

news you're not supposed to know

R34<sup>80</sup>  
(including VAT)

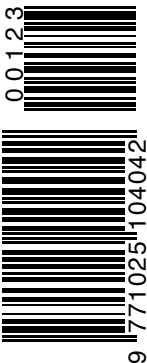
# noseweek

123

JANUARY 2010



## Justice for sale



**Will-snatching in KZN** Emirates Flight 404 to Hell Savile Row  
 property auction fiasco **Rates nightmare for Joburg couple**

# HIT THE MARK!



**Advertise in  
SA's most  
trusted  
publication**

**Phone Hans Muhlberg or Adrienne De Jongh**

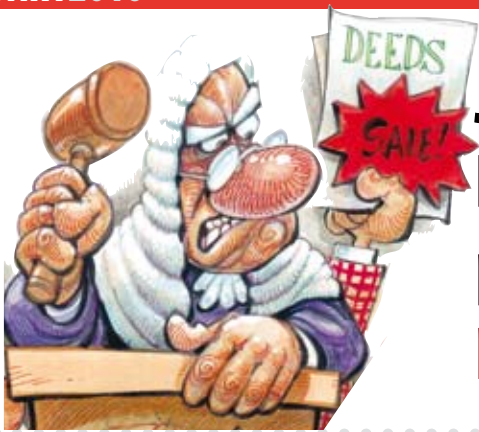
**021 686 0570**

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

# noseweek

JANUARY 2010

ISSUE 123



## Justice at knockdown prices page 10

- 4 **Letters** Mean-spirited Nedbank
- 5 **Dear Reader** Law of diminishing returns
- 7 **Mr Nose** More Wasp stings ■ Home truths for Homemark
- 8 **Notes & Updates** A lot of interest ■ Mr Arniston cops a klap ■ Arabella SA empire up for grabs
- 12 **Improvidence funds** How to make a fortune out of union investments
- 14 **Who has the forked tongue?** Two versions of what happened at the auction
- 16 **Fleeing the poor** Unscrupulous operators are draining cash from the bank accounts of people who don't understand what they've got into
- 18 **Netshitenze's lemon** Traditional knowledge is the antithesis of intellectual property
- 20 **Desperately seeking Jenny** A prisoner who was released on bail after the court docket went missing has now mysteriously disappeared
- 22 **Municipal madness** A married couple is being hounded for rates and tax arrears on a house they sold some 40 years ago
- 24 **Did Zenande have to die?** Where were the doctors when a child undergoing a routine procedure failed to wake up from an anaesthetic?
- 27 **Like a hole in the ...** Does the Garden Route really need another mega golf estate?
- 28 **Emirates Flight 404 to Hell** A Cape Town family was left stranded in Dubai after their passports, tickets and money disappeared on a flight – and the airline refused to help
- 30 **Voyage round my sister** Jack Lundin last saw his sister more than 14 years ago. When he was piecing together the last months of her life, he was confronted by a shock discovery
- 35 **Books** New desert fictions
- 36 **Country Life** No respect
- 37 **Last Word** Activist

## WINE WINNERS



Jan Burroughs - Napafield  
Neil Fawcett - Sandmagill  
Susan Goodrich - Wood Milling  
Mr. C Goodfather - Homestead  
Joang Kedingham - Oranjeval

Mrs. J Karoluk - Napa  
Jacques Thorne - Stellenbosch  
Lena Van der Merwe - Wynland  
Bill Wellington - Paresberg  
Tina Webster - Pinesburg Bay

The Wine winners each win a Ken Forrester winepack

## BOOK WINNERS



Cathie Hornby

Steven Isacowitz

Deryck Medley

Dawn Ridler

Rugaya Sadan

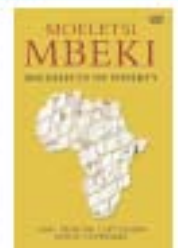
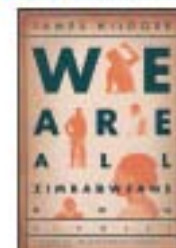
Jonathan Wright

Sifiso Sonjica

Silie Moliwe

Letlatsa Lehana

Margarete Reifarth



**SUBSCRIBE to noseweek and SAVE R81 on the retail price: see PAGE 6**



## Devastated by Rees

I invested R1.3m in Rees and Tannebaum's scheme. I made one withdrawal of R200,000 and lost the rest (*noseweek* published my name, but the figures were incomplete.)

Here's a question: I withdrew the R200,000 to pay provisional tax on an incentive bonus I received. Now I have lost the capital, can I claim the R200,000 back from SARS? What if I am asked to pay it back to the liquidators?

The background is this: I retired as a financial director some 18 months ago, and

simply wanted financial independence in retirement.

I am 67 and my pension is too small to live on and I can only find temporary work. I am devastated that after a life of hard work I cannot now enjoy the fruits of my labour.

**Ponzi Pensioner**

By email

## For the record

I'd like to correct some errors: ■ I have never had any association or business dealings with Dean Rees. (He did not serve articles with me.) ■ I was not struck off the

*you could be a scholar and a gentleman. My fullsome apology – and dinner on the house – is yours. (Meanwhile someone I know is going to get his arse kicked.)* – Ed.

## Must try harder!

I really enjoy *noseweek*, but your last article on the Tannenbaum scam was tedious, inconclusive and failed to add anything new. You might as well have circulated the bank statements. I'm sure you can do better.

**Robert Johnson**

By email

problem with Nedbank (*nose121*). If only Nedbank would show some empathy in my case.

I had two Nedbank credit cards, which went into arrears. I contacted Nedbank attorneys to make arrangements to pay a minimum of R500 until the first week of January when I would be able to settle the accounts. On 20 October I made the first payments, with the arrangement that further payments would follow each month. Yet, on 30 November Nedbank debited R16,000 from my savings account, without my consent.

They left me without anything to live on. I have pleaded with them to refund me a portion but the response from their René Pretorius has been a big NO.

**Desiree Mojanaga**

By email

## Nedbank debited R16,000 from my savings account, without my consent or authority

on the advice of someone connected to Rees, I invested my retirement savings (the R1.3m) in the scheme. I was told of the high profile investors, the involvement of Aspen, and of a positive audit. I got regular letters from Rees and watched excitedly as my investment grew (on paper).

The public impression is that the investors in the scheme were wealthy and greedy. But some, like me,

roll of attorneys;

■ I was never denied bail, nor was I convicted of tax fraud (or theft or any type of fraud at all).

In a lighter vein, the speed mentioned in my Porsche was a little short off the mark. However, the magistrate was a scholar and a gentleman.

**Nathan Cheiman**

Randburg

*That's about as bad as it gets around here. You sound like*

*You presumably had read the bank statements. Most readers want an intelligent summary, plus a bit more.* – Ed.

## Roaming rip-off

Thanks for a superb magazine. On the subject of cell phone roaming charges (*nose122*) Vodacom sold me a Blackberry service on the understanding (I have it recorded) that my international roaming would be free. This was confirmed on three occasions.

After a recent trip to Japan, my data bill for Blackberry browsing and email came to R15,000. Am I the only unsuspecting and trusting client to be caught in this manner?

I reported the matter on 14 September last, and though it is now at CEO level, no resolution seems to be forthcoming.

I have enough proof to win a case against them – but whether I can afford litigating, against their budget, is still to be seen. Meanwhile, *noseweek* readers be warned.

**Steven van Zyl**

By email

## Talk of victimisation

Calderisi's "The trouble with Africa: Why foreign aid isn't working" (*nose121*) treads the soil of anathema and sacrilege when he speaks of African fatalism, acceptance of corrupt leadership and shifting of responsibility. How dare he! Sounds like David Bullard – and look what happened to him.

Paul Theroux's name was mud after he suggested the uselessness of foreign aid. Talk of victimisation is a cancer that no aid can heal. Surely we're bone-weary of it by now?

**TJ Ruthenberg**

By email

## Entertaining company

Regrettably, I won't be renewing our subscription, as my hubby's miserable Transnet railway pension can no longer cover expenses that aren't strictly necessary. But I want to thank you for a very entertaining year in the company of your excellent magazine.

**Julie J van Rensburg**

By email

*All thanks to dear, dear Maria Ramos-Manuel.* – Ed.

## Gus

If he doesn't have sex every three months he starts to whine!



