was made despite the fact that the SDF would be reviewed as part of the ISDF process in early 2013. The rationale behind this appointment is hard to fathom, as a SDF trumps a Structure Plan and the Structure Plan would therefore have to be in line with the SDF. Why did Knysna Municipality spend money and authorise a plan that was unnecessary, or at least seemed so at the time?
5. Mulder's company, CMAI, was appointed in April 2013 to prepare the ISDF, which includes the review of the SDF. In short, Mulder heads the process whereby the development areas for the next 5 to 30 years will be mapped out and the location for infrastructure spend will be determined.
6. The ISDF tender was prepared and awarded under the watch of Mike-Maughn Brown who, incidentally, prior to his working for the Knysna Municipality, advised PG Bison's predecessor and holding company, Steinhoff, on issues relating to their land holdings and forestry settlements. Brown was overseeing the process and has advised the consultants that there will be no 'no-go' areas, contrary to the specifications for the SEA in the tender document.
7. Mulder's wife, Pat Mulder was conducting the public participation process despite the fact that she has no relevant qualifications or experience. In one ISDF meeting, she strongly came to the defence of her client PG Bison when their treatment of forestry communities was discussed - a clear example of the conflict of interest.
8. PG Bison is actively encouraging forestry communities to leave its plantations.
9. Adding to the conflict is the fact that Mulder's son, Steff Mulder, was tasked with preparing the Human Settlement Plan. The PG Bison forestry settlements have been an ongoing problem and he could hardly be expected to be unbiased where his client, PG Bison, is involved.
10. It has also been established that PG Bison intends to develop in the Uitzicht area in future.
11. Apparently ten per cent of the shares in PG Bison were acquired by a BEE Consortium. It is alleged that there is pressure from the 'the ANC' in Cape Town, urging the local ANC to support PG Bison's development plans in Rheenendal. If this is true, it would explain why the ANC, as

opposition, are not effectively acting as opposition.

Therefore, we're faced with a situation where the town's most prominent property developer, employed by the town's largest land owner, is managing the process in which Knysna's long term development future will be mapped out.

The process will be overseen by Town Planner, Mike Maughn-Brown, who was previously a consultant to the land owner.

Lauren Waring, the ex-Municipal Manager, would have had us believe that the consortium consists of a 'team of professionals', who will exercise checks and balances over each other and will not risk their reputations in the process.

The so called 'checks and balances' provides little reassurance as:

1. CMAI, represented by Chris Mulder, is the Project Leader.
2. The public participation process is conducted by CMAI, represented by Mulder's wife Pat.
3. The Human Settlement Plan is prepared by CMAI, represented by Chris and Pat's son, Steff Mulder.

The enormous influence of one family, with interests in the property development business, over the future of our town is extremely worrying.

Furthermore, this consortium did not achieve the lowest price or highest score in the tender. City Think Space, the team that should have been awarded the tender is highly and appropriately qualified to deliver the ISDF. In addition to this, there is no risk of conflict of interest in respect of the team that should have been awarded the tender.

The DA, headed by Mayor Georlene Wolmarans, were extremely unhelpful but, suddenly, in 2014, she sent a request to MEC Alan Winde for the allegations to be investigated. It was odd because no facts had changed and she could have instituted her own investigation. It turned out that this was how the DA would try whitewash the matter and push it through.

Firstly, despite a town being unable to proceed its development until the ISDF was cleared, MEC Anton Bredell's department kept delaying the report without adequate reasoning. When it eventually arrived in March 2015, it was only a summarised version. No reason has been given for Bredell not supplying the full report despite it affecting the appointment of the new Municipal Manager.

Nevertheless, Bredell's report concurred with the objectors. 10 of these points are included in evidence *[ISDF2a, ISDF2b]*. It's so damning that the only conclusion one could logical draw was that the ISDF could not proceed under the Knysna Creative Heads consortium and that heads would role. Instead, in total contrast to his findings, Bredell stated that he saw no reason why the ISDF

could not proceed as is.

The question is why the full report wasn't shared with the public and the Councillors who were expected to support the recommendation of the mayor which was "...that the Provincial Government had found the process ... to be compliant with SCM [Supply Chain Management] prescripts and regulations and that any deficiencies in the process did not influence the outcome of the procurement process."

The finding in 1.7 below contradicts the conclusion that the "deficiencies" didn't influence the outcome of the process.

