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# noseweek

108  
OCTOBER 2008

## Cooking the books at the National Library

South Africa's heritage goes up in smoke



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**Baby Michael and the prosecutor** White elephants on the rampage  
Free Wills that aren't Jeweller-baiting Ghost in the ATM



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OCTOBER 2008

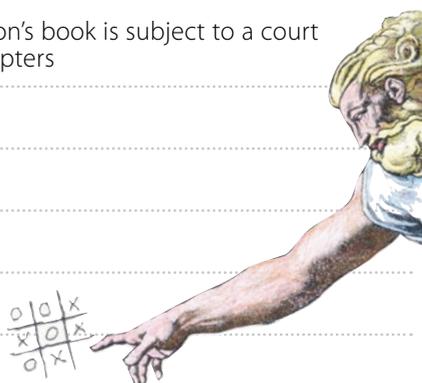
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## Abe: Gone with the wind

Many years ago I was commissioned to caricature the late Abe Swersky, by one of his partners in a hotel business. When I delivered the drawing, Abe told me the nose was too big! On the second attempt the nose was still too big. I then made him look like Clark Gable and he was at last satisfied.

**Myke Ashley-Cooper**  
Miami, Fla, USA

Our little company fund, the “Cobar Retirement Benefit Fund” was pillaged of around 46% of its assets by the Investec takeover of Fedsure. After this looting the members chose to withdraw, effectively closing the then-depleted fund, but a sizeable (to us) surplus remained in the fund for “Surplus Apportionment”, in accordance with the Government ruling.

(nose106): hydrogen fluoride is very easily dissolved in water, producing an extremely aggressive acid, used for example to etch glass. It eats very aggressively into human tissue, and is hard to stop.

A toxicity level value of 3 ppm (parts per million) converts into a maximum of 1 liter of gas in 204,000 liters of air (two hundred and four thousand ). The gas

in high government office, living it up on the taxpayers’ money. In the end, he is the most honest of soldiers. He volunteered because he believed it was necessary. He did his bit, and got captured and imprisoned for doing it. And when it was over, he went home, and asked for no reward.

I don’t know him, I’ve never met him, and I am sure I don’t need to defend, or praise him. But I will anyway. I think he’s bloody marvellous. If he ever puts down his pen, or shuffles off this mortal coil, I’ll still be buying *noseweek*, but it just won’t be the same.

**Ron McGregor**  
Mowbray

*Never a truer word said in all seriousness.* – Ed.

■ Who gives a fuck anyway about the sensibilities of DN Wade, Reading UK? It is a mark of maturity in the country that we can write about our dismal history with a touch of humour.

**Harold Strachan**  
Durban

## A nose for deals

It is with interest that we note that premier Rasool was dealing with 32 golf estates, as quoted by Reverend Edwin Arrison (nose104). The (now ex) premier has a nose for property deals. Think of the V&A Waterfront, and the denial at that stage that the site of the Somerset Hospital was involved. No wonder the country has been without proper leadership for the past few years – the office bearers have all been busy with money-making deals.

**Albertus Ziervogel**  
By email

## Donate directly please

I have over 25 years’ experience as a fund raiser and have served as vice president of the Southern Africa Institute of Fundraising (SAIF). I commend you for exposing U-Care’s appalling methods in nose103. I am vehemently

# Harold has Excelled himself!! Absolutely his Best Ever – must be the mampooer up in Durbs!

■ Your obit for honest Abe was exactly what one would have expected of Mr Nose, thank goodness.

Now what about your other mate, Mervyn King? I see his name has been linked to the illegal stripping of the Picardi Pension Funds. Putting the skills he learnt at the Frame empire to good purpose?

**Peter Soal**  
Kenilworth

Our broker recommended we use Liberty to administer the apportionment – wrong advice! For the past year we’ve been battling with Liberty to release these funds to ex-members (the apportionment scheme being already approved by the FSB). The most recent excuse was that the funds were “with terminations”. Every week some other excuse is offered!

**CR Pearce**  
Johannesburg

## Build toxic factory in Karoo

Alfluorco intends to produce a very dangerous product

will instantly dissolve in the humidity in the air, thereby making a dangerous acid air and rain.

This project should definitely be stopped in the KZN Midlands. Maybe it’s possible in the Karoo where the air is dry?

Thanks for your magazine.

**Arthur Vink**  
Molans-sur-Ouveze, France

## Harold: Humour liveth

Harold has Excelled himself!! Absolutely his Best Ever – must be the mampooer up in Durbs! Extra ham sarmie at Xmas, 4shaw. Please pass my congratulations to the good fellow. Humour Liveth, after all!

**Bob Hadley**  
Simonstown

■ If DN Wade (nose107) has a problem with Harold Strachan’s history as a supplier of bombs for the ANC, should he not have a problem with Armscor making weapons for the apartheid regime? It was, after all, a war. And if more of us had been prepared to do just a little, then people like Strachan would not have had to do so much.

It should also be noted that, unlike certain fat cats we could name, Strachan did not join the struggle to become rich. He’s not sitting

## More Investec looting

It was with bitter satisfaction that I read your latest Investec/Fedsure revelations (nose107).

**Gus**



*“No, not the audience, the dancers”*

opposed to anyone creaming off any form of commission on donated money, as are all donors (companies, trusts – local and foreign – and individuals) with whom I have discussed this practice in the research for the 26 books that I have written on fundraising. The professional bodies for fundraising in the UK, USA and Australia all preclude their membership from commission-based fundraising. This is also SAIF's policy.

Aside from exposing the details of monies lost to the myriad commission earners in the U-Care structure, somehow with pyramid schemes having been outlawed, some amazingly similar methods of selling anything from plastic containers and cooking pots to cleaning products have “morphed” and terms such as “network marketing” and “passive income” have entered our lexicon.

The public should rather donate their money directly to the charities of their choice.

My concern is that, with the ever growing number of U-Care “fund raisers” out there, the largely gullible public may believe that the charities listed by U-Care are being well funded and, should they receive a direct request for money from one of these organisations, the charities that they think are benefiting substantially from U-care may not receive the money that they ordinarily would have.

And please, please do an exposé of cellphone SMS fundraising. Please tell the

public how much (little) of their R5, R10, R20, etc actually goes to charities!

**Jill Ritchie**  
Somerset West

*You obviously missed our piece on BeeAwina's proposed SMS fundraising scheme in nose106.* – Ed.

### Back to Rootman

You say Frans Rootman himself told you he was a paratrooper and special forces operator. I am surprised that you did not check on this, as your usual standards of accuracy would demand that claims from a dubious source be verified before publication.

**Mike McWilliams**  
Prince of Wales (retired)  
Hyde Park

*Yes, your majesty!* – Ed.

### Monamodi mentally sound

As the attorney referred to in “Head On” (nose107), I wish to comment on certain issues. The writer portrays Refloe Monamodi as brain damaged and unable to act in her own interest, or “being unable to appreciate the full consequences of her signature”. Dr Miller, (neurosurgeon) is quoted, but you failed to mention that he also states: “... the patient (Monamodi) is of sound mind, is fully orientated to time, place and person [...]; she is articulate and is therefore in a position to care for herself and her financial affairs to the extent that a curator is not necessary, nor should a curator be appointed”. This view was supported by two other neurosurgeons.

In short, Mrs Monamodi

fully understands the legal process, entered into a common law contingency agreement, mindful of the financial risks that I as the attorney had taken, and in agreement with the terms thereof (which are in accordance with the Law Society Code of Conduct).

Furthermore, a trust was created instead of a *curator bonis* being appointed, at her own insistence, and this was sanctioned by a judge. It was also not opposed by the attorneys acting for the Road Accident Fund, who were happy on the evidence to abide by such an order.

Lastly, I don't charge R2000 to have coffee with clients. Mrs Monamodi wished to consult with me prior to trial to go through her evidence. I agreed to do this with her at a coffee shop opposite the high court. The bill of costs reflected this time, and not the cup of coffee.

**Deon S Goldschmidt**  
Johannesburg

### Leave that tree alone

I often hear that to get a trial date can take three years or more. (Gary Porrit hasn't appeared after some five years.) That lawyer in the complex in Bryanston (noses103,107), Alec Brooks, must have some pull to have got the first case heard so soon; now it appears he can get a Supreme Court of Appeal hearing with five judges – all for a tree my parents planted 50 years ago.

Surely the courts and the judges have more pressing matters to attend to? Brooks should leave the tree alone as the justice system has

already told him to.

The tree was there when he bought the unit in the first place. Maybe in this time of global warming he should just buy a smaller car, and leave the tree and the eagle owl in peace.

I would like to know what he would have charged a client for the time he has spent on this matter! Sometimes I can't believe what I read – and this revolves around intelligent so-called upper class people!

**Mike Foley**  
Johannesburg

### Missed opportunity Mike

The Honorable City Manager of the eThekweni Metro Council of Durban, Comrade Mike Sutcliffe, lost a golden opportunity to honour another freedom fighter, Robert McBride, the Metropolitan Police Chief of the Ekuthuleni Metro Council. Why, you ask?

Why not, if his fellow freedom fighter Andrew Zondo is to be remembered for his bombing of the Sanlam Centre, Amanzimtoti, by having a street named after him? (There is even a move afoot to change the name of Amanzimtoti to Zondo.)

Our Robert had a hand in planting a bomb in Magoo's Bar on the Snell Parade; what an honour it would have been to change the Snell Parade to Robert McBride Boulevard. Maybe the City of Tshwane will rectify the omission and consider renaming Kerkstraat?

**Derek van Bergen**  
Mount Edgecombe



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**Editor-in-chief**

Martin Welz

**Acting editor**

Max du Preez

editor@noseweek.co.za

**Production editor**

Tony Pinchuck

**Assistant editor**

Hans Muhlberg

**Gauteng bureau chief**

Jack Lundin

jack@noseweek.co.za

**News editor**

Mark Thomas

**Censor-in-chief**

Len Ashton

**Sub-editor**

Chas Unwin

**Cartoons**

Myke Ashley-Cooper

Dr Jack

Gus Ferguson

Meg Jordi

**Contributors**

Tim James

Nicci Joubert-van Doesburgh

Marika Roth

Hilary Prendini Toffoli

Harold Strachan

Hilary Venables

**Subscriptions**

Maud Petersen

noseweek@iafrica.com

**Advertising**

Adriene de Jongh

**Accounts**

Nicci Joubert-van Doesburgh

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## The new barbarism

**S**OUTH AFRICANS ARE IN SERIOUS intellectual trouble – in danger of losing our hard-won cultural capital to a virulent mixture of anti-intellectualism, anti-rationalism and low expectations.

Oh, all right, I'm not enough of an intellectual to have written something as clever as that. It was said recently about Americans by Susan Jacoby, author of *The Age of American Unreason*. But one doesn't have to be an intellectual to know that her statement is absolutely true of our society today.

It's rather unusual for me, a first actually, to be writing about intellectualism without rubbishing the entire concept without reservation. In my experience, most people who call themselves intellectuals are terrible bores and unbearably pretentious.

(Actually I have met a few real intellectuals in my time. Van Zyl Slabbert is one, as was philosopher Gabriel Setiloane from my hometown, Kroonstad. I never met Steve Biko, but I think he must have been one. Which raises the question: is Thabo Mvuyelwa Mbeki really an intellectual? Some would say it was exactly his pseudo-intellectual nonsense that created the gap for the present wave of anti-intellectualism.)

Be that as it may, I do think South African society is under threat of a dangerous mix of anti-intellectualism, anti-rationalism and low expectations.

The fact that one of the stupidest, crudest people I've come across, the ANC Youth League's Julius Malema, is now a national leader we encounter regularly on our front pages and television screens, is one proof of this.

When I recently heard the spokesperson of the Congress of South African Students say in broken English that the Chief Justice of South Africa was a "counter-revolutionary shebeen queen", I knew we had plunged to new lows.

When the SACP's Blade Nzimande – a man with a PhD in industrial psychology and elected leader of the political grouping that had always prided itself in being the intellectual vanguard of the people – becomes a political tsotsi trawling the gutter with racist remarks and threats of retribution, it's a sure sign we're in trouble.

Need more evidence? Then I offer you the baseness of Mr Justice John Hlophe; the crazy ranting of Health Minister Manto Tshabalala-Msimang; the brutal threats of Cosatu leader Zwelinzima Vavi; the crudities of parliamentary sports portfolio com-

mittee chair Butana Komphela.

I also remind you of the dumbing down of our newspapers, magazines, radio and television stations; the vulgar power battles at the SABC; the mindlessness of our national obsession with dim-witted so-called celebrities.

In fact, the reckless neglect and abuse of one of the most precious jewels of our national intellectual life, the National Library (see page 8) is proof enough that we are in danger of "losing our hard-won cultural capital".

When I think about the new culture creeping up on us, ugly words like populism, brutality, tribalism, racism, and naked greed jump into my mouth.

Insults and threats of violence against those who don't agree with you are replacing debate and discussion. If we are in the majority, we are right and if you don't agree you're a racist/traitor/reactionary/counter-revolutionary/enemy of the people. And if you don't stop we'll kill you. In the name of the democratic revolution and the liberation of the masses of the African people blah blah blah.

Please note, I'm not referring to the rather shocking recent finding that a third of South Africa's municipal councillors can't read and write. I am also not referring to ANC president Jacob Zuma's lack of formal education. In my experience he is far more intelligent than many people I know with PhDs. Trust me, JZ is no fool.

But it is true that Zuma is consciously riding the wave of anti-intellectualism, because its proponents are his main backers. We should liberate our future president from the clutches of these elements. (Time for the Free Jacob Zuma Campaign?)

We shall fight this new barbarism. We shall fight them on the beaches, on the landing grounds, in the fields and in the streets. Bravely, uncompromisingly and unapologetically. Because if we surrender we may as well go and live in Chechnya – or Zimbabwe.

☆☆☆

So here I am, acting as editor of my favourite publication while Martin Welz is away. What fun. If anything changes during my tenure, it wouldn't have been on purpose – it would be because I didn't understand what exactly makes this beast tick. I suspect it's because no-one understands it that it works so well.

**The Acting Editor**

# A true revolutionary

**T**HE WEEK IRENE GROOTBOOM DIED, we were all very busy obsessing about yet another court appearance by Jacob Zuma. She died homeless and penniless, not yet 50 years old, in the same week that robbers broke into the garage of ANC Youth League President Julius Malema's upmarket home in Sandton and stole stuff from his C-Class Mercedes.

The ANC Youth League did not have time to issue a statement about the death of Irene Grootboom. They did have time to pontificate on the break-in, but who cares about a homeless and destitute woman when there is a man of dubious ethical standards to be defended?

This juxtaposition sums up much of what is wrong in South Africa, with the ANC and the debate about Zuma. Irene Grootboom made history when the Constitutional Court (those pesky counter-

revolutionaries) delivered judgment in a groundbreaking case that carried her name, giving some content to the right of access to housing guaranteed in Article 26 of our Constitution.

Eight years ago the Constitutional Court ruled in Grootboom's favour, saying that she and others living in an informal settlement in Wallacedene, Cape Town, had the right to demand that the state act reasonably to provide access to housing to all South Africans by devising and implementing a housing policy that did not neglect its most impoverished and vulnerable citizens.

Because the state's housing policy did not cater at all for homeless people – those in urgent need – the Court declared the state's housing policy to be unreasonable and thus invalid.

But because it was careful to respect the separation of powers, and fearing that it did not have the institutional

competence to dictate to the state exactly how it had to act to provide South Africans with better access to housing, the Constitutional Court found that Grootboom could not demand a house from the state. She could only demand that the state act reasonably to implement a housing policy.

