

COURT

'A lot at stake' in ex-DAFF boss' case

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FORMER Department of Agriculture, Forestry and Fisheries (DAFF) deputy director-general Siphokazi Nduane's legal team got a tongue-lashing by Judge Tandazwa Ndita for not affording the court enough time to familiarise itself with the facts of her case.

Nduane headed to the Western Cape High Court yesterday, where arguments were expected to be heard, in which she sought relief from the court to have her matter scrapped. Nduane is challenging her arrest and wants the court to order all charges against her to be withdrawn. She is

charged with two counts of contravention of Section 34 of the Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA). Nduane was granted R100 000 bail after appearing at the Bellville Commercial Crimes Court and was ordered to surrender all her passports to the investigating officer.

Judge Ndita said that she had not been afforded enough time to familiarise herself with the facts of the case and had only been furnished with Nduane's voluminous document – about 600 pages – on the day the matter was to be argued.

"Practitioners cannot just do as they please to bring a file of this mag-

nitude on the very day and expect it must be heard. It really is quite unacceptable that a matter of this magnitude is brought on the day," said Judge Ndita.

Nduane's legal counsel submitted that they needed to have the matter heard urgently but had to respond to allegations made against her in detail as it "affects her livelihood and her dignity".

Judge Ndita said it was for those very reasons that the court should be afforded time to read the documents thoroughly because "a lot is at stake".

National Prosecuting Authority spokesperson, Eric Ntabazalila, said they had opposed Nduane's "urgent

application".

The NPA submitted their heads of argument opposing the relief sought by Nduane but the matter was not argued as expected.

"The NPA is disappointed but understands why the application had to be postponed.

"The NPA is ready to oppose the application and will provide the supplementary documents on time as requested by the court and will be ready to oppose."

Nduane had handed herself over to the police after a warrant for her arrest was issued and appeared before the Bellville Commercial Crimes Court.

The Hawks said it was alleged that between 2016 and 2019, Nduane failed to report incidents of fraud that were brought to her attention in her capacity as deputy director general.

Nduane has maintained her innocence and argues that she had reported the crimes and the current charges levelled against her are a "witch hunt" in an attempt to soil her credibility and is an "abuse of court process".

Her legal counsel, Barnabas Xulu, had previously said the charges against his client "points to the malice of the SAPS and Director of Public Prosecutions (DPP)" adding that the continued arrest of his client could result in her losing her job.

FARMGATE

'Reserve Bank failed to respond'

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apply to it, the report into this matter would be kept as a private internal report and would not be made available to the public except for a few aspects.

However, many political parties, including the African Transformation Movement (ATM), the EFF and the UDM objected to this with ActionSA bringing an application in terms of Paia to compel the SARB to grant it access to the report.

The ATM said it was convinced that Ramaphosa was being protected after the SARB's report cleared him of wrongdoing.

Yesterday Mashaba accused the SARB of failing to comply with a 30-day deadline in terms of Paia.

"The South African Reserve Bank has failed to respond to ActionSA's application in terms of the Promotion of Access to Information Act (Paia) within the legislatively mandated 30 days to gain access to the report into whether President Cyril Ramaphosa's failure to disclose the foreign currency, which was stolen at his Phala Phala farm in 2020, was indeed unlawful," Mashaba stated.

Mashaba said the party intended to file an internal appeal with the SARB in order to ensure that Ramaphosa is finally held accountable for having failed to disclose foreign currency after money was stolen from his Limpopo farm in February 2020.

SARB spokesperson Thoraya Pandey said: "All Paia requests must be directed to the email address privacy@resbank.co.za as published in the SARB PAIA Manual on the SARB website. Secondly, all Paia requests must meet the procedural guidelines prescribed in Paia in completing the relevant forms (Section 18) and payment of the Request fee (Section 22). This request was not submitted to the correct email address as required by the SARB PAIA Manual and the Request fee has not been paid. I can now confirm that we have received the completed prescribed form. The next process is that we will request ActionSA to pay the Request Fee, and once the fee has been received, we will then consider it in terms of the applicable legislation that guides these matters."

EDUCATION

Minister is awaiting final report

from page 1

disclose the terms of the golden handshake and the higher education portfolio was none the wiser when the council informed it that a critical part was that Phakeng was concerned that the council would not make statements that could cause reputational damage.

In his response to Montwedi, Nzimande said: "Minister is awaiting the final report of the panel that is investigating various matters at the university."

