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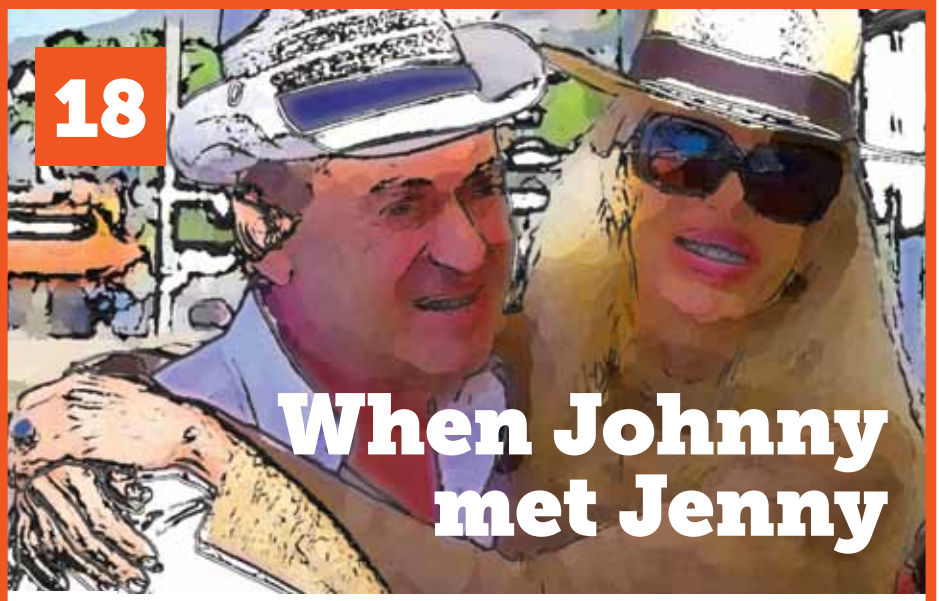

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Good for the goose...

WHAT does it say about the media industry's belief in self-regulation if Independent Newspapers' CEO and editors decline to go via the Press Ombudsman and instead go straight to the courts with their grievance about *Noseweek's* reporting?

If they don't believe in the current system, then why should anyone else?

Barbara Williams
Cape Town

Arms and the man

WHILE reading Terry Crawford-Browne's article in *nose*154, I noted with interest that parts of the Arms Deal were apparently negotiated as far back as 1995 by Thabo Mbeki.

If so, then surely Nelson Mandela must have known about this as head of state at the time?

If he did know about these corrupt dealings, then either he must have been involved in sharing the spoils, or he must have condoned and been content with what was taking place?

Nick
Howick

Terry Crawford-Browne's response: *I regret that Mandela was not the saint we would like to believe. I don't want to go too far down that road, but it does come up repeatedly in* Eye On The Diamonds. *When he left office after only one term, his foundations were estimated to be worth over R1 billion. Within months of his release, he was pumping the likes of Suharto, Gaddafi, and the Saudis – and selling out South Africa's human rights and foreign policies on the basis of contributions to ANC funds.*

Of course he knew about the arms deal corruption, and Mbeki's involvements. As early as August 1994, Archbishop Tutu raised concerns about the arms trade and the "gravy train".

Nothing to hide

IT IS WITH much interest that I read the letter from a Ms Tessa Horan (she says she is from Calitzdorp but is in fact from Uniondale) that appeared in *nose*154.

I note that she has opinions about your reporting on the issues surrounding the killing of predatory wild animals. While she is entitled to her views, we stand by the facts reported from our side.

What prompts me to write to you is that she seems to suggest something sinister about my personal life and conduct. She wrote; "There is a lot of controversy surrounding Bool Smuts and if *Noseweek* is interested in truth, perhaps they should investigate his background." She also accused us of engaging in sensationalism and untruths about the matter we deal with, namely human/wildlife conflict.

I have since challenged Tessa Horan to place the evidence of her defamation on the table to see if it holds water. She admits it was based on unsubstantiated hearsay.

We have nothing to hide and have met our obligations and commitments. We have no hidden agendas, merely agendas others don't like. I attach my updated CV and the latest additions to the court case I brought against CapeNature for a declaratory order on the lawfulness of their killing a leopard in the Western Cape.

Dr Bool Smuts
Landmark Foundation

The retiree, like a snail, slinks to extramural poetry class

■ I MUST apologise for alluding to any controversy surrounding Bool Smuts. He is a vigorous campaigner for his cause, which means he is bound to rub his opponents up the wrong way now and then. It is a good cause, but farmers battle to farm where all odds are against them.

Tessa Horan
Uniondale

Half a chance

THE ARTICLE "Block at the Head" (*nose*154) refers.

To your closing remarks, "which just goes to show that most ANC members either condone corruption or simply don't read newspapers", you should add "or would be partaking in such corruption given half (nay, quarter) a chance"!

Nick McConnell
Howick

Bar bar black sheep

WOULD I wish to make use of the services of the professionals who feature in your story "Johannesburg Bar agog at rape and blackmail allegations" in *nose*153?

No. And the bit about the Joburg Bar being eligible is a laugh-a-minute. Been there… may get the T-shirt. By the way, who is Irvine?

Rory Nottingham
Port Elizabeth

(*Pam Irvine is secretary of the Johannesburg Bar.*)

■ Clearly your article alleging misconduct by members of the Joburg Bar has been written on the version of one party, who appears to be disgruntled and bitter.

I am bewildered that such a damaging article has no input from the person (Advocate Riley) who you so clearly defame. I would love to read his side of the story.

As a fellow professional, I would most definitely make use of his services. He is

more than competent and an honest, hard-working professional.

I suspect an apology has been demanded and will appear in your next publication.

Greg Da Silva
Johannesburg

Noseweek's *account was based on the submissions of all the parties to the Johannesburg Bar Council. The real question is: when will that august body finally move its arse and make a ruling?* – Ed.

"I'm just glad we got out before interest rates went up again"

Bank immunity

BARCLAYS was fined a record £290 million for repeatedly distorting basic financial data. Up to 40 global banks face being named and shamed.

Between 2005 and 2009, Barclays traders and managers repeatedly made "false reports" in order to push the London Interbank Offered Rate (Libor) – the interest rate that banks pay on money they borrow from one another – and other interest-rate measures higher or lower than their true rate.

The manipulations helped increase traders' profits and protected Barclays's reputation. They also raise the prospect of consumers and businesses paying the wrong rate of interest: "a casino that was rigging the wheels and loading the dice".

Mr Diamond, who was paid more than £17 million last year, said: "I am sorry that some people acted in a manner not consistent with our culture and values.

"The bank has disciplined several staff and the settlement is expected to see more employees leave."

Just a fine. No criminal investigation. Nobody goes to jail. Not one person.

Conclusion: different legal systems, depending on your wealth and capital might.

Gabrie Jansen
Kempton Park

Your insight is not new. What is new, is that you and I – and half the world – have finally realised what an enormously negative effect the misconduct of the banksters has had on the welfare of the world, and that the immunity from exposure and sanction they have been afforded until now is positively outrageous – and dangerous. – Ed.

Test the tester

I RECENTLY wrote the regulatory financial broker's exams RE1 and RE5. On enquiry, the examining body, Moonstone, advised that the questions and answers and the required pass mark of 65% were agreed by the Financial Services Board (FSB), and that the exams were set by academics and professionals.

On enquiry with the FSB, I was advised that all exams and regulations are agreed by the Advisory Committee and I must refer to the Board Notices or the Gazette.

Who is the "Advisory Committee"?

I asked the Financial Intermediaries Association (FIA), our industry body. And I contacted people from each of the four major insurers (who wish to remain anonymous). They had only been invited to "make an input" but were not members of any advisory body.

I am concerned that exam questions and answers are ambiguous and thereby are designed to trap and fail candidates.

And who determined the

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pass-mark at 65% when the required pass mark at our universities is 50%?

Moonstone is a compliance practice approved by the FSB and the "Advisory Committee". As an examining body, should not this approval vest with the Council for Higher Education?

Mr Joe Kotze of the FIA has advised me that:

- The FIA , our industry body, was not contracted by the FSB to assist with the compilation of the RE's Level1 questions;
- Moonstone was the only examination body to draw up the exam questions;
- The FIA was part of a panel of experts who tested some of the questions during October 2010. This panel gave feedback to the FSB and voiced their concerns about the difficulty and ambiguity of some of the questions;
- The FIA engaged with Prof Robert Vivian of the University of Johannesburg on various aspects of the exams;
- The industry will only know the impact of the exams at the end of September 2012;
- The FSB are also concerned about the outcome, as they will have to report to the Treasury and to Parliament;
- To date, FIA is not quite sure what the FSB will do, pending the outcome of the exams;
- The FIA has made several suggestions to the FSB and they will "consider all their options".

In the meantime, the sole-proprietor brokers and agents have to suffer the threat of having to close their businesses. In 2004 there were over 40,000 people in the business; today there are only about 12,000 left.

In recent years, various similar strategies and interventions have put paid to the livelihood of sole-proprietor pharmacists, medical practioners, architects and engineers, the financial service assurance agent… as well as small operators in the real estate business.

So, who is Moonstone, that this organisation can, as sole examining body of the FSB, get to determine who can practise and who can't?

AS
Durban

■ PLEASE COULD you investigate the RE1 & RE5 exams that all financial advisors, planners and brokers have been required to write over the past year. There is something not right about the manner in which they have been launched on my industry.

The exam fee is R900 per entrant so the FSB stands to make a cool R126m if everyone writes it. (140,000 persons at R900 each!) And that is only for the first run. Many may have to write the exam a second or third time. (It is estimated that barely 20% passed the first round.)

The exams have been foisted on my industry in a very autocratic manner by the FSB – and if we fail, we will not be allowed to work.

I am not against the idea of a professional exam. I have a degree, have passed several exams for my work and have a lifetime's experience in the industry.

Professional qualifications are vital to my industry, but the material must be workable and user-friendly and we should be given a reasonable opportunity of obtaining a pass mark.

I passed the exam, but what I studied in preparation had nothing to do with what I do in my daily job; it held no benefit for me, and none for my clients either.

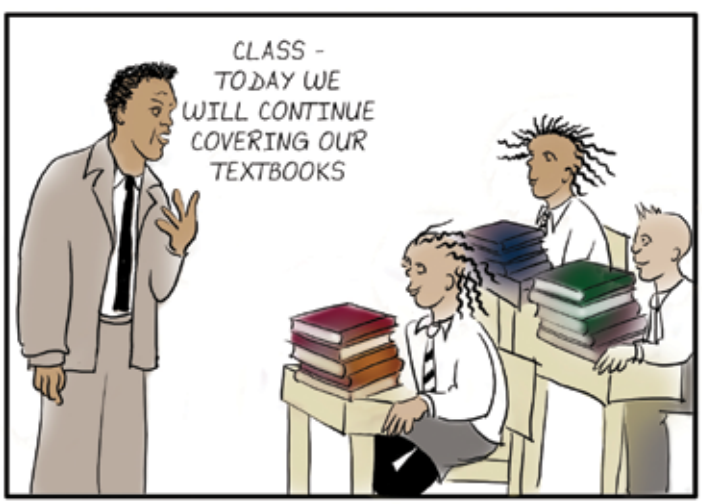
M
Cape Town

MOONSTONE (Pty) Ltd is based in Stellenbosch. Its directors are Hjalmar Bekker and Jansie Moolman. The company has various divisions, the best known being its FAIS compliance practice. (It also publishes an online newsletter called Moonstone Investment Indicators.)

Spokesman Paul Kruger told Noseweek *that Moonstone was one of three firms that had been contracted by the FSB to perform the examination and certification function (the others being F P Institute and Leselo – the latter being focussed on the banking sector); Moonstone had drawn up the syllabus and questions for the Level 1 exam, which was based on legislation relevant to the financial services industry, such as the FAIS Act and the General Code of Conduct for practitioners contained in the regulations.*

Asked to whom the R900 exam fee accrued, Kruger said the FSB got R20 and Moonstone the remaining R880. – Ed. N

StEnT



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To free or not to free?

THE EARLY release on medical parole of former top cop Jackie Selebi after serving just 229 days of a 15-year sentence for corruption continues to draw vitriol and complaint from the more extreme members of our Rainbow Nation.

Back in February, on this page, under the headline "The quality of mercy", we argued for Selebi's early release on medical grounds. Selebi should serve just one year, we suggested, and then be released to spend the remainder of his days in the care of his family. We pled his case after securing access to the former national police commissioner's medical file, which spelled out in stark detail the reality of the 62-year-old's "end stage" kidney illness. Lack of space precluded detailing the entire record, such as the laser surgery performed in a despairing attempt to preserve Selebi's eyesight.

Having made our case, we were delighted when in July Selebi's immediate release on medical grounds was announced by Correctional Services minister S'bu Ndebele.

Which is not to say that we approve of the wholesale release of large segments of the prison population. Back in May 2005, then-President Thabo Mbeki authorised the early release of 65,000 prisoners over 10 weeks. Even before the process was completed, 157 of those were back inside facing fresh charges for crimes, including murder, rape and robbery.

This year, in celebration of Freedom Day, President Jacob Zuma threw open the cell doors for 37,783 prisoners. Within a month, 47 of then were back behind bars facing fresh charges of murder, attempted murder, rape, robbery, etc, etc.