A tender has to be awarded to the highest scoring bidder unless it is reasonable and justifiable not to do so. These so-called "objective criteria" or reasons have to be included in the minutes of the BAC meeting in sufficient detail that a court of law can understand why the tender was not awarded to the highest scoring bidder. The finding in 1.7 means that this was not done. No valid reasons or "objective criteria" were provided by the municipality to justify the award of the tender to the second highest scoring bidder. City Think Space tendered the lowest price and scored the highest points. The ISDF contract should have been awarded to them yet it was awarded to the Knysna Creative Heads Consortium led by CMAI, Chris Mulder's company.

The tender was therefore unlawfully awarded to the wrong tenderer.

How Minister Bredell and the Mayor can expect us to accept that awarding the tender to the wrong party did not affect the outcome of the process is beyond comprehension.

MEC Bredell and Mayor Wolmarans did not make the report available publicly.

The ISDF is further controversial in that Mayor Georlene Wolmarans tabled her motion to appoint Grant Easton as Municipal Manager only to withdraw it after a caucus at the last moment. Her reasoning was that she had to wait for the full ISDF report from MEC Anton Bredell, implying that Easton first had to be cleared of ISDF SCM entanglements. At the next Council Meeting, she had still not received the report yet ignored her own reasoning by appointing him anyway. This will be discussed more in the next section.

The full report *[ISDF4]* was eventually gained through the Public Protector by activist Susan Campbell. It is attached to this submission. Any reader will further discover that MEC Bredell's actions become a deeper contradiction.

Why have Mayor Georlene Wolmarans and Municipal Manager Grant Easton chosen to ignore the report that she requested. Why have they chosen to side with Bredell instead of the facts? Or is it that Bredell was always going to side with them, no matter what the investigation revealed?

Despite my follow-up article being seeing over 100 000 times on Facebook *[ISDF5]* and generating lots of public interest, despite the The Cape Times and The Weekend Argus publishing articles, and despite The Cape Times doing a front-page follow-up, we remain no closer to getting answers from Knysna Municipality and the DA.

3.
THE ILLEGAL MUNICIPAL MANAGER APPOINTMENT
& OTHER FINANCIAL IRREGULARITIES
(11-minutes)

The position of Municipal Manager initially found a white male winning the most points.

Instead of hiring him, the Municipality readvertised the position saying that they wished an equity appointment i.e. a black or coloured person. This made sense since Knysna Municipality is far behind on its equity goals.

Despite that, a previous white candidate was allowed to reapply which only made sense when Grant Easton, the white CFO of Knysna Municipality, was allowed to apply too. Why would Knysna Municipality spend a lot of money to re-advertise an equity post only to allow another white person to apply? Notably, for half a year, I'd been saying that he would be appointed as it was the best way for the politicians and municipality to keep a lid on questionable activities.

Legally, they have to stick 100% to the requirements of the advertised post which stipulates that applicants must be able to speak two of the three main languages – Grant Easton only knows one.

Grant Easton only has a Bachelor of Arts degree in Public Administration. It is strange that, without an accounting degree, he was CFO. It is even stranger that he trumped his competition for the MM post despite it including a black candidate with a PHD in Public Administration.

Furthermore, during the shortlisting process [GE1], it was stated that Easton's foreign qualification would have to be verified. To our knowledge, this verification process never occurred. This will be mentioned again, further on.

Despite all this, Mayor Wolmarans tabled her motion to appoint him MM. It must be asked if his appointment was preordained?

As said in the ISDF section of this submission, she was forced to withdraw it after her caucus rebelled (note that that occurred shortly after DA Regional Manager Jaco Londt entered the building, and after a caucus was called). Publicly, a clearly rattled Wolmarans stated that she was withdrawing her motion until she received the full ISDF report (which implied that she was waiting for Easton to be cleared of any wrongdoing).

Despite this, she retabled her motion a few weeks later, on March 26 2015, having obviously regained the majority in her caucus, and would not answer why she had lied to Council; firstly, for the readvertising of the position for equity reasons; and for her stating that the appointment required the ISDF report. Speaker Eleonor Spies never pressed her to explain, a seemingly

unconstitutional bias in favour of her party, and instead called a vote that had the DA majority installing Easton as MM and voting out democracy [GE2].

Interestingly, Spies was previously the ANC Mayor yet on her switch to the DA immediately became Speaker, a position arguably as powerful as the Mayor's. Relationships go back far. Spies used to work closely with ANC Chief Whip Stephen de Vries on the ANC's Regional Executive Committee. De Vries, as stated, is culpable with the DA in the Knysna Tourism scandal.

