

THE CHAIRMAN OF THE PARLIAMENTARY SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS

4 JUNE 2017

Dear Mr. Mhlanga

COMPLAINT AGAINST THE EXECUTIVE MAYOR OF KNYSNA, ELEANORE BOUW-SPIES

You are respectfully requested to investigate the conduct of the Mayor of Knysna in respect of the **LOVE KNYSNA PETITION** hearing on 24 May 2017. In particular you are requested to investigate the following matters:

1. Whether the Knysna Mayor acted in contempt of Parliament by not attending the Love Knysna Petition hearing on 24 May 2017.
2. Whether the reasons given to Parliament for the Mayor's non-attendance, alternatively her request to be excused from attendance, were honest and truthful.
3. Whether the Mayor provided false information to her caucus and the Knysna Council that the hearing would be postponed, alternatively that she had been excused from attending the hearing.
4. Whether there was a deliberate attempt by the Mayor and/or Councillor Martin Young to stop the Petitioner and witnesses from attending the hearing by putting out incorrect information on Facebook on the 23rd of May 2017 that the hearing would be postponed.
5. Whether the defamatory allegations against the Petitioner and myself, Susan Campbell, that were posted on the official Facebook page of the Knysna Mayor on 26 May 2017, were an attempt at discrediting, punishing and/or targeting me and the Petitioner and discrediting the parliamentary process.
6. Whether the Knysna Municipality and the Knysna Mayor included false information in a press release relating to the hearing published on 26 May 2017 and whether the press release was aimed at discrediting the parliamentary process and/or misleading interested parties.

THE RELEVANT FACTS ARE SET OUT HEREUNDER:

During 2015 Mr. Mike Hampton submitted a petition to the NCOP. The petition included various complaints of maladministration in Knysna. The petition hearing was part heard.

On 22 May 2017 I was again invited by Parliament to attend the hearing as a witness. Although it was extremely short notice, I respected Parliament and cancelled all other arrangements to attend the hearing. I was provided with a flight ticket by Parliament and checked in and waited for my plane on 23 May 2017.

While I was at the airport it was brought to my attention that one of the Knysna DA Councillors, Dr. Martin Young had posted the following on his Facebook page implying that the hearing had been postponed.

at 5:37 pm on 24 May 2017:

"It's been postponed....."

I asked Mr. Hampton about this and advised him that I was not intending to board the flight if the matter was not going ahead the following day. He telephoned Mr. Mkhize who advised him that he had also heard the rumour, but that the hearing was definitely proceeding the following day. Had Mr. Hampton not been at the airport to confirm that the matter was proceeding, I would probably have believed Dr. Young that the matter had been postponed and gone back home. I had no reason to believe that Dr. Young would be misinformed or deliberately misleading on such an important issue.

The following morning I was again advised that Dr Young had posted the following comment that appeared to be mocking Mr. Hampton.

"Parliament didn't let you know?"

I'd be as mad as hell with them...."

This comment was followed by a comment from Candace Myers that she would be shocked if Mr. Hampton had not been informed and that it would be a waste of public money.

I later took a screen shot of the comments, but noticed that the comments had been removed by Dr. Young later on the 24th of May 2017. The reason why Dr. Young removed the comments needs to be established. Had he been misinformed, or was he being mischievous?

On the 11th of May 2017 Mayor Spies and Knysna Municipality also were invited to attend the continuation of the hearing. Spies and the municipality sent two e-mails requesting a postponement of the hearing, due to the fact the municipality had to focus on the preparation of the annual budget.

According to the DA representative at the hearing, Ms. B. Engelbrecht from Gauteng, the committee did not respond to the municipality's request for a postponement. **They did not even get an acknowledgement of a receipt.** As a consequence they would not be attending the hearing.

The relevant summary from the parliamentary website is included hereunder together with the link. <https://pmg.org.za/committee-meeting/24462/>

Ms B Engelbrecht (DA, Gauteng) expressed her concern and displeasure on the 2 days short notice period the Knysna Municipality was given. The Committee cannot expect a municipality to appear before it with such short notice. The notice period should be at least a month for any petitioner or person who needed to appear before the Committee. Knysna Municipality, upon receiving notice of the petition 12 days ago, has written to the Committee several times

requesting for postponement of the meeting. **To date they have received no responses on the same to even acknowledge receipt of the correspondences.** She requested that the Committee addressed this issue urgently.