Although the state goes to considerable lengths to keep the victims of early release prisoners informed of their rights, these victims have strong grounds for substantial damages claims.

All thanks to the marathon 12-year series of court-room battles fought and eventually won by Alix Carmichele, the Knysna photographer who was savagely assaulted by a man in a beach house in 1995 and left with a fractured skull, broken arm and a deep knife wound to the chest.

At the time of the assault Carmichele's attacker, 21-year-old Francois Coetzee who had had a previous conviction for indecent assault, had been charged with attempted murder and indecent assault on another woman and released from custody on bail pending his trial.

Carmichele sued the Ministers of Justice, and Safety and Security, claiming the state had a duty of care to protect her and others from violent criminals such as Coetzee, who should never have been granted bail in the first place. Her battle reached the Supreme Court of Appeal, which in 2003 dismissed with costs an appeal by the two ministers against an earlier high court judgment ruling them liable for the attack. Carmichele eventually received damages of R1,070,000.

The gutsy shutterbug now tells *Noseweek* that she would like to see victims of the latest batch of early release prisoners filing similar damages claims against the state, citing her so-arduously-tested precedent. Her attacker, Coetzee, is serving a combined sentence of 21 years' imprisonment, but last year his early release was imminent. Carmichele and two of Coetzee's other victims – one, a woman prison warder who just months ago was viciously assaulted by him in Malmesbury Prison – filed their objections and after assessment by an independent psychiatrist, Coetzee's parole application was rejected. N

Outspoken conservationist refuses to hold his tongue

OUTSPOKEN wildlife champion Dr Bool Smuts has been given a stark choice: to stop criticising the Western Cape Government's approach to predator control or risk losing his job with the provincial Health Department.

The written warning comes after almost two years of heated public exchanges between Smuts and various members of the provincial cabinet, including Premier Helen Zille, over an agreement which permits farmers to use prohibited methods to destroy hundreds of thousands of predators a year (see *nose*115,137,153,154).

Smuts has described the deal as "the largest cull of biodiversity ever sanctioned by a government entity in the history of the African continent" and accused the DA of kowtowing to the demands of farmers to secure their votes. All his comments have been made as director of the respected conservation NGO the Landmark Foundation, but Smuts also happens to be a medical doctor with a day job as administrator of the Health Department's Hassequa sub-district. For now, anyway.

On 10 August, when Smuts attended his quarterly performance evaluation in Mossel Bay, he was handed a letter from the Labour Relations Directorate telling him his public comments were "contrary to the spirit and the purpose of the Code of Conduct for Public Servants". The letter did not specify which comments it was referring to, but warned that they "can be viewed as bringing the name of your employer into disrepute" and as "a form of subordination" and "may be dealt with in terms of the disciplinary code and procedure for the public service".

The letter acknowledges that Smuts's employment contract is with the Department of Health but insists "this must be viewed in the context of the WCG as primary employer". It said he had a duty to promote the interests of his employers "even outside of the work situation, and may not take any action or undertake any activity which might cause harm to your employer".

Well, it is certainly true that Bool Smuts has done nothing to promote the interests of certain members of the provincial government over the past months. In statements to the media and in exchanges on Twitter, on the Landmark Foundation website, through widely circulated emails and in radio debates he has accused political leaders of resorting to "broederbond" and "apartheid-era" tactics in pushing through the predator control agreement without proper public consultation and against the wishes of the province's conservation agency, CapeNature.

Dr Bool Smuts

He has dubbed the agreement the "Bredell cull" after the MEC for the Environment Anton Bredell, and accused the minister of lying about the number of permits issued and actual kills. He has also drawn attention to Bredell's past as a commanding officer of the SADF in Namibia when that country lost so much of it's wildlife to the guns of the military top brass.

Zille has earned Smuts's wrath for supporting Bredell in what he claims is the interests of political expediency. In one email to the DA leader, he describes her as a "full accomplice in this environmental and ethical atrocity".

It hasn't all been one-way traffic. Bredell has countered by calling Smuts a liar, while Zille has described him as "rude", of spreading "conspiracy theories" and of being "highly inventive in creating facts to suit his agenda".

This is not the first time the DA leadership has tried to shut Smuts up.

In March this year, the Landmark Foundation's invitation to attend a Wildlife Welfare Summit, organised by Zille's office, was summarily withdrawn after Smuts initiated legal action against the province for its wildlife management policies.

Smuts has responded to this latest attempt to gag him by briefing counsel, but says he has no intention of holding his tongue.

"This is, without question, a threat to my job, and it is politically motivated. But I will not be intimidated. I have never spoken in my capacity as an employee of the Department of Health, only on behalf of my NGO. I will continue to express the opinions of the Landmark Foundation in the interests of wildlife in the Western Cape."

There is still no sign of the final version of a new agreement between the farming lobby and CapeNature, which gives the farmers even more ammunition in their war against predators. The reason for the delay, according to CapeNature CEO, Dr Kass Hamman, is the huge gap between what he called "agriculture and the greens". Every single public comment on the draft agreement had been in opposition.

Hamman said it was hoped the new Wildlife Forum (to which the Landmark Foundation has not been invited) would succeed in bringing the two sides closer, but couldn't predict how long this would take.

● Correction: In our last report on the predator management controversy (*nose*153) we incorrectly stated that 590 permits had been issued to farmers in 2011. In fact, 590 applications were received, and 490 were approved. Each permit was for the destruction of five rooikatte and five black-backed jackals .

Discovery's Apple a day won't keep the doctor away

A DISCOVERY Health member – already alerted by *Noseweek* to the privacy implications of Discovery's online HealthID system (*nose*153) – was further alarmed when he found the following statement in the latest Discovery magazine:

"Introducing HealthID. The technology that puts your health records in your doctor's hands. Once you have given permission, your doctor can use an Apple iPad application to access your medical history... all with a touch of a finger."

Once you have given your permission, it remains valid until you withdraw it.

"I didn't know they had a record of my medical history! I thought they were just a medical aid fund," Johannesburg IT specialist Donn Edwards told *Noseweek*.

Edwards managed to contact Discovery's CEO, who set up a meeting in August with four senior Discovery Health executives including the Chief Operating Officer (COO) and Chief Information Officer. Number one on the agenda: Edwards had discovered, to his horror, that his own Electronic Health Record (EHR) was neatly summarised and published on Discovery's website – without his permission.

"What's more," he complained, "the website allowed me to use a hopelessly insecure password: 'passw0rd'.

"Any member who uses the same logon and password as other websites, is vulnerable to having their data stolen without any notification from the website that they had even logged in."

Yet, Edwards learned at his meeting with the executives that the same website had passed a security audit by KPMG just three months earlier. Discovery COO Dr Ryan Noach refused to provide the names of the people who did the audit.

"The HealthID programme simply requires the user to use their finger to draw a 'signature' on the iPad screen. In doing so, they give Discovery permission to publish their Electronic Medical (or Health) Record, and absolve Discovery of liability for doing so.

Since the patient's signature and Discovery member number are already on the doctor's patient file, this process is wide open to abuse. Discovery only alerts the member after access to their sensitive data has been obtained. By then it's too late, the damage has been done.

"This part of the system has not yet been audited by KPMG, but it is already in use by over 400 doctors and has been rolled out to the public," says Edwards.

Discovery Health has devised a package of incentives to tempt doctors and other medical practitioners to sign up for their EHR system. In addition to subsidising the doctor's purchase cost of an iPad (with an interest-free loan), they also pay the cost of the 3G connection – and offer a R15-per-consultation bonus to the doctor when he or she uses the HealthID application.

To be more specific, as explained in IOL's online technology newsletter Scitech: "Doctors use the app at no extra cost to them or their patients. In fact, doctors can earn an additional R15 per consult if they use the app for 50 percent of their Discovery Health consultations daily." Clearly Discovery is hungry for your data.

Is this a bribe? Ethical doctors refer to it as a "perverse incentive"; others call it a "loyalty reward" and take the money.

Clearly the company has spent a lot of money developing the system, and stands to save a lot more by converting the labour-intensive manual-claims-processing system into an electronic one, much like the savings (i.e. layoffs) that banks have achieved by using ATMs and internet banking.

"Banking websites have better security, and will refund fraudulent credit card transactions. How do you refund a privacy leakage?" asks Edwards.

Smaller practices clearly don't have the electronic claims-processing capabilities that the hospital and pharmacy groups have. HealthID aims to allow any doctor to submit claims and send prescriptions electronically. Discovery plans to pocket these savings in exchange for the convenience provided to the doctor. The company asserts that the risks are outweighed by the benefits, both in terms of cost savings and better medical treatment, including emergency treatment.

"As far as I can see they don't care much about the risks at all, since the patient has to bear those. I specifically asked Discovery to state when I had given them permission to publish my sensitive details on their website. They wouldn't answer. They offered to remove these records: I was assured they had the facility to do so. They have asked for more time. Good luck to anyone else trying to get this done."

When pressed for details about the emergency treatment and what categories of healthcare provider will be granted "emergency" access to this information – i.e. without the patient's permission – they won't say.

COO Noach later wrote in response to Edwards' concerns: "We are conforming with international best practice, seeking external audit verification thereof and are on a continuous improvement pathway with a view to ongoing enhancements of the security platform, possibly including some of your suggestions."

Says Edwards: "This kind of corporate double-speak [*gobbledegook*] is hardly reassuring or specific.

"All it says to me is that they know better and I shouldn't question their decisions. Fat chance."

Madam hasn't mastered it

THE LIQUIDATION of Asch Professional Services (*noses*152 and 154) can best be described as financial vandalism, perpetrated by rapacious – if not criminally minded – liquidators.

That much is fairly obvious. Perhaps less obvious but no less disturbing is the discovery that it is the "rot at the top" in the offices of the Master of the High Court in Cape Town that has made it possible.

In *Noseweek's* view, the failure of the Master, (Mrs) Zureena Agulhas, to take effective action by now, amounts to complicity.

Asch is in liquidation – not for reasons of insolvency but due to a fallout among its directors; the company had loads of money in the bank and readily collectible debts. Had three of the directors – who are also creditors and expecting a sizeable dividend – not been sharp-eyed and willing to call the liquidators and the Master to account, then who knows what might have happened in the liquidation?

Early in June *Noseweek* sent an email containing a comprehensive list of questions to Agulhas. She responded a fortnight later saying, "Please take note that this matter is referred to the Office of the Minister [*of Justice*] who will liaise with you."

One might have guessed it would happen: it's seven weeks on – at the time of writing, and we've still heard not a peep from the Ministry of Justice. *Noseweek* emailed Agulhas again asking what we – and, of course, our readers – are to conclude about her failure to respond to our questions in respect of actions taken by her or by functionaries who report to her.

We also pointed out that, "The answers to many of the questions that we have asked will be found in files under your control. The questions raised by *Noseweek* should concern you as the head of a regulatory body, which the Master of the High Court clearly is."

Noseweek also noted our concern at the fact that the Master had passed our questions on to the Office of the Minister, leading us to conclude that there must be political intervention in the performance of her functions which, we most delicately pointed out to her, is a quasi judicial one.

"Can you please assure *Noseweek* that in the Asch matter and in all other matters being dealt with in your office that you are not taking instructions from political office bearers?"

No reply.

In the meantime three Asch directors (called "the Cooper Clan" in *nose*150) have hauled Mrs Agulhas before the Western Cape High Court seeking reasons for her decision to permit the liquidators – Christopher Peter van Zyl, Natasha Amanda Sansom and Rene-Lynne Barry-Kleinhans – to take a fee amounting to more than double the statutory tariff.

First, having received the Cooper Clan's court papers, she failed to file the reasons for her decision. Then, after dragging her heels, she provided a fatuous response, merely stating that the First Liquidation Account had been confirmed – which was apparent.

Agulhas was obviously determined to avoid the question "why?" and she failed to explain why.

The Cooper Clan then brought a second court application against her asking the Western Cape High Court to rule that she be compelled to file the Record and her Reasons.

Attached to their application is a sworn statement in which an account is given of how, in November last year, attorney Mohamed Patel had enquired of Mr Mbongi Gege, – the official ("estate controller") in the Master's Office directly responsible for auditing the Asch liquidation file – why the Master had not queried the excessive liquidators' fees and legal costs charged to Asch.

According to the statement, Gege informed Patel that he did, in fact, raise the issues, which were of concern to him, with his senior, Assistant Master Christina Vermaak, but that she had instructed him to accept the entries in the liquidation account submitted by the liquidators, and to confirm the account without the necessary invoices, and despite the fact that there were still outstanding requirements and documents.

Is this the issue that Mrs Agulhas is reluctant to address?

The court granted the directors' application and Agulhas then filed a document which is headlined Record and Supplementary Reasons – but which contains none.