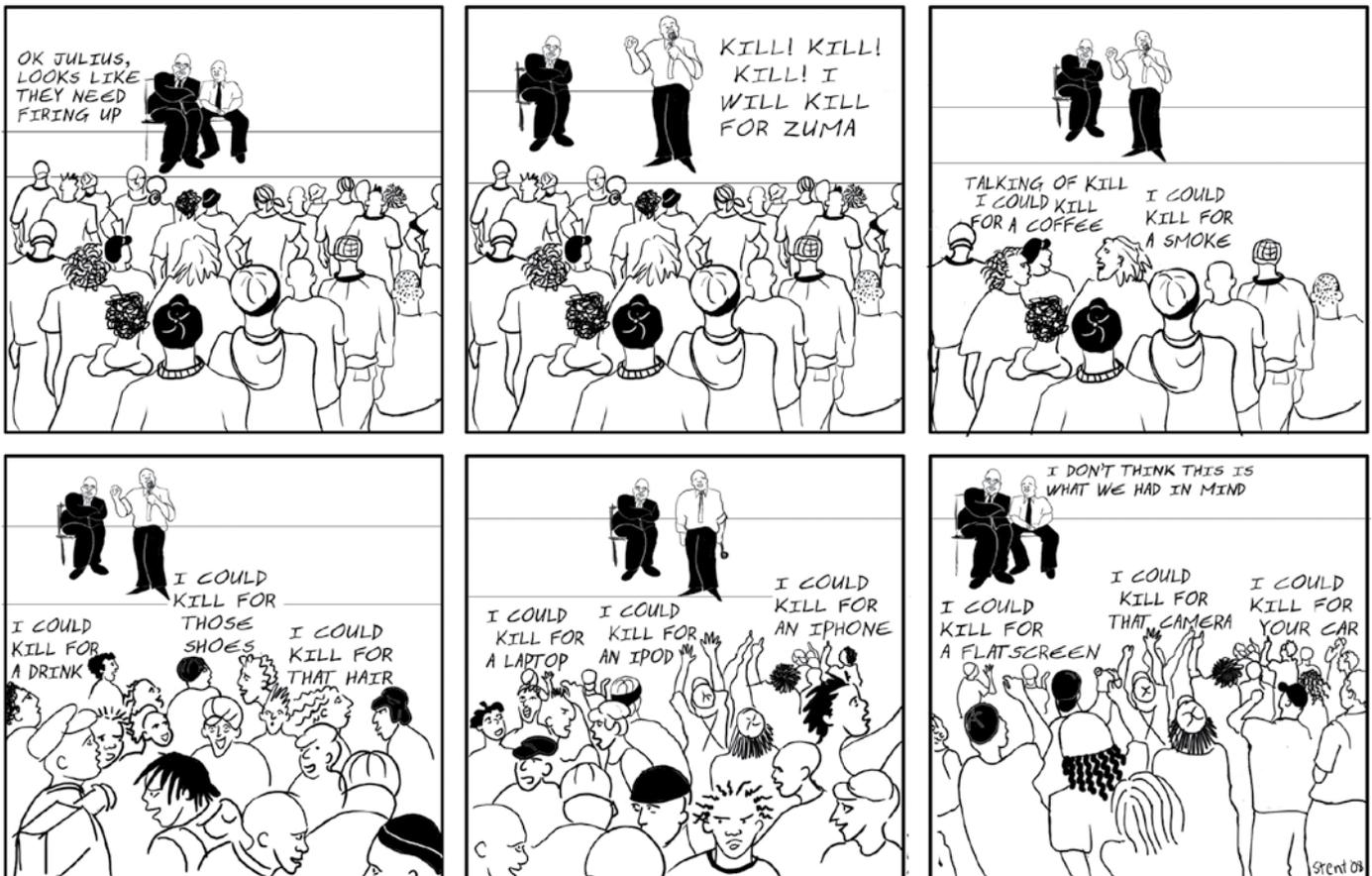
Irene Grootboom was a true revolutionary. She put her trust in the law, our courts and in politicians to help her to gain access to a house. But true revolutionaries hardly ever live happily ever after. Unlike the fake revolutionaries who steal our money and spew populist platitudes masquerading as concern for the people, true revolutionaries often die young, penniless and homeless.

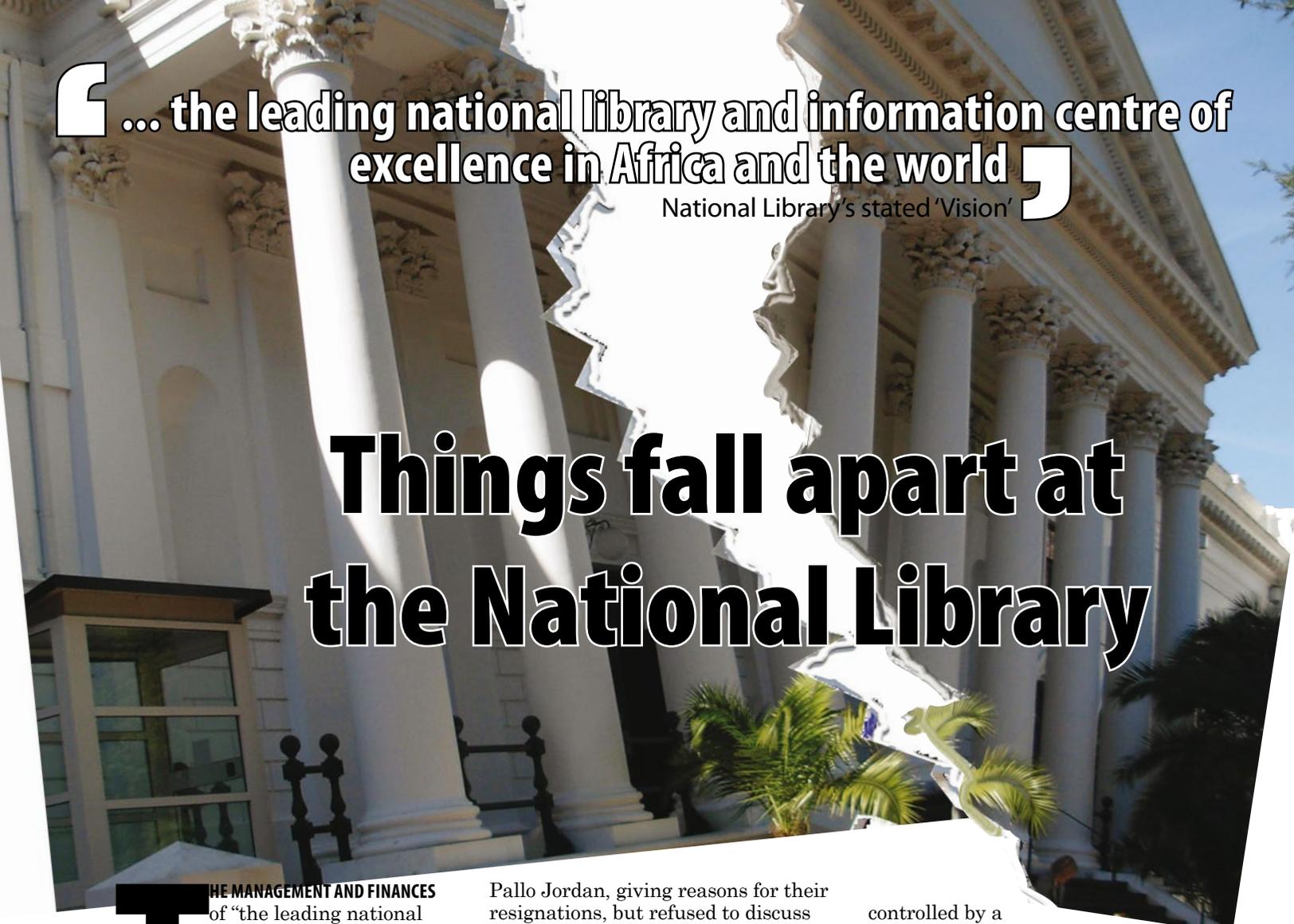
As did Irene Grootboom.

**Pierre de Vos**

*This article originally appeared in The Big Issue*

Stent





“ ... the leading national library and information centre of excellence in Africa and the world ”  
National Library's stated 'Vision'

# Things fall apart at the National Library

**T**HE MANAGEMENT AND FINANCES of “the leading national library and information centre of excellence in Africa and the world” – the National Library of South Africa – are in such utter shambles that two prominent members of the board’s finance committee have resigned in protest.

Employees tell a disturbing story of neglect and abuse at one of the prime symbols of South Africa’s intellectual heritage. They tell of a chief executive who spends every possible moment travelling the world on freebies and proclaims that he is “not an operational man”. They tell of a marketing manager who does almost no marketing, and simply disappears on an important day for his institution; of a chief financial officer who does very little financial management.

The two board members who have resigned are its former chairperson Andrew Mestern, BP South Africa’s treasury manager, and Dr Martie van Deventer of the CSIR. Mestern had served on the board for five years. The two confirmed that they have written to Arts and Culture Minister

Pallo Jordan, giving reasons for their resignations, but refused to discuss the affairs of the National Library any further.

Minister Jordan’s office tells *noseweek* that, after receiving the two resignation letters, the minister intends launching an investigation into the affairs of the NLSA.

Approached for comment on criticism made by staff at the Library, chief financial officer Khehla Moloi says the allegations could only come from “white racists” (in fact most of *noseweek*’s sources are not white). Says Moloi: “People who make this allegation represent the old order which subjected our people to iron rule and discrimination, but since the arrival of the new CEO, management of the NLSA has been transformed to represent the demographics of SA. There are some people who think if an institution is run by Blacks everything collapses. These sinister forces have tried unsuccessfully to sabotage the normal operation of the Library but have failed; they have now run to the media as dying horses.”

In terms of the National Library of South Africa Act, the Library is

controlled by a board, whose members are appointed by the Minister of Arts and Culture, from a shortlist drawn up by an advisory panel after a call for public nominations. Its chief executive officer, known as the National Librarian, is an *ex officio* member of the board. Minister Pallo Jordan appointed the present board for the period 1 October 2006 to 30 September 2009.

According to the Act the board has a large degree of autonomy; it formulates the policies of the Library (in consultation with the minister); approves its budget; appoints the chief executive officer, management team and other employees; and determines the remuneration and benefits of its employees.

Yet, despite the central role envisioned for it, and a huge responsibility for ensuring the Library’s efficient functioning, the board did not meet at all between July 2007 and August 2008. (There was a meeting in December 2007, but not enough members attended to form a quorum.) Before the present board was appointed, the National Library was without a board for a full eight months.

When the board finally met in August 2008, Mestern and Van Deventer had resigned in protest. *Noseweek* was told that board members spent most of the meeting discussing backdating honoraria, and new cell phones and allowances for senior managers.

The new chairman of the board, Professor Gessler Moses Muxe Nkondo, is the disgraced former vice-chancellor of Venda University, who was forced to pay back money he spent on a credit card he had obtained illegally. He also lied about his PhD.

The National Library consists of two "campuses" that became one entity in 1999 – the former State Library in Pretoria and the National Library in Cape Town. The huge new R375m Pretoria library building, opened by Minister Jordan on 1 August 2008, can accommodate 1300 visitors at a time and houses two million books, with the capacity for another three-and-half million. Presently only half of the building is operational, and it is seriously understaffed

John Tsebe, former librarian at the University of the North, became the National Librarian, as the CEO is called, in 2004. "He came charging in on his shining horse, proclaiming how things were going to change," a senior employee tells *noseweek*.

"He told staff we were going to do great things. 'My door is open, the buck stops with me', he said. But that horse broke all its legs. Tsebe has become a self-important man, more interested in scoring free trips to China, Iran, Malaysia and elsewhere than in running the NLSA. He is outside of the country more than at his desk."

Another senior employee adds: "Tsebe likes to say he is responsible for the vision and strategies and not for operational issues. We now know what that means – he hobnobs with the elite and jumps on a plane whenever he can. He has taken the concept 'hands-off management' to new extremes."

Staff at both campuses of the National Library complain of the almost complete collapse of administrative structures over the past two years. Things have fallen apart to such an extent that management meetings hardly ever take place, a staff member tells *noseweek*. Absenteeism is rife, and an outrageous number of people at managerial level are on sick leave at any given time.

"The staff morale is at an ultimate

low; people clock in and out, simply waiting for their pay cheques. One can see it in service delivery. There is a culture of fear among employees – no-one wants to make a stand: we know what Tsebe, Andrew Malotle (head of marketing) and their cabal will do if we speak out."

Staff and library users tell of more and more books, documents and papers (some extremely valuable) simply disappearing – either stolen or misfiled (among millions of books, wrongly filing one means it goes more or less permanently missing). And the vitally important procurement department is no longer ensuring that all books published in the country are deposited with the library – researchers are increasingly having to visit university libraries to consult new works.

It's apparently the financial mismanagement of the National Library that led to the recent resignations. One of chief financial officer Khehla Moloi's own colleagues says that, for 2007/2008, Moloi didn't even draw up a proper budget with new financial forecasts – he simply used the previous year's budget and added 10%.

When the financial committee complained about his work, Moloi sent an angry email to board members and senior management saying the chairman of that committee had an axe to grind. He asked the board chairman's "protection" from the committee and declared defiantly: "I own and drive this process."

The Auditor General's report in the Annual Reports of the National Library since 2004 proves that all is not well. Each year since 2003/2004 the AG has reported that "an accounting policy addressing the classification, disclosure and valuations of the book collections has not been approved by the board." The AG also declared that "...an audit of the book collections at the National Library revealed that books are in a poor condition and that the storage facilities utilised for book collections appear to be inadequately equipped to ensure proper preservation of book collections".

In 2006/07 the AG declared that he couldn't express an opinion on certain expenditure as some documentation was missing. The AG also pointed out that the National Library did not have the required level of funds to match the liability of post-retirement medical aid benefits, which amounted to R14.8m. The annual report for

## Who's really behind the wheel?

**D**ID THE MAN EMPLOYED as a driver by the National Library in Cape Town stand in for the Library's head of marketing at the 2008 Cape Town Book Fair?

Two employees told the same story, independently. Andrew Malotle, they say, was responsible for the Library's exhibition at the Cape Town Book Fair 2008 – but got very drunk at a function at the Centre for the Book, and the next day went missing with the car that had been hired for him and failed to arrive at the Book Fair to prepare the Library's stand. Employees at the fair phoned around frantically, finally asking former employees to come and help. In the end the Cape Town Library's driver, Vusi, was summoned to stand in for him.

Malotle flatly denies the story: "There was no alcohol at the function with the Minister at the Centre for the Book. This derogatory and malicious statement is unfounded and a fabricated story."

Malotle says the rest of the story is also "untrue and unfounded". He writes: "Andrew Malotle arrived at the Book Fair as scheduled, with everything in place. No one came to stand in for him. Prior to the start of the Book Fair, Andrew Malotle was with the designers to finalise the design of the exhibition panels."

When *noseweek* showed one original source of the story Malotle's response, the reaction was "I'm speechless. Has the man no shame?"

2007/08, which includes the Auditor General's report, has been given to the minister but not released for public consumption.

In 2006 a senior member of the financial management team was accused of stealing R25,000 by transferring Library funds into his own account and drawing the interest on it. The matter is still being investigated by the police.

Senior employees are also scathing about the performance of Andrew Malotle. He barely changes his annual marketing reports from year to year: he only changes the dates, they say – and then tell the bizarre story of how a man employed as a driver had to stand in for him at an official function.

# Dear Pallo

When we met 21 years ago, you were still in exile and I thought that one day you would make a brilliant minister in charge of our arts and culture.

Well, with the evidence before me, I have to say I was wrong. I have to say you have become just another arrogant politician who rewards his cronies with jobs – to the detriment of the people of this country. I'm sorry to say it, but you have been a lousy guardian of our arts and culture.

When I started investigating the decay at the National Library, I was certain that if you knew what was going on you would be shocked into drastic action. But then I began to see that you were part of the problem: it was you, after all, who allowed this precious asset and storehouse of our country's intellectual and literary heritage to operate without a board for eight months; it was you who then appointed a totally discredited and dishonest man as chairman of that board...

And, as my investigation progressed, I discovered that you had learned about the gross mismanagement of the National Library in July – but have yet to do anything about it. What exactly are you waiting for?

I wouldn't be surprised if, like the men who have mismanaged this precious resource, you round on the whistleblowers as "racists". But I have news for you, my dear comrade. The people who came to me and asked me to investigate the National Library were not "old-order whites". It's time for you and your party to wake up to the fact that there is no "racial" slant as to who is concerned about our heritage, and good governance.

I hope you can still fix things at the National Library. I have spent hundreds of stimulating hours at the two libraries, tracking down stories of our people and our history for my books. I know how precious these spaces are.

By the way, when I approached you and your office for comment on the allegations I report on in these pages, the apparatchik who poses as the "spokesperson of the Ministry of Arts and Culture", Sandile Memela, refused my request. Instead of giving you a chance to comment on the situation, Memela sent me a confused lecture on my journalistic ethics and capabilities.

The man was clearly incapable of understanding that the allegations of National Library staff that I had forwarded to your office were not my own report on the matter, and declared: "It is blatantly obvious that this is a one-sided story with preconceived ideas. As a result, we distance the Ministry of Arts & Culture from anything to do with the said story until we are convinced that you have engaged in an exhaustive investigation, site visit and one-on-one interviews with some of the people who will be adversely damaged by the allegations you raise in your story."