**Editor**

Martin Welz  
editor@noseweek.co.za

**Managing editor**

Hans Muhlberg

**Production editor**

Tony Pinchuck

**Gauteng bureau chief**

Jack Lundin  
jack@noseweek.co.za

**News editor**

Mark Thomas  
news@noseweek.co.za

**Censor-in-chief**

Len Ashton

**Sub-editor**

Chas Unwin

**Cartoons**

Myke Ashley-Cooper, Gus Ferguson,  
Stacey Stent

**Cover art**

Dr Jack

**Contributors**

Bheki Mashile, Harold Strachan

**Subscriptions**

Maud Petersen  
subs@noseweek.co.za

**Advertising**

Adrienne de Jongh

**Accounts**

Nicci Joubert-van Doesburgh

Copyright All material in this issue is copy-right, and belongs to Chaucer Publications (Pty) Ltd, unless otherwise indicated. No part of the material may be quoted, photocopied, reproduced or be stored by any electronic system without prior written permission. Disclaimer While every reasonable effort is taken to ensure the accuracy and soundness of the contents of this publication, neither the authors nor the publisher will bear any responsibility for the consequences of any actions based on information contained. Printed and Published by Chaucer Publications (Pty) Ltd.

**SUBSCRIPTION RATES****Print**

<b>SA only</b>	R336
<b>Neighbouring states (airmail)</b>	R446
<b>Europe, Americas and Australasia</b>	R530

**Internet edition**

<b>1 year</b>	R278
---------------	------

**Combined**

<b>Print+Internet (SA only)</b>	R468
---------------------------------	------

**To subscribe**

**By post:** Send cheque with name, address and phone no. to: noseweek, PO Box 44538, Claremont 7735.

**Via Internet** (pay by credit card):  
www.noseweek.co.za

**For further information call**  
(021) 686 0570; **fax** 021 686 0573 or  
**email** info@noseweek.co.za

# Law of diminishing returns

**T**HIS ISSUE CONTAINS two stories that point to a shocking breakdown in the justice system. There is, of course, something quite funny about a woman being annoyed to find that her fake divorce order is being questioned, but the consequences of being able to buy court orders should not be underestimated. Especially not if you consider that the high court has the power to dissolve marriages, decide custody disputes, put individuals and corporations into liquidation, attach property, issue interdicts, determine civil claims of any amount, and adjudicate the most serious of offences. The story of a police officer removing a docket, seemingly to ensure that the accused is released on bail may sound a bit old hat, but it is no less shocking.

We could have brought you a number of other stories. There's the Johannesburg attorney who phoned in a state of rage to say that it now takes a full four months even to get a default judgment at the Johannesburg Magistrates' Court – in other words, a judgment against someone who hasn't bothered to oppose the claim. This process can be speeded up, but a bribe needs to be paid. Then there's the Cape Town trauma counsellor who called in a terrible state, to say that a rape victim he has been counselling is suicidal, following the ferocious cross-examination she had to endure in court from defence counsel – which the inexperienced and totally uninterested prosecutor did nothing to curtail – and the inevitable acquittal of the man she claims raped her. The counsellor, who has worked closely with the police for years, told *noseweek* that, though he has always been very supportive of the police, he can no longer deny the fact that the force is now totally dysfunctional. As an example, he described how a high-profile murder investigation in Muizenberg has been all but abandoned, despite the fact

that the police have a pretty good idea who did it. Why? Because the officer in charge of the investigation simply doesn't have the confidence, experience or nous to call the suspect in for questioning. According to the counsellor, the calibre of many of our police officers is such that they simply won't pursue anyone who they know can retain an attorney. And finally, there's the Cape Town man who told us that, when he tried to lay a charge of assault, he was told in no uncertain terms by a police officer not to pursue the case because the assailant would simply file a (spurious) counter-charge of racial abuse.

You don't, of course, have to be in the law to know what a mess the legal system is in. The shameful appointment of Menzi Simelane as National Director of Public Prosecutions has been widely reported. And who can forget the antics of Western Cape Judge President John Hlophe. Indeed the seemingly endless manipulation of the legal system, by those who have the resources (usually public servants using, one suspects, public funds) to ensure that their day in court never comes. And few will have missed the irony of a government, that can offer its traumatised citizens nothing more than slogans like "zero tolerance" and "shoot to kill", somehow finding extra resources to ensure that no one offends Fifa and its sponsors around World Cup time.

Old-timers will tell you that it wasn't like this in the old days. They conveniently overlook the fact that in the old days the legal system was seriously tainted and discredited by the political system within which it operated. But, even in those days, the legal system had some semblance of legitimacy. It no longer has even that. Lawyers are rightly concerned, and everyone else should be too!

**The Editor**



TEL +27(0)21 855 2374  
 FAX +27(0)21 855 2373  
 marketing@kenforresterwines.com

**KF**  
 KEN FORRESTER  
 VINEYARDS

PO BOX 1253 STELLENBOSCH  
 SOUTH AFRICA 7599  
 www.kenforresterwines.com

## First-time subscribers can win!

If you've never before subscribed to noseweek now is the time! Apart from having SA's top investigative magazine delivered to your door, you could also win one of five Ken Forrester wine packs.

Subscribe now and stand in line to score.



# Subscribe to noseweek

and **SAVE OVER 20%** on the cover price.

**It's easy ...**  
 Choose one of these straightforward options to get your noseweek now!



Subscribe **ON LINE** at [www.noseweek.co.za](http://www.noseweek.co.za) or email [subs@noseweek.co.za](mailto:subs@noseweek.co.za)



**CALL 021 686 0570** with your credit card details



Make out your cheque to **Mag Marketing** and **POST** to PO Box 44538, Claremont 7735



Complete the form and **FAX** to: **021 686 0573** or email proof of payment to: [subs@noseweek.co.za](mailto:subs@noseweek.co.za)

### PERSON TO RECEIVE SUBSCRIPTION (in block letters, please):

Title..... Initials.....Surname.....

Postal address.....

City.....Postcode.....

Profession/Business.....Year of birth.....

Tel.(.....)..... Email.....

### THIS IS A GIFT FROM (if applicable):

Title.....Initials.....Surname.....

City.....Tel/email.....

**THIS IS A**  New subscription  Renewal

**RATE**  Local @ R336  SADC @ R446  Foreign @ R530  Internet edition @ R278

Online+print combined: add R132 to the cost of your print edition

### PAYMENT METHOD

**Cheque enclosed** [MUST be made out to: Magazine Marketing & Subscription Services (Pty) Ltd]

**Direct deposit** to First National Bank; Vineyard Branch; Code 204 209; Acc: Magazine Marketing & Subscription Services (Pty) Ltd ; No: 620 2477 9623. (Fax deposit slip with this form.)

**Credit card:** Master Card  Visa  Diners Club

Card number

--	--	--	--	--	--	--	--	--	--	--	--

Last three digits on reverse of card 

--	--	--

 Expiry date 

--	--	--	--	--	--

Cardholder's signature

--

Issue 123





# Mr Nose puts it about

## More Wasp stings

**F**OLLOWING NOSEWEEK'S recent exposés (noses119&121) of how Vodacom and Cell C customers are being ripped off in the great "content scam", it came as no surprise that MTN customers are having the same trouble.

Joan Mitchell of Margate recently received an account from MTN indicating a "content charge" of R52.62. Joan had no idea what this was for, so she phoned MTN's help number, to be told that the charge was for content she had received from Mobile 365.

But I've never heard of these people and I've never ordered any content, said Joan. Well I can give you their number and you can cancel the order, replied the ever-helpful operator. But I want a credit, said Joan. Sorry, no can do.

When Joan phoned the number she was given for Mobile 365, all she got was a voice saying "The person you're calling is not available". So she turned to Mr Nose and the A Team.

Enquiries revealed that Mobile 365 is now called Synapse 365, and it has a new phone number. Synapse 365 country manager Ricardo Vallaro told *noseweek* that his company has repeatedly told MTN that they're giving out the wrong number (it must be a real bummer to have the wrong number going out to people who want to complain).

Synapse 365, he said, is a WASP or SMS aggregator which links content providers to network operators. It has some 15 content providers on its books, and, boasted Vallaro, doesn't tolerate "auto subscription". Shortly

after he emailed saying: "I am going to investigate the matter further. I have also lodged an official complaint with WASPA for this number [...] I am extremely annul [anal? annoyed?] about content providers that use my connections in South Africa and thus mandate that they all sign up with WASPA as members and adhere to the rules and regulations stipulated by WASPA. I will kick them off our platform."

The next day Joan phoned to say

she had received a call from someone in the UK who had taken her bank details and promised to reimburse her. Then Vallaro emailed to say that the content company was Venista, and forwarded an email from Venista saying: "I have spoken to this customer, Mrs Mitchell, who is a lovely lady. I have now unsubscribed her and have arranged a full refund, as a gesture of goodwill. She is delighted with the outcome, and the service we have provided, and considers her complaint fully resolved."