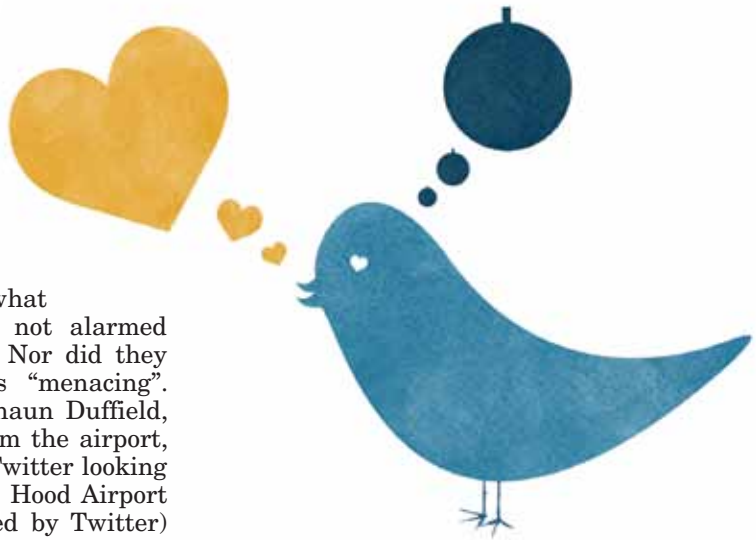
There has, however, been one positive spin-off to *Noseweek's* earlier report – and the threat of further legal action by the directors: alerted to the fact that they were the victims of finger trouble in their admin department, the liquidators hastily revisited their bookkeeping. They recently filed an amended Second Liquidation Account, in which they now reflect a substantially reduced liquidators' fee, applying a 1% fee on R20 million as opposed to a 10% fee on R26m.

No doubt they wish the world to believe that it was all a matter of human error that they corrected after a routine reconciliation.

At *Noseweek* we'd call it theft, by way of what lawyers call "contrectatio" as in when an attorney dips his fingers into his client's cookie jar to make a "short-term loan". Or perhaps it's more akin to being caught at the supermarket checkout and suddenly remembering – once it has been pointed out – that one had stuffed one's pockets with goodies from the sweet counter.

Advocate Juan Agulhas, the husband of Zureena Agulhas, is a senior prosecutor in the Bellville Specialised Commercial Crime Court and frequently secures the conviction of commercial criminals for such crimes. He should have little difficulty explaining the situation to her.

Take care what you tweet



THE TWITTER Joke Trial, as it has become known in the UK, has taken the past two-and-a-half years to play itself out – until Friday 27 July, when the matter finally reached the High Court in London and came before a bench whose stock-in-trade were common sense and a sense of justice.

What has become of Her Majesty's courts that it takes so long and you have to travel that far to find just a grain of common sense?

In January 2010, Paul Chambers, 26, an administration and finances supervisor from Doncaster, and using the Twitter handle @PaulJChambers, was planning to fly to Belfast, Northern Ireland to meet the love of his life, @Crazycolours, whom he had met on Twitter.

At the time, Britain was being battered by Arctic weather and Doncaster's Robin Hood Airport was slowly being snowed in. Chambers, in the course of his casual banter with his prospective paramour, sent her the following messages, which would later be deemed "menacing":

"@Crazycolours I was thinking that if it [*the airport]* does [*close*] then I had decided to resort to terrorism":

"@Crazycolours That's the plan! I am sure the pilots will be expecting me to demand a more exotic location than NI".

And once the weather had closed the airport, he sent this one:

"@Crazycolours Crap! Robin Hood Airport is closed. You've got a week and a bit to get your shit together otherwise I am blowing the airport sky high!!"

His 600 tweeps (Twitter followers) who'd seen what he had tweeted were not alarmed or fearful in any way. Nor did they regard the tweets as "menacing". But, five days later, Shaun Duffield, a security manager from the airport, was scouring through Twitter looking for references to Robin Hood Airport (automatically identified by Twitter) when he came across Chambers's tweet.

He dutifully reported it to his manager, John Armson, who se job it was to assess any perceived threat. Armson saw the "threat" as "non-credible" – as did the airport police.

They passed the file on to the South Yorkshire Police who, in turn, asked the Crown Prosecution Service (CPS) for advice. (Reluctance to accept responsibility is contageous.)

Chambers was convicted in the Doncaster Magistrate's Court and had to pay £985 in fines and court costs. He also lost his job.

He then appealed to the Doncaster Crown Court, where an equally humourless Judge Jacqueline Davies, sitting with two magistrates, decided the tweets had been "menacing" and that he obviously knew that they would be taken seriously.

There were two appeals to the High Court in London. In the first, in February this year, technical points were raised and Lord Justice Goss and Justice Irwin dismissed the appeal was dismissed. In the second, in June, The Lord Chief Justice of England and Wales, The Lord Judge [*His family name is Judge.* – Ed.] and two other senior judges heard Chambers's appeal.

The CPS, meanwhile, advised Chambers's lawyers they would not oppose the appeal this time. But, in a cringeworthy volte-face CPS boss Keir Starmer QC, who in a previous life as a human rights lawyer fought fiercely for liberty of the individual, truth and justice, overruled them and ordered that the appeal be opposed.

Chambers was finally acquitted on 27 July, on the basis that "this 'tweet' did not constitute or include a message of a menacing character". He also won with costs. N

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Ripping yarns about land redistribution

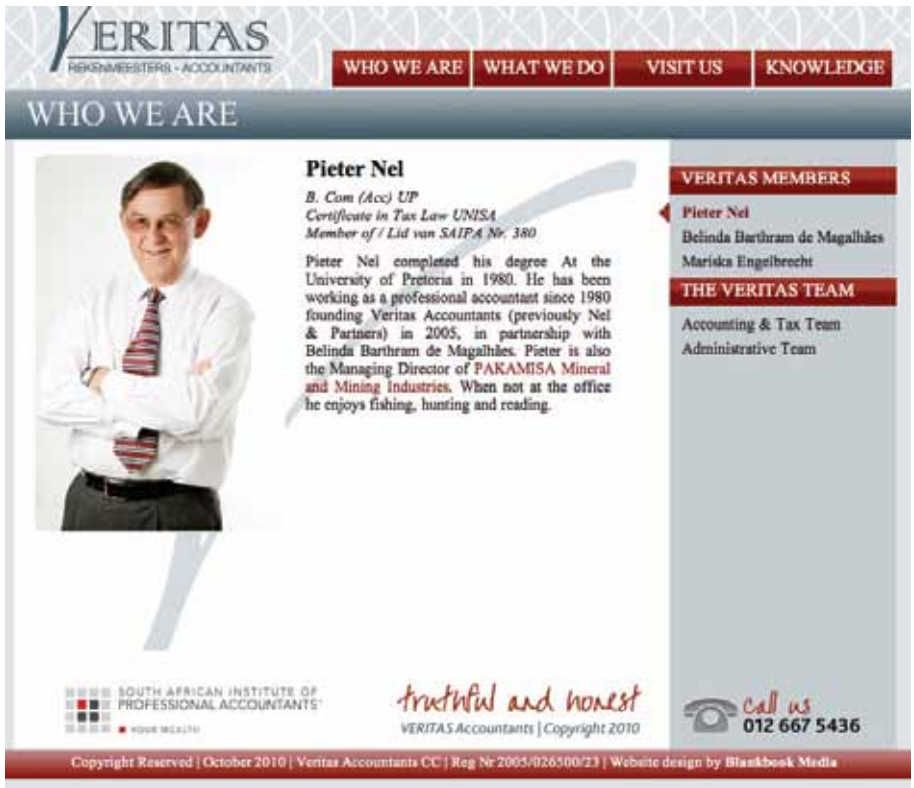
THE South African land redistribution programme has come under intense scrutiny in, of all places, the UK family courts where a financial whiz-kid, Julien Hammerson, and his South African accountant, Pieter Nel, have been tripped up telling some interesting yarns.

The yarns all appear to have been aimed at reducing the magnitude of child maintenance that Hammerson might have to pay his former girlfriend.

In oral evidence as well as in letters and affidavits Hammerson and his accountant shamelessly compare the South African land reform programme to that of Zimbabwean President Robert Mugabe; they suggest that South Africa is bankrupt, that farm invasions are conducted by government agents, that the South African real estate market is conducted like some sort of informal spaza shop and that, because of all this, Hammerson cannot afford to pay child maintenance to a young English woman who gave birth to his son in 2004.

Among the assets that Hammerson is known to have owned was a hunting lodge in Limpopo Province – which was sold to the South African government for R9 million, some time before the maintenance battle began in the English courts. However, for some strange reason, Hammerson and Nel appear to have wiped the transaction from memory: both told the UK courts that the lodge had no value due to South Africa's Zimbabwe-like land reform programme.

Hammerson, a high-flying money man and equities broker is a director of a company called Calastone. On its website, the company is described thus: "Calastone is a privately-owned company based in London and Luxembourg that specialises in the order-routing, settlement and reconciliation of mutual fund transactions. Calastone facilitated the first electronic settlement of a mutual fund trade in the UK on 22nd March 2010. The initial trades were between Cofunds, FNZ, Old Mutual and Schroders who used a trade-order matching process to enable net payment between participants. Calastone is the largest independent electronic transaction network in the UK".



Transcripts of the cross examination of Hammerson before District Judge Basset Cross of the Principal Registry of the Family Division in the UK make for fascinating reading. Giving his opinion on the state of finances of the South African land reform programme, Hammerson offers the gem: "It appears that the country has run out of money for this. A number of officials have been jailed for embezzling the funds that were set aside for this".

As part of his defence against a claim for child support Hammerson produced articles from the BBC in which former ANC Youth League President Julius Malema is quoted as demanding white-owned farms be seized without compensation. However he fails to point out that JuJu is no longer the ANC Youth League supremo and that, even while he was head of the Youth League, he held no official position that would have given him any power or authority. Not content with using Malema as a bogeyman, Hammerson claims the South African government pays a flat rate of R2,000 a hectare for land that is purchased in terms of the land reform programme. The transcript reads:

Q "Going back to your narrative statement, you say after this BBC reference: "It could be finalised under the original time scale or it could not, but the land payments are currently SA Land Reform Programme set at R2,000. How do you know that?"

A "That is what we are being told."

Q "That is approximately?"

A "Well it depends on which day of the week, but it is about £160, £170 a hectare."

Hammerson also claims, under

cross-examination, that the South African real estate market is so ruritarian that sales of multi-million-rand game lodges are conducted in a "word-of-mouth scenario".

Q "Did you actually put the lodge on the market?"

A "We spoke to a broker. It is not as organised as in the UK. "

Hammerson then goes on to reveal that, apart from being a gifted money man, he is also an expert on Southern African geopolitics:

A "If we keep abreast of the situation, which I do regularly, you will note that a number of farmers who have been gazetted, agreed a price and for four of five years they still have not had their money and they are off their land… So they can take the land as and when, and before anyone says no, it doesn't happen, we just need to look north to Zimbabwe to see it does happen.

Q But we are not looking at Zimbabwe are we? We are looking at South Africa"

A "No, we are looking at South Africa, the same difference sadly."

Hammerson then elaborates:

"The British government set aside several hundred million pounds to pay for the land to be given back to the indigenous population in Zimbabwe so that they could reclaim the land. The South Africans do not have that luxury. In Zimbabwe they took half the English money and still didn't give it. They just took the farms. In South Africa this is what is happening. White farmers are being killed and also they are taking land and not paying for it or delaying payment because they cannot afford to."

Backing up Hammerson's outrageous claims was his company secretary and accountant Pieter Nel of Veritas Accountants in Centurion. In a letter written on 13 May 2009 for the benefit of the UK courts, Nel wrote:

"Part of the South African government land reform is to ensure that by 2014 at least 30% of agricultural land is in the hands of black South Africans. What normally happens is that a black community claims a piece of land from which they were previously forcefully removed or there might be a cultural or historical link between them and the land. This intention to claim back the land is then advertised in the *Government Gazette* for public response. This action then starts a process between the landowner and the government to agree on a price, a value, method of transition of skills etc."

So far, so good.

"As previously stated the new governments promised to fast track the process, but due to a lack of funds and skills of government personnel there is still a lot of uncertainty of when this will be finalised." True.

"Mr Hammerson will most likely receive compensation if the deal materialises…"

Also true, except that the deal had already materialised and the purchase price had been paid.

Unfortunately for Hammerson and Nel, Ms Jones obtained a copy of the records lodged with the Deeds Office in respect of Hammerson's game lodge – for which a deed of sale was signed on 21 July 2008. While the signatures on the deed of sale are not easily legible, a hand written note on first page has Nel's name and cellphone number.

Another document shows that on 19 May 2009 Nel himself signed over power of attorney to allow the Hammerson game lodge to be sold –for R8,900,000.

Asked to explain why he made the claims that he did, Nel went to ground, confirming only that he still acted for Hammerson. He declined to say why he penned the letter he did, at a time when the sale of Hammerson's hunting lodge had already been finalised.

Attempts to contact Hammerson failed. However, after being confronted by his ex-girlfriend with the Deeds Office material, Hammerson's attorneys wrote back to her saying:

"It is fair to say that he was shocked and dismayed by the contents of the documents you have provided. He fully understood that the land had been gazetted, and that there was little or no prospect of him ever recovering any capital from the investment in the foreseeable future, if at all. That much was confirmed by his accountant to his then-solicitors, Davies Arnold Cooper, at the time of the original proceedings and their correspondence produced before the court. We can confirm that our client certainly knows nothing of the purported sale, and nor has he ever received a share in any proceeds. He is therefore in the process of making enquiries, and we will revert to you in due course once he knows more."

The maintenance case has been remanded until December – partly for Hammerson to "investigate" the unfortunate situation in which he finds himself. Hammerson's attorneys have claimed in court that they fear their client may be "a victim of fraud."