Memela concluded that the quotes from library staffers that I had forwarded, "makes us wonder about what has happened to the quality of journalism in the country. There are, always, two sides of the story. Until you demonstrate that you have done your homework to get the 'failed National Library' side, it will be difficult for us to help. Thus the office of the Minister of Arts & Culture will not have nothing (sic) to do with scurrilous poorly researched journalism".

In other words, a civil servant refuses to do the job he's paid for because he doesn't accept the questions asked.

I then had a telephone conversation with Mr Memela, during which I asked him whether he had consulted you on the matter, or if you were aware of his response to my request for your official comment on these very serious allegations. All he could do was tirelessly repeat that he wrote to me in his "official capacity", and declare that he couldn't understand that I didn't know what that meant.

Fire the fool, Pallo. This is banana republic bullshit.

Better; why don't you do the honourable thing and fire yourself. It's time to ride into the sunset with that other great intellectual who appointed you.

Yours sincerely  
Max du Preez



National Librarian John Tsebe (left) with minister Pallo Jordan with a model of the new library in Pretoria

## A fish rots from the head

**SENIOR MANAGERS** at the National Library have strongly denied every allegation by a whole range of people about the leadership and management of the institution.

The National Librarian, John Tsebe, was recovering from hospital treatment when *noseweek* approached him, so the head of marketing, Andrew

Malotle, spoke on his behalf: "Since Mr John Tsebe joined the National Library of South Africa, much has been achieved, including realisation of the dream to build the new National Library.

"Mr Tsebe focused on strategic plan and diversity management workshops in order to turn the staff into a unified

force. Staff of the old dispensation who resisted change became disgruntled and started trying to destroy the National Library with malicious statements to the media."

Malotle's reaction to criticism that Tsebe regards himself as above operational issues? "Indeed, there is a strong executive management team

responsible for operational issues in their own respective divisions.”

Regarding accusations that instead of writing new annual reports each year all he does is change the date on the old one, Malotle says: “Not true, although the Library units do not change their key performance areas, activities change from time to time and the contents of the Annual Report therefore changes accordingly.”

The chief financial officer, Khehla Mloi, responded to allegations of mismanagement thus: “The financial management and control of the Library are in a sound position wherein monthly expenditure is controlled against the budget per each division. The surplus for 2006/2007 amounted to R4.6m with committed funds amounting to R2.8m, leaving us with a sound liquidity of around R1.8m. There has not been any cent

which the AG found unaccounted for. The AG could not express an opinion on balance sheet items which they audited in the previous year and gave a thumbs up but lost documentation to that effect to verify their carried out audit the next year.”

On the allegations that there was no proper financial forecast and comprehensive budget for 2007/2008 budget: “There is a fully-fledged comprehensive budget which managers use to allow them to operate on daily basis. Managers obtain their financial reports monthly or anytime they want them.”

Concerning management collapse and allegations that management meetings are not held regularly: “Management meet regularly, not even monthly as is the norm, to discuss and plan operational and strategic issues.”



Elevation of the new library in Pretoria

## Track-record of disgrace

**WHEN WILL SOUTH AFRICANS** learn not to appoint people who have already blotted their copy books?

The current chairperson of the board of the National Library, Professor Moses Gessler Muxe Nkondo, is the disgraced former vice-chancellor of Venda University. As far back as 2000, six years before he was appointed to the Library board, the Heath Special Investigating Unit found that Nkondo, without permission, had a credit card issued to him in the university's name – and then spent some R200,000 on it. Some of the transactions were cash withdrawals.

In 2000, an investigative reporter at the *Dispatch*, Eddie Botha, revealed that Nkondo was lying when he made a sworn statement on 1 September 1993 that he had graduated with a PhD in English and literature at Yale in 1979. The thesis for his doctorate was “Nature, God, Man”. Botha quotes Yale spokesperson Thomas Appelquist as declaring: “Moses Gessler Nkondo was awarded the PhD following acceptance of his dissertation. The PhD was withdrawn by formal action of the Yale Corporation in 1990, with Mr Nkondo's acquiescence.”

## DA throws the book at the minister

**THE OFFICIAL OPPOSITION'S** representative on the Parliamentary Portfolio Committee on Arts and Culture, Desiree van der Walt, says the department has failed dismally to look after and preserve the country's national assets.

“The minister keeps ducking his responsibilities with regard to the management of various entities

under his jurisdiction, including the National Library of South Africa.

“It is high time Minister Pallo Jordan replaced his personal political appointees with qualified people who can look after all these important entities belonging to all the people of South Africa, and of which he is only a temporary custodian.” ■

# WinEX

RAND MERCHANT BANK

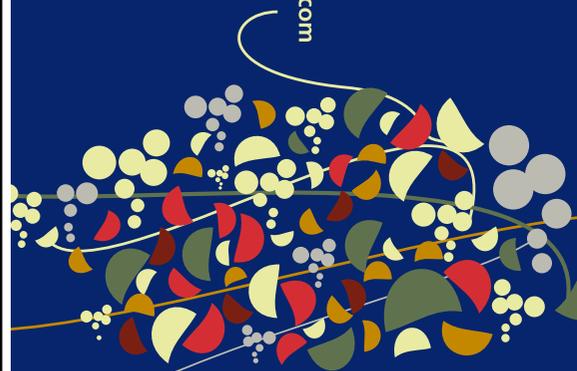
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# White elephant country

## THE ARMS DEAL

Was **R30,000,000,000**  
Now **R50,000,000,000**



**Compared to some of the other exploding budgets** on these pages, the 66% increase in our weapons expenditure looks almost restrained.

But it's still a massive chunk of cash. And since we had to borrow most of it, and credit is not as easy or cheap as it used to be, it will leave us in hock for years to come.

As it says in the government's long-hidden 1999 affordability study: "Even expenditure of R16.5bn may create a situation in which government could be confronted by mounting economic, fiscal and financial difficulties at some future point."

At R25bn, it says: "The additional arms spending is about the same as the current budget of the department of housing, about 50% more than the current investment in municipal infrastructure; and is roughly a third to half the budget of the department of education."

Perhaps if the money had been spent on equipment we actually needed and knew how to operate, if the promised economic offsets had been delivered, and if millions of rands of taxpayers' money hadn't found its way into the pockets of fraudsters, we might not be so upset. As it is, the cost to the country in terms of unity, tolerance, stability, international reputation and respect for the rule of law is likely to weigh even more heavily than the financial burden.

When politicians decide they want something, they don't seem to care how much it costs. It's the rest of us, the patsies who pick up the tab, who demand a number.

So they give us one – whatever they think they can get away with at the time. It need have nothing whatsoever to do with reality, but, to add credibility, that number is seldom completely round. It's usually something like R2.3 or R8.7 or R48.2, followed by just enough noughts not to provoke mass resistance.

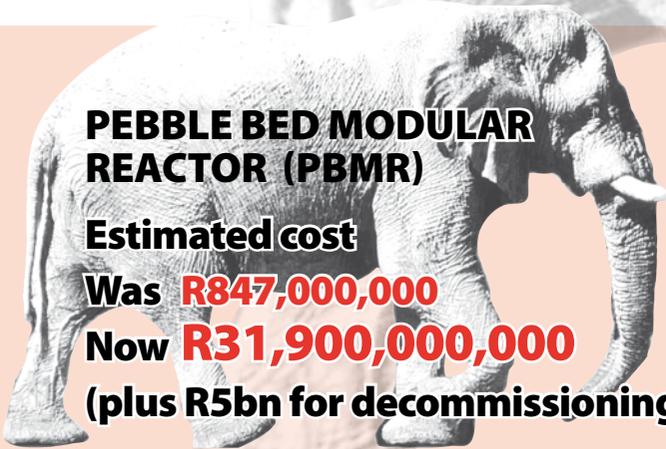
But as soon as the rubber is stamped, everything changes. And before you know it, the original estimate has doubled. Uh, tripled. Wait, quadrupled. No, decupled (we had to look that up).

And yet the government admonishes us to grit our teeth and tighten our belts and stop complaining. What cheek. If we ran our finances the way they run our finances, we'd all be in jail.

## PEBBLE BED MODULAR REACTOR (PBMR)

### Estimated cost

Was **R847,000,000**  
Now **R31,900,000,000**  
(plus R5bn for decommissioning)



**To call this a gamble is to be kind. It's more like** taking R30bn in notes and dumping it in the Athlone sewage works (see noses66,67,74,&105).

We have already spent more than R8bn on the experimental phase of this unproven technology, and not one bag of cement has yet been mixed. The reactor was supposed to

begin producing electricity in 2003. Now they say 2015, but we bet their fingers are crossed.

Meanwhile the PBMR company, owned by Eskom and therefore by the public, boasts that it is paying the salaries of 1,700 experts – "one of the biggest nuclear design teams in the world". Yet no-one has yet seen the final design.

All we know is that it doesn't include a "secondary containment" shell, and, without one, the US government won't license the plant (assuming it ever works). Without a US licence, we haven't a hope of selling plants to other countries and making a return on our investment.

We will, however, be forced to build another 30 plants for sale to Eskom – costing something in the order of R100bn, which will find its way onto our electricity bills. Fortunately, things are unlikely to get that far.

Each plant, by the way, if it works, is expected to generate only 165MW of electricity. By comparison, the wind farm Eskom is planning to build near Vredendal will generate 100MW at an estimated cost of R1bn. It will take just a year to come on line, cost almost nothing to run, require no expensive safety systems or decommissioning and produce no hazardous waste. And the fuel is free, forever.



## 2010 FIFA WORLD CUP

Was **R2,300,000,000**  
Now **R23,000,000,000**

You have to laugh when you remember how gullible we were. Not only did we think R2.3bn (total national cost, according to Sport Minister Ngconde Balfour in 2003) was a lot of money, we thought it could buy us the “best-ever” football world cup and make us all rich in the process. We even believed our team had a chance of making it to the second round. Happy days. Now we’re paying 10 times that for an event which will leave us poorer – and our team’s presence on the pitch is more likely to be a source of embarrassment than pride.

Even the government is sound-

ing worried. But it blames most of the problems on “unforeseen circumstances beyond anyone’s control”.

And yet, the signs were there. The day before South Africa’s name was pulled from the envelope, the oil price reached a 21-year high of \$41.56 a barrel. Even the US department of energy was warning of an imminent fuels crisis. By the end of 2005, oil cost \$70 a barrel and American banks were getting jittery about sub prime mortgages.

Unfortunately, no-one in authority, except Helen Zille, had the courage to call for a less grandiose plan before we’d spent most of the money.

Now we are faced with raising huge amounts of foreign capital to throw a massive party, just as the world is slipping into recession. Our great-grandchildren will not thank us.



## TAXI RECAPITALISATION

Was **R4,000,000,000**  
Now **R7,700,000,000**

Another badly thought-out initiative, which entrenches the place of petrol-driven, privately-owned, public transport.

Since the recap process was launched more than two years ago, fewer than 20,000 of the 120,000 skokororos on our roads have been scrapped.

The plan was rammed through without public consultation or heeding the concerns of the taxi industry. In March the National Taxi Council suspended support until government addresses its concerns, including the inadequacy of the R50,000 scrapping allowance.

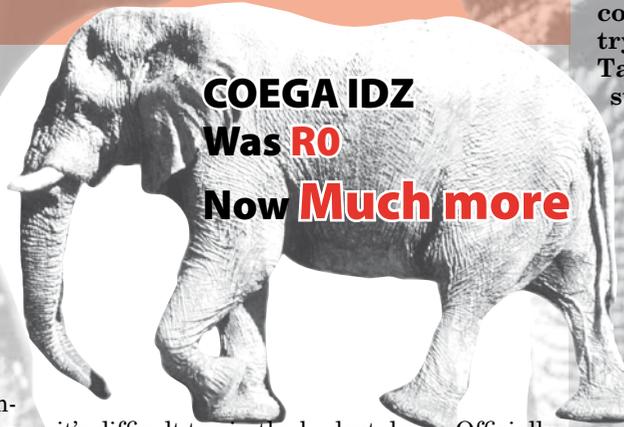
With high interest rates and fuel prices, only the richer operators will be able to afford the new vehicles – and then only by doubling or tripling fares. Small operators will just take 50 grand and run.

Besides which, there’s the whole question of the wisdom of pumping so much public money into an industry which is structurally dysfunctional.

## The Coega Industrial Development

Zone was meant to be bankrolled by enthusiastic private investors – but it’s now being funded by unenthusiastic taxpayers. Desperate for tenants the government agreed in 1999 to pay MAN Ferrostaal R4.5bn (now R8.1bn) for three submarines, on condition that the German company built a R6bn stainless steel plant in the zone. They didn’t. Numerous attempts were then made to attract an aluminium smelter, with promises of cut-price electricity and 10-year tax holidays – but when it became clear that there wasn’t enough electricity to go round, cut-price or otherwise, the only remaining party, BHP Billiton, suddenly lost interest.

The project involves so many government departments, parastatals and sweeteners,



**COEGA IDZ**  
Was **R0**  
Now **Much more**

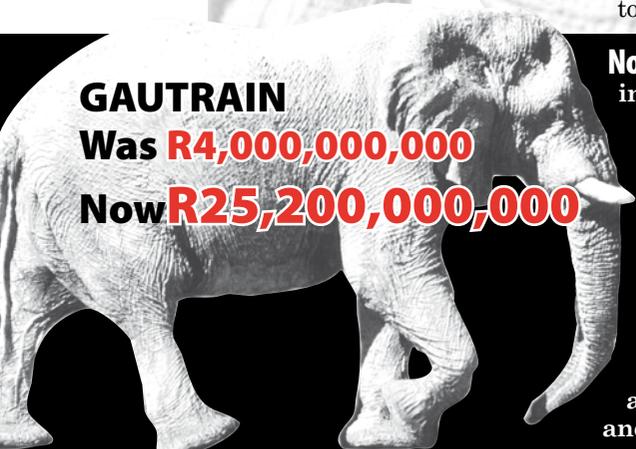
it’s difficult to pin the budget down. Officially, R8bn has gone on infrastructure, including a deepwater port, and salaries (Coega Development Company CEO Pepi Silinga earns more than the president). Tenants now include a yoghurt factory and an Absa call centre. Otherwise, the zone still pretty much lives up to its local nickname “the ghost on the coast”.

**No one can argue with the need to invest heavily in public transport, but does the Gautrain qualify?**

It’s not going to help solve the region’s transport problems. It will serve only a tiny elite. It will make no difference to greenhouse gas emissions, nor will it save on fuel, since high-speed trains have the same fuel consumption per passenger as a car carrying four people.

And if 60,000 people aren’t prepared to leave their cars at home every day to spend at least R200 per month on train fares, Gauteng will end up subsidising the service to the tune of millions every year.

Like most such vanity projects, it’s not even proudly South African. The track is being built by a consortium dominated by the French and the Canadians, and the train itself was designed by a Canadian and built in Derby, UK. All we get to do is fit the pieces together.



## GAUTRAIN

Was **R4,000,000,000**  
Now **R25,200,000,000**

# The baby and the prosecutor



Prosecutor Carina Coetzee

## She risked losing her home, in defence of a cruelly abused little boy

**C**ARINA COETZEE IS A SEASONED senior prosecutor in the Johannesburg magistrates court, and all Joburg cases of crimes against babies and young children pass across her desk. And for baby Michael Connor – blind, brain-dead and a paraplegic after horrific repeated parental beatings – she was prepared to sell her home to bring his abuser to justice.

Last month a high court judge rejected an application by Michael's father, 23-year-old Bradley Connor, that he should not be prosecuted for attempted murder, alternatively assault with intent to commit grievous bodily harm, or ill-treatment of a child. The judgment was a triumph for Coetzee, who stepped in personally to oppose Connor's application, after the state had initially declined to do so. Had she not intervened, all pending criminal charges against Michael's parents would have been withdrawn.

Appalled at the fate of Baby Michael (as he was referred to in court papers), top criminal advocate Laurence Hodes and Sandton attorney Ian Levitt offered their services to Coetzee *pro amico* – free of charge. Despite this, had Connor's application succeeded, Coetzee would have been hit with his costs. She assured Hodes that, in that event, she was prepared to sell her home in Johannesburg's Kensington with its rambling garden and wetland pool.

It's been a near five-year battle to get justice for Baby Michael, who now is condemned for life to a mental institution, confined to a wheelchair

and unable to speak, see or move.

Michael was nearly three months old when the beatings first came to the attention of the authorities. On 4 October 2003 he was admitted to Johannesburg General Hospital with a bruised and swollen left eye.