*Noseweek* is also delighted – but without our intervention nothing would have been done about it.

## Home truths for Homemark

**H**OMEMARK OFTEN GETS HAULED before the Advertising Standards Authority (ASA) for making claims about products that just aren't true. Recently the company was taken to task about adverts for a foot spa, which declared that it relieves stress and detoxifies the body. In response, Homemark did what companies that are caught out often do: it simply undertook to stop advertising the product.

Usually the ASA regards this as an acceptable solution – but not this time. What followed were some fascinating insights into Homemark's business practices: The company admitted that it introduces roughly 40-50 new products to the South African market every year; that, of these, some 20 turn out to be commercially unviable and are

therefore withdrawn; that it launches products without establishing if they actually do what they claim to do (relying instead on the word of its "reputable suppliers"); and that it effectively uses South African consumers to test the products. The foot spa turned out to be one of these commercially unviable products.

These admissions incensed the ASA. After considering Homemark's long history of having to withdraw adverts and the large number of rulings against it, the ASA ordered Homemark to submit all its advertising to the ASA for pre-clearance (i.e. for adjudication before use) for a period of six months.

For a big advertiser like Homemark this will be inconvenient, expensive and downright humiliating. Way to go ASA.

### WHY ARE LEADING LAW FIRMS SWITCHING TO LEGALSUITE?

LegalSuite is a leading supplier of software to the legal industry. We have been developing legal software for over 20 years and 6000 legal practitioners use our program on a daily basis.

If you have never considered LegalSuite as an alternative to your current software, we encourage you to invest some time in getting to know the program better. We strongly believe it will not only save you money, but could also provide a far better solution than your existing system.

Some of the leading law firms are changing over to LegalSuite, we would like to show you why. So give us a call.



"MAKING COMPUTERS WORK FOR YOU"

**+0861 711150**

FOR A FREE DEMONSTRATION,  
[www.legalsuite.co.za](http://www.legalsuite.co.za)



## A lot of interest

**I**N RESPONSE TO the *nose121* story about how Cathy Brinkhuis ended up having to repay Nedbank over R40,000 on a R4,800 loan (Nedbank agreed to write off the debt: see *nose122*), a reader wrote to tell us that his domestic worker has signed a similarly exorbitant loan agreement with FNB.

Apparently the woman in question borrowed R3,000, repayable in 18 instalments of R314, at 35.50% – a total of over R5,650. The reader's comment: "This is surely a way to ensure the poor get poorer, while the rogues, thieves, fat cats and 'gravy trainers' get richer."

*Noseweek* asked FNB if they'd like to comment. The bank's media liaison officer, Bongoletu Futuse, saw nothing odd about the loan, saying the interest rate in each case is based on several factors, including the applicant's age, type and period of employment, the level of indebtedness and the repayment period.

The rate charged in this case is in fact below the maximum allowed by

## Mr Arniston cops a big klap

**'M**R ARNISTON, Robert Haarburger, got a great big *klap* recently, courtesy of the Western Cape High Court. *Nose110* reported on the skulduggery going down in this sleepy little Cape resort situated near Cape Agulhas and the De Mond and De Hoop nature reserves, and which encompasses Kassiesbaai, a hamlet of well-preserved fishermen's cottages that enjoys national

monument status.

*Nose110* told how, in 2006, "entrepreneurs" Christo Swanepoel and Ethel Botha – acting through Verreweide (Pty) Ltd – acquired a piece of land from the Cape Agulhas municipality, that had been earmarked for development that would benefit the impoverished Kassiesbaai community. It had been intended that the site house a small centre comprising a restaurant, a supermarket and a few small shops.

The duo's bid of R426,000 was accepted despite the fact that it was lower than a rival one. The duo lacked BEE credentials, but no worries: the two had enlisted the help of local ANC councillor Eve Marthinus, who apparently felt blow-all for the plight of the local community.

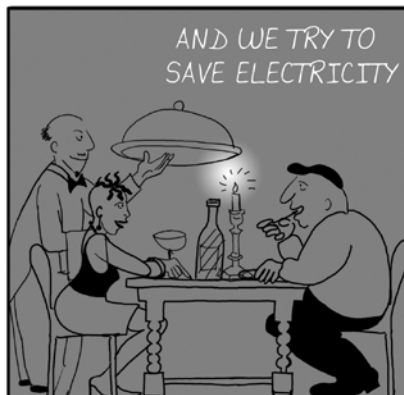
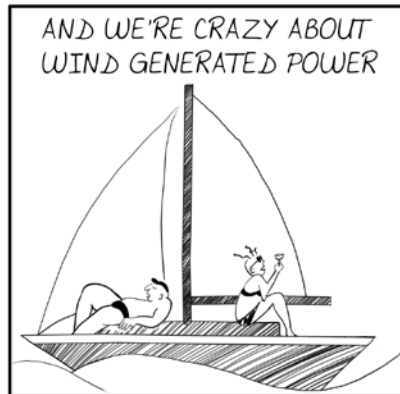
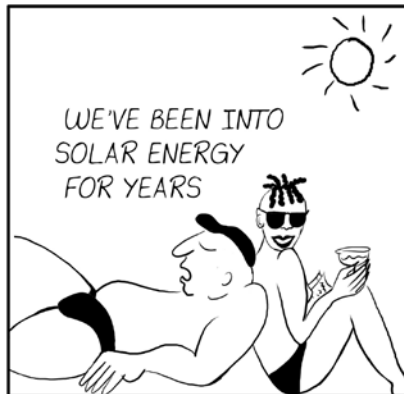
In no time, the two had sold the property to Robert Haarburger, Arniston's Mr Big, for R4.8m. (The conditions imposed by the municipality prevented the two from reselling the land, so they sold Haarburger the company that owned the land.)

the National Credit Act, he added (with some pride).

In other words, if the bank thinks you won't be able to repay the loan, it does all it can to prove itself right. Novel idea.

Yet, try as they may, Nedbank and FNB simply can't compete (as far as we know) with African Bank. *Noseweek* has in its possession a statement issued by African Bank to a man in Merrivale, KZN, relating to a loan of R1,000.

The interest rate: 170.4%.





# Arabella: SA empire up for grabs

Soon enough, Haarburger started erecting a three-storey building (instead of two), which had basement parking and which would house share block residential units. It looked like Haarburger would get away with this, due to close ties with municipal manager Keith Jordaan and councillor Marthinus.

Fortunately, as it turns out, not everyone in Arniston works for Haarburger, and the ratepayers' association, led by one Colin Bird, took Haarburger on. They sought a review of various decisions made in Haarburger's favour, and got an interim interdict requiring Haarburger to refrain from building until such time as the review was resolved.

Haarburger responded by using his clout to change the composition of the ratepayers' association, in a bid to persuade the association to drop the review and the interim interdict. All of a sudden 86 people applied to join – of these, 46 were employed by Haarburger, with the other 40 being family members of those employees. The ratepayers opposed to the development then formed a separate action group and joined the proceedings under that guise.

On 19 November acting Judge De Swardt gave his ruling. He spoke of "ostensible collusion between Jordaan (the municipality manager) and Verreweide/Haarburger", and said that Jordaan "failed to act impartially and objectively". The sale of the land contravened the Municipal Finance Management Act, which requires municipalities to consider the fair market value and the economic and community value, and to ensure that the sale process is fair, equitable, transparent and competitive.

So no surprise that the municipality's decision to transfer the property was reviewed and set aside, and the Registrar of Deeds was ordered to cancel the deed of transfer. Various other internal appeals and decisions that had gone Haarburger's way were also set aside.

Finally, to add to "Mr Arniston's" misery, the judge declared that the objectors had been quite justified in forming a separate action group and joining the proceedings. So all the costs were for Haarburger's account too. Nice one that.

**N**OSE122 REPORTED that the proposed Phase 2 extension to the Arabella golf estate in Kleinmond had run into serious problems in the Cape High Court, which ruled that it should go to the new minister, Anton Bredell, for further consideration.

It has now emerged that the whole Arabella operation in South Africa is in fact up for sale. The seller is the German company Schörghuber Stiftung & Co Holding KG, and the financial adviser is Deutsche Bank.

Up for grabs:

■ The 483-room, five-star Westin Grand Hotel, linked to the Cape Town International Conference Centre.

■ The Paulaner Bräuhaus, a charming Bavarian-style hostelry in the V&A, where you can drink stein, eat wurst and bellow to your heart's content come *Oktoberfest*.