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When generics go wrong

EARLIER this year *The New York Times* highlighted an unexpected but serious risk for the American consumer when a doctor or chemist prescribes or dispenses generic equivalent drugs, rather than the original patented brand. This is potentially of concern to South Africans, as generic equivalent medicines are widely used here, where approval and licensing procedures closely follow American precedents. The issue is graphically demonstrated by two case studies quoted in *The New York Times*:

Debbie Schork, a supermarket attendant in Indiana, had to have her hand amputated after a hospital nurse injected her with an anti-nausea drug, causing gangrene. She sued the manufacturer named in the hospital's records for failing to warn about the risks of injecting it. Her case was quietly thrown out of court last September.

That result stands in sharp contrast to the case of Diana Levine, a professional musician from Vermont. Her hand and forearm were amputated because of gangrene after a physician's assistant at a health clinic injected her with the same drug. She sued the drug maker, Wyeth, and won $6.8 million.

The financial outcomes were radically different for one reason only: Schork had received the generic version of the drug, known as Promethazine, while Levine had been given the brand name, Phenergan.

"Explain the difference between the generic and the real one — it's just a different company making the same thing," Schork said.

Across the US, dozens of cases against generic pharmaceutical companies are being dismissed because of a Supreme Court ruling last year that said the generic companies did not have control over what their labels said (this point is explained below) and therefore could not be sued for failing to alert patients about all the risks of taking their drugs. What once seemed like a trivial detail – whether to take a generic or brand-name drug – has become the deciding factor in whether a patient can seek compensation from a drug company for giving inadequate warning of potentially harmful side effects.

The same legal discrepancies have emerged in cases where the victim patients have suffered the dire side-effects of the acne drug Accutane and its generic equivalents.

As in South Africa, many US medical aid schemes ("health plans") demand that their members' doctors prescribe generic equivalents when available, to save costs.

Likewise, as in South Africa, in many US states, pharmacists are by law encouraged to dispense generic equivalents, unless the prescribing doctor stipulates the patented brand.

The key to the legal dilemma: US law requires the manufacturer of a generic equivalent to use labelling and package inserts with identical content to that applied to the patented original. While this supposedly helps to ensure equivalence, it also absolves the generic manufacturer of all responsibility for what is stated – or not stated – on the label. The generic manufacturer is forced to replicate the labelling, even if it omits to warn against known dangerous side effects. Since that is the case, the US Supreme Court has ruled, the manufacturer cannot be held liable for not giving such a warning. Following this ruling, scores of lower court judges have followed suit in such cases.

By contrast, brand-name firms can be sued for failing to warn patients adequately – because they are responsible for the labelling.

Do South Africans who are prescribed generic drugs face the same risks? *Noseweek* consulted a well-known Sandton law firm in search of an answer, only to learn that, as the law stands, it is unclear as to what extent generic pharmaceutical manufacturers might be held liable for the sort of side-effects described in *The New York Times* article. "There is as yet no recorded case where a user of generic medication has sued the manufacturer as a result of harm arising from its use," said Marc Lieberthal of Ian Levitt Attorneys.

The New York Times story continues: "Ms Levine was given an injection of Phenergan in 2000 during a visit to a clinic, to treat a migraine headache. Her hand and forearm turned black and eventually had to be amputated. Although the label warned that gangrene could occur if the drug came into contact with arterial blood, Levine

argued that the warning did not go far enough. She sued Wyeth and a jury awarded her $6.8 million. On appeal, the US Supreme Court agreed that the company could be held liable for failing to adequately warn about the risks of a drug.

By contrast, Schork, 52, was injected with the generic version of Phenergan when she visited the hospital in 2007 with a stomach ache and nausea. Her right hand developed gangrene and she sued, but the judge, following the US Supreme Court's ruling, dismissed her case against Baxter Healthcare Corporation, one of several companies that made the generic equivalent drug.

Lawyers for generic drug companies say their clients are able to provide low-cost drugs because their primary task is replicating drugs. If they were expected to take responsibility for updating their labels, "we would effectively start to turn generic companies into brand companies and the cost savings… would start to wane," said Jay Lefkowitz, representing generic companies in the US Supreme Court.

After 12-year-old Camille Baruch began taking the generic version of the anti-acne drug Accutane, she developed ulcerative colitis and had to have her large intestine removed.

Thousands of patients have sued Roche, the maker of Accutane, claiming it caused their inflammatory bowel disease, and several have won multi-million-dollar verdicts against the company.

In 2009, Roche removed Accutane from the market, citing litigation costs and competition from generics. In 2010, Camille sued the makers of the three generic versions of Accutane she had taken. But her lawyer, Tayjes Shah, told *The New York Times*, "I have very little optimism".

Here's what attorney Lieberthal was able to tell us about the state of things in South Africa: "Because of the high cost of privately distributed medication, the government initiated a policy review process that in 1996 culminated in the adoption of the National Drug Policy (NDP) …to promote the availability of safe and effective drugs at the lowest possible cost, inter alia by promoting the use of generic medicines."

The NDP is the centrepiece of South Africa's policy framework on medicines. According to the Constitution – and according to the Constitutional Court's 2002 decision in Minister of Health v Treatment Action Campaign – the government must take all reasonable steps to put in place a legal framework that facilitates increased access to essential medicines, including steps to reduce the price of these medicines when supplied by the private sector.

Amendments to the medicines control act ("Act 90 of 1997") are aimed at ensuring the supply of cheaper medicines and promoting generic medicines once branded products are no longer protected by patent.

The law requires that when a doctor prescribes a branded product that costs the same or more than a generic, the pharmacist *must* substitute the generic and take reasonable steps to inform the doctor of the substitution. Only if the prescribing doctor has written that the branded medicine is non-substitutable, or if the Medicines Control Council has stated that the branded medicine is non-substitutable and/or if the user clearly instructs the pharmacist to dispense the branded product, may the pharmacist dispense the more expensive original medicine.

In South Africa, before a generic is approved for dispensing, it must pass a "bioequivalence" test: if two products are proved to contain the same active chemical, can reach the site of absorption in similar times and be absorbed to the same extent and rate, bioequivalence is established. Drugs classified as having a narrow therapeutic index generate the greatest controversy in regard to generic substitution.

"Therapeutic index" relates to the gap between a therapeutic dose and a lethal dose. If the gap is small or use of the drug requires careful titration (finding the concentration) and/or patient monitoring, the Medicines Control Council recommends that generic substitution should not occur.

There is as yet no recorded South African case where a user of generic medication has sued the manufacturer as a result of harm arising from its use.

The legislation detailed above requires that prescribing healthcare practitioners and dispensary agents should prescribe and dispense generic medication whenever possible. In the light of this, it's unlikely that a doctor or pharmacist could be held liable for harm that results from the use of generic medication.

However, in view of South African common law relating to the liability of the manufacturer of any product, it appears entirely plausible that the manufacturer of a generic medicine can be held liable for damages resulting from its use.

Keep in mind that SA law does not simply provide for the availability of generic medication. It makes the dispensing of such medication mandatory. If it could be shown that the Medicines Control Council recklessly approved a generic medicine, it is possible that the council could itself be held liable, together with the manufacturer.

Another consideration: South African courts do not believe in issuing punitive awards such as those made in the US. To demonstrate the point: in a recent case against the Road Accident Fund, the RAF was ordered to pay an injured man only R1.8m after he suffered permanent brain and spinal-cord damage as the result of an accident. Because South African courts only make awards in respect of true damages suffered, they may be more likely to make a ruling against the generic manufacturer, as the effect of the proverbial "opening the flood gates" argument is significantly diminished.

However, until such time as a manufacturer of generic medication is brought before a South African Court, we won't know for certain what the court's approach will be.

South African courts do not believe in issuing punitive awards

FARES PLEASE: Roadlink's Allan Reddy

Double trouble for two-timing Roadlink boss Allan Reddy

MAIL & GUARDIAN blogger William Saunderson-Meyer has described SA Roadlink as "just possibly the most despised commercial entity in South Africa". Since its inception six years ago, its buses have been involved, on average, in two serious road accidents a year. To date, at least 64 passengers have died – 10 in three accidents over the past couple of months – and more than 300 others were injured.

Despite having been threatened with closure by ministers, targeted by the cops and sued for millions, noted Saunderson-Meyer, "it's the intercity bus company from hell that, regardless, just keeps on trucking".

There has been the odd minor setback, such as in 2010, when the bus company was evicted from its premises at Johannesburg's Park Station for non-payment of rent. But one has to hand it to the company's Joburg-based multi-millionaire-boss Thagraj "Allan" Reddy: he has managed to see off – or simply ignore – threatening ministers, [*while lavishly entertaining a few others* – Ed], the cops and disgruntled passengers. As Saunderson-Meyer puts it: "Reddy is clearly a man of great commercial acumen and resilience. No wonder he was, some years back, [*in 2007*] Ernst & Young's tone-deaf choice as SA finalist in its World Entrepreneur awards."

In the midst of legal controversy Allan Reddy's 45th "surprise" birthday party was featured in the Sunday papers with spreads of pictures capturing every detail of the star-studded affair – including one of a smartly dressed Reddy chatting with the then Arts and Culture Minister Paul Mashatile and Tokozile Xasa, the Deputy Minister of Tourism, his wife and three of his children.

For years Reddy has succeeded in portraying himself as a socially

well-connected, morally upright, proud family man. But when, in August 2010, in a "high society" profile published in the popular Indian lifestyle magazine *Sutra* (see box), he was portrayed as a paragon of virtue, that proved too much for Tashrika Moodley, the woman in his life who no-one was supposed to know about: his ex-lover of a few years back who lives in Malabar, Port Elizabeth, and is the mother of Reddy's two sons born out of wedlock.

In the months that followed, Moodley threatened to go public and tell all – and her 18-year-old son Tashriq decided to introduce himself to his half- brothers in Johannesburg on Facebook (Oh, the terrors of Facebook!).

Reddy promptly hired some top Eastern Cape lawyers to apply to the High Court in Port Elizabeth for an urgent interdict to stop them.

In February 2011 Judge Nambitha Dambuza was persuaded to grant a provisional order prohibiting Moodley from giving information about Reddy's personal life to "any third party" and ordering son Tashriq to refrain from making any further contact with Reddy's Johannesburg family.

But by the court return date in May Moodley had briefed lawyers of her own to oppose the order. Reddy had put himself in the limelight as "a paragon of virtue" and now his former lover in Port Elizabeth "just wants to tell everybody the truth," is how Advocate Bruce Dyke explained his client's desire to have the interdict set aside.

Advocate Hendrik van der Linde SC, for Reddy, then explained his client's problem with that proposition to Judge Jannie Eksteen: Moodley's side of the story was about her affair with Reddy, the paternity of her children and her battles to get maintenance from him. Van der Linde said his client considered this to be a gross invasion of his privacy.

Reddy, who holds 10 directorships and serves as a trustee of six trusts, said in his court papers that he has been married to his wife, Pearl, since 1990. He admitted that he had had a relationship as well as "one short liaison" with Moodley before his marriage. Although he had been paying maintenance for Moodley's children, he was disputing paternity. Which was one explanation for why he and Pearl had not yet told their children that they have a whole "other" family in Port Elizabeth.

In her opposing papers, Moodley insisted that the relationship between her and Reddy had not been just a fling. She said that subsequently she and Reddy had had an ongoing "unequal" relationship between 1996 and 2007. She produced DNA test results that show there is a 99% probability that Reddy is the father of her two children.

In June, Judge Jannie Eksteen delivered his judgment – in Moodley's favour.

The judge found that Reddy was a public figure who had lost his right to privacy by giving press interviews in which he promoted himself and his family. He was ordered to pay Moodley's legal costs.

Despite having won her case, for some reason, Moodley has never got around to telling her story, as she threatened to do. Perhaps it's simply a matter of Reddy's finally having been persuaded to bring his maintenance payments up to date.

Whatever the case, Reddy does appear to have been dissatisfied with his lawyers' final performance. He still hasn't paid attorneys Van Rhyn Minnaar's R122,000 taxed bill for the legal fees run up in the interdict case. And we know that because, in May this year – after he'd ignored their repeated demands for payment – they sued him for payment and obtained a default judgment against him for that amount on 28 June.

(The Sandton Sheriff reports that when he arrived at Reddy's plush home in Parkmore to serve the summons, he was informed by an employee that Reddy was "temporarily absent".)

It is nice to know that, finally, the SA Roadlink boss may have got his comeuppance; not from the government, the transport authorities or the police, as one might have anticipated, but from a secret ex-lover and son born out of wedlock, about whom no-one was supposed to know. Helped along, for good measure, by a kick in the pants delivered by his own ex-attorneys.

Despite repeated attempts, *Noseweek* was unable to reach either attorneys Van Rhyn Minnaar or Reddy.

Don't mention the Kama

THE PASSAGE in *Sutra* magazine that so enraged Allan Reddy's secret mistress that she threatened to go public with her story:

"Allan Reddy prides himself in the knowledge that his family will always come first in his life. Reddy confesses that his wife Pearl has been his strength throughout their 20 years of marriage. Pearl has given him the courage to continue when he experienced the toughest times of his life. He also admits that the saying "Behind every successful man is an even stronger woman" couldn't have applied better to his wife.

"Allan Reddy's pride and joy is his family. His eldest son Theshan (19), daughter Nivashnee (17) and youngest daughter Tiasha (8), have been the constant happiness in his life. Reddy understands and acknowledges that his children are individuals who will in turn have to make their own decisions in life, and that he needs to give them their space to grow and develop into the wonderful, cultured adults that they are capable of becoming."