Doctors suspected child abuse and called the police. The baby's mother, Malinda Marshall, then aged 18, told them that Michael had fallen off a futon bed and knocked his head against a music system. A social worker from the department of health and welfare, Godwin Williams, interviewed the parents at their small flat in Windsor West and decided to return Michael to their custody.

For baby Michael, the social worker's decision resulted in the end of his life as a functioning human being. A month later, on 11 November 2003, when he was exactly four months old, Michael was again admitted to Joburg Gen. This time he was in a coma. His then 18-year-old father told the examining doctor that he had been playing with Michael, throwing him up in the air, but failed to catch him.

Now Michael was blind, with fresh bruises on his face and with permanent and irreversible brain damage.

The following day his mother told police under oath: "There has been a few times where Bradley hit him. The first time Bradley got angry because Michael cries and Bradley hit him in the face with his open hand. This happened on about five times. He gets very upset when Michael cries and then hit him in the face. I never told this to anybody."



Baby Michael receiving treatment

“On 10 November I was with Bradley and Michael in our room. Michael cried and then Bradley hit him a few times on the head. After this the seizure started. At times this happened after he was hit by Bradley and then the seizure would stop. We thought it would stop at this time. It wouldn’t.”

It was only the following morning, after Connor’s mother was contacted, that baby Michael was taken to hospital. Bradley Connor was arrested. In his warning statement he said: “I want the judge to place me in the mental ill cell/prison.”

Connor, at the time working as a waiter, was charged with attempted murder, assault with intent to commit grievous bodily harm and – this is crucial – under Section 50(1) of the Child Care Act, for ill-treating the baby by not feeding him and not taking him to a hospital for medical treatment. He remained in prison

for almost two months before being granted bail. With Malinda Marshall – the only witness – prepared to testify against him, it looked like an open and shut case.

On 7 June 2004 Detective Sergeant Petrus van Niekerk called at the Windsor West flat to serve Marshall with a subpoena to attend court to testify against Connor. Van Niekerk was staggered when she told him she was not prepared to testify.

“She told me that she assaulted Michael Connor, three months old, by hitting him on the head for no reason and for jealousy over Bradley,” testified Van Niekerk.

Connor’s mother Jenni was a legal secretary at a firm of attorneys, who also took in freelance typing work for advocates. One of these was advocate Norman Leibowitz and it was around the time of Marshall’s surprising confession that he was retained to represent her.

A week after Detective Sergeant Van Niekerk’s visit, Marshall told senior prosecutor Suren Naidoo – Carina Coetzee was on maternity leave at the time – that she was responsible for the injuries inflicted on her baby and that Bradley Connor, the accused, had no role in the infliction of injuries.

“She then requested that I withdraw the charge against the accused,” stated Naidoo.

As a state witness, Marshall was not allowed to have contact with Connor, and when Det Sgt Van Niekerk called again at her flat to arrest her she told him she and Connor had broken up.

But the detective found Connor in the flat, hiding in a cupboard.

Advocate Leibowitz told prosecutor Carina Coetzee that Marshall was prepared to plead guilty to assault with intent to do grievous bodily harm – minimum sentence for such assault on a child being 10 years’ imprisonment.

“I continuously questioned Ms Marshall’s acknowledgement of guilt and acceptance of responsibilities for the injuries to Baby Michael,” Coetzee stated in her founding affidavit to last month’s high court matter.

“I perceived Ms Marshall’s acknowledgement of guilt as a devious plot to get the applicant [Connor] off the hook.”

Malinda Marshall wrote a statement pleading guilty to assault on her child on 4 October 2003. She also admitted causing the devastating injuries to Michael that November. “I assaulted my child over a period of time by slapping him over the head and fontanelle [the membranous space in an infant’s skull] and violently shaking him.”

On 12 July 2005 she was convicted and remanded for sentence. Over the next three months her legal representatives had the hearing postponed on numerous occasions, with the excuse that Marshall had relocated to Port Elizabeth and her parents couldn’t afford her travel costs to Johannesburg.

Meanwhile, Connor made his move, pleading guilty, in terms of a plea and sentence agreement, to ill-treating Michael by not feeding him and not taking him to hospital for medical treatment. Prosecutor Coetzee made it plain to Advocate Leibowitz, Connor and the police, that the only reason the state was not proceeding with the attempted murder or assault charge against baby Michael’s father was because Malinda Marshall was now accepting full responsibility for the infant’s injuries.

In October 2005 Connor received a slap-on-the-wrist sentence – two years’ imprisonment, suspended for five years on condition that he paid R20,000, at the rate of R800/month, to the state’s Ikhaya Tini Vorster home, where Michael had been admitted, towards the child’s care and treatment.

Five months later, when Malinda Marshall was about to be sentenced, advocate Leibowitz played his trump card. Marshall changed

To page 31



Baby Michael’s parents, Malinda Marshall and Bradley Connor

# Paying for policy excesses

**L**AST YEAR, IN THE WAKE OF CALLS for the scrapping of the Skills Education and Training Authorities (SETAs), Minister of Labour Membathisi Mdladlana threatened to merge some of them, in order to reduce their number from the current 23 to seven. Under political pressure, however, the Minister withdrew the threat and allowed the SETAs to continue, despite strong indications of non-performance and massive corruption.

And now, some ten months later, Democratic Alliance labour spokesperson Anchen Dreyer, in a strongly worded report, has again called for the scrapping of SETAs and their replacement by a “tax rebate scheme for skills development”.

This new call is also likely to be resisted by those who have been treating the SETAs as their own private piggy-banks – as seems to have been the case at INSETA (Insurance Sector Education Training Authority), the authority bearing the responsibility for evaluating and assessing education within the insurance industry.

The impropriety within INSETA seems to have begun in early 2005 when its council, then chaired by Christopher Kemp, was looking for a chief executive officer. The position was then held on an acting basis by Phakama Nkosi. Other members of the council included Charles Wells (deputy chair), Michael Abel, Reone Kerr, Blum Khan, Dr Eltie Links, Margie Naidoo, Barry Scott, Dr Ian Strydom and Eugene Zeeman.

The council appointed Scott, Naidoo, Zeeman and later, Abel, to a select committee to appoint a new CEO, but the men on the committee appear to have embarked immediately on a scheme to frustrate Margie Naidoo’s chances of filling the post – in an April email Abel addressed his colleagues thus: “Regrettably, but, I feel, correctly, I record that I cannot agree that Margie be involved in any

Corrupt officials,  
who have been  
treating SETA funds  
as private piggy  
banks, will resist a  
proposed new deal

part of the process or in any capacity.”

Were Abel’s fellow councillors aware that he was already setting the scene for his own appointment as CEO? In the same email, Abel announced that he would make himself available during the final stages of the process to interview the applicants personally. He also provided the other members with what he called a “job description” for the position of the INSETA chief executive, while reminding them that Nkosi should not automatically be shortlisted, “but must apply for the position as everybody else”.

Then came an unexpected intervention: the council began receiving unsolicited emails outlining Nkosi’s

faults, and giving reasons why he should not be considered for the position of chief executive. A preliminary investigation by the council later revealed that the emails had been sent from a computer owned by the husband of INSETA staff member Shirley Steenekamp.

Steenekamp was immediately suspended and a disciplinary hearing instituted. She was later found guilty of malice and conduct unbecoming, but not soon enough for Phakama Nkosi who had by then been disqualified from contesting for the position of chief executive.

Replacing him as acting CEO was Michael Abel.

Nobody on the council questioned what had taken place – nor why Abel then reinstated Steenekamp to her old position in senior management, despite being found guilty of bringing the INSETA into disrepute and maligning a fellow senior staffer.

Charles Wells, representing the Financial Union (formerly the South African Society of Bank Officials) at the council, who prosecuted the hearing, confirmed these facts, but added that *noseweek* should approach the council’s current chair, Tetiwe Jawuna, for an explanation as to why Steenekamp was reinstated despite the overwhelming evidence against her and her then husband.

Nobody at the INSETA is ready to answer *noseweek*’s queries, and it looks suspiciously like an institution formed to develop skills among historically disadvantaged South Africans has turned into an enrichment venture for a few. When Abel took over as CEO, the chief executive’s annual salary was R534,000 – but three years down the line he pockets R1.08m, plus various allowances.

Accredited Learning Providers, on the other hand, are left to beg for payment of bursary funds.

Having failed to get answers from INSETA’s public relations adminis-

*It looks like an institution formed to develop skills among historically disadvantaged South Africans has turned into an enrichment venture for a few*

trator, Sebolelo Malebye, *noseweek* called council chairperson Tetiwe Jawuna at her place of work at Standard Bank.

Despite assurances that audit committee chair Christopher Kemp would address *noseweek's* concerns, Jawuna later insisted that *noseweek* make its request via a formal application to be filed through the Promotion of Access to Information Act.

*Noseweek* did this with the help of the Open Democracy Advisory Centre (ODAC) but thirty days later had

received no response. ODAC's Melvis Pietersen then wrote to the INSETA's CEO and information officer, Michael Abel, enquiring why he was not complying with the legislation.

Abel replied: "I am presently waiting to receive responses from the third party notices sent out. I draw your attention to section 48 of the PAIA which provides that a third party has 21 days from receipt of the third party notice to either make written or oral representations to the information officer why the request should be refused or to furnish the information officer with written consent for the disclosure of the record. I respectfully further indicate that I will, in accordance with section 49 of the PAIA apply my mind to the request made having regard to any representations received from the third parties in question and that I will as soon as is reasonably possible, notify you and the third parties of my decision."

Well, we are patiently waiting. In the meantime, we have reliably learnt that there has been an attempt by the chief executive to provide hefty retirement packages for himself and future executives – but this was declined by the council in their last meeting.

Next time you receive a bothersome call from an insurance agent pestering you to buy insurance you don't need, blame the training authority, which receives huge amounts of money but does very little to ensure the proper training of insurance agents. **W**

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# Jeweller-baiting

Many small businesses  
could be destroyed by wrongly applied  
empowerment legislation

**T**HE SA DIAMOND & PRECIOUS Metals Regulator appears to be on the warpath against white jewellers, insisting that they comply with “transformation” regulations before being allowed to buy gold for use in their craft.

Three of the Regulator’s permit officers have separately told *noseweek* that even individual jewellers must accept selling or “giving” 15% of their interests to blacks.

Said one permit officer: “How do you expect us to transform the sector? The sector is stuffed with whites! These people must allow us to do our work. [...] We are just following the law. If they don’t like it, too bad!”

Well the Regulator is indeed following the law – except that the law being applied is the Mining Charter which was created to regulate the mining industry. Developed in terms of Section 100 of the Mineral and Petroleum Resources Development Act No28 of 2002, the Mining Charter targets mining and minerals exploration companies.

So whereas applications by jewellers for permits allowing them to handle precious metals used to be granted more or less automatically, jewellers must now provide proof of 15% black ownership – and Environmental Impact Assessment certificates.

Jeremy Hope, (not his real name), who has been a jeweller for over thirty years, works at a single table in the basement of his family home in Cape Town. Suddenly, in order to buy the gold he uses in some of his

designs, he will have to enlist the services of a black colleague.

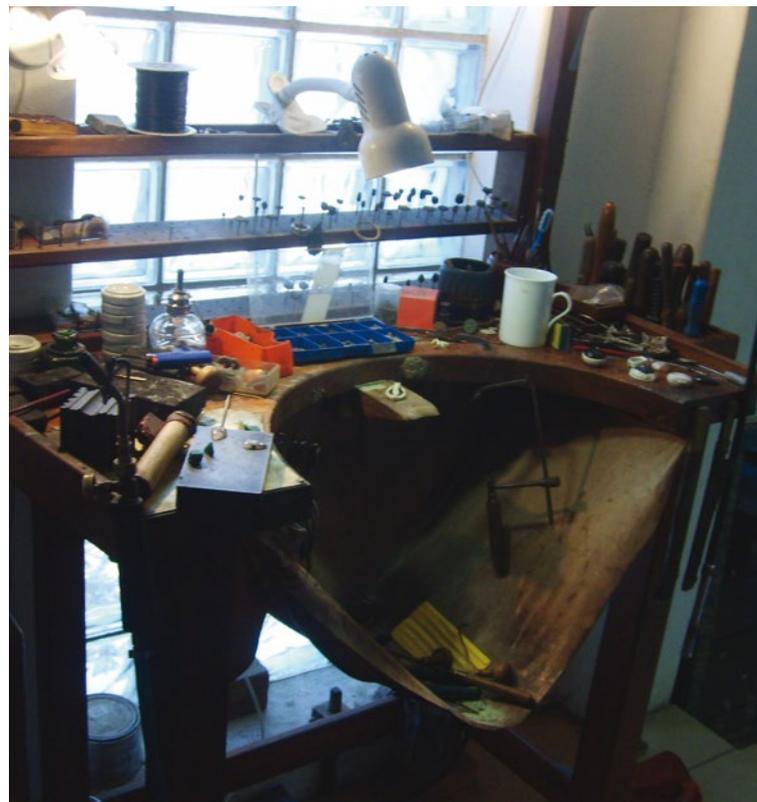
“I can’t do that,” he told *noseweek*. “I wouldn’t enlist another jeweller to work with me. My name is synonymous with my designs and that’s what people buy. People come to me with specific requests and I pay intimate attention to those requests.

“Bringing additional people into my operation would not just dilute my brand, but would also infringe on my constitutionally guaranteed right to practice my trade. I’ll also have to look for a commercial space, that’s an additional expense, and I’ll have to hire an administrator.”

Wouter Scholtz, an authority on matters related to black economic empowerment and transformation, and a director of Mazars Moores Rowland and co-author of *Empowermentor*, says the Regulator is simply applying the wrong laws. Licence applications of this sort, he says, are dealt with under sections of the Broad-Based Black Economic Empowerment Act

of 2003, and not under the Mining Charter.

Any enterprise with an annual turnover of R5m or less (such as enterprises conducted by single-hold jewellers) qualifies as an Exempt Micro Enterprises (EME) – and is exempted from demonstrating B-BBEE compliance.” In other words, all that Jeremy Hope need supply for exemption is the relevant official verifica-



Jeremy Hope's basement workbench

tion of annual turnover.

According to Scholtz, in calling on jewellers to provide proof of B-BBEE compliance, the Regulator "is mistakenly drawing upon criteria expressed in the Mining Charter". That charter, he says, "has not yet been gazetted as a sector code under section 12 of the B-BBEE Act. The Mining Charter currently only serves as evidence of the commitment to promote B-BBEE in the applicable sector" – i.e. in the mining sector itself.

Armed with this opinion, *noseweek* called the Regulator again, but none of the permit processing officers could explain why the Mining Charter was being used to police jewellers. The

same three permit officers all claimed that the directive had been sent to them by the Regulator's general manager, advocate Martin Mononela. But Mononela himself claimed that the Mining Charter was not being applied to jewellers: "Only three applications have been turned down and it has nothing to do with B-BBEE – these three never provided police clearances."

Yet, as the application form for a jeweller's permit that is being distributed by the Regulator shows (see box) jewellers are indeed being policed as if they were large corporations that are a potential danger to the environment. **W**

## Jeweller's permit application requirements

- Certificate of Incorporation and Articles of Association or the Founding Statement

- A letter from the company authorising the applicant to apply for the Jeweller's Permit on behalf of the company

- Certified copy of police clearance certificate on each of shareholders/directors/members directly involved in the management of the company

- Documentary proof of your busi-

ness premises

- Documentary proof of your compliance with the Environmental Management Act

- Tax clearance certificate
- 5-year business plan including your adherence to the Mining Charter

- Non refundable application fee
- Shareholding and management structure of the company

- Proof of BEE shareholding

# nosey, nosey

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Mr John Snoek, Durbanville 7550  
Mrs Amanda Fairley, Boksburg 1459  
Mr J Press, Fairlands 2195

# Breaking up is hard to do

**T**HE LAW, THEY SAY, IS AN ASS. Perhaps they're being kind. When a woman who wants nothing more than to get out of a marriage gone wrong is locked into legal proceedings for four years, relieving her of her assets, the legal system is more than asinine. It's a disgrace.

Liz Davis is a Scot who came to South Africa in 1984, returning in 1990 to the UK where she met and married Englishman Kevin Davis. The couple first moved here in 1997, first to Plettenberg Bay, and then to Hout Bay where Liz bought a guest house called Hattons. The couple's son Connor was born in 2001.