On 24 May the SABC news reported that Hampton and I had appeared before the Committee and requested the Committee to place the town under administration. This was of course incorrect as I had been a witness and not a petitioner and requested no remedy from the Committee.

The adverse publicity caused a stir in Knysna and on 25 May 2017 Mayor Spies advised the Council that she had not attended, because the Committee had agreed to postpone the matter. **All indications are that this statement was false and/or misleading as it was directly contradicted by the DA representative who advised the Committee that Spies would not be attending as she had received no response to her request for a postponement and due to other commitments.** Knysna Municipality has been unable to provide any proof that a postponement was agreed to by Parliament and it is common cause that the meeting was not postponed and went ahead.

The evidence overwhelmingly indicates that Mayor Spies provided the Knysna Council with information she knew to be false, namely that parliament had agreed to a postponement of the hearing alternatively that she had been excused from attending.

Furthermore all indications are that Mayor Spies and/or the municipality may have provided false reasons as to why she could not attend the hearing, namely that they were busy with the budget.

There was no reason why the Manager Legal Services, Ms. Paulsen could not help prepare a response as by 11 May the comment period on the Draft Budget had closed and Ms. Paulsen was not directly involved in the preparation of the budget. Ms. Paulsen had attended the hearing in March 2016 and was informed of the issues.

More importantly the Mayor had no legitimate excuse not to attend the hearing on 24 May 2017 as she was in no way involved with budget matters on that day.

The Mayor chose to travel to Beaufort West with a number of her Knysna Colleagues to campaign in the by-election.

The photographs below were taken on 24 May 2017 in Beaufort West as proof that the Mayor snubbed Parliament to attend to party-political matters in a faraway town.





It was clear that the Committee accepted her excuse on the morning of the hearing that she would not be attending as it was under the impression she was busy with the budget.

Had Mayor Spies advised the Committee of the true position, namely that she was attending to party-political matters in a town 300 kilometres from Knysna, I suspect the Committee would have been outraged, as I was when I learned the true reason for her non-attendance.

I was enormously disappointed that my Mayor had been so disrespectful to Parliament when I had taken the trouble to be there.

Needless to say the Mayor's conduct was not well received in Knysna.

On 26 May 2017 the Municipality issued a press release, presumably in an attempt to curtail the reputational damage. The press release contained a number of factual inaccuracies.

The same day Mayor Spies posted the press release to the **Official Knysna Mayoral Facebook** page. The press release was accompanied by the following statement from the Mayor:

*I am absolutely disgusted that SABC got this so wrong.
The submissions made by Hampton are the same ones that the previous council responded to during 2016. The Parliamentary Committee has not even sent us Hampton's latest submissions. Do yourselves a favour and read the media statement below. **There is something very wrong when two people who have no mandate from the Greater Knysna residents nor the local newspaper go to Parliament and state fiction as fact**, even after the public protector submitted to the Parliamentary Committee that Hampton's complaint had been finalised by their office and no adverse findings made.
We live in a beautiful area and believe me that should there be any evidence of corruption or maladministration this Council would most definitely act upon such evidence.
Together we can make Greater Knysna the greatest municipal area in South Africa, so let us not get side tracked by anybody else's agenda and let us all stand united.*

The sentence above, which is highlighted in red font, was highly defamatory of both me and Hampton. Due to the breakdown of the train I travelled in I arrived late and did not hear most of Hampton's testimony, but I can assure you that the statement was not only defamatory but false in as far as my testimony is concerned.

Mayor Spies' statement that I stated "fiction as fact" to Parliament can only be interpreted as meaning that I lied to the parliamentary committee. That is a very serious allegation to make against anyone. I am an admitted attorney of the high court and I have to act in accordance with a code of ethics. I am also a well known activist campaigning for clean governance in Knysna and my reputation is extremely important to me. I spend hours of my time and often my own funds to campaign for clean governance and adherence to the Constitution in Knysna.