Some further noteworthy extracts:

- "However tough his first job as a fruit and vegetable vendor at the young age of 14 might have been, it immediately kindled the entrepreneurial spirit in him which steadily led this philanthropist to the pinnacle of his business success."

- "Allan Reddy lends to the concept entrepreneur spirit a new meaning... as recently displayed by his bid for 1Time Airline... there was an ever-present sense of inevitableness that he will one day make his dream come true about owning his own airline."

LINEUP: (left to right) Andre and Bonita Dodgen; Lamees Ismail; Jason Magnet; and Sandra Feinstein

FAMILY AFFAIRS

Sparks fly in row over auto-electrical business.

By **Jack Lundin**

AS MULTI-MILLIONAIRE Johnny Feinstein settles into new-found nuptial bliss out at Mouille Point on the Atlantic Seaboard with socialite Jenny Reichlin, he confides to *Noseweek* that he is battling "a family" of former staff determined to sabotage his auto electrical empire. On the warpath, he's even opened a police docket accusing his former wife Sandra of theft and fraud.

Feinstein, 59, is 76% owner and chief executive of Cape Town-based Motor Electrodiesel SA, known as the MED Group, which he acquired in 2004 for R3.5 million and has transformed into the country's largest independent auto-electrical company, with a turnover of R8m a month.

A condition of purchase laid down by the deceased former owner's trustees was that 10% of MED's shares should be given to empower a group of long-serving employees. In the event, Feinstein dished out 19% of stock, the bulk of it, 10%, going to MED's 46-year-old company secretary, Lamees Ismail, whom he promoted to operations director. Other beneficiaries were Ismail's sister Bonita Dodgen, who got 4% and was promoted to procurement manager and her brother Jason Magnet (who got 3% and promotion to sales manager). Their long-time friend, Freddy Norman (marketing manager), received 2%. Within the company, the newly-empowered clique was known as "The Family".

Feinstein has a 16-year-old son by his previous eight-year marriage to Sandra Beukes, which ended in 1996 with a R3.5m settlement. Despite their break-up, Sandi was employed at MED as bookkeeper and payroll administrator.

Today 50-year-old "Sandi" Feinstein is out of the company. Also out are the above-mentioned members of The Family, whom Feinstein claims ripped him off for years – accusations that The Family deny and to which they have responded by setting up their own auto electrical company in the Mother City, which Feinstein maintains has been attempting to poach MED's long-standing customers in defiance of

HATS IN THE RING: Johnny and Jenny Feinstein at their engagement party

restraints of trade laid down in their original shareholder agreements.

In 2010 Johnny Feinstein was diagnosed with prostate cancer. "The Family and their friends decided I was surely going to die and that's when the rot really started," he says.

When he fired a staff member in May last year for allegedly "fiddling the books", The Family objected, "raising a red flag", says Feinstein. "Family members were given preferential treatment and progressed within the company both financially and in status without due merit. Anybody not connected to The Family was kept at arm's length and never promoted. Large cash amounts were not deposited and close to R800,000 for the financial year to date was not accounted for.

Things with ex-wife/payroll administrator Sandra Feinstein came to a head in December when the group's auditors, Grant Thornton, produced a report stating that payroll records indicated Sandi was paying R7,231 PAYE monthly, when in fact payments were only R2,231 – inflating her wage packet by R5,000/month.

Confronted, Sandi denied all and said there must have been a mistake. Grant Thornton's senior partner David Smith insisted there was evidence that payroll and statutory returns were changed to her benefit to cover up (allegedly) fraudulent transactions. At which Sandi resigned her MED directorship, packed up her personal effects and left the building.

An internal document produced by MED's business accountant Khaled Dawood alleges that Sandi committed PAYE fraud totalling R260,000 over three years. In addition, Dawood alleges: "I have confirmed an amount of R425,859, including the interest that had to be paid to the bank, that was effectively taken by Sandra Feinstein from Motor Electrodiesel (SA) Pty Ltd."

The company's insurers, Zurich, have paid out R88,200 of the claimed R425,859 loss "following misappropriation of funds by Mrs S Feinstein". Terms of the policy limited the claim to R100,000.

Johnny Feinstein says the loss adjusters insisted that a police docket be opened before any pay-out. The docket, subsequently lost, has now been re-opened, he says, though the millionaire seems reluctant to see his ex criminally charged. "She is the mother of my child."

The departure of "The Family" from MED, according to Johnny Feinstein, began with his having a showdown with the woman he perceives as The Family's matriarch, his operations director Lamees Ismail. Feinstein claims that in December 2008, 2009 and 2010 Ismail signed off and paid staff bonuses of 80% to 90%, in defiance of a 50% bonus cap. In addition, running costs – petrol, tyres and repairs – on a BMW M3 sports car driven by her husband were allegedly billed to MED.

Confronted at a disciplinary hearing last November, Lamees Ismail denied the accusations, resigned as an MED director and stormed out of the building. Her 42-year-old sales-manager brother Jason Magnet, 22 years with the company, quit on February 1 this year. Her sister, procurement

manager Bonita Dodgen, 44, resigned the following day. Bonita's husband, Andre, who managed MED's workshop operation ("at a loss," claims Feinstein), received R60,000 (two months' salary) in a retrenchment severance package, plus a month's notice pay. He left on April 26 and signed an agreement not to poach staff or customers.

On 18 November 2011, the day after Lamees Ismail resigned from MED, a new company, Auto Magneto Pty Ltd, was registered at Cipc (Companies and Intellectual Property Commission). Its four directors, formally appointed on February 1, are listed as Lamees Ismail, her brothers Jason and Kurt Magnet and her sister, Bonita Dodgen.

Feinstein claims that Lamees Ismail and Jason Magnet have been phoning his customers claiming that Auto Magneto is an extension of MED, and could assist with stock.

"As former sales manager, Jason's got our whole customer base, our catalogues… everything," he says. "And The Family are still shareholders in MED. They're in breach of their shareholder's agreements and the Unfair Competitions Act," alleges Feinstein.

Wasn't it his job as CEO to ensure that MED was run correctly?

"I looked at the big picture," responds Feinstein. "Since my purchase of the company, profits and sales increased by 30% a year. MED made millions in profit. Lamees knew exactly what I looked at and played under the radar. I could not watch out for these under-the-radar activities.

"When they came to light I decided to clear house. It was a systematic cleanup and I'm still busy. There's still more bloody thugs in there."

Lamees Ismail confirms to *Noseweek* that she now works at Auto Magneto. She agrees that the new company – like MED – deals in auto electrics.

"I wouldn't call it competition, but we do the same thing," she says. "They're doing it on a much larger scale."

Has Auto Magneto been poaching MED's customers by claiming to be associated with MED?

"Never!" replies Ismail. "That would be something that Johnny [*Feinstein*] says. Johnny plays that type of game. We do everything above board. We never claim to be anybody else other than what we are and who we are."

Under the shareholders' agreement, didn't you undertake not to compete with MED?

"Correct," confirms Ismail.

Did you run a BMW M3 on MED's company account?

A long pause, then "Listen, give me your name and number."

Noseweek asked Johnny Feinstein's ex-wife Sandra about Grant Thornton's audit and the allegations it made concerning her.

"I'm not prepared to talk about this," she replied.

Following surgery, Johnny Feinstein now declares himself 100% fit from his bout with prostate cancer. And on August 12 he tied the knot in a civil ceremony with Jenny Reichlin in Cape Town.

The new Mrs Feinstein is a well-preserved mother of three grown sons by her marriage to Aaron Reichlin (who in 2003 was sentenced to five years in a British jail for his role in an international drug smuggling ring).

Jenny was brought up in lavish style at the Hyde Park, Joburg, mansion of her step-father Hymie Sofer, the billionaire Joburg bookmaker, now 90 and living in London.

Flashing her R170,000 8.3-carat tanzanite engagement ring, a radiant Jenny paused during the wedding day celebrations to tell *Noseweek*: "I am so happy with Johnny! He's reliable, with huge integrity and passion for me, business and life."

The happy couple will seal their vows with a religious ceremony ("I'm very Orthodox Jewish" says Johnny) in December. N

"I wouldn't call it competition, but we do the same thing"

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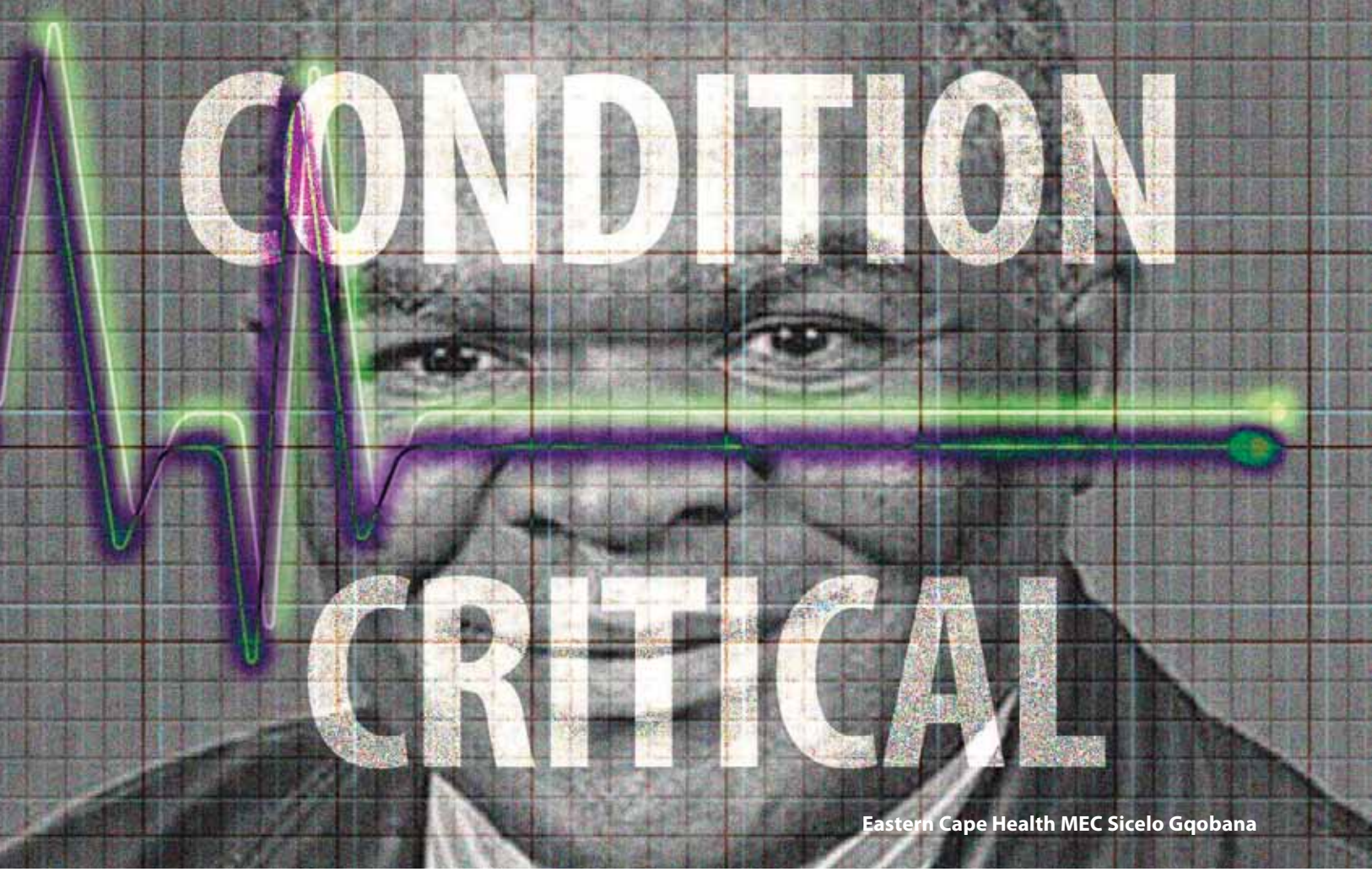


Eastern Cape Health MEC Sicelo Gqobana

Doctors speak out in bid to revive Eastern Cape's flatlining health service, writes ***Chris Bateman***

HEALTHCARE – across most disciplines – in the Port Elizabeth Provincial Hospital Complex (PEPHC) has deteriorated so badly in the past six months that short-staffed departmental heads are unapologetically cutting back on vital patient services to focus only on the very sick and the dying.

When they held a joint press conference to announce this on June 26, Head Office at Bhisho responded by demanding reasons from three of the most senior specialists as to why they had spoken to the media without following protocol, and threatening possible charges. A provincial health spokesman added colourfully; "They've acted as if the department is a banana department".

The strong response did not to lead to any official hearings after an almost unanimous professional and civic outcry country-wide.

The Eastern Cape Health Director-General, Dr Siva Pillay, angered at being bypassed with a direct approach to Premier Noxolo Kieviet, said the specialists had not used any of the regular avenues including the Public Service Commission, the Public Service Monitor, the Bargaining Council or the Labour Court. While conceding that their concerns were "genuine, legitimate and serious," he said the picture painted was "not entirely accurate".

The confrontation has its roots in posts not filled over the past six months by a corruption-riven and dysfunctional provincial health department struggling to address a R2.5-billion budget shortfall.

The heads of Emergency Medicine, Paediatrics, Neurology, Anaesthetics, ENT, Oncology, Urology, Surgery, Ophthalmology and Orthopaedics have written urgent letters to their superiors begging for vacant posts in the hospital complex to be filled. They also detailed golden staffing opportunities missed through administrative inaction and outline the far-reaching effect on service delivery, doctor training and staff morale.