He, however, said he had the legal right to request the university council to furnish him with the information contained in the non-disclosure agreement.

"He can also verify the financial component of the non-disclosure agreement by studying the audited annual financial statements contained in the annual report once the report is submitted to the department.

"All relevant information will be available in the annual report of the university, all annual reports are accessible to the public," he said.

Asked by EFF MP Ntokozo Hloniyane whether he intended to place Unisa under administration, Nzimande said he was contemplating doing so.

"It should be noted that minister can only make his final decision once he has followed due process as per Section 49(B)(1A) of the Higher Education Act which requires that the minister must, before appointing an administrator, give written notice to the council of the higher education institution concerned of his or her intention to make such an appointment; provide the council concerned with the reasons for the appointment."

NATION

South Africa awaits info before Gupta extradition request

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THE Department of Justice and Correctional Services says it is waiting for vital information from the United Arab Emirates (UAE) on why a February extradition request for Atul and Rajesh Gupta was denied, before it submits a new request.

The brothers were arrested in Dubai after the International Criminal Police Organisation (Interpol) last year issued a Red Notice alert for members of the family in connection with money laundering charges.

Atul and Rajesh are facing allegations of looting billions of rand through state capture. The brothers deny any wrongdoing and have fought the application of red notices issued by Interpol.

They say they are victims of a political witch-hunt in South Africa.

In February, the UAE court turned down the extradition request as the court found that on the charge of money laundering, the crime in question was alleged to have been committed in the UAE and in South Africa, and federal laws of the UAE state that an extradition can be denied because that country has the jurisdiction to prosecute the crime.

The court found that the arrest warrant on the fraud charges was cancelled.

The department's spokesperson, Chrispin Phiri, said in August Minister Ronald Lamola and Director-General Doc Mashabane directed letters to their counterparts in the UAE.

These letters stated "South Africa's position, that despite the UAE's invitation to submit a new extradition request, it remains necessary to first obtain clarity on the questions asked

previously by the Central Authority of South Africa in order to assess the matter before a decision can be taken to submit a new extradition request".

"The department has not yet received a response to the correspondence and the South African Embassy in Abu Dhabi is following up in this regard," Phiri said.

Wits Professor Emeritus of International Law, André Thomashausen, said despite claims against the Guptas, there was no direct evidence produced by prosecuting authorities against them.

"The NPA (National Prosecuting Authority) has not been able to make a case against them ... the NPA's case appears to be based on common purpose doctrine which says they are guilty by association, but this doctrine is not followed in other countries, including the UAE."

International relations expert Dr Noluthando Phungula of the University of KwaZulu-Natal said one needed to consider whether South Africa actually intended to have the Guptas extradited.

"The reality is that their extradition has serious consequences for certain ANC members who may have been involved in their dealings. Such high-ranking members would not look forward to the brothers' extradition and this is a reality," Phungula said the UAE joining the BRICS grouping could also be a factor in the extradition process.

"This could provide leverage for a genuinely willing SA government to gain respect from the UAE as a partner.

"On the other hand, this development may also pressurise SA to tread carefully and not put unnecessary pressure on the formation's latest member."

AGRICULTURE

Bird flu poses food security threat if not managed successfully

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MINISTER in the Presidency Khumbudzo Ntshavheni said yesterday the government acknowledged that there might be a threat to food security, especially poultry products such as eggs and meat, if the highly pathogenic influenza was not successfully managed.

Addressing a post-cabinet briefing, Ntshavheni said the cabinet noted the current outbreaks of highly pathogenic influenza in the poultry industry in the country.

The Western Cape and KwaZulu-Natal have been hard hit.

"Control measures to manage the spread of the outbreaks are in place and farmers are encouraged to observe prescribed biosecurity measures," she said.

Ntshavheni also said the Department of Agriculture, Land Reform and Rural Development, South African Health Products Regulatory Authority (Sahpra) and the industry were exploring applications for the registration of possible vaccines, with compliance measures relating to safety, efficacy and quality being paramount for registration of such vaccines.

She said the outbreak of the bird

flu posed food security risks, and trade measures in the form of imports to manage availability of fertile eggs, table eggs and poultry meat may be implemented.

"There is an acknowledgement that if we are not successful in the management of the avian flu, there might be a threat to food security – availability of poultry products such as eggs and meat. The Department of Agriculture and the Department of Trade and Industry will have to work out on mechanisms they consider should be preventative and make sure that there is no shortage of poultry products.