■ The 145-room, five-star Arabella Western Cape Hotel & Spa in Kleinmond, complete with an 18-hole golf course that's ranked fifth in South Africa, as well as the planned Phase 2 development comprising a second golf course and some 350 luxury homes.

Apparently the idea is to sell up before the World Cup, with the bumf boasting that Cape Town will enjoy a "significant trading stimulus through various sporting events, including the FIFA Soccer World Cup". The sales

promotion pack naturally makes no mention of legal proceedings involving Phase 2, nor of the adverse court decision.

*Noseweek* asked Riaan Gous, executive director of Arabella South Africa Holdings (Pty) Ltd, why the resorts are up for sale, and whether the court setback had played a role.

Gous insisted that "the outcome of the recent Arabella Phase 2 court case had no impact whatsoever on the decision." He said a "business review" had followed the recent death of ultimate shareholder Stefan Schörghuber, whereupon the company decided to "concentrate on its core activities in Europe". So it had nothing to do with the recession after all!

*Noseweek* hears that emotions are presently running high in certain communities around Kleinmond, who had been given the expectation that Phase 2 would bring jobs for all. There's apparently even talk that Betty's Bay will burn – as punishment for those who dared oppose the development.

As failure to proceed with Phase 2 is in fact due to the German company's unrelated decision to exit the country, Mr Gous will no doubt be keen to calm things down by bringing the truth of the situation to the attention of the aggrieved locals.



## Manage Growth. Restore Order.

Taking your **Life Insurance** business to the next level is never easy. With our **software** and industry experience we can assist you in expanding abroad or streamlining local operations. For more information visit [www.synerics.com](http://www.synerics.com).

**synerics**

• Technology • Systems • Management • Infrastructure

# JUSTICE FOR SALE

## Thriving business in fake court orders is being run under judges' noses

**S**TAFF IN THE REGISTRAR'S Office of South Gauteng (Johannesburg) High Court, *noseweek* can reveal, have been running a brisk business in fake court orders. And although judges have expressed outrage and the racket has been reported to the police's Commercial Crime Unit, nothing has been done to stop it.

The fraudulent enterprise has come to light in a dispute between former Home Choice manager Jakobe Chizaso and his brother-in-law Azwifarwi Mphaphuli – a high-ranking official in Limpopo's provincial government – over their joint ownership of a house at Roodekop, Germiston.

Back in 2004 Chizaso and his common law wife Juliet Mphaphuli couldn't raise the funds for a mortgage bond. But Juliet's brother Azwifarwi Mphaphuli, who describes himself in court papers as chief executive officer at the provincial department of health in Limpopo, agreed to be listed as joint purchaser in order to secure a bond from Standard Bank.

Although the two men became the house's joint registered owners, only Jakobe and Juliet and their children in fact lived there – and they paid the bond instalments and municipal charges.

In 2006 Azwifarwi Mphaphuli told Jakobe that he wanted to sell the property. "I advised him that the property was not for sale as it was the family home where I lived with my wife and children," reads Jakobe's founding affidavit in a pending high court action.

That August, Jakobe and Juliet learned that Mphaphuli had applied to South Gauteng High Court

seeking an order that the property be sold and the proceeds divided equally between him and Jakobe. Over the following months the matter was set down for hearing three times, but Mphaphuli never turned up and each time his application was struck from the roll.

Jakobe Chizaso told his attorney, Jack Hajibey, that if the application surfaced again he would oppose it.

In February 2008, when Jakobe went to Standard Bank to pay the bond instalment, he was startled to hear that his house had been sold for R380,000 and the bond cancelled. A court order had been handed to the conveyancing attorney, who had used it to effect transfer into the names of new owners, Stephen and Mosidi Legoabe.

"My client (Jakobe) received a letter from conveyancing attorneys advising him that his house had been transferred and he must get out," says Hajibey. "He came to us. We contacted the conveyancers to see how they'd managed to transfer this property and they gave us a copy of the court order."

It emerged that an earlier order from the same court did not authorise the sheriff of the court to sign transfer papers on behalf of Jakobe Chizaso. "So someone went and got another court order, which has that provision," says Hajibey. "That's impossible to do; you can't just exchange court orders."

"That should have raised some suspicion. But the conveyancers went ahead and transferred the property. When we approached them they said they were innocent parties in the whole transaction and they gave us copies of letters."

One of these letters was from brother-in-law Mphaphuli's advocate, MA Fhedzisani, instructing the conveyancers to deposit the R380,000 paid over by the house's new owners into his personal bank account at the Bank City branch of First





National Bank.

Although the fake court order directs that the R380,000 should be divided between Chizaso and his brother-in-law in the ratio in which the bond payments were made, attorney Hajibey says the money remained with Advocate Fhedzisani. Requests for an explanation from Fhedzisani and the instructing attorney Joe Gwe, says Hajibey, have been met with silence.

The date on the high court order was 25 September 2007 and it appeared to bear the signature of Registrar Elvis Sathekge. But when Hajibey called at the Registrar's Office and called for the file of case number 2006/15629, he was told it had disappeared.

Next stop was the office of Judge Colin Lamont, named on the court order

ge declares that the order for case 2006/15629 "is not a proper court order which was granted by the honourable court". The signature on the order, he says, was also forged and "this matter is not on the motion roll of the date indicated on the court order when it was allegedly to have been granted".

In his letter Registrar Sathekge adds: "This court order was done fraudulently. The investigation in this matter is continuing, the sheriff is instructed to withdraw the execution of this order pending the final report on this matter."

Despite this, transfer of the property went ahead. Jakobe and Juliet refused to move out and an eviction order was granted against them at Germiston magistrate's court. This order is being appealed.

In another action at South Gauteng High Court, Jakobe and Juliet are seeking an order ruling:

- That they are the rightful owners of 73 Hartebeest Street;

- That the transfer of the property to Stephen and Mosidi Legoabe be set aside;

- That Standard Bank be directed to reinstate the mortgage bond.

The matter has not been set down for hearing due to Jakobe's lack of funds. Hajibey tells *noseweek*: "We are awaiting

instructions from Jakobe Chizaso on the further proceedings. If they manage to find the funds to pay counsel's fees, the matter will be proceeded with and set down for hearing in the new year."

In a letter to the conveyancing attorneys, De Bruyn Van Der Elst & Bokwa Inc, Jakobe Chizaso's attorney Jack Hajibey writes: "We have now established beyond doubt that the order on which you acted and transferred the property is invalid and we transmit under cover hereof a copy of the letter from the Registrar of Court [Sathekge's aforementioned letter] which speaks for itself.

"Obviously our client must be reinstated and you would obviously be respon-

sible for reclaiming the funds paid by you to the wrong party."

Although Hajibey reported the fake orders racket to the police's Commercial Crime Unit, the Chief Registrar of the South Gauteng High Court and the Law Society, he says that no action has been taken. The attorney condemns the investigators for "the lack of support from all the government departments and the Law Society, who seem to find the fact that a court order was fraudulently issued and used to deprive a family of their home is unimportant and not worthy of proper investigation and action."

At the high court, the telephone extensions of Registrar Elvis Sathekge and Chief Registrar V Pather ring and ring – but nobody answers.

Meanwhile Jakobe, Juliet and the children remain in "their" house.

And Juliet is no longer on speaking terms with her brother, the Department of Health's chief executive in Limpopo who, she believes, is the architect of the whole mess. "My brother, the buyer, the agent, the lawyers, they are all crooks," she declares.

In another case, a husband paid between R2,000 and R3,000 to a member of the Registrar's Office staff for a fake divorce order. The attorney who represented the wife tells *noseweek*: "It was some time ago: an unopposed divorce in South Gauteng High Court. While we were preparing, all of a sudden the divorce order came through.

"The husband was told to wait in the foyer of the high court. After an hour someone arrived and gave him the divorce order. It had never come before a judge. We went to see the then Judge President Piet Schabert. He said that they were aware that this was happening and they were trying to put a stop to it.

"The wife was only too happy to be divorced. When I started making enquiries she was very annoyed with me and terminated my mandate." ■



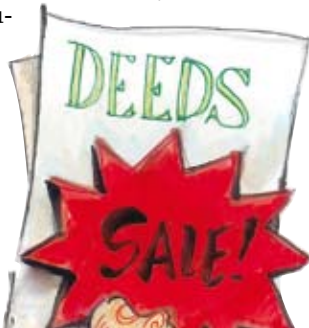
Although Hajibey reported the fake orders racket to the police, the Chief Registrar and the Law Society, he says that no action has been taken

as the judge who had heard the matter and issued the order. "He had nothing in his book for that date," says Hajibey. "The judge said he had never seen this matter and knew nothing about it. He said it must be investigated."