Knysna Municipality and Mayor Spies know that I do not make false statements. Recently I testified in a disciplinary hearing against the previous Municipal Manager, Mr. Easton. I was cross-examined for a day and the very next morning Mr. Easton resigned. The municipality issued a press release that Easton resigned because the evidence was overwhelming. I was also the complainant in Easton's matter. Mayor Spies therefore knows that I do not make false statements and that my credibility is above reproach.

I was advised by the Attorneys who prosecuted Mr. Easton on behalf of the Municipality that the Presiding Officer (who is from Gauteng) had indicated to them that she had never encountered a better witness than me and that they should tell Knysna Municipality that if I provide them with information they should believe me. These words may have amounted to mere flattery, but I have enough experience in court to know that my evidence was such that Mr. Easton had no option but to resign or face the prospect of being found guilty. The reason why my evidence was unassailable was because I knew the subject matter I testified about and spoke the truth.

One of the charges in the disciplinary hearing related to the illegal awarding of the ISDF Tender. The municipality had finally accepted that the tender was awarded illegally and had charged Mr. Easton for this. In Charge 1.2 it was alleged that Easton;

enabled the appointment of Knysna Creative Heads consortium at a value of R2 749 338 in respect of the tender to develop an ISDF in an unlawful manner in conflict with the relevant legislative prescripts, including the Municipal Finance Management Act (MFMA), the Local Government: Municipal Supply Chain Management Regulations and the National Treasury Circulars issued in terms of the MFMA, which has ultimately caused a very significant loss of financial resources

Astoundingly the press release contained the following defence of the legality of the ISDF tender:

The petition further alleged that the municipality illegally awarded the municipality's Integrated Strategic Development Framework (ISDF) tender to Knysna Creative Heads, a consortium. Knysna Executive Mayor, Eleanore Bouw-Spies explained: "When the allegations were brought to the Parliamentary Committee during 2016 the Knysna Municipality provided the committee with a file of more than 600 pages containing their written submission on the facts of the matter. **This file was accompanied by supporting documents offering substantial proof negating the allegation.**

It is therefore clear that the above statement was false.

I responded to the defamatory allegations by posting the following on the Mayoral Facebook page:

Susan Campbell Whereas I am seldom drawn into Facebook debates, after having been alerted by a number of concerned citizens that I am being accused of lying to Parliament, I have decided that the accusations cannot be left unanswered.

The SABC report incorrectly described me as a petitioner who asked for the town to be placed under administration. I am not a petitioner but a witness. On Monday 22 May 2017 I received an invitation from Parliament and an airline ticket to attend the hearing on 24 May. Although it was short notice I made the necessary arrangements to attend. I do not need a mandate to respect an invitation from Parliament nor do I need a mandate from the local newspaper to testify about the fact that the municipality has withheld advertisements from the paper as "punishment" for critical reporting. I have evidence to substantiate my statement. Press freedom is a cornerstone of a democracy and every citizen has the right to speak out when our democracy is being compromised.

The office of the Public Protector sent two representatives to the hearing and I was very disappointed that the municipality had again snubbed Parliament as was the case in February 2016.

A committee member from the DA advised the Chairman that the municipality had requested a postponement, as they were busy with the annual budget and that all their requests had been ignored. She advised the Chair that the municipality would not be attending and expressed her dissatisfaction that the municipality had not been afforded the courtesy of a response to their

various requests. This was later contradicted by the Mayor, who advised Council that Parliament had in fact agreed to a postponement.

Later that day I was shocked to learn that the Mayor had decided to campaign in Beaufort West rather than represent the municipality at the hearing.

Despite the fact that the Mayor had elected not attend the hearing and allegedly had not seen Mr. Hampton's latest submissions, she makes the statement that Mr. Hampton and I "stated fiction as fact" at the hearing.

Now I am not Mr. Hampton's counsel, but I fail to understand how the Mayor can make the allegation that false statements were made if she is unaware of the content of the allegations and was not present to hear the statements.

My evidence to the committee was true and correct and I take the strongest exception to the very serious accusation that I lied to Parliament and I demand that the Mayor either apologise unconditionally or provide me with details of each and every false statement that I made to Parliament.