"They are confident in the measures that have been put in place, working with the industry to mitigate the impact of avian bird flu, and that is why they work with Sahpra on the vaccine."

She said the Department of Agriculture would continue to work with the provinces to ensure those that were not affected by were insulated from the outbreak and ramped up production to minimize imports and increase production locally.

Ntshavheni also said the cabinet was being kept abreast of the devastation caused by severe storms and flooding in the Eastern Cape, Western Cape and Gauteng, with indications

that this will likely spread to other provinces. "Cabinet calls on communities to remain on high alert for further extreme weather warnings, which could bring further devastation across the country," she said.

Ntshavheni added that the cabinet approved at least three bills with the SABC Bill to be submitted to Parliament.

"Once passed into law, the Bill will result in the repeal of the current Broadcasting Act, 1999 (Act 4 of 1999). The amendments will strengthen the efficiency of the operations of the public broadcaster," she said.

Ntshavheni said the bill proposed reforms in the SABC's funding model and the TV-licensing system.

The public broadcaster is battling to collect TV licence fees.

In July, Communication and Digital Technologies Minister Mondli Gungubele said a total of 9.2 million accounts have outstanding balances valued at R44.2 billion.

The department was proposing that the television licence model be replaced with the household fee model. Cabinet has also approved the publication of the draft Water Services Amendment Bill for public comments as well as the draft National Water Amendment Bill.

NATION

Treasury rejects PSC suspicions over supplier payments

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THE National Treasury has refuted allegations that it was withholding information in relation to government departments' failures to pay service providers.

This after Public Service Commission's Anele Gxoyiya claimed during a media briefing on Wednesday that the commission could not reflect on the compliance of local and national government departments over the 30-day payment to small, medium, and micro enterprises (SMMEs) due to the Treasury's "unwillingness" and "seemingly concealing something".

"The PSC has noted with concern the reluctance by National Treasury to avail information relating to the payment of suppliers.

"The commission will continue to engage the National Treasury to sub-

mit the information in the interest of transparency.

"Furthermore, the commission would like to encourage small businesses whose invoices have not been paid by various state institutions to approach the offices of the PSC countrywide for assistance," said Gxoyiya.

He was unpacking the Quarterly Bulletin, "The Pulse of the Public Service", which covered the overall number of complaints and grievances handled from April 1 to June 30 this year.

Treasury spokesperson Cleopatra Mosana said details on late or non-payment of suppliers were shared with the PSC and there was no change to information provided except for raw data which they believed would make a meaningful impact when analysed for a specific purpose by the PSC.

Mosana said the Treasury informed

the PSC that information in this area would be shared with the department.

According to a Treasury report, as of June, 117 158 invoices were paid after 30 days by national and provincial departments during the first quarter of the 2023/24 financial year, amounting to R11.1 billion.

The number of invoices older than 30 days and not paid by national and provincial departments at the end of June, was 37 577, amounting to R 4.4 billion.

This was a regression of 51% when compared to the first quarter of the 2022/23 financial year which amounted to R4.8 billion.

"The most common reasons provided by both the national and provincial departments for the late and/or non-payment of invoices are interruptions caused by poor internal controls, internal capacity, and budget constraints," the report read.

MOST READ

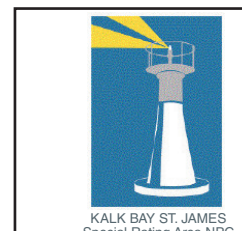
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WHY SA'S FOOD PRICES ARE SO HIGH, AND WHAT WE MUST DO ABOUT IT

there are things that Southern African countries can take into their own hands.

SOUTH AFRICA and its regional neighbours must develop their own inclusive food markets if they wish to weather the global shocks that have sent food prices skyrocketing.

Record-high food inflation has been plaguing consumers for the past three years, but none are feeling it more than the poorest households. While many of the factors behind the price hikes are out of the control of local food producers,



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NOTICE OF ANNUAL GENERAL MEETING (AGM)

The KBSJ SRA NPC will be hosting an AGM. All stakeholders are invited to a review of the past financial year's activities and to approve the extension of the CID term.

Date: 23 October 2023
Time: 19:00
Venue: Kalk Bay Community Centre, Main Road, Kalk Bay

Resolutions presented at the Members meeting can only be voted on by bona fide members of the KBSJ SRA. This membership is available free of charge to all owners of non-residential and/or residential property within the KBSJ SRA footprint, but they must be registered before 16 October 2023.