Hajibey then took the fake order to Chief Registrar Pather. "He was shocked. He said they were going to investigate and co-operate with the police."

When Registrar Sathekge was confronted with the fake order apparently bearing his signature he immediately declared it as a fraudulent document – and maintained that the signature was not his.

In a letter bearing his distinctive signature, Registrar Sathek-





# Improvvidence funds

## How to make your fortune out of union investments

**F**ULL DETAILS OF HOW Isaac Shongwe's Letsema Investments used the chemical industry's provident fund to make a personal fortune have come to light in a high court application.

*Noseweek* had already reported in 2008 (*noses106 & 107*) just how well the interests of pharmaceutical giant Aspen and business mogul Isaac Shongwe (Barloworld Logistics CEO, and on the board of a number of other companies), had neatly converged: Needing an empowerment partner in order to secure government contracts, Aspen, via Shongwe, arranged a complicated partnership deal with the 63,000-strong Chemical Energy Paper Printing Wood and Allied Workers Union (Ceppwawu).

The deal involved the industry's provident fund lending R108m to Ceppwawu Investments (controlled by the Ceppwawu Development Trust), to buy shares in Aspen. These shares were housed in a subsidiary of Ceppwawu Investments called Ceppwawu Pharmaceutical Investments. As security for the loan, the provident fund was to get preference shares in Ceppwawu Pharmaceutical Investments.

Ceppwawu Investments then signed a management contract with Shongwe's Letsema Investments. The only directors of Letsema Investments are Shongwe and one Derek Thomas.

The worm in the woodpile was that the crucial preference shares in Ceppwawu Pharmaceutical Investments were never issued. Years later, when Ceppwawu woke up to this, the company outrageously argued that the claim had prescribed. Things got really messy, with the un-

ion claiming that the provident fund was entitled to a payment of R550m, a figure based on Aspen's then share price.

The matter went to arbitration and was resolved in November 2008, with Ceppwawu Investments and Ceppwawu Pharmaceutical Investments jointly agreeing to pay the pension fund some R505m, which they were only able to do in May 2009 after selling a significant portion of the Aspen shares. But as the litigation that has now commenced shows, it was only after this payout that the union uncovered the full story.

The current litigation has its roots in a July 2009 meeting between Ceppwawu officials and Shongwe's business partner and Letsema co-director, Derek Thomas. Thomas told the officials that all the Aspen shares had

been sold or were about to be sold, which meant that Ceppwawu Pharmaceutical Investments' total realisable assets would be R850m. He said that after subtraction of what had already been paid to the Provident Fund following the arbitration, and the SARS liability, Ceppwawu Investments would be getting a payout of some R119m. And, oh yes, Letsema Investments would get a R45m "management incentive bonus".

The Ceppwawu officials were outraged. The payment was totally out of proportion to the actual management services Letsema had supplied – and it was outrageously high for a company with just two directors, and that bore absolutely no risk.

It's not at all clear where Letsema's entitlement comes from. Various management contracts were signed between Ceppwawu Investments and Letsema Investments entitling Letsema Investments to a share of 30% (later reduced to 27.5%) on any transaction entered into by Ceppwawu Investments. If that's the case, Letsema Investments stands to make a great deal more, because Ceppwawu Investments has also invested in companies like Sasol, Nampak and Barloworld Logistics, in each case using a specially-created subsidiary of Ceppwawu Investments to house the shares. Ceppwawu reckons that on just one other Aspen investment, Letsema's 27.5% share may well be worth some R200m.

The Ceppwawu officials also felt that such huge profits were in conflict with the purpose and



spirit of the Ceppwawu Development Trust: the trust deed states that its primary object is to generate income from investments and utilise this for the union.

And talking of conflicts, no one was more conflicted than Shongwe. At the time of the establishment of the trust, Shongwe was one of two non-union or “professional” trustees, the other trustees all being union members. All the other trustees have, for one reason or another, gone, which means that for the past 13 months Shongwe has been the only trustee.

The union officials felt that there was a clear conflict between the objectives of the trust and Ceppwawu Investments on the one hand, and Letsema Investments on the other – Letsema Investments, as a private company, wants to maximise profit,

trustees should have ensured that the trust’s main asset, Ceppwawu Investments, was properly managed, and that Letsema Investments should never have been given free rein. They felt that the trustees should have made sure that Ceppwawu Pharmaceutical Investments issued the preference shares to the provident fund. And they thought that the claim instituted by the provident fund against Ceppwawu Investments and Ceppwawu Pharmaceutical Investments should never have been defended, and would in fact not have been defended were it not for the fact that the hopelessly conflicted Shongwe was calling the shots.

So after meeting with Thomas, Ceppwawu appointed Webber Wentzel to take on Shongwe and Thomas. In August 2008, Webber Wentzel asked Thomas for certain information and undertakings regarding Ceppwawu Pharmaceutical Investments’ shares, as well as for a statement of account. None of this was forthcoming. And despite the fact that Webber Wentzel expressly asked for an undertaking from Thomas not to pay the “management incentive bonus” to Letsema Investments, it was promptly paid out.

So now the union has brought an urgent application, citing no less than ten respondents, the most important of whom is Shongwe. Others include former trustees, Letsema Investments, Derek Thomas, and FirstRand Bank. The purpose of the application is to get an order that:

- Removes Shongwe as a trustee of the trust and appoints three other union members as trustees;

- Directs the Master of North Gauteng High Court not to appoint anyone connected with Letsema Investments as a professional trustee of the trust; and

- Directs Shongwe to deliver specified information and documents.

FirstRand has been cited because Ceppwawu wants to ensure that certain funds (estimated at R100m) are not removed from Ceppwawu Investments’ FirstRand bank account. The union’s affidavit has been signed by its deputy general secretary, Thabani Mdlalose. At the time of writing no answering affidavits had been filed. ■

The lawyers asked for information on shares and a statement of account. None of this was forthcoming

whereas Ceppwawu Investments, as the union’s investment arm, wants to provide for union members. Shongwe, as a trustee since the outset, must be aware of the provision in the trust deed that says: “No trustee in his personal capacity may have any interest in or derive any benefit from any contract which the trustees may conclude with any trust, organisation, company or individual.”

The union officials also felt that the trustees (read Shongwe) hadn’t done their job. They claim, for example, that the trustees never reported to the union regarding the financial affairs of either the trust or Ceppwawu Investments (there’s even a suggestion that R8m of the R108m loaned by the provident fund went missing), that they never gave notice of meetings (in fact they doubt that meetings ever took place), and that they never opened bank accounts, kept books of account or produced financial statements.

The officials also felt that the

Who nose and 'ears everything on the Garden Route?

**ACTION ADS**

Knysna

12 500 copies weekly

Tel: 044 382 7010 • Fax: 044 382 5167  
rockspider@actionads.co.za • www.actionads.co.za

**Do you sell overseas?**

PacNet works with companies like yours making it easy to accept and clear payments in multiple currencies without the usual hassles or high fees.

We offer . . .

- Credit card merchant accounts
- Next day credit for cheques of any currency
- Full market value in Rand
- An easy way to refund customers in foreign countries.

PacNet Services Ltd.



Contact PacNet to improve your international outlook today.  
ZAR@pacnetservices.ie

**maxigroup**

commercial property brokers  
property management



broking: 0861 422 427  
reception@maxigroup.net  
management: 0861 422 426  
admin@maxigroup.net

# Who has the forked tongue?

**C**HAMPAGNE, DANISH PASTRIES and a buffet lunch, with a cocktail party for afters, gave a high profile lift-off to Savile Row Auctions at its debut sale at Joburg's Summer Place last July. But how, one ponders, was the "penniless" owner of a rundown hamburger joint able to make a winning bid of R11.75m for a 43,791sqm development site?

Chris Dairopoulos, 45-year-old joint franchise owner of Chuckleberry's "hamburger heaven" at Lonehill, claims that Savile Row managing director Mark Kleynhans talked him into attending the 22 July auction – as a "phantom bidder" to push the price up.

Chairman of Savile Row Auctions is estate agent Lew Geffen of Lew Geffen/Sotheby's International Realty. Savile Row describes itself as a trail-blazing boutique auction house offering prime quality commercial stock. At the debut auction the R11.75m sale of the site at Pinehaven was hailed by Geffen as a highlight of "a fantastic auction". Added Kleynhans: "We shot the lights out and blew the market away".

But at Chuckleberry's hamburger joint Chris Dairopoulos is less happy. He claims that he was used by Savile Row's Kleynhans – and is now being chased by the auction house for R1.17m commission, plus VAT, after the much-vaunted sale collapsed.