Liz decided to create a string of guest houses stretching from Hout Bay up the Garden Route, with each guest house directing guests to the next one. So when the guest house Cliff Cottage came up for sale in Hermanus, Kevin loaned Liz most of the purchase price, and the property was registered in her name.

However, shortly after the purchase of Cliff Cottage, the couple decided to get divorced. They agreed not to use lawyers and Liz bought a DIY divorce book from CNA and prepared a draft settlement agreement. Liz would have custody of Connor, with Kevin having reasonable access, and Kevin would stay on in Cliff Cottage.

But things took a new turn when Kevin consulted attorney Charl Smith-Symms of Somerset West, who told him the agreement Liz had drawn up wasn't legally binding, and in 2004 Kevin instituted divorce proceedings. Upset that Kevin had involved lawyers, and that he no longer wished to receive guests from, and send guests to, Hattons, Liz demanded that he leave Cliff Cottage. In response Kevin applied for an interdict to prevent Liz from selling the property. When the matter came before acting Judge Fortuin, Liz represented herself but Kevin was represented by counsel. Liz won the case and the application was refused, with costs – which she interpreted as judicial acceptance that Cliff Cottage was hers.

Unfortunately the court order had no practical effect, and Kevin remained at Cliff Cottage. When Liz retrieved her furniture from Cliff Cottage, Smith-Symms retaliated: he instructed the Wynberg sheriff to get it back – and the sheriff kicked down Liz's

The law's delays  
have turned a  
relatively simple  
divorce case  
into a ruinously  
expensive  
travesty of justice

door in the process. And when Liz had an attorney go to Cliff Cottage to access the visitors' book, Smith-Symms obtained an order banning Liz from setting foot in Cliff Cottage. She believes that Smith-Symms couldn't accept that she'd won the court proceedings, and that he set out to derail her life.

But things were about to get even messier: after some nasty correspondence, Kevin decided to claim sole custody of Connor.

The case was heard by acting Judge Rosette Mlonzi who ruled that Liz should get sole custody, with Kevin having reasonable access – but the case cost Liz some R800,000, and as the issue of who should pay the costs wasn't argued, she had to foot the whole bill.

In March 2007 the parties went back to court and this time Liz had to rely on her junior counsel, Alma De Wet, as she could no longer afford a senior. On De Wet's advice, Liz allowed the divorce order to be issued without the financial issues being finalised.

In June 2007 the financial issues came up for trial: at stake were the ownership of Cliff Cottage, maintenance for Liz, and the validity of an agreement Kevin had made in an affidavit to pay Liz the proceeds of the sale of one of his London flats – over £150,000.

Unfortunately, the inexperienced Judge Mlonzi was unable to control Kevin's advocate, Kosie Olivier SC, and Liz's advocate, Alma De Wet, made only ineffective attempts to do so. So Olivier cross-examined Liz for nearly two weeks, and the matter was postponed for five months.

In September 2007 Liz was forced to sell Hattons Guest House, her only source of income. Increasingly desperate, she brought an application for interim maintenance in November 2007. No longer able to afford lawyers, Liz represented herself, and came up against the formidable team of Kosie Olivier SC and Charl Smith-Symms. It didn't take much persuading from Olivier SC for Judge President Hlophe to agree that the matter be held over until the postponed financial issues trial came up during the following month.

On 3 December 2007, Liz went to court carrying a suitcase of legal files. Kevin was represented by his usual team and everyone sat in court for a while until the message came through that Acting Judge Mlonzi was in the Eastern Cape. Olivier SC called Ms Mlonzi from his cell phone and agreed to postpone the case yet again – yes I sympa-



Liz, Kevin and Connor Davis

these m'lady, I have a very busy schedule too, and no, don't worry m'lady, and so on.

Liz demanded that they go and see Judge Hlophe, but he dismissed the matter as a mere misunderstanding. And the Registrar told Liz she would lose her job if she were to ask a judge why she didn't pitch up. The matter was postponed until June 2008.

For a while Liz thought seriously about once again representing herself, but decided against it. She began to instruct Van der Spuy in Cape Town, but the firm wanted a R100,000 retainer, which she couldn't afford, and then sent her a bill for R30,000 for the work they had done. When she was unable to pay, Van der Spuy held on to her documents as security.

But she needed proper representation, mainly because she would be unable to argue legal technicalities around payment of costs. So Liz pleaded with Herbert Raubenheimer SC to return to the case.

Raubenheimer's response was decidedly cold: "You decided, for financial reasons, not to proceed with a senior and junior advocate. Please accept that I cannot act on your behalf."

Liz eventually had to pay some R300,000 to attorney Andre du Toit and advocates Roelof van Riet SC and Paul Tredoux, just to get them to get up to speed with the case (photocopying alone came to R27,000), but she couldn't raise their R500,000 trial fee. So, in June, the matter was again postponed, this time until November.

Now at the end of her tether, Liz lodged a complaint about Ms Mlonzi with the Judicial Services Commission, but received only a mealy-mouthed response from one Mariska van Zweel: "The Judicial Services

Commission only have jurisdiction to entertain complaints lodged against permanently employed judges. Please refer a detailed complaint to Acting Judge Mlonzi's professional body, the Law Society of the Eastern Cape, and send a copy of your complaint to Acting Judge President Traverso."

Although this seemed to Liz to be as useful as "pissing in the wind", she did lodge a complaint with the Cape Law Society, requesting the recusal of Ms Mlonzi. The response from the Law Society's Peter Pearson was all too predictable: "...notwithstanding the information given to you by the Judicial Services Commission, we do not in fact have any disciplinary or other jurisdiction in respect of attorneys whilst they are acting as judges. We therefore believe that you should address your complaint to the Minister of Justice and/or the Acting Judge President of the High Court."

Judge Jeanette Traverso's response: "Unfortunately there is nothing that I can do while the case is still before Acting Judge Mlonzi. The only manner in which another judge can become involved is if you should successfully apply for her recusal, which will no doubt lead to further delays and additional costs."

So Liz Davis has, to date, spent some R2m on legal costs – almost her entire resources – with little result. She has no idea whether or not she will get Cliff Cottage, or maintenance, or a share of the sale on Kevin's London flat. Her health has suffered badly. As a 50-year old woman with no professional training she is nigh unemployable. All she has left is the two-bed unit in Hout Bay where she and Connor live, which she may well have to sell, simply to survive. **W**



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# There's no free will

**W**HERE THERE'S A WILL there's a way – with banks that's a way to make money, even if it entails putting the squeeze on the elderly.

Some ten years ago, pensioners, and long-standing Absa clients, Koos and Carla Bleker, took up an Absa Trust offer of a “free” will. But when Carla passed away in March Koos discovered it was anything but.

The Blekers' will ran to a mere two pages: married in community of property, the couple declared that the survivor would get everything and that, on his or her death, the immovable property and furniture would go to their three children, with the grandchildren getting whatever remained. Utterly straightforward – except for an “innocent” little clause:

“We nominate Absa Trust Limited as our executor and exempt them from the obligation to furnish security. Absa Trust Limited is authorised to utilise any other services provided by the company on the normal terms available to clients and also to utilise the services of any subsidiary of Absa Limited and shall be entitled to pay and/or receive the customary remuneration for such services.”

Thus, on Carla's death, Absa Trust became the executor of her estate, consisting of the house in Oranjezicht, Cape Town, where the couple had lived for 30 years, some furniture and a modest sum in the bank. But with no bond over the property – registered in Koos's name – there wasn't much for the executor to do.

So it came as a nasty shock when Absa Trust announced a cash shortfall of over R100,000, resulting from estate administration costs, which included conveyancing fees of R12,600, a valuer's fee of R1200, and executor's fees of R100,000.

At this point Koos's son Alex intervened: a feisty and determined man, Alex was appalled that “scandalous overcharging” left his father either to sell the house he's lived in for 30 years, or seek finance (from Absa no doubt).

Alex's first complaint was that Absa

Your heirs could  
be in for a nasty  
shock if you've  
signed up a bank  
as the executor of  
your estate

Trust had not made the Blekers aware of the implications of nominating the company as executor, and that executor's fees are not mentioned in the will. Koos and Carla genuinely believed that the bank offered a free service.

But Absa Trust weren't about to see reason – the branch manager of estate services, Bok Pretorius, wrote to Alex: “We cannot comment on the discussion between the consultant and your father [in] drawing up the will.”

Pretorius later offered a lame excuse for why executor's fees were not discussed: “Since the imposition of executor's remuneration is regulated by law, it is superfluous to make mention thereof in the will.” And the Absa official administering the estate, Johan Marais, told Koos and Alex that “ignorance of the law is no excuse”.

Alex was infuriated, especially because on three occasions he was given incorrect information by different Absa and Sanlam consultants, especially

on the implications of being married in community of property. When Alex pointed out their errors, the consultants thanked him. With consultants like these, asks Alex, how are clients supposed to know what's going on?

Alex then queried the valuation of the house, which is in a state of disrepair, needing at least R800,000 to be spent on it. So Alex sent an email to Alliance Group, who did the valuation, complaining that valuer Lara Stroud had disregarded the faults that Koos pointed out to her. Did Alliance come back for a second look? Too much schlep! Instead, within hours, Alex received a reply from Gavin Aide of Alliance Group, agreeing to drop the valuation to R2m. Adie declared that “the amended report is being sent to Absa by close of business today”, apologised “for any inconvenience” and thanked Alex “for highlighting the defects”. Talk about playing fast and loose – an instant saving of some R20,000 on executor's fees.

Alex believes that the Alliance valuation is still too high – Remax has valued the property at R1,75m, a whopping 42% lower than the original Alliance valuation. Absa has now agreed to accept the Remax valuation.

Alex also disputes Absa's claim that the 3.5% (excluding VAT) of the estate that they are charging is fixed by law. That, says Alex, is the maximum that can be charged, and a percentage can be negotiated in advance, and incorporated in the will. The Master of the High Court can also reduce or increase the percentage if circumstances warrant it. There is also a Supreme Court of Appeal decision, dealing with liquidated companies rather than deceased estates, which suggests that the percentage must not be regarded as fixed. The court said that there was no justification for liquidators operating on a “swings and roundabouts” principle, which assumes that what they lose on small estates can be recovered on large ones.

Furthermore, asks Alex, when a couple is married in community of property, why does the law say that

the executor can claim a fee based on the value of the joint estate rather than just one half of it – and do it again when the survivor dies?

In Alex's opinion, Absa deliberately shrouds the administration of deceased estates in mystery – Absa's Bok Pretorius wrote to Alex that "the administration of a deceased estate is indeed a minefield where angels fear to tread". (Clearly Absa is no angel.)

Pretorius also says that "one must bear in mind that the executor is not only rewarded for the work done by him, but also for the risks involved in the administration of the estate". There's no debt here and therefore no risk involved, says Alex. All that's required is: advertising the matter in the *Government Gazette* and two newspapers; waiting for three months for creditors to submit claims; drawing up a liquidation and distribution account and lodging it with the Master; placing an ad calling for inspection of the Liquidation and Distribution account; instructing an attorney to register the property at the Deeds Office.

Which, of course, raises the issue of the high transfer cost: as the property is already in Koos's name only a simple endorsement against the title deed is required. Absa's quote for R12,600 comes from a firm of attorneys on its panel, but Alex has obtained cheaper quotes from two attorneys, also on Absa's panel, the cheapest being for R7500. Absa's chosen firm will match the R7500 quote, but Absa says it may accept either of the other attorneys.

Alex also wants Absa Trust to withdraw as executor, because the heir (Koos) no longer trusts the company. Koos would then be nominated executor and use an attorney if and when required. Koos is happy to reimburse Absa Trust for drafting the will and for the valuer's charge. Alternatively, Alex wants Absa Trust to agree to charge a reasonable executor's fee. Absa has agreed to a 40% reduction, bringing the executor's fee down to R60,000, but Alex doesn't accept this.

He has lodged an objection to the appointment of Absa Trust as executor, with the Master of the High Court. He's also reported the matter to the Banking Ombudsman, who says it must first go through Absa's dispute resolution procedure. Finally, he's lodged a complaint with the Competition Commission, claiming that Absa Trust administers the estate in the interests of its preferred suppliers and other Absa subsidiaries, thus hindering competition.

*"The administration of a deceased estate is a minefield where angels fear to tread"*

*Absa's Bok Pretorius*

Banks don't like stropky customers, of course, and things were bound to get nasty. In August, attorneys Jan S de Villiers wrote: "You are kindly requested to refrain from overwhelming our client with correspondence that is repetitive with regard to the issues raised and that is not constructive. [...] Although you are entitled to freedom of speech and to air your views, it should be done in a responsible manner. In some of the correspondence (and what appear to be public statements) you create the image that Absa Trust is devious and coercive in its dealings with its clients with no regard for human dignity. [...] If you persist in spreading slanderous remarks regarding our client and the manner in which it conducts its administration, it will have no alternative but to enforce its rights in an appropriate forum."

And Absa's Bok Pretorius has again offered a 40% discount, but adds a little bite: "This offer is however subject thereto that the objections that were filed with the Master of the High Court as well as the Competition Commission will be withdrawn forthwith and that the pursuing of issues through OBSSA and FAIS will be desisted from. As is stated above, we are prepared to defend our position in any forum [...] but we are not prepared to administer the estate at the reduced executor's remuneration under these circumstances. If the aforementioned conditions are not met, we will revert to charging the full executor's remuneration as we are allowed by law."

But why would Absa Trust retain its involvement in an estate from which it is set to earn a mere R60,000? When Alex posed this question Absa gave the following sanctimonious response: "In terms of the will [...] Absa Trust was appointed as executor. As this reflects the wish of the deceased testator, we are not prepared to withdraw as executor of the estate."

Alex's advice is to get a professional to draft your will – but appoint the heir as executor. If the estate is simple, the heir will be able to administer the estate personally. If it is complicated, he or she can appoint an attorney or an accountant to assist. At least this way, the heir always remains in control. **W**



"I will now read Mr Murgatroyd's Last Will and Testament"

# Shot down by her own bank

**WHILE MOST OF THE PEOPLE** left stranded by the collapse of Nationwide airline are losing hope of recovering anything from the wreckage, at least one creditor has been repaid in full— not by the airline’s liquidators, but by Standard Bank. And he’s not even a client.

Stranger still – the almost R20,000 refund was not the bank’s to give. It was taken, surreptitiously, from the account of one of its clients, a small travel agency based in Pennington on the Kwazulu Natal South Coast.

Last January, Kunjani Tours booked three return tickets for a local woman on a Nationwide flight to London, plus tickets with Mango for connecting flights to Johannesburg.

The cost of the flights was borne by the client’s UK-based father, Clive Bailey. He transferred the funds to Kunjani via credit card and the travel agency then paid for the tickets.

When Nationwide crashed and burned in May, Kunjani alerted its affected clients, including the Baileys, and submitted claims to the liquidators on their behalf.

But Mr Bailey asked his bank to initiate a “chargeback”, which enables credit card holders

to cancel a transaction in case of fraud or non-delivery.

He didn’t just want the Nationwide fares back. He also claimed for the Mango tickets which went unused when the trip was cancelled.

Bailey’s bank forwarded the claim to Standard, which promptly whipped the money out of the

## When Nationwide airline crashed, the bank punished a small KZN travel agency

Kunjani account, no questions asked.

Suddenly the small business found itself R19,723 down, through no fault of its own.

Owner Jacquie Stafford is livid that the financial institution she

has supported for 30 years has effectively stolen her money to repay a complete stranger.

“I feel I have been robbed blind by my own bank,” she said.

She has made dozens of phone calls and used up “a forest of trees” attempting to get an explanation from Standard Bank, without response.

She has now submitted a complaint to the banking ombudsman.

Standard Bank media person Erik Larsen declined to comment, but assured *noseweek* that the bank had acted in strict accordance with the rules laid down by Visa. These, he

said, stipulated that a merchant who accepted payment on behalf of a third party was liable for a chargeback if the eventual supplier failed to deliver.

Stafford’s argument is that she delivered the service she was paid for, which was to book and buy airline tickets on behalf of her client.

“I do not sell airline tickets. That’s not my business.”

*Noseweek* checked out Visa’s chargeback regulations and found no reference to third party agencies.

Visa International’s lengthy reply to a request for clarification amounted to little more than “it depends”.

More illuminating was a comparable case on the website of the Australian Banking and Financial Services ombud. This involved a chargeback claim against a travel agent by a woman who had cancelled her trip to Bali after the 2005 bombings.

The Aussie watchdog ruled that there was no basis for the claim because the travel agent had fulfilled its obligations, namely the arrangement of flights and accommodation.