I broke the story that ex-MM, Laren Waring was earning far more than the prescribed amount. The Municipality's response to the local newspaper and to Council was that she was on contract before the limit was set and thus they could not change her salary but would with her successor. Easton, as CFO, was in a similarly well-rewarded position. For him to take the new MM post would be a large drop in salary which made me question his motives for the post. However, the Municipality compromised by paying him illegally more than the limit, an extra R107 235 annually. The Knysna Ratepayer's Association (KRA) questioned MEC Bredell on that as well as Easton's unverified qualifications [GE3].

Bredell's response was bizarre, stating that Mayor Wolmarans had the right to negotiate a premium. Regards the qualification, Bredell strangely supplied the search results of a website's search engine and not official verification by the South African Qualifications Authority (SAQA) [GE4].

There are a lot of unanswered questions hanging over Easton for his period as CFO and as MM:

1. The Auditor General has questioned many tenders, foremostly R9-million in irregular tenders due to a "bonus" to local suppliers which was used to circumnavigate BEE i.e. a tenderer who did not submit a BBEE certificate and did not score the highest point could win a tender. This has resulted in Knysna Municipality paying a premium of up to 11.11% in tenders exceeding R1 000 000.00 and 25% in tenders between R30 000 and R1 000 000.00. A warning from Provincial Treasury was ignored. The amount, which will possibly be in the tens of millions, should be considered as wasteful expenditure, certainly a loss to the taxpayer and ratepayer. This was reported in detail by Susan Campbell to the Knysna Municipality, Provincial Treasury and National Treasury to no effect [GE5].
2. The private contractor receiving most of the work, in the millions, from the Electrical Dept, was the husband of Manon MacDonald, the Manager of the same department. She also secured Nissan vehicles for the traffic department. Round the same time, her and her husband were alleged to be driving new Nissan vehicles too. Instead of her being investigated, she handed in her resignation. In Council, ANC Councillor Gombo stated: "It's why she resigned." MacDonald is now rumoured to be working for a larger DA municipality.
3. Two politicians, ANC Chief Whip Stephen de Vries and ANC Councillor

Clive Witbooi, are having their studies paid for [GE6]. I do not know the total but De Vries' second amount was R28 000. The studies are irregular expenditure because they do not benefit Knysna but rather the careers of the politicians involved. Despite being informed of this, the Municipality is ignoring the matter. It would seem to be a conflict of interest and makes one wonder if that's why the ANC has failed to be effective opposition, letting the DA remain unaccountable in the issues presented here today. And De Vries, as an ex-Director of Knysna Tourism, along with other DA Councillors, played a large role in what went wrong with the organisation. This, despite De Vries' responsibilities as the Chairperson of the Municipal Public Accounts Committee (MPAC).

4. A cheque for R498 560 was prepared for Knysna Creative Heads one month before they signed the contract that awarded them the ISDF tender.
5. Fancy office upgrades, big screen TVs and DSTV occurred out of budget planning. More than a year later and they have yet to supply the figures to the opposition and the public.
6. There were riots by Oupad residents that led to repeated N2 closures. The Knysna Municipality failed to inform us that the main spark was a problem with the T20 tender involving housing, seemingly their fault [GE7]. Furthermore, a DA Constituent and Ward 10 Committee member called for live bullets to be used on protestors. He was supported by another DA constituent and ex-Ward 10 Committee member who backed him up with the suggestion of using the same bulldozers used by Israel against Palestinians. The outrage sparked by my story led to their apparent dismissal but the DA has never responded to my messages.
7. Another detailed complaint by Campbell [GE8], an allegation of a financial offence by the Director of the Planning and Development Department, Mr Mike Maughan-Brown, has not been responded to for 3 years. The initial allegation of interfering with SCM was made by Manager Jonathan Mabula. In a serious twist of events, DA Councillors, on November 27 2014, resolved not to investigate the allegation made by a manager against a director but to instead institute disciplinary action against the complainant.
8. In November 2014, the majority of the Bid Evaluation Committee (BEC) quit in protest. These included the Chairperson Michael Rhode and Vice-Chairperson Johnathan Mabula who are, respectively, also the Directors of Technical Services and the Manager of Environmental Management. They claimed interference of their responsibilities and the undermining of the Bid Evaluation Committee. This involved senior management so must be treated with the utmost gravity. No director or senior manager could legally be part of a possible investigation because the very problem is between the BEC and the BAC of which they are all members or previous members. It is unclear how it proceeded yet a BEC/BAC report and minutes is ready - Municipal Manager Easton, Director Planning & Development Mike Maughn-Brown and Mayor Georlene Wolmarans have not, to my knowledge, made it public.
9. Before they quit, the Bid Evaluation Committee reported that the tender