Dairopoulos is a member of Joburg's Greek community and among his connections are the Stefanou brothers, who operate a number of Spar franchises. Dairopoulos had previously tipped off the brothers about the pending auction of a shopping centre in Turffontein, which they bought, and last year he contacted Mark Kleynhans saying the Stefanous were interested in the Pinehaven site and he would be prepared to assist – for a commission.

"Kleynhans was very interested in meeting me with a view to doing business and we arranged to meet at



There are two very different versions of what happened on that fateful day of the property auction

Chuckleberry's," says Dairopoulos in an affidavit.

Also present at this meeting, says Dairopoulos, was his friend Mohamed Gelil, manager of Spar at Weltevreden Park. Dairopoulos says they discussed the Pinehaven site. "Kleynhans asked me if I could attend the auction and help them to achieve the best possible price by bidding against other interested bidders," says Dairopoulos. "I told him I wasn't comfortable with this and I would probably make a mess of things as I knew nothing about bidding.

"He assured me there was nothing to worry about as he would be standing next to me and would be guiding me all the way. I questioned whether this was in fact legal and he assured me there was nothing wrong. He further informed me that in the event of the hammer falling on my bid I shouldn't worry, as the sale of the property wouldn't be confirmed. In any event, he had a buyer [Netcare] who were

interested in the property, and they would definitely pay more, in which case I would be paid a portion of any profit."

Dairopoulos adds in his affidavit: "I never thought or had the slightest belief that a 'penniless' person like me could walk into an auction venue and buy a multi-million property."

On the day of the auction Dairopoulos arrived at Summer Place with Mohamed Gelil. "It was very high class," says Dairopoulos. "I've never been to something like that. All the wealth and that."

Potential bidders must first pay a registration fee – in this case R25,000. "Do I need to register?" Dairopoulos asked Kleynhans. "No, no, don't worry, I'll take care of that," replied the MD.

Dairopoulos says that Kleynhans sat in the row of seats behind him and Gelil. There was only one other bidder for the Pinehaven site: Netcare. "Mark was speaking in my ear," Dairopoulos tells *noseweek*. "He did the bidding



for me, pushing the price up. We opened at R4m. Netcare bid R4.5m.

“When we reached R8m I wanted to stop (the catalogue estimate for the property was R8m-R12m) but Mark said ‘No, no, don’t stop’. Netcare went R8.5m. Mark says ‘Go, go’. We went R9m. Netcare went R9.5m. Mark says ‘Don’t worry’. I would say ‘Yes’ and he would bid for me.”

Although “penniless” Dairopoulos claims he was there as a phantom bidder, he says he also thought he might be able to buy the property with Kleynhans’ help and sell it on to the Stefanou brothers – “flip it”, as this type of transaction is called in the auction business. “I wanted to pull out at R10m because I knew the Stefanou brothers wouldn’t be interested to pay more than that.

“Mark said ‘No’ and pushed the price to R11m. Netcare went to R11.5m. Mark said: ‘Don’t worry, you can buy the property and sell it back to Netcare’. So I went to R11.75m – and Netcare dropped out. I was shocked, I didn’t expect it.”

In his affidavit, Dairopoulos says: “I was presented with a sale agreement which Kleynhans asked me to sign so that the other bidders would not become suspicious. So I signed, thinking it was just a part of the process.”

He says Kleynhans later asked him to contact Netcare “to solicit a higher offer for the property”. Says Dairopoulos: “Netcare submitted an offer for the land, but it was even lower than the bid at the auction, so nothing transpired. (Netcare’s commercial manager property division Warren Jaches wrote five days after the auction saying they would be interested in buying between 10,000sqm and 20,000sqm at R319.33/sqm (R3.2m, or R6.4m for 20,000sqm).

“I went and spoke to the Stefanou brothers,” says Dairopoulos. “They weren’t interested. They said the bid went too high.”

Porsche-driving Mark Kleynhans is a smooth, impeccably-dressed 41-year-old father of four. He says that Dairopoulos’s claim that he was wheeled in to force the price up is “absolute rubbish, absolute garbage”.

Kleynhans adds: “I had a couple of meetings with Chris prior to him coming to auction. He was involved with a consortium of Spar owners and we had absolutely no doubt that he could perform.”

At the auction, were you sitting behind Dairopoulos, helping him bid?

“At all of our auctions we’ll interact between buyers and sellers on the auction floor,” says Kleynhans. When the bid was against him at R11.5m we just said to him: ‘If you want the site you’re going to have to go up another bid’. I can’t hold a gun to the guy’s head; he must make his own decisions. He went up to R11.75m, the seller accepted – but Chris didn’t perform.”

Why wasn’t Dairopoulos required to pay the R25,000 registration fee? “Because I’d met this guy a couple of times prior to the auction I felt reasonably comfortable to waive that R25,000,” replies Kleynhans.

“I’d met him at Chuckleberry’s in Lonehill and you got the sense you were dealing with a man of substance. It’s a discretionary call I took, to sign his registration card.”

Kleynhans confirms that Savile Row is pursuing Dairopoulos for the R1.17m commission. “There’s absolutely no escape for him. I have a valid and binding agreement and we are suing him in arbitration.”

The Pinehaven site was – and still is – owned by property developer Chris Parker, who was delighted when the hammer fell on R11.7m. But he was not amused when Chris Dairopoulos failed

to pay up. “He was very naughty,” says Parker. “He came to the auction willingly. He bid for the property and now he’s spinning a yarn.”

Netcare already owns an 18,700sqm site next to the Pinehaven land and wanted the extra land for a clinic. The healthcare group’s Warren Jaches confirms now that he wasn’t prepared

Porsche-driving  
Mark Kleynhans says  
Dairopoulos’s claim  
that he was wheeled in  
to force the price up is  
‘absolute rubbish’

to go higher than Dairopoulos’s final bid of R11.75m.

Does Jaches recall seeing Kleynhans whispering in Dairopoulos’s ear during the bidding? “I can’t remember.”

A month after the auction Dairopoulos received a letter from Savile Row’s attorney Chris Leicher of Lazzara Leicher Inc, demanding R1,339,500 (commission at 10% of R11.7m, plus VAT). And last October Leicher wrote informing Dairopoulos that the matter is going to advocate Craig Watt-Pringle SC for arbitration. “Nobody has given me any reason to suggest that he has a defence,” says Leicher.

Insists Dairopoulos: “I think it’s very unfair the way I’ve been used in this matter. I didn’t know I was buying it. I thought I was doing Mark a favour by forcing up the price, to make Netcare pay more.”

Dairopoulos’s friend Mohamed Gelil says of that pre-auction meeting with Mark Kleynhans at Chuckleberry’s: “Mark said: ‘If you can’t find a buyer you can just come and bid’. At the auction Mark was sitting behind us telling Chris to go higher and higher. Chris said: ‘What happens if I end up with the place?’ Mark said: ‘Don’t worry’.”

So there you are: two versions of what happened at the Savile Row auction. Will arbitrator Craig Watt-Pringle SC get to the truth? ■



Mark Kleynhans, MD of Savile Row Auctions

# Fleecing the poor



**I**T'S A BIT LIKE BUSES – nothing for ages and then suddenly three in the space of an hour. Complaints about Platinum Africa, that is. Consumer complaints website Hellopeter, at last look, carried around 470 such complaints.

Anyone who hasn't heard of Platinum Africa is likely to be reasonably well-off, fairly well-educated, and probably white – these guys make their bucks by targeting the vulnerable end of society. Not that you'd guess it from their website, according to which Platinum is “an e-commerce enterprise providing lifestyle enhancing products and services in the form of mobile communications, finance, assurance and lifestyle offerings”. It “aims to unlock value for the aspirational sector of the mass market”.

Operating out of Bellville, Cape Town, Platinum markets its products country-wide, and for a company calling itself “one big happy family”, it generates an awful lot of aggro. Besides the Hellopeter complaints, numerous negative articles on Platinum have appeared in consumer columns, and it's reported that the DTI once conducted an investigation and told the company to clean up its act.

Cape Town reader Bruce MacDonald first alerted *noseweek* to Platinum, when he discovered that his domestic worker, Zukiswa Nogude, had been targeted. For some time Zukiswa had seen hard-earned cash debited from her Woodstock Capitec Bank account, and paid to Platinum (more recently “Intellicol” had appeared as the payee, but with the same reference number). The amounts varied: on one occasion R338, on another R299.85 – and on one day, seven amounts of R75.