So if Standard had wanted to protect its client, there was certainly a case to be made.

But that’s not the form. The entire chargeback process is a friendly and secretive arrangement between banks. Nothing in the rules requires either the cardholder’s bank or the merchant’s bank to inform the merchant, never mind give her a chance to defend herself. Not surprisingly, the decision is almost always in the cardholder’s favour.

A credit card customer has 120 days after a transaction to demand a chargeback for non-delivery.

If his bank considers the claim valid, it will reimburse the cardholder forthwith and then reclaim the money from the merchant’s bank – which is unlikely to object because it never knows when the shoe will be on the other foot. Besides, the money isn’t its own – it belongs to the merchant.

The merchant, meanwhile is completely oblivious. Until, of course, she gets her next bank statement. ■

# The ghost in the ATM



Julian Schragenheim

**O**CTOGENARIAN JULIAN SCHRAGENHEIM of Cape Town has refused to be bullied by First National Bank. He wants to know, from the Bank's CEO, how R1000 was withdrawn from his account at an ATM in Pinelands, allegedly with a debit card that languishes unused in his wallet a year after it was issued. And *noseweek* can confirm that the envelope containing the card's PIN code has yet to be opened.

In a June letter to the bank's CEO, Schragenheim wrote: "There is no doubt that your security system has been penetrated by an extremely clever criminal element.

"While a supervisor in the Pinelands agency of your Mowbray branch assures me that he undertakes a weekly follow-up in respect of the enclosed affidavit by telephone, I consider this matter too important not to receive your personal attention."

In the accompanying affidavit, Schragenheim declares that he has been a client of the bank since 1952 (then Barclays Bank) and "was given an inscribed golden pen, after 50 years as a client". At one stage the bank even granted him an overdraft facility of R60,000.

At age eighty-four, Schragenheim's banking operations have been "reduced to maintaining a small current account" with the bank.

"In May 2007, I obtained an ATM card with the sole objective of making electronic transfers. I never used the card, which never left my wallet, day or night. The pin-number remained in its original sealed envelope, as issued by the bank. I am ready to submit the sealed envelope to a forensic investigator of my choice.

"On Saturday, 5 April 2008, at 07h10, R1000 was criminally withdrawn from my account at one of the two ATMs at the Spar shop at Central Square, Pinelands. Obviously, the FNB's security system has been penetrated, as, otherwise, the pin-code would not have been available to the thieves."

Schragenheim only discovered the

## FNB shrugs off the mystery of the missing R1000

loss on 25 April when he couldn't cash "a small cheque as my account was overdrawn". He continues: "The person(s) concerned in the theft must have had sophisticated knowledge of my banking operations as:

- Only so much was withdrawn from my account as my credit limit would allow, plus just enough as would suffice for some minor withdrawals

- The perpetrators were aware that I buy our daily necessities mainly at the Pinelands Spar

- The perpetrators knew that my monthly statement would be dated 4 April 2008 and that I had just obtained an intermediate statement on 31 March. Therefore I was unlikely to spot the theft for some time."

He concludes his affidavit by laying the blame at the bank's door: "Common sense indicates that FNB banking personnel may have been involved in the theft. However, they could not know that the card had never been used and that the pin-code had remained in its sealed envelope."

One might expect FNB to take the matter seriously. But banks are in the business of making money, and don't seem to find time to investigate possible failures of their system – or to apologise for errors.

Schragenheim's letter and affidavit were passed on to the bank's fraud administration officer, BB Smale, who replied as follows: "After careful consideration of your complaint, we regret to inform you that we are not in a position to accept the loss and unfortunately we have no alternative but to hold you responsible for the cash withdrawal debited to your account on 5 April 2008.

"Our investigation has determined that the disputed transaction was concluded before the incident was reported to the bank. [*Read this sentence again* – Ed.] We further advise that due to the technical nature of the card, it will only enable the transaction to be negotiated with the use of your personal identification number (PIN), which is exclusively known to you as the legitimate cardholder.

"Kindly note that FNB does not accept liability for PIN driven transactions, if the prescribed safeguards and procedures relating to the use of the electron cards have not been complied with."

Ms Smale tells *noseweek* that she merely wrote and signed the letter, but would not identify who actually carried out the "investigation" and referred *noseweek* to the FNB communications department.

Smale advises Schragenheim to claim from his insurance: "Regrettably, we are unable to credit your account with the disputed ATM transaction. Should your short term insurance policy cover you for cash losses, you may lodge a claim with the relevant insurance company." Kind way of telling your client of five decades to bugger off. ■

# Rocky relationship manager

**ISN'T TECHNOLOGY GREAT!** Like the way your bank can send you SMSs updating you on your account, so you have the opportunity to... well no-one's quite sure. Because, as Clarry Odell found to his cost, the bank may have absolutely no interest in what you have to say on the subject.

Clarry, a George estate agent who banks at the FNB Garden Route branch, some years ago signed an authorisation giving June Bartie, his partner of the time, limited access to his FNB account – or at least that's what he thought. As far as Clarry knew, June could only make cash withdrawals up to a R5000 daily limit. Turned out he was wrong, but he discovered this a little late.

A while ago, when the couple began talking about splitting up, Clarry suggested they consult a lawyer to work out how the assets should be divided, but June had other ideas. One morning she went to the FNB Garden Route branch, met with Clarry's relationship manager, Tracy Crouwkamp, and opened an account in her own name – then promptly transferred R170,000 into it from Clarry's investment account (roughly half of what was there).

It was at that point that the SMS was sent to Clarry. Alarmed, he drove straight to the bank and charged into the Tracy's office, where June was still sitting. Clarry informed Tracy that June was not authorised to make transfers of that size from his account, and that he wanted immediately to revoke any authority he had signed in June's favour. Too late, said Tracy, "June can clean out your account if she wants to".

Things got unpleasant, as they say, until Clarry left Tracy's office to sign a revocation of the mandate. While he

## Bank assists girlfriend in shaking down ex-partner's bank account

was doing this, June and Tracy went to the ATM machine outside and transferred another R30,000 from Clarry's account. Within a few weeks, June had left the country.

Clarry was astounded – his own "relationship manager" had, as he saw it, connived with his (ex)-companion to divest him of his assets. And each time he asked the bank for a copy of the document he'd signed – so he could get legal advice – he was told he could only view the document at the bank and would not be given a copy.

Branch manager Debbie Cole wrote to say: "The correct procedure will be for your attorney to subpoena the documentation." Which is tantamount to saying: pay a lawyer to work out whether or not you need a lawyer.

Debbie Cole referred *noseweek* to FNB head office in Johannesburg, and a day or so later Steve Higgins

from FNB Corporate Communications called to say that Tracy had correctly ascertained that Clarry had signed a full mandate in favour of June before doing anything on that fateful morning. According to FNB records, the R170,000 transfer took place at 9.27am, and the R30,000 transfer at 10.24am. The cancellation of the mandate was recorded at 10.29am. Another attempted transfer was refused later that day.

Tracy Crouwkamp had therefore acted within her rights, said Higgins. Yet, clearly, by the time the second transfer took place, Tracy knew there was a problem – shouldn't a relatively junior bank official consult with her manager in such circumstances? I wouldn't like to comment on that, said Steve. And what right did Debbie Cole have to refuse her own client's request for a copy of the authorisation document? Well yes, I think she was wrong on that; I'll be advising her to release the document, said Higgins.

As *noseweek* was going to press the bank contacted Clarry to say that the document was ready for collection. But if the avid *noseweek* reader does have a case, he also knows he doesn't have much chance of finding a lawyer prepared to take on FNB. ■





## Poor black child

From previous page

dinner in Cape Town generously contributed towards *Umjindi Guardian's* production costs.

With a strong defence mounted by the Johannesburg team, on 4 September a Barberton Magistrates



Mayor of Umjindi Richard Lukhele

Court dismissed the suit of the municipal manager, with costs, after the plaintiffs' advocate, Le Grange, failed to produce testimony that would demonstrate defamation.

Says Mashile: "It is proof that even in small towns like ours, press freedom still prevails." It remains to be seen whether the mayor will pursue his claim.

## Sun sets for two sisters

**ROSIE AND STARR ARE NO MORE:** the Geaney sisters, whose battle with their BEE partner Lot Maceve, over a Midrand watering hole was recorded in *nose93*, have passed on to a better place. Rosie (53) died of a heart attack several months ago, while Starr (59) committed suicide in August.

The July 2007 story told of the deal that the cash-strapped sisters set up with wealthy Maceve: he would take over the business of the African Sun, their late night hostelry – but with some tough conditions.

Maceve would take over the R3200 per month bond payments; he would pay the salaries of the eight-strong staff; take over all municipal charges (which were in arrears to the tune of R111,000); buy all the food and stock, and install DSTV in every bedroom. And every month he must hand over half the profits to the sisters.

A final proviso: he could only be empowered if he loaned Starr R175,000!

Maceve, who found wealth installing 55 containers containing public telephones in the townships, as well as enterprises such as Help Line Cash Loan and Mhlangaveza Funeral Services, duly handed over the R175,000 and took over the business of the African Sun in September 2006.

Five months later and no 50% of any profits had found its way to Rosie

and Starr. So when Maceve was away on a weekend trip the sisters seized possession of the African Lodge and padlocked the gates. Their bodyguard Solly disarmed Maceve's guard, Baloyi, and when Maceve returned with 10 armed men they were all sent packing. Maceve, well in with the local gendarmerie, responded by mobilising the Midrand police, who arrested the sisters on trumped up charges of kidnapping the lodge staff and armed robbery (for relieving Baloyi of his firearm).

Rosie, a chain-smoker with a heart condition and high blood pressure, landed up in the police's holding cells. Charges were eventually withdrawn, but Midrand police ignored their attempts to file counter charges against Maceve for intimidation and theft.

The sisters also had to contend with extensive damage to the lodge's thatched roof and part of the top floor, after a mysterious fire caused damage estimated at R500,000.

Apparently *noseweek's* warts-and-all tale of both sides of the war at the African Sun annoyed the sisters, but despite the somewhat cavalier and one-sided demands they made of Lot Maceve, and despite their emergence as a pair of tetchy and prickly eccentrics, Rosie and Starr were rare and precious individuals who packed a bundle of pluck and spirit.

## Black Danes for St Francis

Just when you thought the St Francis Bay-beach-restoration epic had seen its last episode (*noses89,91,100,101&102*), a follow-up series appears to be in the pipeline.

The final programme in the first series ended with the Bay community in jubilant celebration as a container-load of Danish equipment began its long sea journey from the far north. All was well – five years and R5m later the Bay would have its still-eroding beach back.

And behold – enter characters truly South African, that no mere Skandinavian should underes-

timate. Despite the fact that a contract for the job was signed in July between the Kouga municipality and Danish company Ska-gen Innovation Center, and as the ship carrying the equipment container was approaching PE harbour, the Kouga Municipality began advertising for tenders on the same project. And the terms of the tender exclude the Danes from applying: only South African companies may apply – and they must, of course, be BEE-compliant.

Director of community services in the Kouga municipality, Lungile Mxube, tells *noseweek*:

"The call for a fresh tender is to arm-twist the Danes to agree to our terms."

Mxube appears to be referring to a plan afoot to delay the entire project by one year and use the R1m already set aside for the first year to appoint a local project manager. Already competing to take up the position, among others, is Frederick Dennis, the nephew to Mayor Robbie Dennis who lost his job as municipal manager for selling the Jeffrey's Bay golf club to private developers. But if the project is suspended for a year, what would this project manager be paid for?

# 'Revlon snapped my naked butt'

**R**EVLON SOUTH AFRICA, local subsidiary of global cosmetics giant Revlon Inc, installed secret cameras to video workers as they changed out of their work overalls at the company's Isando factory, *noseweek* can reveal.

The covert surveillance, which continued for months, until early last year, is revealed by a former employee, who left Revlon SA recently, after 20 years' service. He is incensed at being filmed in the buff and says he intends launching a damages claim.

Says the whistleblower: "On my departure I found that Revlon were filming me and many other employees in our male change-rooms/locker-rooms with secret cameras. We use these change-rooms to change in and out of our overalls and clothing before and after we commence work in the factory."

He alleges that the covert cameras "were only put where the non-white employees change their clothing and not where the white workshop employees change their clothing above their workshop."

"Revlon has top black models that work for them all over the world, and they do things like this to their black employees in South Africa. I want to expose these people for what they have been doing, and also sue them as I am in those videos taking off my clothing."

The whistleblower says he has copies of videos showing him stripping off.

He claims that Scott Maddock, managing director of Revlon SA and his human resources director Abbey Mot-hokoia both knew about "these atrocities". Calls to MD Maddock remained unanswered after his PA learned why *noseweek* wanted to speak to him. Ditto with HR director Mothokoia.

It took an email to Revlon Inc in New York to get to the bottom of the matter. Abbe Goldstein, Revlon's senior vice president Investor Relations & Corporate Communications, replies: "Revlon is committed to protecting the safety and privacy of all employees around the world. In an effort to counter theft at Revlon's South African subsidiary, a security employee inappropriately, and without management approval, had security cameras placed in a racially integrated male-only employee locker room for several months from the end of 2006 and into the beginning of 2007. Revlon does not have a separate locker room or other facilities for different races. The cameras were removed immediately when Revlon's senior executives learned of their existence and the security employee was disciplined."

"It is not, and has never been, Revlon policy to utilise this type of security. Revlon sincerely regrets this incident, which occurred and was rectified a year and a half ago, and re-affirms its commitment to protect employee privacy."

Mxube, who was fired from the Grahamstown municipality, approached the Danes when they were in St Francis, with a request to visit Denmark for two weeks to assess Skagen's beach restoration system. Mxube, who has no engineering background, promised to get back to *noseweek* to explain why he had made this request.

After the contract with Skagen was signed, the council retained SRK Engineering to undertake the Environmental Impact Assessment. This is the same firm that has undertaken all of Michael Wylie's WBHO's contracts; the same firm that had given the green light to the Kiwi's disputed system which would have cost the ratepayers

R68m.

In August SRK requested detailed information from the Danes on their system. Joe Oosthuizen of St Francis Ratepayers Association recorded: "They were asked to provide the exact layout specifications and dimensions and design specifications of the pipes, plus criteria used when laying out the scheme."

Are SRK planning to tender for the project, or to pressure a shared deal with the Danes? The Danish embassy tells *noseweek* that they are watching the situation with great interest.

In the meantime it's not known whom Rohlig-Grindrod should bill for R23,557 to clear the container of Danish equipment from PE harbour.

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# Exposing a murky world

**I**N OCTOBER 1991 THOUSANDS OF – mostly elderly – investors were shattered when the Cape-based property empire Masterbond collapsed. In the wake of that massive financial scam, 16 investors who faced financial ruin committed suicide.

In 1994, in response to continuing public outrage, President Mandela appointed a commission of inquiry, chaired by Judge Hennie Nel, to get to the bottom of the mess.

The commission's first report, published in November 1997, exposed an unprecedented scale of fraud by the promoters, dishonesty by the auditors and incompetence on the part of the regulators.

As it would happen, in the same year an obscure closed corporation named DW Promotions was registered in Pretoria. DW Promotions would be the promoter of seven unlisted public companies used to perpetrate yet another property investment scam, this one called Oude Molen. It heralded the arrival of two new players, Durandt and Willie

Deon Basson's new book, published on the internet, is the subject to a court application to suppress several of its chapters

Botha from Boksburg, in the murky world of property syndications; a world in which, they discovered, huge secret profits could be made by fraudulently inflating the value of properties and then inviting the elderly to invest their retirement savings.

Unlike the perpetrators of the Masterbond scam, who spent time in jail, the Botha brothers escaped the net of our famously incompetent criminal justice system.

After the Oude Molen debacle, Willie Botha went on to start a new property syndication venture called Sharemax Investments – and again massive secret profits flowed.

The story of Oude Molen and the Bothas is outlined in chapter four of Deon Basson's controversial new book *Public Interest Warriors*, recently published on the internet, and now the subject of a court application by Willie Botha to suppress its further publication.

Curiously, when Botha asked the Pretoria High Court last month to ban further publication of various chapters of *Public Interest Warriors* which had been appearing, one by one, on the internet, chapter four was not among those he sought to have censored. On the face of it, this made sense – strictly speaking DW Promotions and Oude Molen have nothing to do with Sharemax, and it's Basson's criticism of Sharemax that Botha is upset about. But, we suspect, there is another, more sinister reason, for the omission of the chapter on Oude Molen from the court proceedings. Sharemax is a licensed financial services provider (whatever that means). To be so licensed, Botha and the other directors were required by law to satisfy the Financial Services Board that they were "fit and proper" individuals to be granted the honour.