The hospital complex comprises the Port Elizabeth Provincial Hospital, the Dora Nginza and the Livingstone hospitals where incapacity is aggravating dysfunction at the already hard-pressed network of district hospitals and clinics that rely on them exclusively for referral – with potentially fatal effects when inter-disciplinary care is required.

When asked to comment on the letters, Dr Siva Pillay said the specialists were

REBELS WITH A CAUSE: Dr Lungile Pepeta, Paediatric Chief at Dora Nginza Hospital, Dr Basil Brown, Cardiology Chief at Port Elizabeth Provincial Hospital and Professor Sats Pillay, Head of Surgery at Livingstone Hospital, at their Port Elizabeth press conference in June

"fighting a genuine battle" but, had they spoken to him, would have learnt he had "smoothed out" the HR process "so we can now fast-track appointments". And, he said, the National Treasury had reset his health budget to include the R1.5bn in overdraft and unauthorised expenditure previously earmarked for immediate repayment. However only two of the critical 49 vacant medical posts have since been filled.

Recent political manoeuvring meant a provincial co-ordinating and monitoring team now vetted all appointments and the Provincial Treasury had taken over the Persal (personnel salary) function – but "they don't understand the urgency of it".

Professor Sats Pillay, head of surgery at Livingstone Hospital, who received warning letters – together with Dr Lungile Pepeta, paediatric chief at Dora Nginza Hospital and Dr Basil Brown, cardiology chief at Port Elizabeth Provincial Hospital – said local management and head office had failed to respond to "repeated submissions and warnings" about the collapse of basic services, resulting in substandard and unsafe care of patients.

In his formal response, (demanded within 48 hours), Prof Pillay, a veteran surgeon, wrote that his actions were "based purely on frustration".

"My unwavering stance is that the welfare of my patients supersedes my obligation to obey the instructions of my employer as I am committed to the ethics and morality of my profession and conscience," he said.

In a flood of letters to their superiors from 20 to 22 June, the departmental chiefs complain about how disgruntled applicants – many of them ideal for posts – had taken jobs elsewhere after waiting for months to hear from head office. Dr Pepeta wrote that he had lost five medical officers between January and July yet had seen no replacements, while a specialist who applied in April, (failing to receive acknowledgement) had since taken up a post at Chris Hani Baragwanath Hospital in Gauteng.

Pepeta baldly stated in his letter, under the cross-heading "Resolution": "As from July 1st (2012), our department will not be able to provide after-hour services (emergency services) on certain days. Outpatient services, including specialist clinic services, will be reduced, as priority will be given to very sick inpatients."

After the parliamentary Health Services Portfolio Committee intervened, threats of dicsciplinary action against the disgruntled doctors were withdrawn.

Prof Pillay said that, over the past six months, Bhisho had tried to address its financial travails by stripping (via attrition) healthcare professionals crucial to the tertiary service platform.

He said the hospital complex had just over 240 doctors to service about 1,100 viable patient beds. These doctors included about 90 interns and 20 community service officers (Comserves) undergoing training – nearly all of whom were being sent to district hospitals and clinics where "they struggle on, mostly unsupervised". The authorities' assertion "that we have too many doctors in the complex is thus wrong".

DG Siva Pillay took issue: "there were actually 312 doctors plus 41 sessional doctors for 1,300 beds in the three PE hospitals". He juxtaposed this with the 97 doctors for the surrounding Cacadu rural region, explaining; "We have a targeted position to fill the posts at district hospitals first."

"Yes, PEPHC is short-staffed but they've been in worse situations and it's not as grave as they present it. There are even fewer doctors in East London (than in PE) for more beds," he said.

Noseweek was unable to establish whose numbers were correct: Prof Sats Pillay insists his lower figures are the official ones supplied by the hospital complex management. He pointed out that "sessional doctors could be doing just a one- or two-hour session per day, per week – or even per month".

He said the much-touted and heavily equipped Acute Trauma Unit in his department, set up for the World Cup and subsequently converted into an Acute Surgical Unit – the first of its kind in the country – had deteriorated into "a glorified casualty unit since they took all the staff away in January".

Again, Siva Pillay labelled this "a misrepresentation". "They could have formed a team and converted it into a training school for trauma specialists, thus qualifying for a Treasury in-service training grant, but they messed it up, creating a problem," he countered.

Prof Pillay said patients were waiting up to a month to have a fractured ankle fixed; up to a year for a prostate operation or elective paediatric surgery; no spinal surgery was being done; and that there was no ENT (Ear, Nose and Throat) surgeon for the entire PE hospital complex (after the surgeon who had travelled from Frere Hospital in East London went unpaid

Head office failed to heed repeated warnings about the collapse of basic services

for seven months then stopped coming). A replacement – given appointment papers for July 1 – was told (after he arrived to start work) that the post had been frozen.

"The administration obviously does not have any concept of what a tertiary service or teaching hospital is, or what staffing levels should be," said Prof Pillay. They had been reduced to single-consultant departments and Neurosurgery, one of the busiest sub-specialty departments, was being run by a retired specialist with help from a Joburg consultant "who operates here once a week and who has not been paid for the past six months", he added.

Dr Gerda Wahl, head of Neurology at the PE Provincial Hospital, is the last consultant standing in her department, supported only by a registrar rotating from Internal Medicine. She wrote to her superior that she'd been on call every other day and every other weekend for the past two months, had no time to teach the registrars, and felt their training "does not fulfil the standards set by the HPCSA for registrars". She said the amount of work the two of them did equated to that done at other hospitals by three consultants and four registrars respectively. The academic programme had collapsed and regular meetings with other related departments had had to give way to service delivery, she said.

What pained her most, was that an electrophysiologist had waited since January to be appointed – first for three months at home and then taking an interim job in another province to make ends meet. That had soon become a permanent one.

Acting head of the ENT department at the PE hospital complex, Dr S Soga, said his department had not had a full-time specialist since its inception. Visiting specialists from East London had stopped coming because their contracts had not been renewed, so pre-booked cases for surgery were postponed indefinitely, cases booked for specialist opinion got no such attention, and urgent paediatric cases needing specialist care had to be directed to Frere Hospital in East London. There were only two full-time officers and one doctor doing two, two-hour sessions in the mornings while Livingstone Hospital's ICU made constant requests for tracheostomy procedures.

Livingstone Hospital's ICU chief, Dr Lizette van der Merwe, said she was desperate for a full-time ENT surgeon. There were 16 beds for about 60 admissions per month and there were major delays in discharging patients who had been on mechanical ventilation for long periods – a direct result of the delays in getting tracheostomies done.

Head of Emergency Medicine at Livingstone, Dr C Snyman, wrote that as of July 1 only "priority one" patients would be attended by his skeleton staff.

Acting chief of Anaesthetics at the hospital complex, Dr Peter Alexandris, complained that seven fellow anaesthetists had left since January (out of a complement of 26), with no applicants appointed to replace them. Elective services had been cut by a quarter, to fulfil emergency-service obligations, and training had suffered "enormously". In addition, he said, the rural outreach programme – instrumental in lowering maternal deaths – had been suspended. The current situation "that has been left to develop" would have far-reaching consequences, he warned.

Ophthalmology's joint chief for the complex, Dr Mark Jacoby, described his situation as "fragile, as we are dependent on support services such as anaesthetics. Should they curtail their services, we will be adversely affected". He predicted that over the next six months, a third of their junior staff would leave and need replacing.

Head of Radiation Oncology for the PEPHC, Dr Erika R Jansen, said she was doing the work of four-and-a-half consultants (seeing 1,400 new patients, a year while the recommended ratio was one consultant per 300 new patients). She had been waiting more than three months to have a colleague appointed. What's more, her team had so far paid R30,000 out of their own pockets for patient transport so that some of those requiring daily radiation could complete their treatment. (Transport for patients on daily radiation was suddenly stopped on January 31.)

● As *Noseweek* went to press, rumours were flying of a major confrontation looming between the Bhisho administration and "a small minority" of consultants it believes are cutting their public-sector theatre times and teaching obligations in favour of Remuneration for Work Outside the Public Service (RWOPS).

Another attempt on Pillay's life

DR SIVA PILLAY has had yet another attempt on his life – one evening four months ago, when a motorcyclist fired two shots at him while he was travelling between East London and King William's Town, just before the Mdantsane exit.

It is the latest in a series of verbal and physical threats made since Pillay began a health department clean-up, forcing the dismissal or resignation of 1,300 staffers for corruption and fraud over the past two years. (See *noses*141, 142, 151, 152, 153 and 154.)

The murder attempt was comically bungled by the right-handed biker having to release the throttle on his bike to draw and aim his pistol as he came alongside, causing him to fall behind Pillay's vehicle repeatedly before he could fire. Eventually, after several attempts, he simply fired from behind in frustration. The bullets penetrated and grazed the rear side of the vehicle. Police have opened an attempted murder docket but arrests are considered unlikely.

The latest scams uncovered by Pillay and his team of investigators involve R100,000 in irregular procurements for the East London Emergency Medical Services and the identity theft of some 20 health department employees, including a dozen doctors, by what is believed to be a Nigerian syndicate with tentacles into several Eastern Cape government departments.

The latter swindle involves "testing" false credit cards with small transactions which, if approved, lead to multiple costly purchases, both on the internet and face-to-face.

Pillay acted quickly to avoid putting the entire departmental database at risk, using his multi-agency task team to set up a high-tech sting. A Nigerian stooge who was trapped testing a fake credit card at an ATM, led police to a deserted home in East London where they found computers with software to falsify ID books plus incriminating emails that led to a source in the provincial health service's HR department suspected of leaking the ID numbers and personal details of various staff members to the syndicate.

At the time of writing only one arrest had been made.

WET AND WILD

By the waters of Babylon – in Zambia

By Sue Segar

IT'S SUNSET, and here we are sitting on a boat in the middle of the lower Zambezi, fishing and drinking – cans and cans of those wonderful Zambian beers called Mosi – while pods of hippos go plip plop around us and crocodiles slither sneakily off the river bank into the water.

Not a soul to be seen, except me, the bubbly blonde PR and the bloke from the *Sunday Times*, who has the longest lens I've ever seen – each of us with a can in one hand and a rod in the other – and our guide, actually, our angling guide, Moses Tembo, he with the talent for pulling four big fish out of the water, consecutively, just for bait – while we would happily have just put those same four fish in the cool-box and claimed them as our catch of the day.

To our left is Zimbabwe – Mana Pools World Heritage Site, to be precise – and to our right is the Zambezi Escarpment, the big mountain around here being the Kayila.

Not far down the drag live the Fullers – remember them, from *Don't Let's Go to the Dogs Tonight*? Parents of African veld-maiden-turned-American yuppie-author Alexandra Fuller. Yes, this is where they ended up running their fish farm.

Casting, drinking, plip plop, slither slither and we really don't want to go back. Now the sun has set and it's suddenly dark over the river, our guide warns: "It's supper at seven." And, pointing up to a speck of light in the dark sky, "here comes Bwana…" The teeny speck, accompanied by a dull humming sound, gets closer and our guide shakes his head: "It's very late to land." He starts up the boat engine. The speck becomes a plane; the same latest-model Pilatus aeroplane that brought us here, to Baines River Camp in Zambia – the luxury safari resort where we have spent the past couple of days – and which is owned by the same "Bwana", aka Timothy Featherby.

We are on one of those wonderful press junkets where journalists are pampered like the rich or famous. (Even the box of food, tied up with a ribbon, handed out in the plane on the way – all salmon, brie, soft breads and berries – was memorable).

Our numbers include correspondents for *National Geographic Traveller*, *Safari Online* magazine and *Business Day's* magazine, *Wanted*. They all have huge lenses and ask questions about habituation. And there's this reporter from *Noseweek*, who, in between breathing in the fresh Zambezi air, is surreptitiously sniffing around for illegal mines and diamond front

companies, here in the Zambezi escarpment…

Our hosts, the camp's owners, are the effortlessly charismatic, sixty-something Featherby (a prosperous-looking bear of a man, never short of African anecdotes or Kent number ones, which he chain-smokes before tossing the stubs into the Zambezi) and his wife Sabine – charming, pretty and tomboyish, part-Dutch, part-German – and nearly 30 years his junior. The Featherbys bought the lodge in 2004 on one of their visits to the area. Timothy, having grown up across the river in Zimbabwe, thought it would be a great place to bring his friends on holiday.

"Little did we know that we'd thrown ourselves in the deep end, faced with complicated logistics and a mountain of employees. There was no way we could simply keep this as a holiday retreat for ourselves," he says.

We had all set off from King Shaka International Airport – the Featherbys live in Pietermaritzburg – and were flown in Tim's plane to Lusaka then to Royal Zambezi – first circling over Zimbabwe's Mana Pools before landing at the Royal Zambezi airstrip, where uniformed lodge staff met us with G&Ts, before our 40-minute drive in a 4x4 to get to the camp.

Baines (named after the legendary artist and explorer, John Thomas Baines) is situated among giant tamarind and jackalberry trees right on the banks of the Zambezi, in a protected wildlife area bordering the Lower Zambezi National Park. There are no fences between the two wilderness areas, so wildlife – elephant, buffalo, antelope, hippo and even a few leopard – roam freely between the two, as well as in and around the 10-suite luxury lodge.