The problem was that Zukiswa had no idea who Platinum was, and was adamant that she had not authorised the company to deduct money from her account. So MacDonald went to see Capitec in Woodstock. Although he

Unscrupulous operators are draining cash from the bank accounts of people who don't understand what they've got into

found the staff friendly and helpful, they were also pretty useless. Particularly bizarre was that the branch manager was unable to access the bank records, and had to call the Capitec customer care department.

The upshot: although Capitec would reverse every single payment made to Platinum, it wouldn't accept a general instruction to stop future debits on the Platinum code. Instead Zukiswa had to ask for each future payment to be reversed after it was made – i.e. on an *ad hoc* basis. If this doesn't make sense – wouldn't reversal of the payments imply that Capitec accepts that an error had been made? – it may be explained by the fact that Capitec charges R4 for each debit and R3.50 for each reversal.

MacDonald called Platinum but he couldn't get past the call centre, so he made his way to Bellville to visit the company's offices. He searched the town centre but couldn't find the of-

fices, and though locals thought it was in the area, no-one could say exactly where. When MacDonald popped into the local Capitec branch, staff told him they're forever getting complaints about Platinum.

As MacDonald tells *noseweek*: “We have FICA legislation designed to prevent terrorists laundering money – which affects mainly the middle and upper classes – but scams which affect people who have precious little money are allowed to run riot.”

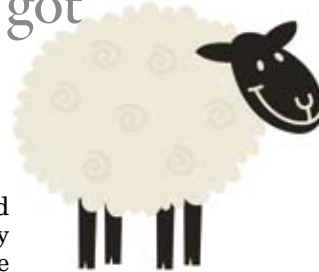
A second complaint came in, from the St Giles Association home for the disabled in Johannesburg, that two of their cleaning staff had fallen victim to Platinum. Patricia Ngwenya discovered that amounts of either R129.95

or R204.95 had been taken from her Eastgate Standard Bank account, monthly, for at least six months (that's as far back as the statement went), by a company called Platinum Telecash.

Janice Papadopolos of St Giles called Platinum's call centre, but the operator insisted on talking to Patricia. Patricia didn't get very far, so Janice took the phone back, and the operator told her that Platinum required an affidavit from Patricia. When Janice pointed out that it was absurd to require Patricia to go to these lengths, the operator agreed to accept a letter.

Janice sent Platinum a fax, but a few days later Patricia received an SMS saying that Platinum had a “verified” phone recording of her agreeing to the debit, and if she wanted to verify this she was welcome to travel to Bellville, Cape Town, to listen to the recording. Further enquiries revealed that Patricia is alleged to have agreed to an arrangement that allows her to apply for a cash loan when she needs it – and this right to apply for a loan incurs a monthly charge of R129.95, and a card fee of R75 every three months (how long this goes on couldn't be ascertained).

Patricia denies that she ever received



a call from Platinum, or that she gave the company her bank details. Platinum claims to have posted Patricia's card to St Giles's post box address – which Patricia doesn't even know.

The third complaint *noseweek* received was of a general nature and came from an official in the Department of Justice, who reported that he's forever hearing stories from people that a company called Platinum deducts money from their accounts, but they have no idea why. Please investigate, he pleaded.

So *noseweek* contacted Platinum's mother of stroppy call centres (only this number seems to be publicly accessible). Naturally we couldn't get through to any directors, nor get their phone numbers.

Eventually it was only through enquiries to the Companies and Intellectual Property Registration Office (CIPRO) that *noseweek* finally tracked down Platinum head honcho Bob Lafite. Other directors, it seems, are Andre Potgieter and PCF Henning.

*Noseweek* sent Lafite a list of questions about how the business is run – including whether they specifically target the indigent and poorly-educated. We also asked if it were true, as reported by the *Mail & Guardian*, that Absa has decided to stop dealing with Platinum. More specifically, *noseweek* wanted to know what exactly the various complainants have been debited for, and why, if the company has a valid mandate from Zukiswa Nogude, has it not sued her for reversing the payments made from her account?

Lafite answered only a few of *noseweek's* questions. His company, he says, takes written or telephonic instructions and always complies with the law. According to him, Zukiswa Nogude “purchased two products from the company, Comprehensive Care, Flexitalk, a cellular airtime service, and Flexibuy, a credit product”.

He denied that Absa was not activating Platinum debit instructions, and said that, in fact, the largest percentage of the company's clients banks with Absa. The company uses two collection bureaux, Platinum eCollect, (bank statement code: Platinum), and Intellicollect (code: Intellicol).

Next stop Capitec: *noseweek* was referred to marketing director,

Carl Fisher, who emailed to say that “The Capitec client you refer to, Miss Zukiswa, was a victim of card skimming. We have investigated the incident and all the activities point to someone having obtained her pin number. We have settled with her, as no negligence on her part, was evident. I would appreciate this not being made public as it encourages possible fraud by clients themselves.”

Nice try Carl, but no banana; we're talking debit orders here.

Dirk Ellis, head of Capitec's inter-banking department, was very helpful – and his answers

were rather revealing. Be ready to be disappointed if you believe that your bank takes steps to verify that you have agreed to have money debited from your account before activating a debit order.

According to Ellis the bank of the party getting the money (the authorising bank) receives a debit order instruction from its client and forwards it to the bank of the party paying the money (the paying bank). In terms of an inter-bank (clearing house) agreement, the paying bank simply accepts that the instruction is valid.

Ah, says *noseweek*, so it's the authorising bank that checks if there is a valid instruction? Well no, says Ellis, there are far too many instructions for that to happen, although the authorising bank may do spot checks to make sure its customers do have a valid mandate. He adds that these checks “probably don't happen too often”.

Right, says *noseweek*, and what form must the instruction take? It's usually in writing says Ellis. And what about voice recordings, are they done and do they comply with the National Credit Act? Yes they are done, but I'm really not sure what the act says. But a client can always reverse a payment within 40 days, he adds.

Regarding debit orders, Ellis told *noseweek* that he couldn't understand why the Woodstock branch had refused Zukiswa's request to cancel the Platinum debit order on her account. He did concede that without a clearly identifiable payee, a regular amount and a regular payment date, it is very difficult for a bank to cancel debit orders.

So if someone knows the system, they can very easily get around a cancellation instruction on a debit order? *noseweek* suggests. Indeed, says Ellis. And might that explain why in Zukiswa's case the amounts differ, there is no regular date, and the name of the party has changed from Platinum to Intellicol? I can't really comment on that said Ellis.

It became increasingly obvious that Platinum is regarded as a serious problem in the industry. Ellis told us that Platinum has a high percentage of incorrect or unpaid debits, and that Capitec has raised the issue of Platinum with FNB. However, he didn't know why FNB hasn't resolved the issue – and he wouldn't comment on the suggestion that perhaps the bank was reluctant to piss off a major EFT customer.

Ellis did say that the problem with Platinum is that the company acts as a collecting organisation for other micro-lending companies, and that the invalid debits may relate to some of these smaller lenders, although he conceded that if this is the case it is surely up to Platinum to sort it out. He even ventured the comment that Capitec may eventually refuse to deal with Platinum debits because they attract so many complaints and bring the system into disrepute.

The following day Ellis phoned back with some startling stats – over the past three months, he said, Capitec had processed 150,000 Platinum debits, and of those 80% had been unsuccessful due to lack of funds, and of the remaining 20% a further 20% had been disputed. Are these figures unusual? *noseweek* asked. Very, he said.

*Noseweek* asked FNB to comment on why it continues to accept Platinum debit instructions and what Platinum's business is worth to the bank, but the bank declined to comment, citing client confidentiality.

In summary: Platinum is either taking money without instructions, or taking money on instructions that are suspect – i.e. obtained from people who either don't appreciate that they're entering into a legal relationship or, if they do, what it is they're agreeing to.