If Botha were to disclose all the relevant facts of his Oude Molen history he would hardly fit the bill. Better not bring attention to it at all.

But perhaps Botha need have no fear. Beginning his analysis with the Nel Commission, and then running through



The advertisement features four bottles of Ken Forrester wine and a glass of white wine. The bottles are arranged in two rows. The top row shows two dark bottles (left) and two light bottles (right). The bottom row shows two light bottles (left) and two dark bottles (right). The glass is in the center, filled with white wine. The Ken Forrester logo is prominently displayed in the center, with the text 'KEN FORRESTER VINEYARDS' below it. Contact information is provided at the bottom.

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Gary Porritt and Jack Milne's little adventure with public money at PSC Guaranteed Growth, on to the Fidentia and Leaderguard scandals, Basson shows that the regulatory system is fundamentally and comprehensively flawed. He finds the new FAIS legislation, introduced to address the ills identified by the Nel Commission to be so cumbersome and bureaucratic that it is unlikely to stop the real scamsters in their tracks.

While the regulators are found seriously wanting, Basson finds still more serious fault with the defenders of the public interest who supposedly stand guard over the entire modern capitalist system: the auditors. Even if state-appointed regulators fail, those venerable and trusted professionals should hold the line. Well, with Masterbond they didn't. In the Oude Molen situation, auditors Venter De Jager were conspicuously absent; they failed to report any "material irregularity" to the then Public Accountants' and Auditors' Board.

Audit firms have long since lost their independence: the formal annual audit is but a small part of their business today – a loss leader, in fact, that is used to market their other, more lucrative, management services. All this was already highlighted in the early 1990s by University of Pretoria professors Dieter Gloeck and Herman de Jager. But the profession acted quickly and angrily to protect its vast commercial empire and pulled out all the stops to censor the two professors. This story, too, is told for the first time in Basson's book.

Both the regulators and the auditors failed, but what about the members of the fourth estate? The media have hardly done better: good news "sunshine" journalism has proved way more profitable than critical investigative journalism.

■ Key chapters of Basson's book will be published on the international website *wikileaks.org*, which won the 2008 Economist Index on Censorship Freedom of Expression award.

The site has successfully faced off many legal challenges, including those from the US Pentagon, the Chinese Public Security Bureau, the former president of Kenya, the Premier of Bermuda, various major Churches, the largest Swiss private bank and major Russian companies.

*Deon Basson died unexpectedly on 13 September.* ■

# The baby and the prosecutor

From page 15

her plea to not guilty!

After the plea change, Leibowitz announced that he was withdrawing from the case. Presiding magistrate Van Wyk recused himself and Marshall's conviction was set aside so the trial against her could begin anew. Connor was arrested again and joined as the second accused.

Connor has not yet pleaded, for last October he launched a high court application for a permanent stay of prosecution against him on the grounds that he had a plea bargain agreement that he would not be charged with any crimes against Michael if he pleaded guilty to failing to feed the baby and failing to take him to hospital.

Prosecutor Coetzee stated in her affidavit that the plea bargain related purely to the ill-treatment of Michael by not feeding him or taking him to hospital, not to the assaults on the baby. The state, in the form of Johannesburg's deputy director of Public Prosecutions, Rasigie Bhika, studied the court papers and decided last November not to oppose Connor's application. This meant a permanent stay of prosecution against him.

Horrified, Carina Coetzee decided to intervene and oppose Connor's application in her personal capacity. For two months she battled alone and it was only after she made an impassioned appeal to Johannesburg director of public prosecutions Charin de Beer, that the state changed its mind and filed a belated notice of intention to oppose, on 10 January this year.

The matter was argued in August, and on 9 September Acting Judge Makume dismissed Connor's application with costs. The judge paid special tribute to prosecutor Carina Coetzee. "If Carina Coetzee had not intervened the baby would have been forgotten," he said.

Carina Coetzee, the mother of a four-year-old daughter, has been a prosecutor at Johannesburg magistrates court for more than 21 years. She tells *noseweek*: "If Connor's application had succeeded we wouldn't

have been able to charge him. The only person we could have charged (Malinda Marshall) was the person we thought was not responsible.

"It's very sad. This little boy was perfectly normal, a beautiful child, and he's been reduced to a person who will never have a normal life. I believed Connor's application wouldn't be successful, to the point where I was prepared to put my possessions on the line, though it was a real concern."

Bradley Connor and Malinda Marshall, both now 23, will return again to the dock at Johannesburg regional court, where each will face double charges (for the two 2003 assaults) of attempted murder, alternatively assault with intent to commit grievous bodily harm, alternatively a new charge under the Child Care Act – causing Michael to sustain bruises to the body and/or severe brain injury and/or retinal haemorrhages.

And what of baby Michael? Now five, he spent four years at Ikhaya Tini Vorster home, much of the time with a shunt in his head to drain fluid off his brain. He was fed by a tube inserted into his stomach. Staff recall that his mother visited him "very occasionally". Last November he was moved to Avril Elizabeth, a private residential home for the intellectually disabled (mentally handicapped) in Germiston. The home accepted him on condition that his parents never visit the child.

Baby Michael's fees there come to around R7000/month and these are met in total through the home's fundraising programme. Avril Elizabeth's chief executive, Sylvia Haywood, says they will probably care for Michael for the rest of his life. "Our home is full of love and laughter and our language is hugs, because our residents can't talk," she says.

Michael's painfully-thin mother now lives with another man and has had two more children, a one-year-old boy named Matthew, and a new baby that accompanied her to court in a pram on her last remand appearance in early September. ■

# Bites & Pieces

Photographs: KEVIN WILLIAMS



Clockwise from far left: Pippa and Jurie Moolman, owners of Djuma game lodge, with, right, Bronwen Smithers; Wendy Jack from Royal Malewane game lodge, left, with judge Sue Long; and Southern Cross School mom Tammy de Vos, who won the Best Dressed Woman prize

**I**T'S A HOT NIGHT IN HOEDSPRUIT AND the party crowd is even hotter. As one German journalist puts it: "Is it Hotspruit?" They're even dancing on the tables, revved up by that old Buddy Holly impersonator from way back, Craig Urbani, who's compere.

No it's not some local potjie cookout with free *witblits*. This is the lowveld's unique and eagerly awaited annual Bushveld Banquet, where guests pay R1250 or R1000 per person – depending on the star rating of the game lodge whose table they're at – and then turn from normally composed, well-adjusted, sane people into unhinged jollers.

They're not all fun-starved locals either. They come from all over the country, particularly the sexually-charged tourism and wine industries.

The party takes place under tamboti and maroela trees in what feels like a boma but is the candlelit courtyard of the world's first green school, Southern Cross, on the edge of the Kruger Park. In fact it's a game lodge cookery contest with a nation-building underbelly, like everything else nowadays. The food produced by the chefs of this region is often the first taste that tourists get of South Africa, so it needs to be good. Which is why tonight's judges are a large and formidable bunch,

before whose discriminating taste buds even the Naked Chef would cover himself.

Some even rate as the *crème de la foodie crème* of South Africa. Garth Stroebel for example, ex of the Nellie, heads up the country's top culinary academy. He's here with two equally high-wattage colleagues who, as usual, have extra new irons in the fire. Bruce Robertson of The Showroom has just taken on the M Café of the Hotel Metropole, which has changed hands, while Mike Bassett is about to add another restaurant to his Ginja-Shoga-Myoga triumvirate in Cape Town's revamping Townhouse.

Equally influential judges are two cookbook writers who've shaped South

Africa's home eating habits over the years, Annette Kesler and Phillipa Cheifitz.

Bubbly supremo Achim von Arnem is here too as one of several food-and-wine-pairing judges, with son Takuan (named after an ancient Japanese monk when his mother was pregnant in Kyoto 30 years ago). Takuan's role is to perform Achim's celebrated *sabrage* trick on stage, with the help of Myrna Robins, the global food and wine writer who's one of the organisers of this hydra-headed shindig.

The camp kitchens that the chefs have been building outside since 6am have already been judged. (No electricity. Only fire, water and ice.) And now here we all are, split into groups



Left: Judge Annette Kesler, publisher of Showcook website; and Southern Cross School drummers; and, facing page, Judges Mike Bassett of Ginja, left, with Garth Stroebel, head of the SA Chefs' Academy





to assess the silver and gold entrants, working our way through 25 three-course meals – we each taste about 30 dishes – in classrooms where kids do sums involving warthogs and kudu.

You should see the judges' faces. The guests out there under the stars might all be dancing queens only seventeen having the time of their l-i-i-i-ives, but inside it's a less groovy scenario. In the seven years since the banquet was launched as a fund-raiser by the two mothers who started the school on a shoestring, culinary standards in the bottom-range lodges have not risen as dramatically as you might expect, considering all the effort that goes into this popular bash.

The dishes cover the spectrum from the triumphant to the almost inedible. One gritty kudu fillet must have fallen into the ashes. The "lime-tree blossom soup with honey and white wine" tastes as weird as it sounds. And we can't get our knives through the pink and rubbery warthog carpaccio, let alone our teeth.

Bruce Robertson's assessment of three sad dark brown lumps of meat is straightforward: "This impala has been cooked so long it's dead." But everyone feels sorry for the keen bearded bloke who departs the classroom in a rush of despair after he's brought his towering dessert masterpiece himself to the judges, and it crashes over as he puts it down. "I'd say he's literally five minutes away from the loony bin," says Mike Bassett, who knows the feeling well.

You get the impression they've all tried too hard to amaze the judges. It's the same story as that notorious Design Indaba dinner in Cape Town, when Terence Conran informed the city's top chefs that none of their complicated dishes impressed him. Food should be simple, he told them as they lined up for public praise – in the days before public humiliation became fashionable.

But tonight's dinner guests are more

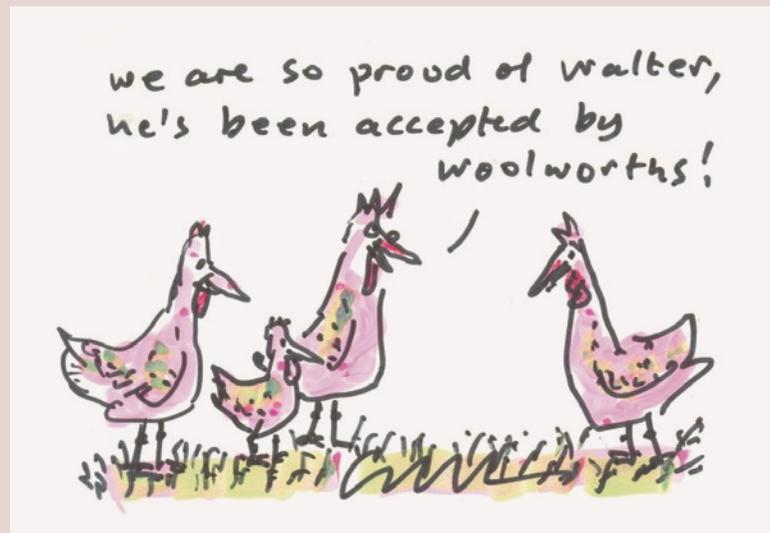
generous. They rapturously applaud the winners. It's a long list – Best Cuisine, Best Table, Best Waitron etc etc – culminating in the two Overall Winners on points. The Silver

category is won by Alan McSmith Safaris, an experienced and charismatic husband and wife team who take clients tracking on foot, working from classic African fly camps where they wash under bucket showers and bake pot bread in termite mounds.

The Gold winner is on another exquisitely pampered stretch of turf altogether. It's the lodge Elton John returns to every year, Royal Malewane, where the President of France stayed not long ago with Carla Bruni. No pot bread in termite mounds for them. **W**



Ernest Craig; and right, George Dalla Cia of Dalla Cia Wines



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# Withdrawal symptoms

**D** ID YOU KNOW THAT THE FAX MACHINE was invented in 1843 and had its first commercial application in 1856? But the fax, originally called the pantelegraph, went into technological hibernation. Sometimes it takes a long time for a good idea to catch on in the popular imagination. ([www.ideafinder.com/history/inventions/fax.htm](http://www.ideafinder.com/history/inventions/fax.htm))

Not so with the internet. The word itself was coined only in 1986, yet few people today can imagine a world without it. It ain't called the world wide web for nothing. In societies with the slightest claim to modernity, the internet has long surpassed luxury status and become a necessity.

I'm not just talking about social networking. I'm talking about the global economy and the accompanying outsourcing to the lowest bidder with internet access. I'm talking about the "new economy" and global banking.

One could go on for hours, listing the ways in which the internet has become an essential component of human discourse and commerce. I could, but I won't. It could get boring.

Suffice it to say that, in this age of internet interdependence, there long ago appeared prognosticators of cyber-wars which would bring even the mightiest of superpowers to total economic collapse – all prior to a single shot being fired. The "hacker" has become legend and threatens to usurp the "ninja" in the popular consciousness.

According to the *New York Times*, the cyber-attack as an instrument of modern warfare became reality on 20 June 2008 when Georgian internet servers were "effectively shut down" by malicious DDOS (don't ask) commands prior to the Russian counter-offensive in Georgia. ([www.nytimes.com/2008/08/13/technology/13cyber.html?fta=y](http://www.nytimes.com/2008/08/13/technology/13cyber.html?fta=y))

You know a technology has really hit its stride when people figure out how it can be used to make it easier to kill one another.

'Strues Bob.

I know this is heady stuff to those of you who, like me, primarily use the 'net for such essentials as surfing interesting websites, observing American politics ([www.buzzflash.com](http://www.buzzflash.com)), catching the latest Youtube videos ([www.youtube.com](http://www.youtube.com)), and keeping in touch with your chommies. I mention it simply to provide perspective on a recent predicament – believe it or not, but I have endured

*I have been completely cut off from my cyber-life, in which I unashamedly spent far too much time*

circumstances that put internet access temporarily out of reach.

That unfortunate turn of events has led to a fresh understanding of the plight of the alcoholic deprived of spirits. Without going into particulars, suffice it to say that the web isn't everywhere – and this webaholic is suffering from something approaching withdrawal.

Yes, I've been completely cut off from my cyber-life, in which I unashamedly spent far too much time, frittering away the hours in an offhand way. You know how it goes.

I would like to add that this unfortunate situation has also given me a new appreciation of real person-to-person relationships – and of leisure time unspent in the glow of a 17-inch monitor with selfish and unenlightened hands poised over a far too well-worn keyboard. I'd like to say I've seen the error of my ways and that I now realise exactly how much time I've wasted in the worthless pursuit of cyber-surfing rather than attending to the more important things in life.

I'd like to say all this because that's how morality tales go, and I have always held tradition in great esteem. We are taught from a tender age that we are supposed to learn from adversity and be the better for it. If we are to believe the morality tales, our personal trials and tribulations serve to make us better people. This point of view is, so they tell us, the only constructive one.

The only problem is it just ain't so. In this instance (and no doubt in most others), adversity is just adversity – besides being a pain in the arse. It teaches nothing of any value whatsoever.

Don't argue with me. I've been to the mountaintop and now I don't even have a pantelegraph.

The cyber world in its infinite variety goes on, and I'm out of the loop lying around like a head with its chicken cut off. And I have definitely failed to learn the error of my ways.