The media statement from the municipality contains a number of inaccuracies and false statements and I shall respond thereto in due course

In the section above highlighted in red font I requested the Mayor to apologise or provide details of the false statements I made to Parliament. To date I have heard nothing from the Mayor.

The media release including the false statements and my responses thereto are included hereunder together with the link.

https://web.facebook.com/EleanoreBouw/posts/1761156817233642?_rdc=1&_rdr

Knysna Municipality

26 May at 14:03 ·

MEDIA RELEASE

Embargo: Immediate

DATE: 26 May, 2017

ALLEGATIONS OF CORRUPTIONS MADE AGAINST KNYSNA MUNICIPALITY

Knysna has once again fallen victim to allegations brought by serial blogger, Mike Hampton and Knysna resident, Susan Campbell of corruption and maladministration during a parliamentary committee sitting on Wednesday, 24 May.

Hampton's initial petition was first heard by the Committee in February 2016 during which he alleged that the municipality was illegally funding Knysna Tourism with taxpayer's money. The petition further alleged that the municipality illegally awarded the municipality's Integrated Strategic Development Framework (ISDF) tender to Knysna Creative Heads, a consortium.

Knysna Executive Mayor, Eleanore Bouw-Spies explained: "When the allegations were brought to the Parliamentary Committee during 2016 the Knysna Municipality provided the committee with a file of more than 600 pages containing their written submission on the facts of the matter. This file was accompanied by supporting documents offering substantial proof negating the allegation.

"The then Municipal Manager, Grant Easton and Executive Mayor, Georlene Wolmarans accompanied by senior officials travelled to Cape Town and made representation before the committee on the allegations of maladministration, fraud and financial irregularities at huge expense to Knysna's taxpayers."

On receipt of the invitation to attend the committee sitting, Bouw-Spies wrote to the Chairperson of the Select Committee on

Petitions and Executive Undertakings requesting that the matter be postponed until sometime in June. “Our council and administration is currently extremely busy with the legislatively required process of approving our 2017/2018 municipal budget,” read the letter.

She further alerted the committee that the municipality had not received a copy of their recommendations relating to the previous submissions made by Hampton in April 2016. “We require a copy thereof in order to provide you with the requested progress report. Therefore in order to respond effectively to any queries and to make submissions to the allegations of Mr Mike Hampton, we request that the matter be postponed to a later date in June.”

Two days later the mayor once again requested a postponement of the petition hearing stating: “We trust that the committee is well aware of the consequences of a local authority not complying with Section 24 of the Municipal Financial Management Act 56 of 2003 and the effects thereof on the local community.”

“We were very surprised to hear that, despite the undertaking received from the committee of a postponement, the matter appeared before the committee,” said the mayor.

In a media statement issued by Parliamentary Communication Services on behalf of the Chairperson of the Select Committee on Petitions and Executive Undertakings, Moses Mhlanga, the Committee “strongly condemned the threats and intimidation allegedly directed against a petitioner, Mr Mike Hampton, by the Knysna Municipality.”

To this the mayor said that this conclusion made by the chairperson is extremely unfortunate and irresponsible as neither she nor the Municipal Manager were aware of any threats and/or intimidation directed towards Hampton.

“Mr Hampton is by no means a victim here,” she said before adding: “Notwithstanding the fact that all applications and actions were opposed by Hampton the courts have ordered a myriad of orders against him.”

The previous Council’s Deputy Mayor, Esmé Edge was awarded a high court interdict prohibiting Hampton from defaming her, commenting on her private life and publishing any photographs with costs. Hampton was further found to be in contempt of that order and the high court has issued a suspended sentence of 60 days, which is still of force and effect.

Final orders in terms of the protection from Harassment Act in favour of Knysna Tourism CEO, Greg Vogt, who was also awarded costs, Magdalena Moos and Advocate Julie Seton had been granted.