of Nissan Knysna had gone missing. T29/2014 was for the supply of vehicles and equipment. Lauren Waring's reaction, at the November 27 2014 Council Meeting, on her last day on the job, was bizarre. She said: "I don't think this was a mistake. I think this was purposely taken by someone who wanted to discredit our supply chain processes." She went on to say that there was an internal investigation and, if found warranted, that a charge would be laid at the Knysna police station. Her reaction was non-sensical. That was a very serious matter. Concurrently, there should have been an internal investigation AND an SAPS investigation.

10. R2-million was given to Ward Councillors to do so as they wished in their wards. I attended the Ward 10 committee meeting where it was dispensed at member's whims, without any submittance from the public. As none of the projects were designated before budgeting, that must be considered irregular expenditure, even more so because politicians are barred from interfering in the Administration.
11. Easton's role in the illegal paying of Knysna Tourism's debt with public funds has already being discussed in part 2 of this submission.
12. It needs to be determined if there was any irresponsibility involved in the fact that a single restaurant called Senza (previously Cornuti's) reached the stage of owing the Municipality R4-million in rent and rates. The matter is unpaid and in court.
13. The Knysna Vehicle Testing Station was closed and 4 officers suspended in 2013. ENS was appointed to do the forensic investigation and paid R670 000 for their services. An employee of ENS started his own company, Horizon Forensics, which the Municipality then hired to continue the investigation. At one stage that amount reached R785 000. It must be investigated why the Municipality gave the work to Horizon Forensics without a tender. The Municipality cannot simply say that it was convenient. If anything, it must be considered that an employee of a tenderer was given an opportunity to start his own company. Notably, after earning salaries for staying at home for 2 years, the officers were recently cleared and reinstated. The taxpayer is down over R2-million.
14. What is the financial situation of Knysna Municipality which presents itself to the public as in control but in Council is always out of money? Grant Easton even stated that rates must go up in double digits. The municipality has sold off public land, including an expensive beachfront property, and intends selling more. With our town continually growing, it is reasonable to expect that we will one day need land which could quite possibly cost more than we sold it for. Selling public land to private people requires a watchful eye. It is essential that we the public are made to understand the Municipality's cash flow or lack thereof.
15. R30-million debt on services and interest incurred by ratepayers was written off in 2012 with the public still being kept in the dark about who benefited.

4. **THE UNCONSTITUTIONAL BLOCKING OF COMMUNICATION** (4-min)

There cannot be solution without communication but local government isn't interested in honest communication.

There have been a lot of public office bearers who have not helped. In just one article of mine, concerning a 2-year period, i quote from many emails and list approximately 60 people and organisations contacted *[Comm1]*, ranging from Deputy Mayor Esme Edge and Mayor Wolmarans to MEC Alan Winde and Premier Helen Zille. It is impossible that they don't know me as i'm one of the most well known figures locally, have been quoted in the media and been persistent in trying to gain their response. It's impossible that so many people have failed to respond actively without there having been an order from high up. Non-communication has been deliberate and unconstitutional.

Knysna Municipality has responded to my many attempts to gain answers by blocking communication with me. They blocked my emails for years and would not assist me regards important issues when i visited in person [I even tested them by visiting several departments repeatedly, having assistants sign to say that i had been there - *Comm2* - zero response].

Last year, Director Bevan Ellman started unblocking my emails but i feared that it wasn't to start communication. I suspected that it was to pretend to be cooperative whilst waiting for the Easton appointment which got delayed. Ellman's professed intention to answer questions was untrue as he has not answered anything in more than half a year. No one has.

The Eden Corruption line would not respond nor the DA's corruption reporting system on their website *[Comm3]*. Maybe it's just that they do not respond to complaints about DA corruption.

Helen Zille failed to acknowledge this and many matters, including an early long letter to her *[Comm4]*.