■ *Marike Roth is currently undergoing treatment for acute leukaemia in Cape Town and is eagerly anticipating a return to her wanton ways.* ☒

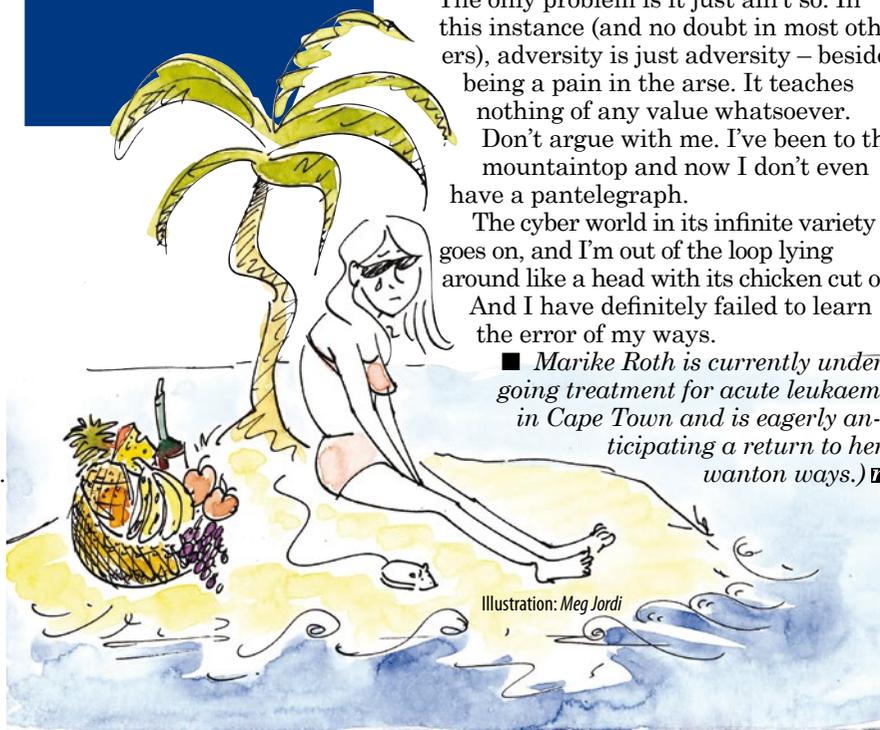


Illustration: Meg Jordi



# Storm in a wine cup

**WE'RE A BAD, SQUABBLING LOT**, we wine hacks, and no doubt deserve what we get. Nonetheless, at present the attitude of the gods has me worried for our little corps – not Bacchus, perhaps, who is surely on our side, but some of the more dour, teetotal ones might have it in for us.

If it's true that those whom the gods love die young, that's a worrying start, as we wine writers are mostly well past the flush of youth, which possibly proves their dislike. But my concern goes deeper. Some or all of us seem threatened with madness or destruction, or possibly both.

Wonderings about descent into monomania, a comparatively mild form of what we loosely call madness, have coloured my bemused observations of *Sunday Times* wine columnist Neil Pendock in recent years. The problem began, really, when he started taking himself (as opposed to his subject) a little more seriously than most of his fellow wine writers thought justified. In this context, he got a double whammy that seemed to have a majorly deleterious effect, when both the *Platter Guide* and Michael Fridjhon's *Trophy Wine Show* declined to continue making use of his services as taster and writer.

Quite a bit of tongue-lashing for Michael resulted, and, as some readers will know, a relentlessly retaliatory onslaught has for a few years been waged against Platter and those associated with it.

Like me, in fact, as I work part-time for Platter for a few months each year. Recently I've been heavily in the firing line from this self-styled "rich fatty" who offers himself as "South Africa's leading independent wine writer". The tone of his weirdly obsessive attention has occasionally been bewildering. At one point in his blog he even started talking about my teeth – my "gleaming new gnashers" as he quaintly put it. For a start he got it wrong (an airy nonchalance with facts, as with logic, is a charming habit of Neil's, which no longer raises

*A relentless onslaught has for a few years been waged against Platter*



Illustration: Meg Jordi

many eyebrows): sadly, I still have my dull old gnashers, though fewer than before, and the remainder are heavily patched. But I'm not Brad Pitt, for heaven's sake, and surely it is more than eccentric to imagine that anyone is interested in my teeth apart from me – even my dentist doesn't get excited. Why does Neil think his readers might be?

The point is, that this sort of thing has started me wondering if Neil isn't perhaps spiralling uncontrollably into something altogether more dark and disturbing than mere vindictive monomania. I do hope not; already he and his works are not a pretty sight and his editors seem not to discourage him. I mentioned my concerns to a colleague, who, being quicker and better read than most of us hacks, quoted that ancient proverb, often attributed to Euripides (wrongly, I'm told): "Whom the gods would destroy, they first make mad". Those gods again!

It would be wrong even to question whether this prevision of destruction was made with a note of hopefulness (I trust not). But thinking about the idea, I wondered if it wasn't too complacent. I shuddered: what if it were not Neil who was the object of the gods' wrath? What if their target is all those others of us (less eminent, less independent) who find Neil a little... er, maddening? What if, it struck me horribly, we are slowly being prepared by Neil for our destruction by the heavenly host?! (I surely deserve to be allowed both a question mark and at least one exclamation mark for such a momentous thought.)

Neil Pendock, instrument of divine wrath – surely that is an even more exalted role than being our leading independent wine writer. Perhaps it's true. Perhaps the gods are whispering in his ear about the hideous evil of the Platter tasters judging wine while knowing the provenance of what they're sniffing, swirling, spitting and rating. Can some ill-informed god be telling mischievous untruths about the gleam of my gnashers? I think Neil should tell us – and, any day now, nervously, I half expect him to. **W**

**A** NOSEWEEK READER has taken exception to the KFC ad in which a man in a suit and a fancy car hands his daily sandwiches to a homeless musician because he prefers junk food for lunch.

Jan thinks the fact that the rich man is black and the poor man is white is an insult to his people.

“Make an ad of a poor dirty black man collecting the lunch from a white man passing by and see if the ASA allows it. SUBJECTIVITY?” is the comment the reader posted under the online edition of the *nose107* column.

Dear oh dear.

Everyone’s so thin-skinned these days, casting a television ad must be a minefield.

If you go with the usual stereotypes, you’re accused of racism. If you subvert the stereotype, you’re accused of racism.

If you choose everyone from the same ethnic group, the others feel excluded. If you try too hard to mix people up, it looks contrived.

Race, in the case of the KFC ad, is completely incidental to the plot. The fact that the actors don’t conform to outdated expectations adds an interesting twist, but you could switch the roles without materially affecting the selling message (or risking censure from the ASA).

If the ad insults anyone, it is wives of all races who must be dismayed at this crass display of disrespect for the lovingly-prepared packed lunch.

As for ads that insult white people, there are plenty of more direct examples at which to take offence.

When apartheid went pear-shaped, it became something of a fashion to make whiteness the butt of the joke.

Marketers were keen to ingratiate themselves with both the new elite and the newly-liberated, newly-credit-worthy mass market. And if that required dissing their existing consumers, well, it was a risk worth taking.

Vodacom is probably the most obvious TV example, with the obnoxious and absurd Michael de Pinna character being repeatedly bested by the donnish Kole Omotoso. More recently we’ve had the fat, bald, white dufus being shown up by a cool, tech-savvy black dude.

Lazy white bosses, white people trying to be politically correct, white people who can’t dance or pronounce black names or speak a black language have all been grist to the creative mill.



Charlie Chaplin in the 1940 satirical classic movie 'The Great Dictator'

## Making a mockery

*With insight and understanding ads may help us make sense of each other*

And most white people can take a joke. Only the most bitter and insecure could resent a bit of gentle ribbing after all the humiliation that has spewed the other way.

Anyway, the gag is getting old now. Advertising, at least, is moving on. Whiteness is, after all, not the only comical character in our colourful South African cast.

Except that we have yet to agree on who is fair game.

This year, Vodacom bravely stepped out of its white-baiting comfort zone with its parody of an African dictator.

This caused a brief flurry of outrage on radio phone-in programmes, letters pages and internet forums. Complaints were laid with the ASA claiming the ad “reinforces stereotypical perceptions of African countries”.

A less paranoid interpretation would be that it reinforces stereotypical perceptions of African dictators. Nothing wrong with that, surely?

Sensibly, the ASA told the complainants to get over themselves, or words to that effect.

Making a mockery of vicious megalomaniacs is one thing, but making fun of ordinary people requires more tact. Especially in a country as diverse and dis-united and touchy as ours.

There is a fine line between an amusing cultural characterisation and an insulting racial cliché.

Some of our best advertising relies on unique local characters and cultural idiosyncracies for its humour and charm: exaggerated Indian accents, fat black mamas, Sandton kugels, Portuguese cafe owners, Afrikaans cops, Rasta herbalists, ignorant white people – stereotypes maybe, but there’s not much time for character development in a 30-second spot.

As long as they’re done with insight and affection, these ads may even help us to understand each other better. Even to like each other.

But there will always be those who take personal offence when anyone who looks or sounds like them is portrayed with anything but the utmost solemnity and respect.

Unfortunately, that’s not funny. ■



# Sun

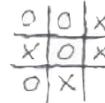
**N**OW MS ARACHNA WEBBER is no baggy old bird who made her way into school teaching because it's a safe thing when you're old – Ms Webber believes in teaching because she's young and fresh; you'd be proud to be seen with Ms Webber in one of those swanky restaurants on the telly, she looks like Madonna except her hair is black and she doesn't have that gap between her teeth like she can drink Coke through a straw with her jaw shut. And of course she isn't 50. She isn't the proverbial mutton dressed as lamb. Vital, man, vital. Ms Webber could eat your head off in the process of copulation.

So young Joe hits 13 and he's off to high school, where education happens in an adult mode, and he's proper fired up, I tell you, when this bouncy new lady teacher declares they're done with all that kids stuff of primary school. You know: What I Did in my July Holidays, et cetera. They're going to kick off with a Great Research Project for All, namely The Universe. You can't get greater or bigger or better than that, hey? She smiles, enchantingly. Deliver a five-minute talk on it, any part of it, everyone. Joe is aflame when he gets home, and enthuses me too. Let's do the sun, says he. Okay, so we haul out books and get on the internet and he stays up still he's shagged out and tries his five minutes of solid talk on me, how after an octillionth of a second after the Big Bang, most energy of the universe turned into hydrogen and that's what is inside the sun to this day and it's turning into helium by nuclear fusion and eventually when there's no more fuel left it will become a Red Giant and vapourise the Earth and melt Mars then shrink into a White Dwarf something like your week-end braaivleis, and that's five minutes flat without interruptions.

Great. Joe because he's tallest is asked to talk first. Now the Sun, says he, is a pretty ordinary sort of Main Sequence star, and... The Sun isn't a star, says Ms Webber. Oh, says Joe, and sits down. Next, says she. Let's have a girl, and the girl she chooses happens to be Polly Isaacson who was going to talk about the speed of light, but her father being Professor of Physics she can't let this one go and she stands up and says Are we to suppose that there is only one sun in

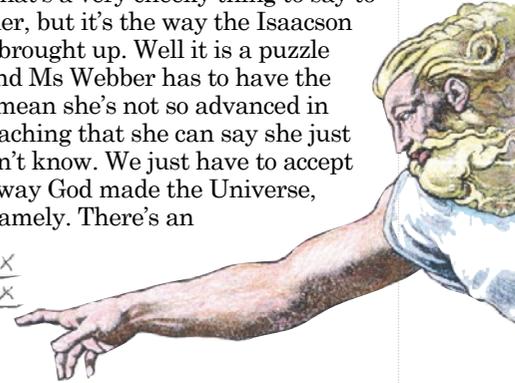
**She isn't the proverbial mutton dressed as lamb. Vital, man, vital. Ms Webber could eat your head off in the process of copulation**

the Universe? If not, where are the others to be seen? That's a very cheeky thing to say to your teacher, but it's the way the Isaacson kids were brought up. Well it is a puzzle all right and Ms Webber has to have the answer, I mean she's not so advanced in modern teaching that she can say she just plain doesn't know. We just have to accept that's the way God made the Universe, says she, lamely. There's an



embarrassed silence, everybody thought this was a science project. Then suddenly another cheeky little bugger name of Millicent holds up her hand and says Please Miss, what was God doing before he made the Universe? U-u-u says Ms Webber. Milly's father is a structural engineer and he's taught her never to claim she's moral if she can't be logical first. I mean, says she, you can't say He was just hanging around being moral, because there wasn't anybody around to be immoral, unless He created the Devil first, which would have been a pretty dumb thing to do, hey?

Then there's a boy name of Hendrik, whose mother is a very focused sociologist, and Hendrik sticks up his hand and says Please Miss, why do you refer to your God as He, my mother says She's a black lesbian. HENDRIK! cries Ms Webber, if you say that again I will send you to the headmaster! So now there's a really real embarrassed silence, because everybody knows the headmaster is gay and a voluble defender of gay and lesbian rights, and black folks' too in bad old days. What's more he is Buddhist and says She is neither a Mosaic nor a Christian nor a Muhammadan God. NEVER MIND! says Ms Webber, let's start again. Would any one of you like to try to explain the origin of the Universe? Yes I would, says Hendrik. If you go backwards through time in the expanding Universe you will conclude that at the moment of the Big Bang it was as big as a singularity, a mathematical point of no size. Oh come on! says Polly Isaacson, a singularity must have space to exist in, and it must exist for some period of time, and before the Big Bang there was no space and no time. Things get heated. *Groot bek!* sneers Hendrik at Polly. *Klein brein!* snarls she at Hendrik. SHUT UP EVERYBODY AND SIT DOWN! yells Arachna Webber. Time's up! Our next Wednesday project will be What I Did in My December Holidays. ■



## PAYMENT & TERMS FOR SMALLS

**Deadline** for smalls is the 1st of the month prior to publication.

**Smalls ads** are prepaid at R120 for up to 15 words, thereafter R15 per word.

**Boxed ads** are R200 per column cm ex VAT (min 3cm deep).

**Payment by cheque** should be made to Chaucer Publications, PO Box 44538, Claremont 7735.

**Payment by direct transfer** should be made to Chaucer Publications; Account 591 7001 7966; First National Bank; Vineyard Branch; Branch code 204 209.

**Payment online** at [www.noseweek.co.za](http://www.noseweek.co.za)

**Email ads** to [ads@noseweek.co.za](mailto:ads@noseweek.co.za)

## PERSONAL

**The extra charge** for SMSs to enter competitions funds the prize. Illegal lottery? [s3n3kal@iburst.co.za](mailto:s3n3kal@iburst.co.za).

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**Will & Courage** is a confidential match-making service – discreet, upmarket & professional intros. Contact Sharon on 082 350 1648 or email [consultant@wil-landcourage.co.za](mailto:consultant@wil-landcourage.co.za). All enquiries are treated confidentially.

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**Clarens** Near Golden Gate in the beautiful Eastern Free State: Rosewood Corner B&B offers all you want for a break from it all. 058 256 1252.

**Marina Da Gama, Cape Town** Self-catering apartment on water's edge. [www.cootslanding.co.za](http://www.cootslanding.co.za).

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**Umlanga** Next to the Sands, 2 bed/2bath stunning, serviced, sea facing apartment with DSTV [putz@icon.co.za](mailto:putz@icon.co.za) 082 900 1202.

**Plettenberg Bay** Anlin Beach House B&B/

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**Kenilworth, Cape Town** Charming very comfortable guesthouse excellent for holidays and for commuting businessmen. Contact 083 3571115

**Plettenberg Bay, Tramonto** Luxury 3 bedroom apartment to let December R15,000 p.w; 044 533 3788

**Summer Place in Umzumbe, KZN** South Coast. 4 star luxury self catering units directly on the beach. [www.mybeachhome.co.za](http://www.mybeachhome.co.za) or [summerplace@icon.co.za](mailto:summerplace@icon.co.za)

**Kommetjie, Cape Town** Newly furnished, 3 bed, 2 bath, newly renovated, 100 steps to Long Beach; jacuzzi. Sleeps 8, R2,000/day or reduced rate for long rentals; [susan@decorlink.co.za](mailto:susan@decorlink.co.za).

**Hermanus** Luxury home, sleeps 10, ideal for two families, walking distance to village/cliff path. 083 564 8162.

**Bantry Bay:** Fully furnished apartment. 2 bedrooms en suite. 1 bedroom with shower/toilet. DSTV. 2-car offroad parking. Large sun-deck with private pool. Magnificent views from Clifton Corner to Robben Island. Available during December/January. Phone Barry 082 490 1131.

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**Nelspruit** Shandon Lodge. Four-star Portfolio rated. Luxury. For business, golf or touring getaways. Call 013 744 9934.

**Camps Bay apartment** Sweeping sea views, comfortable, spacious, fully equipped. Big salt-water pool in pretty garden. [astri@wirelessza.co.za](mailto:astri@wirelessza.co.za).

**Villiersdorp** Vredelust Bed & Breakfast and self-catering 2 Van Riebeeck Street, Villiersdorp. Call 028 840 1735 or 082 372 5076.

**Mthatha** Country Lodge Guest House. Call 047 532 5730 or Judy on 083 330 9733.

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**Final Accounts & Claims** For contractors. Martin 082 900 1410.

**Adrian Gary Skuy Attorneys**, Johannesburg. Specialising in litigation, commercial, labour, tax, matrimonial. 011 882 3778 or 082 451 5779.

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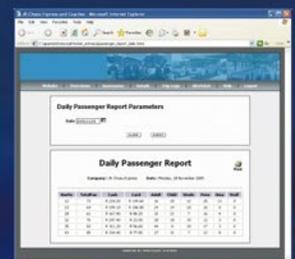
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