Criminal charges have been laid in respect of his contravention of some of the above orders and an interim protection order in favour of a municipal employee, a matter which is still sub judice has also been ordered. Hampton has orders against another Knysna resident, Mark Allan and Adv Seton, prohibiting Seton from mentioning Hampton directly or indirectly on social media. Recently Campbell, Knysna Ratepayers Association Legal representative advised Knysna Ratepayers to approach the Western Cape High Court to ask that a decision taken by the Knysna Municipality to approve the construction of a mosque be set aside. Judge Daniel Dlodlo dismissed with costs, the application to set aside the construction of the place of worship on 5 April. The Knysna Municipality is aware that, as was submitted to the committee on Wednesday, 25 May by the Public Protector, the complaint by Hampton had been finalized by their office and no adverse findings were made.

It must be noted that previous extremely costly oral submissions have been made by the previous council and yet again no charges arose and these submissions seem to have been ignored.

“In the light of the fact that both petitioners, Hampton and Campbell seem to be incapable of accepting this and clearly do not seem to have any regard to the cost to ratepayers that the Knysna Municipality must incur in a sincere effort to address any legitimate concerns that we have not yet noticed. At the time of this release we have not received any evidence that required any further response to what has already been submitted by us.

“We await to hear from parliament as to whether any further response is required and whether there is any actual complaint that needs to be addressed by the Knysna Municipality,” concluded the mayor.

ENDS

· [27 May at 21:43](#) · [Edited](#)

[Susan Campbell](#) RESPONSE TO THE PRESS STATEMENT FROM THE KNYSNA MUNICIPALITY DATED 26 MAY 2017

The Municipality makes the following statement relating to the ISDF tender, implying that they provided proof to Parliament that the award of the tender was legal:

“The petition further alleged that the municipality illegally awarded the municipality’s Integrated Strategic Development

Framework (ISDF) tender to Knysna Creative Heads, a consortium.

Knysna Executive Mayor, Eleanore Bouw-Spies explained: "When the allegations were brought to the Parliamentary Committee during 2016 the Knysna Municipality provided the committee with a file of more than 600 pages containing their written submission on the facts of the matter. This file was accompanied by supporting documents offering substantial proof negating the allegation."

Mr. Easton addressed the parliamentary committee on 16 March 2016 and alleged that the Auditor General had found nothing wrong with the ISDF Tender. This statement was of course completely untrue, as the AG had specifically identified the ISDF Tender as one of the tenders amounting to more than 9 Million Rand in which irregular expenditure had been incurred.

The written response from the Municipality to Parliament contained blatant lies to Parliament and Province, such as the statement that Knysna did have a Bid Specification Committee ("BSC") when the ISDF Tender was awarded. This was contradicted by Fredri Kruger in 2016 in a report to a Council Committee in which she stated that there was no BSC prior to her appointment in 2014. The ISDF was awarded in 2013.

It is incredulous that the municipality is still maintaining that the ISDF tender was legal. Since the statement to Parliament the municipality has instituted disciplinary charges against Mr. Easton. One of the charges specifically relates to the illegality of the ISDF. I testified against Mr. Easton and was cross-examined by his Advocate Julie Seton for a day. The very next morning Mr. Easton elected not to testify in his defense and resigned. The municipality thereafter issued a press statement that the evidence against Mr. Easton was overwhelming.

On 31 May 2016, the Council unanimously resolved that the Municipal Manager, in consultation with the Chair of the Audit Committee, appoint a specialist consultant, to investigate and report on whether anyone, officials or councillors, could be held responsible for the irregular expenditure (R 9 277 921) for Local Content as disclosed in the 2013/2014 Financial Statements. The ISDF was one of these tenders.

Despite the above position the municipality now wants us to believe that the ISDF Tender was perfectly legal for the purposes of Hampton's petition. This is simply outrageous and beyond a joke.

For reasons best known to the municipality the review of the Mosque approval is included in the press statement:

"Recently Campbell, Knysna Ratepayers Association Legal representative advised Knysna Ratepayers to approach the Western Cape High Court to ask that a decision taken by the Knysna Municipality to approve the construction of a mosque be set aside. Judge Daniel Dlodlo dismissed with costs, the application to set aside the construction of the place of worship on 5 April."

The relevance of the mosque matter to the parliamentary enquiry is unclear, unless it is an attempt to cause a distraction. That is however not the end of the matter, the statement is completely untrue. I attach hereto an extract from the court case and a link to the case from which it is obvious that neither the KRA nor I are a parties to the proceedings.