The camp comprises open, colonial-style lounge and eating areas, a library and 10 spacious suites, each designed to guarantee privacy while commanding a remarkable river view.

Timothy believes Baines' strongest feature is its diversity. "For those who don't want to just savour the remoteness or to lie and read at the swimming pool, there are game drives, river cruises or fishing and canoe trips…

Indeed, we serious travel writers can attest to the sheer bliss of the place.

All in all, there are more than 60 mammal and 350 bird species in the area, and Baines has taken to hosting specialised workshops – on elephants, photography, birding and fly fishing, each run by renowned experts.

Since arriving, we had been on a boat ride down river to the Lower Zambezi National Park from where we'd been taken on a game drive and had a picnic. We had also had an unforgettable canoe trip – past numerous hippo families and "flat dogs" (crocs) and through the cacophony of thousands of different birds in the acacia trees. We had even managed to get really close to a small group of elephants with their babies, who had come for a drink of water.

Half the fun was hearing Timothy's anecdotes of Africa and life in the wild – which he so obviously loves.

Back from our fishing, having hurriedly cleaned up in our sumptuous suites, we find "Bwana" has somehow made it to supper before us. There, at a long table in the dining area overlooking the Zambezi are Timothy and his pilot Piers Hefler – who looks like something out of *Top Gun* and who has an arsenal of Africa stories up his sleeve – are already regaling guests with tales of their day.

"Bloody impossible landing in the dark," says Timothy. "You can't see the impalas on the runway… But, the alternative was to turn around and spend the night in Lusaka… and

neither Piers nor I had a toothbrush."

Early that morning, while we travel-hacks were sipping coffee before a game drive, Timothy and Hefler were already winging their way to Lusaka and far beyond, picking up and dropping off a few business colleagues along the way. "We went north to Ndola, then east, then we flew across the DRC together… then south to Mfuwe, then north-west, back to Ndola, where we dropped off two passengers, then to Lusaka and then we landed in the dark. Illegally."

Dashing up and down the continent, scouring for opportunities in his private plane, it appears, is all in a day's work for Timothy, who beams with pride when he talks about his beloved Pilatus PC12NG, which bears his initials, TWF, on the side. He fetched the plane from Switzerland himself, turning the maiden voyage into an adventure with friends. In between endless Scrabble battles, they stopped off at the beaches of Mykonos, the pyramids of Egypt and Vamizi Island off northern Mozambique.

"Africa," declares Timothy, "is open for business, more so today than ever before – and Zambia, with its new, so-far, so-good and so-far, so-honest president… well, it's the New Zimbabwe.

"There are huge opportunities in business, particularly mining," he says, in between topping up his guests' glasses. "The guy I was with today is possibly the single biggest investor in Zambia. They pay 95 percent of all corporate tax in Zambia, and you can imagine how big that is."

The purpose of today's trip was to look at new sites in Luangwa, a popular national park in Zambia. "We are looking for a spot where can have a concession to be used both for hunting and for photographic safaris."

However, Africa's not for the faint-hearted. The problem with most African nations, Timothy declares, is that there's just too much bureaucracy. "Too many permits… to operate this lodge we have to have 14 different permits or licences."

And if you think that's complicated, try doing business in Congo. "I've been to Lubumbashi once. That was enough. One of the guys I was with today invested billions in a mine there, then the Congolese government simply told him to get out."

Even at remote Baines, life is not without its complications. Timothy relates how the ferry over the Kafue River, some 50km away, once worked perfectly as a manual operation. "Then the previous president's wife formed a company and put in a motorised ferry and it's been one disaster after the next. The truck that supplies us drove on to the ferry recently – and over the other end, straight into the river. Boof. All our fuel and all the food for the camp gone. And we have 30 people living here permanently. We found drums of fuel 80km downstream.

"Last week, a 30-ton truck loaded with fertiliser reversed straight into the water. It does make life difficult, as the only way to get here if you are driving is on that ferry… and it's the only way to get fuel and vital supplies …so when the ferry is shut down because it's stuck on top of a submerged truck you're a little stymied."

A BORN entrepreneur, by the age of 18, Timothy Featherby held the profitable rights to mine a neighbouring farm for precious stones. And, at 21, after working as a tour guide and coach driver in Europe, he returned to the family's farm in Zimbabwe with his Australian bride he'd met on his travels.

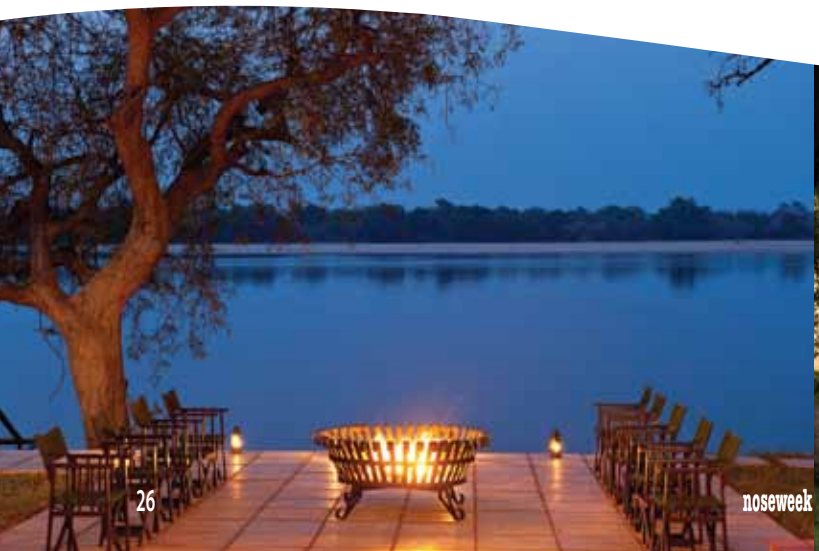
With a young family to support, he began his corporate career in a brewery, then moved on to producing dog food while also trading in a variety of commodities like rice and wax. In between was compulsory military service.

"We saw terrible things. It was awful. It was a war that could never be won. I saw my family three weeks in every three months. Not a great life for a wife. It killed my marriage."

Featherby moved to Joburg where, in the late 1980s, he started to source chemicals for the pulp and paper industry in South Africa. Then he moved to Natal, bought a farm and bred some award-winning bulls while still running his trading company. In 2002 Featherby acquired a majority share in a bulk liquid storage facility in Durban harbour. Last year he received an offer for it that he couldn't refuse and sold up. "It's a huge adjustment. I am reinventing myself."

What better way to do that than to get into tourism – an industry which he believes has huge possibilities.

Timothy and his wife Sabine, who helps with the marketing, are now focusing on three major tourism projects: Baines camp; a large boat to compete with the likes of the *Zambezi Queen* on Lake Kariba, and a 50-percent share of a wine farm in Stellenbosch.



Tim and Sabine Featherby

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A braai with consequences

It's out in nature that he is in his element. He grew up across the river from Baines, in Zimbabwe – about 120km as the crow flies – in a farming community known as Karoi.

See an elephant and he will tell you of his numerous personal encounters with them. If he walks up to a kudu, it will lick his hand. ("They bolt into the bush with Sabine. She gets so cross!")

He was a boy when Kariba Dam was built, and remembers many visits there with his family. "We'd spend a day on a small boat with a good supply of Mum's scotch eggs and rock buns. Weekends away from boarding school were spent at Mana Pools or Kariba – trips "which usually involved mattresses in the back of the farm pick-up, fishing tackle and a supply of cold drinks in a hessian bag."

He's travelled the full length of the Zambezi, right to Mozambique. "You are passing through areas where you know no man could ever have walked because its so rugged."

See an eye-catching bird (a saddle-billed stork, I think it was) through the binocs and Timothy will tell you he once hand-reared one as a child.

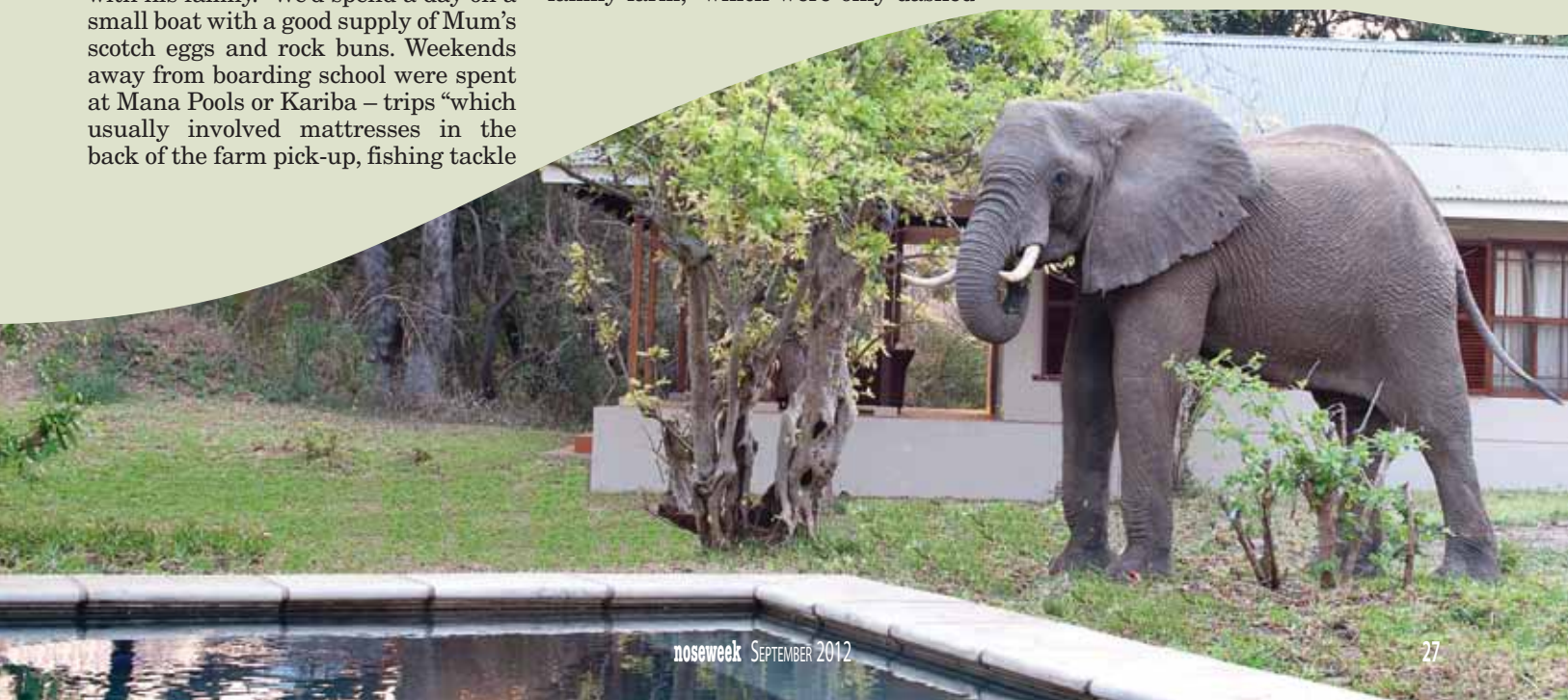
He has wonderful memories of the family farm, "which were only dashed when I went back there a few years ago to find it in wrack and ruin."

He's still got a lot of the continent to see – and he now has the perfect travel companion. His and Sabine's love story is out of a book: in 1999, she came out from Holland to Africa with her family – her father had been doing business with Tim since the 1980s – on an itinerary put together by Featherby.

Sabine recalls: "We had lunch at Tim's stud farm in KwaZulu-Natal. It was my very first African braai… it ended at about an hour after midnight… I hadn't laughed so much in a long time, nor tasted such good red wine."

A while later Tim, a determined chap, laid on a holiday on the Zambezi and Lake Kariba to coincide with the eclipse of the sun, which they watched together from Baines River Camp.

Long story short, Sabine packed up her little flat and waved goodbye to her job as an attorney in Rotterdam in 2002. They married two-and-a-half years later and, says Tim, they've been ecstatically happy ever since.



Rita Miljo

Pioneering campaigner for baboon conservation and rehabilitation

Rita Miljo and friend

By BEATRICE WILTSHIRE

THE EVENING of Friday 27July 2012 saw the end of an era. Conservation legend Rita Miljo died in a horrific blaze- which destroyed her flat above a clinic, a house and much of the sanctuary she had built in the bush in Limpopo province.

Miljo was the first person in the world who managed to rehabilitate Chacma baboons and reintroduce them, as troops, into the wild – a feat which until then had been regarded as impossible.

Born in Germany in 1931, Rita fell in love with Africa when she and her first husband settled here in the 1950s. Tragically, he and their only child, a daughter, were both killed in a light aeroplane crash in 1972.

It was a chance encounter with a baby baboon not long afterwards that changed her life, setting her on a course which was to shake the foundations of conservation in South Africa. Travelling in South West Africa during the bush wars, she came upon a baby baboon, mascot to a troop of soldiers, who had been left for dead in a dustbin. Rita established that the little baboon was, in fact, only suffering from a massive alcohol overdose. And, as a qualified pilot with her own aircraft, she managed to smuggle him over the border and back to her farm outside Phalaborwa, where the Centre for Animal Rehabilitation and Education (CARE) had its beginnings in 1981, with Rita claiming ever afterwards that Bobby (as she had named the little baboon) was actually the founder.