When she was at a public meeting in Knysna, she said she knew who i was but instead of willingness to answer questions, she oddly threatened to read from a file on me that she had brought with her. I have nothing to hide so i had no objection to that so long as i could ask questions. Zille was rescued by MEC Alan Winde who said in front of everyone that he would have a meeting the next day regards Knysna Tourism and other issues.

Winde, too, had previously failed to assist and had instead also acted bizarrely by ignoring all the facts to instead tell me that my brand was bad.

The meeting was a sham. Winde and the DA members present did not act and Winde refused to hand over the recording of the meeting, an act i believe is to

protect himself as it is a record of him being aware of the complaint and thus makes him culpable [Comm5].

My suspicion that some of the people accompanying him had DA interests before public interests was seemingly proven true. Peter Myers, Chairperson of the DA, became councillor of my ward despite living over 20km away. It was later revealed in court that Magda Moos had left the ANC and had become the DA Branch Manager for Concordia. In my opinion, Magda Moos was strangely (i have to use that word a lot in this submission) granted a restraining order against me for having taken her photo and criticised her for her role in that meeting.

My Ward 10 committee, previously headed by Councillor Richard Dawson who has initiated High Court proceedings against me, will not answer questions. Wards are not supposed to be politically biased. Notably, from the committee during the previous administration, all 5 were DA constituents with one being the DA treasurer and 3 going on to become DA councillors, two consecutively as Speaker and one as Deputy Mayor. The current era still has the DA treasurer, Dee Hollely, on board and other constituents, including the ex-Speaker and his romantic partner. The Ward 10 committee seems to act as a political subsidiary - what else would explain why the DA and the Ward Committee will not deal with me despite me presenting serious allegations.

I'm not the only one being ignored. There are many others. Campbell, here, can tell you many of her frustrating stories.

My website and social media grew out of the desire to help my town and overcome the blockage to information created by Knysna Municipality. I have over 6300 subscribers on my Love Knysna Facebook, often with a view reach greater than all three local newspapers, Knysna Tourism and Knysna Municipality combined. Knysna Keep, the political and social issue site, has had 640 000 page views and i've blogged over 1 million words for free across my sites. With this, i've tried not only to educate the public but force dialogue with the DA and the Municipality - they have remained uncooperative and defied the public will's for answers. They refused to acknowledge a petition against higher salaries i delivered. Mayor Georlene Wolmarans, Deputy Mayor Esme Edge, then Councillor Richard Dawson and DA Concordia Branch Manager Magda Moos refused to respond to my challenge to public debate despite 38 000 people viewing it on my Facebook.

Instead, the DA's reaction has sought to discredit me through the local newspaper, the Knysna-Plett Herald. Both Mayor Wolmarans and Deputy Mayor Edge have done so. An unprecedented 900-word open letter against me was by Speaker Eleonor Spies who also refused to meet me. The newspaper, against integrity and journalistic standards, would not allow me to respond to the attack. Compare my letter calling for an investigation [Comm6a] to her attack on me in the paper [Comm6b] that had nothing to do with any of my content.

In response to Campbell's detailed legal objection to the fraud that is the ISDF tender (June 12 2013,) the Knysna-Plett Herald stated that Mayor Wolmaran's response was to threaten "that the Knysna Municipality may choose to take legal steps against persons and/or publications should they publish any information deemed "defamatory" about the municipality and/or its officials."

When the Knysna-Plett Herald's new editor began publishing valuable stories about problems in the Municipality, the Municipality pulled their advertising. When the front page was finally going to be a critical piece on Knysna Tourism under Greg Vogt, the article was pulled and the newspaper release delayed by approximately 5 hours. Within a few weeks, Editor Ingrid Erlank was forced out. She had previously told me that she was under immense pressure as the Knysna Municipality who was putting pressure on the newspaper's holding company, Group Editors. Under the new editor, Elaine King, i'm essentially banned as i was for years by all three newspapers who, incidentally, all receive huge amounts of advertising from the Municipality.

More recently, my ISDF article was one of the biggest stories of the year. It resulted in attention from large newspapers... yet the Knysna-Plett Herald wouldn't use my information and instead waited for a week to publish Mayor Wolmaran's version. It was another great sellout moment and representative of of the degradation of our beautiful town.