A Special Resolution will be required for the amendment of the new Memorandum of Incorporation (MOI) as contemplated in Section 16(5)(a) of the Companies Act, Act 71 of 2008.

Any additional rate payer opposed to the application to extend the SRA term can submit a written objection to the KBSJ SRA within 30 days of the conclusion of the AGM.

For further information, documentation and how to register go to www.kalkbaystjamesra.org, e-mail manager@kalkbaystjamesra.org or call the Manager at 079 609 1172

SPORT P 17-20

srk consulting TRONOX

STAKEHOLDER ENGAGEMENT PROCESS
Application for the Renewal of the Tronox Smelter Atmospheric Emission Licence, Saldanha
WCDM Licence No.: WC/WC/022

Notice is hereby given of a stakeholder engagement process in terms of the National Environmental Management: Air Quality Act 39 of 2004 (NEMA-AQ):

Project: Tronox Mineral Sands (Pty) Ltd (Tronox) undertakes the mining and beneficiation of heavy minerals. Tronox holds an existing Atmospheric Emission Licence (AEL) for operations at its Smelter facility at the Tronox Namakwa Sands Operations near Saldanha/Vredenburg, Western Cape. Tronox has appointed SRK Consulting (South Africa) (Pty) Ltd (SRK) to undertake the AEL Renewal Application process.

Location: Trunk Road 58/1, Saldanha, Western Cape, 7395.

Application for:
An AEL Renewal Application, in terms of Section 47 of the NEMA-AQA for the following Listed Activities, in terms of Section 21 of the NEMA-AQA:

Category of Listed Activity	Sub-category of the Listed Activity	Description of the Listed Activity
Category 4 – Metallurgical industry	Sub-category 4.9 – Ferro-alloy production	Production of alloys of iron with chromium, manganese, silicon or vanadium, the separation of titanium slag from iron-containing minerals using heat.
Category 5 – Mineral processing, storage and handling	Sub-category 5.2 – Drying	The drying of mineral solids including ore, using dedicated combustion installations.

Opportunity to participate: The AEL Application Form and Atmospheric Impact Report are available from 2 October 2023 for public review and comment at the Vredenburg and Saldanha Public Libraries and on SRK's website, www.srk.co.za (via the 'Knowledge Centre' and 'Public Documents' links). Stakeholders are invited to submit comments and/or register on the project database by completing the online form on SRK's website by 31 October 2023. Note that only registered stakeholders will be notified of future opportunities to provide comment on relevant documentation.

By registering as an Interested and Affected Party, you consent to your personal data (including contact details) being processed and selectively disclosed (e.g. in the event of an appeal), in fulfillment of the requirements of the NEMA-AQA and the National Appeal Regulations, 2014. SRK undertakes to process data in accordance with our Protection of Personal Information Policy and with the Protection of Personal Information Act 4 of 2013 (POPIA). SRK may use your contact details to contact you about other relevant projects in the future. Note that, in the event of an appeal, SRK may be required to provide registered stakeholder contact details to the appellant.

To submit comments, register or request information please contact: Asheerah Meyer of SRK Consulting at ameyer@srk.co.za, Postnet Suite #206, Private Bag X18, Rondebosch, 7701, Tel: (021) 659 3060.

BIDDERS CHOICE
AUCTIONS, PROPERTY SALES & VALUATIONS

LIQUIDATION AUCTION
PRIME COMMERCIAL BUILDING: CAPE TOWN, CBD

BESTINVER COMPANY SOUTH AFRICA (PTY) LTD (IN LIQUIDATION) MRN: C006100/2020

12 OCT
@ 11:00 AM

Location: 8 Biebreek Street, Cape Town

Contact: Catherine, 079 170 3611

PROPERTY DESCRIPTION:

- 17 FLOORS OF OFFICE SPACE
- GLA: ± 21 000M²
- ± 50% TENANTED / HUGE UPSIDE
- MULTIPLE UNDERGROUND PARKING LEVELS ARE AVAILABLE
- ADDITIONAL INCOME FROM A LEASEHOLD PROPERTY

TERMS & CONDITIONS:

- R100 000,00 registration fee.
- FICA documents to register.
- 5% Deposit & 5% Buyers Commission plus VAT on the fall of the hammer.