Initially dedicated to the care, rehabilitation and protection of injured and orphaned indigenous wild animals, CARE soon specialised in the care of Chacma baboons, actively pursuing their rescue, rehabilitation and release. It was the only facility in Southern Africa that accepted orphaned or abandoned baboons and offered them long-term care.

They kept coming in – orphaned babies whose mothers had been shot by farmers, traumatised laboratory baboons whose release had been negotiated – the unwanted, the maimed.Where they could be rehabilitated and released in troops, this was done. Others were to live out the rest of their lives without fear in large outside enclosures.

From the start, Rita was engaged in what was virtually a war situation with the singularly hostile Nature Conservation officials who were determined to shut her down, baboons being classified as "vermin" and therefore to be shot on sight. Who can forget the occasion when the feisty lady stood with a loaded shotgun between her baboons and the officials who had come to confiscate them? The officials thought better of it and hastily retreated.

But it was only the start, with Rita being hounded at every turn. On one notable occasion she rushed to Mpumalanga to save the life of an orphaned baby baboon and bring him back to CARE. She was hauled before the court where the prosecutor asked her: "Why do you waste your time on problem animals like baboons?" Rita's reply: ¨Who are you to tell God he should not have created baboons?" had the magistrate struggling to hide a smile. She was acquitted of the charges of moving the baby baboon without the necessary permits as she

had "acted out of necessity".

In time the officials learned to respect (even admire) her, but the next obstacle that was thrown into CARE's path was the "destruction of original genes" dogma – it was alright to kill baboons in any way possible but if one wanted to put a Free State baboon in touch with a Transvaal baboon, one committed the ultimate Armageddon – the destruction of their gene pool, their being considered different sub-species. "How convenient that God knew there would be four or nine provinces in South Africa," retorted Rita.

A task team of young American students was assembled by Pretoria University to go into this gene research. Rita invited some of their members to CARE. She asked the students: "Where do you obtain your blood samples to be absolutely sure that you have the right blood source for your studies?" She was informed that they had just asked the guys from Nature Conversation and got sent a bag full of baboon ears. Rita was met by a flood of emotions and tears when she offered them a knife and told them to go and cut off as many ears as they needed from her baby orphans. "I have no idea where this particular study ended," Rita wryly informed me.

But she did afterwards travel to Pretoria to have a word with Professor Peter Henzi, then the leading primatologist in South Africa. Not long afterwards, the taxonomy of the Chacma baboon was changed and all baboon "separate" species, from the Chacma in the South to the North African Hamadryas baboon became sub-species.

There were lows, such as when she was called to the hastily abandoned secret French Laboratory in the bush at Hazyview. A dying baboon quietly handed over her baby while looking straight into Rita's eyes as if imploring her: "Please look after my baby." This affected Rita so much that she had to seek medical assistance. But the remaining baboons were later relocated to CARE and a proud moment was when Madiba himself attended their eventual release back into the bush.

From 2010, when the telephone lines would permit, I had several long-distance exchanges with Rita, in connection with a book I wanted to write. During our last conversation she described how she had partitioned off half of her lounge for her beloved Bobby. Now both old, they would share many Woolworths ready-meals, which Bobby loved. "And so we sit, two oldies staring at each other as if wondering which one of us will be the first to go," she said.

And then the shocking news that she and Bobby had succumbed together in the horrific blaze, the cause of which is still under investigation.

I am reminded of Rita's words to me: "How many millions of creatures, animals and humans, never have much else in their lives – just an existence. The human species have created illusions for themselves, they call it hope. And if there is nothing to hope for in this world – there will be happiness in the next. Biologist Richard Dawkins calls this "The God Delusion". I wonder whether animals also have their own delusion called Hope or does their happiness consist of the presence of the moment only?"

Hamba Kahle, dear friend.

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The scramble for limousines

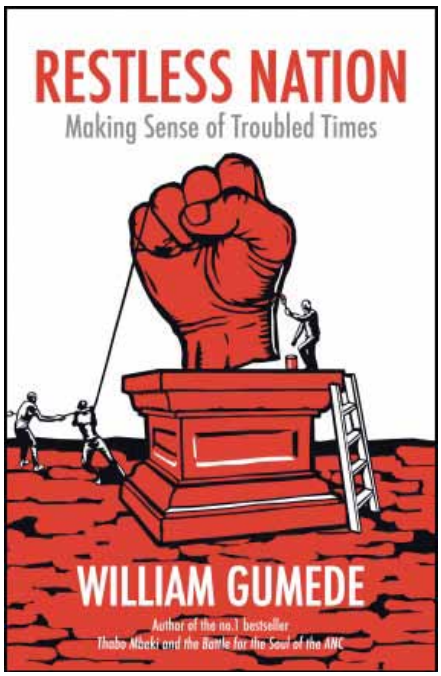
Len Ashton
reviews
RESTLESS NATION
(Tafelberg)
by William Gumede

THE TORRENT of prognostication belching from the dark cloud of Mangaung is frightening. Rightly so, since the soothsayers agree that the outcome of that increasingly ominous gathering is likely to determine the fate of the nation for years to come.

William Gumede's compilation of national and international commentaries in *Restless Nation – Making Sense of Troubled Times*, is required reading for those who need to refresh their awareness of what is at stake in President Jacob Zuma's hectic battle for continued dominance of the South African political power complex.

The book is timely in a land awash in tides of political rhetoric, couched, more often than not, in debased and threatening language indicative of lust for perks and position. It provides a measured and intelligent selection of opinion on this country's present woes, with possible options arising at Mangaung.

The unspoken assumption is that the ANC remains, in the elegant popular term, too much up its own bum to view the crisis of leadership as anything more than a squabble on the gravy train.



In fact, as confirmed in extracts from a wide range of publications including the *Sowetan*, *The Washington Post*, *The Guardian* and the BBC, it could represent an historic turning point – a profound threat to the constitution, to national security and to South Africa's standing internationally.

The fact that the world is still in the throes of a depression that shows every sign of lasting for years, dangerously exacerbates the South African leadership drama. Personal lives and interests look likely to play significant roles in a battle which should be focused on the larger issues. Instead, it seems we are likely to see time and opportunity lost in bitter scrambles for limousines and lolly.

Cometh the hour, cometh the man? Cometh the woman? We shall see. But at present the horizon remains embarrassingly free of noble leaders.

● *WM Gumede is the author of the bestselling* Thabo Mbeki and the Battle for the Soul of the ANC *and the award-winning children's book* A Kite's Flight. *He is associate professor of public development management at the University of the Witwatersrand and a programme director at the University of London. A former deputy editor of the* Sowetan, *he also founded the* Little Black Book *published by the* Financial Mail, *which celebrates black professionals.*

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RESPECT!

THE EDITOR of the *Mjindi Guardian* – me – recently went to a meeting at the Barberton police station, expecting to be introduced to our new station commander. However, the commander happened to be out of town, so the meeting was held with the acting commander, one Colonel Joubert.

My disappointment at not meeting the new commander quickly turned to annoyance at having to listen to Joubert's defensive kak.

The colonel objected to a story I had published, headlined "Barberton's drugs hell".

What are you talking about? There is no drug problem in Barberton, he brazenly declared.

But when I mentioned the name of a drug informant to counter his "no problem" crap, he said, "Yes, I know him – but he doesn't work for us".

No drugs problem, he says.

Well, when you can buy cocaine, heroine, crack, kat and all sorts of other destructive narcotics directly across from our local KFC, I would say that is a problem.

And when you know drug informants by name, even the ones that don't work for you, I'd say the chances are you have a drug problem.

But it appears the colonel regards the media as an even bigger problem.

"Ja," he said accusingly, "you have written about the police before…"

(This colonel was really pissing me off. And, thought I, this editor has more important things to write about, so let me try to suppress my irritation, control myself.)

Have I written about the police! Hey Colonel, that was some of my best work, call it one of this editor's "golden" moments: the illegal mining activity in the area had so many members of the station corrupted (including the late commissioner, Leah Banda) that there was hardly a station to speak of any more.

Some of the constables were actually brazenly carrying out armed robberies against the illegal miners. It was like a bad movie.

So, what the good colonel needs to understand is, the police are not immune to media scrutiny; police matters are all over the media lately, yet still I have to put up with this colonel's crap.

Ah, the joys of running a small-town newspaper. As an Italian mobster would say, Hey, Joubert, youse need to show me some respect!

And the appointment with the new commissioner was meant to be a friendly get-to-know-each-other (local newspaper, head of police station) encounter.

Oh, nearly forgot, the good colonel also complained about copies of the *Mjindi Guardian* being handed out free at the police station.

And there I was, thinking I was making a really gracious gesture, bringing along three copies – one for the new commissioner, and one each for two other senior officers.

Please, someone, give the good colonel a holiday.

The Barberton police station was once an award-winning one – for three years in a row. Here's hoping the new commissioner will bring it back to its former glory.

Casey Jones

I DARE SAY mature readers will remember *The Ballad of Casey Jones*, which went something like this:
Now Casey Jones said before he died
There were five more things that he wanted to ride:
A bicycle, tricycle, sewing machine,
A good-looking woman and a submarine.

As a young man I went along with all five, broadly speaking. All, that is, except perhaps the submarine, to which in my lifetime I would clearly never have access. But I gave it some thought and concluded a Douglas DC3 Dakota would do instead. Indeed the only reason I could see for wanting a submarine in this poem was that it rhymed with "sewing machine".

The Dak, now, was the most important aircraft of the 20th Century, though for romance, the Spitfire couldn't be beat and, for getting roasted by solar gamma-rays at the edge of space, you sure as hell couldn't beat the Concorde. So the Dak would be my choice, then. Before it, aeroplanes were made by building a frame of wood or something and covering it with canvas or metal cooking foil to keep the draught out, but then in 1935 came Stressed Skin Construction in which the frame was just to give shape to the aeroplane and it was a riveted aluminium skin that gave it strength, and that's with us e'en today, though the skin has become some sort of composite resin or something and everything is stuck together with glue. Or something. No rivets.

But getting hold of a Dak was the heavy part of the Casey Jones Strength Through Joy programme, see? I lay my life on the line to get at one, all of them world-wide being in somebody's air force, there being a war on. I went off and joined ours and did route marches, and military hygiene in case I needed to build a bog in a desert; and sabre drill in case I was in the presence of the King; also aviation. And after a year-or-so I was fit for the Dak but given a thing to fly called an Airspeed, built entirely of plywood and rags and varnish. It vibrated so, the fillings would fall out of one's teeth. Except they hadn't had time to fall out of mine when suddenly the war came to an atomic end. What now for a submarine substitute?

Quandaries, quandaries, but the quandaries came just as suddenly to an atomic beginning with the appearance on the scene of Item (iv) on the Casey Jones inventory, the Good-looking Woman. Sweet and

Grown men would go numb

Holy Mother of Christ, this Item (iv) name of Clarice, readers should try to imagine in the perfervid depths of the mind. Or genitalia. Aka Coco, AD 1950. Should I compare her to a summer's day? One glance, more or less, and we were off to my modest digs at Maida Vale, London, overlooking the Paddington Canal, in that part known as Little Venice because of its charm. One glance, I say, and we took off all our clothes and got into bed emerging only for food and wine until one day Mrs Pitts the landlady stuck a discreet note under our door pointing out that this was not a common rooming house, nor was it a bordello, and would we mind getting married or going off to the working-class part of London on the other side of the river. Hell, why not? Mrs Pitts lent us a camera with film as a wedding gift and before lunch we were back in bed.

If I say Coco had green eyes I don't just mean clear green like a Granny Smith apple, I mean rather the green of a traffic robot. As lions' eyes at night reflect white light off the retina, so did hers, only the light was green. With dark green rims to the irises and black pupils it was very disconcerting when she looked at one, it was as if she were taking aim in some way. Great billows of pure golden hair hung close about the eyes, it seemed she was peeping at one from behind some strange wild foliage. When, along with all that, she slowly smiled, it... it... I mean it might cause one to spill one's tea, man. Also she was tall and athletic-looking, though indeed her only exercise was the Gothic wrestling of the marriage bed, but this tallness brought her up to a level of eyeball-to-eyeball smiling with all people. Grown men would go numb and forget evermore to blink, I tell you.

So here we are now, and it's 2012. I sit at the telly watching the Olympics in London and the dreadful overcrowding of London, people crushed shoulder to shoulder and buttock to buttock on the Underground, and comes to mind such a crush back then with Coco and a thousand people in damp duffel coats, wet raincoats, also a proper Tory-type businessman with a trimmed moustache and suit and tie and bowler hat. All sorts of sodden people at 5pm. All breathing each other's breath.

After an eternity, we arrive at Maida Vale. We must get out now, says Coco. Of course, say I. Well let go my hand, says she. I'm not holding your hand, say I. She turns and looks level in this Tory bloke's eyes and slowly smiles. A flood of crimson rises slowly from his collar and he raises his hat. Grimly. Unsmilingly. Utterly silently.

Now at the telly I grin about all this, and after a while my charlady who is ironing clothes in the kitchen pokes her head round the door and says to me Who are you talking to? Hmmm? say I. Ummm... I am talking to my missus, say I. But you are a widowman, says she. That's right, say I. Longish silence. Whew! says Charlady, she is *isiphuku'siphuku*! She is a spook. Well, um... ja, I suppose so, say I. A spook with electric green eyes.

Whew! says Charlady. N

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