The DA's local Facebook page was removed but a highly questionable, anonymously run group called Knysna Knews began. Anonymously authored press releases that favour the DA and seek to discredit me have been released there. It's a serious propaganda campaign devoid of truth. DA members such as Councillor Mark Willemse and Councillor Louisa Hart can be found on there. Deputy Mayor Esme Edge and Advocate Julie Seton are among its biggest supporters. They associate with Mark Allan, a cyber troll who i have a Protection Order against (that the police, who are also not fans of my criticism, refuse to uphold). There are others associated with Knysna Tourism. It is well known in the Municipality who is behind it but if i state it here i will undoubtedly get sued again. The question is why would political members, and politically associated people, be participating on an anonymously run website that sprouts propaganda and promotes DA and Municipal news amidst local news.

I am attacked by court cases i believe are meant to shut me up. They range from the Magistrates Court to High Court. I have no money so it has been difficult for me. I've had to painfully learn law under pressure and on the go. Even in the lower courts, an advocate appears against me.

The cases range from interim interdicts and harassment to crimen injuria and civil suites. The applicants include DA Deputy Mayor Esme Edge, ex-DA Councillor Richard Dawson, Knysna Tourism CEO Greg Vogt and DA branch manager Magda Moos who is also the Chairperson of the CPF for the Southern Cape. More cases against me originate from people associated with the same

people. All have the DA and my allegation of the mismanagement of Knysna Tourism issue in common.

I will provide any or all to this Committee on request.

I consider them to be a SLAPP, "a strategic lawsuit against public participation ... that is intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition." The Freedom of Expression Institute informed me that such burdening of critics has become too common in South Africa but, unfortunately, South Africa doesn't seem to possess Anti-Slapp laws or case law.

By High Court order, i'm not allowed to mention the personal life of Deputy Mayor Esme Edge. Although i consider myself to have never done so except in one case where she introduced it politically, i wish to tread carefully. It is entirely possible that several people would try use this presentation to take me to court. In that respect, during these proceedings, i request that this committee ask Edge how she knows Advocate Julie Seton who has, in some way or all the way, acted for 5 of the applicants against me.

I consider Seton's and the DA's actions against me to be that SLAPP. For Edge's case alone, one day in court, Seton's associate, Attorney Carl Jeppe, taxed me over a quarter of a million rand, R89 000 of that just to look through one of my websites. I believe that they're attempting to destroy my life so as stop me demanding answers and investigation. It is possible that i will be poor for the rest of my life. Without the assistance i've been given, which cannot last, i would never be alive today.

I consider the SAPS and the courts to be entirely deficient. Although i desire to make an argument in greater context, it would only distract from the immediate proceedings. However, i hope to gain that opportunity at a later stage. I consider our justice system to being abused and wonder if political battle lines have been drawn in the Western Cape, public servants (SAPS, court, government) choosing a side rather than serving justice.

Their inaction or negative action seems to be to protect political image and politicians which has only led to more illegalities and wasted more public funds.

CONCLUSION & PLEA

(1-min)

Through all of these questionable situations, the Opposition has failed to act as opposition to the DA in any meaningful form.

Knysna's government is best characterised by arrogance. It is not the correct demeanour of public service by public servants.

If my information is correct, they were so arrogant that they rejected all 3 invitations to Parliament, to attend this discussion. The leaders of a town of 68 000 snubbed their nose at the parliamentary leaders of 53-million people. They disrespect, as they have so many times and in so many ways, the Constitution of our country. As i write this now, i wonder if they will be forced to attend, to finally answer 5 years worth of questions.

Understanding and justice has been blocked by our own government. Politicians and municipal employees have had free reign in Knysna. They have failed to act with good intention or fulfill the duties of their office.

With no funds and an array of powerful forces lined up against me, i cannot maintain this battle for accountability much longer.

Unbiased, untainted, outside intervention is desperately needed. An investigative team is required not only into the situations i have presented by into the overall conduct of politicians and senior municipal officials who are no longer representing the public or acting in our best interests.

In bigger context, how can the police refuse to investigate without investigating?

How can a Municipality rife with problems be given a clean audit unless it is political marketing and propaganda? And if ours is found to be dirty, could others, elsewhere, be dirty too?

How can the highest ranks of the DA have chosen to turn their backs on a town that voted for them? How can we be so disregarded???

It's my hope that this Committee will become the first public body to embrace responsibility, care for our town and its people, and call for urgent investigation.

Transparency, accountability and democracy requires restoration in Knysna. Our government has become a secret that needs telling.

I appeal to this honourable panel for help. The future of Knysna may well be in your hands.

Thank you.

Mike Hampton
Community Activist in Knysna

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