<http://www.saflii.org/za/cases/ZAWCHC/2017/46.html>

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

CASE NO: 22136 /2015

In the matter between:

22 RAWSON STREET BODY CORPORATE First Applicant

MICHAEL JOSEPH HUDSPITH Second Applicant

v

KNYSNA MUNICIPALITY First Respondent

KNYSNA MUSLIM COUNCIL N.P.C Second Respondent

Coram: Dlodlo J

Date of Hearing: 08 March 2017

Date of Judgment: 05 April 2017

Is it asking too much of the municipality to be open an honest with residents and to admit when they are wrong?

[Susan Campbell](#) THE FOLLOWING STATEMENTS BY THE MUNICIPALITY AND THE MAYOR ARE ALSO DESERVING OF A RESPONSE.

“The then Municipal Manager, Grant Easton and Executive Mayor, Georlene Wolmarans accompanied by senior officials travelled to Cape Town and made representation before the committee on the allegations of maladministration, fraud and financial irregularities at huge expense to Knysna’s taxpayers.”

The question is why it was necessary for Mayor Wolmarans, Mr. Easton, Ms. Paulsen and Christopher Bezuidenhoudt to all travel to Cape Town. Only the Mayor and Mr. Easton made submissions. If I am not mistaken, Esme Edge and Julie Seton also went along. There was no need for everyone to go to Cape Town. The municipality is invited to provide full details of the costs.

I was invited in February 2016 and May 2017 and on both occasions Parliament only paid for my flight. I insisted on using my own transport in Cape Town and making my own accommodation arrangements to save public money. I used public transport, including the train.

“It must be noted that previous extremely costly oral submissions have been made by the previous council and yet again no charges arose and these submissions seem to have been ignored.”

The “extremely costly” submissions made by Mr. Easton and Mayor Wolmarans were extremely economical with the truth. Mayor Wolmarans told the committee that Mr. Easton complied with the requirements for the advertisement, although he did not comply with the linguistic requirements and should therefore not have been shortlisted. She furthermore alleged that his qualifications had been verified although this had only been done a year after his appointment when the KRA questioned the aspect with Province. No candidate may pass the screening process unless his qualifications have been verified. Mayor Wolmarans furthermore alleged that the R 300 000.00 per annum, over and above the maximum permissible salary, paid to Easton was justified as a “market based premium”. In truth she was not allowed to pay any premium as there was a suitable candidate willing to work for the advertised salary.

“In the light of the fact that both petitioners, Hampton and Campbell seem to be incapable of accepting this and clearly do not seem to have any regard to the cost to ratepayers that the Knysna Municipality must incur in a sincere effort to address any legitimate concerns that we have not yet noticed. At the time of this release we have not received any evidence that required any further response to what has already been submitted by us.”

The mayor could have advised the committee that Easton had since been charged for the ISDF and that consultants had been appointed to advise on the recoverability of the irregular expenditure, but I suppose that would have been admitting that the municipality had lied to Parliament in March the previous year.

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From the above it is clear that the Mayor posted defamatory statements against me on her official Facebook page and ignored a request to apologise or provide details to substantiate her claims.

The Mayor furthermore shared a media release containing several false or misleading statements.

Apparently the Mayor had decided that rather than co-operate with the parliamentary enquiry, she would choose to defend herself and the municipality by defaming and discrediting the Petitioner and the witness.

It is a shocking abuse of her position to use the official Mayoral Facebook page for the purpose of bullying those of us who dare speak truth to power.

In addition to this she brought the Knysna Municipality and DA into disrepute by disrespecting Parliament by not appearing at the hearing and then later misleading the Knysna Council by falsely stating that Parliament agreed to a postponement.

The Mayor had no problem contradicting her part member from the DA. Ms. Engelbrecht.

She furthermore created the impression that the reason she could not attend related to the budget, whereas she went campaigning in Beaufort West.

You are respectfully requested to investigate the matter and to take appropriate steps to deal with the Mayor's conduct.

Yours sincerely

Susan Campbell

0825706894