Either way, it's high time authorities had a very close look at what's going here. ■





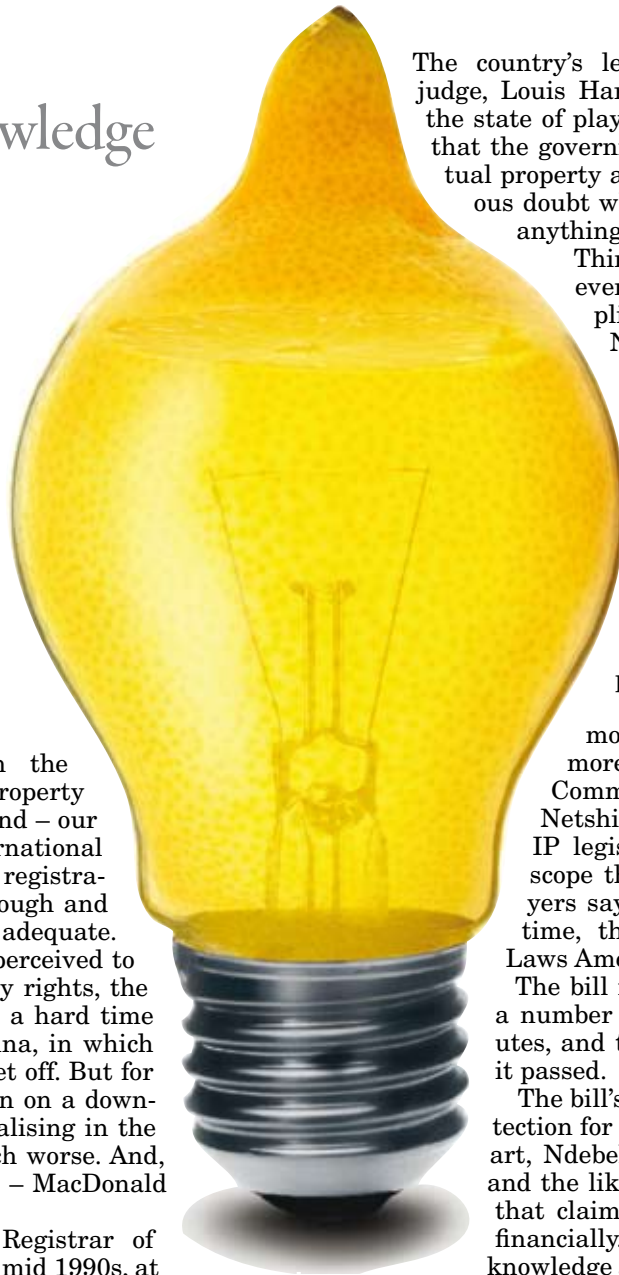
# Netshitenze's lemon

Traditional knowledge is the antithesis of intellectual property

**S**OUTH AFRICA'S REPUTATION in the field of intellectual property law used to be pretty sound – our laws conformed with international norms and conventions, registration procedures worked well enough and enforcement was more than adequate. Just as well, because, if you're perceived to be weak on intellectual property rights, the USA, for one, tends to give you a hard time – except of course if you're China, in which case you tell the US where to get off. But for the past decade or so we've been on a downward slope – and lawyers specialising in the field think it's about to get much worse. And, they say, it's all due to one man – MacDonald Netshitenze.

Netshitenze was appointed Registrar of Patents and Trade Marks in the mid 1990s, at a time when intellectual property was very much a closed shop. The white men who made up the institute (cartel) of IP lawyers had always had a pretty cosy relationship with the registrar, and a black man with attitude, and no background in IP, was about as welcome as a wet fart in a space suit.

Netshitenze soon made it clear that there's no beginning to his talents – applications for registration simply weren't examined, files went missing, contested matters were heard but no judgments were forthcoming, and search facilities were blocked. Before long, foreign companies had lumped South Africa with the likes of Nigeria, as a country that protects IP, but only hypothetically.



The country's leading intellectual property law judge, Louis Harms, showed his frustration with the state of play when he declared in a judgment that the government's inefficiency "gives intellectual property a bad name [and] throws into serious doubt whether this part of the law covers anything intellectual".

Things got so bad that the IP lawyers eventually prepared a high court application for an order requiring Netshitenze to get off his arse and do his job. Before launching the application, however, they sent a copy of the papers to then director general of the DTI Alistair Ruiters. Sensing a public relations disaster, but aware of the fact that Netshitenze was untouchable – brother Joel was Thabo Mbeki's right-hand man – Ruiters simply moved him sideways. Embarrassing court proceedings were averted.

Unfortunately, the sideways move put Netshitenze in an even more dangerous position – as Director: Commercial Law and Policy at the DTI, Netshitenze became responsible for all IP legislation. So he actually has more scope than ever to stuff things up. Lawyers say he's now doing exactly that, big time, through the Intellectual Property Laws Amendment Bill.

The bill makes significant amendments to a number of intellectual property law statutes, and the man seems determined to get it passed.

The bill's main purpose is to introduce protection for traditional knowledge – Bushman art, Ndebele art, indigenous music, folklore and the like – and to allow the communities that claim to "own" these things to benefit financially. The protection of traditional knowledge and indigenous resources has been an international issue for some time, largely due to a general sense in the developing world that IP laws benefit those in the developed world who, well, develop things – rather than those in the developing world who basically don't. In essence, it's the developing world wanting a piece of the action.

Although there seems to be fairly general agreement that some kind of protection should be given to traditional knowledge, the devil is in the detail. Certainly the World Intellectual Property Organisation (WIPO) thinks that IP laws should be left well alone, and that specific legislation should rather be introduced. The organisation is creating a draft model law, and it's close to completion. However,

although South Africa has subscribed to and is participating in the process, Netshitenze appears absolutely determined to proceed with his own piece of legislation, which experts are saying is seriously flawed.

Judge Harms first raised the issue a year back, in a speech at the University of the Free State, entitled “A few negative trends in the field of intellectual property rights”, in which he said the proposals were flawed and would benefit no one. The speech had little impact and, earlier this year the legal profession’s favourite magazine, *noseweek*, described the proposals as a “load of crap” (see *nose111*). But now leading IP attorney Owen Dean – author of the standard textbook on South African copyright law – has taken up the cudgels. In pieces published in the less popular legal magazines *De Rebus* and *Without Prejudice*, Dean has attacked the bill in the strongest terms.

Dean’s main objection is that traditional knowledge simply doesn’t belong in intellectual property. Why? Because protecting traditional knowledge involves taking things that are in the public domain and granting selected people exclusive rights to them, in perpetuity, whereas intellectual property involves rewarding those who do creative things by granting them exclusive rights of limited duration, following which their creations enter the public domain. So traditional knowledge, says Dean, is the very antithesis of intellectual property.

Is this a purely philosophical objection? Certainly not, says Dean: the bill will lead to all sorts of absurdities and uncertainties. For example, he points out, to claim copyright in something you always need to show that it is original (which means you created it yourself and expended effort doing so), and that it is in a material form, in other words in writing, on a disc, etc. Netshitenze’s bill, which amends the Copyright Act, seeks to give protection to things which are not original and may not exist in material form. Whether or not this will fundamentally change copyright law, nobody knows.

Dean even questions whether the proposed legislation is constitutional, pointing out that various conventions require South Africa to grant the same protection to foreign nationals as it grants to South African nationals. But there is no provision in the

bill for the protection in South Africa of traditional knowledge emanating from other countries – and that puts us in breach of our international obligations. The way to avoid this would simply be to create specific protection for traditional knowledge.

The bill incorporates the now obligatory job creation clauses. Firstly, it creates a National Council for Traditional Intellectual Property, consisting of 12 members, that will decide who knows what. It also creates a trust fund, which will apparently own all works of traditional knowledge, seemingly on behalf of the communities that claim to own the works. The fund is, basically, the state, and will receive the royalties paid for the use of traditional knowledge and dispense these funds at its discretion.

There’s also to be a database of works of traditional knowledge. It’s unclear what the benefit of registration will be, because there seem to be no consequences for failing to register. Besides there’s also no provision for examining works to be registered, nor for conflict resolution. In all – a hodgepodge.


Dean is also peeved that the legislation is being pushed through with indecent haste, with all objections apparently being ignored. A Nedlac report was done in a hurry, and the regulatory impact assessment done by research company SBP had to be submitted by the end of September 2009. (SBP declined to tell *noseweek* what its conclusions were.) Dean points out that while the bill powers its way to acceptance, far more urgent IP reform is put on the backburner. For example; urgent proposals made to the DTI in 1999 to update copyright law, to bring it into line with international norms and copyright treaties that South Africa has signed but not ratified, have still not seen the light of day.

Dean says he doesn’t know a single intellectual property law expert who supports the bill, but a straw poll conducted by *noseweek* indicates that, although the bill may not have support, few lawyers feel as strongly about it as Dean. The new generation

of (mostly white) lawyers appear to have been well and truly worn down, and the prevailing view seems to be this: “Netshitenze’s a joke, the legislation isn’t very good – but we don’t want more trouble. If we contest this we’ll be totally marginalised.”

As one lawyer put it: “It’s all very well for these older lawyers to be making waves, but they’re not the ones who’ll have to work with these people in the future.” Adams & Adams’ website says, somewhat cryptically, that the legislation will make “South Africa a pioneer”. (Adams & Adams’ Esme du Plessis – who apparently helped draft the bill – declined to comment).

Theories abound as to why the bill



The Bill will lead to all sorts of absurdities. It seeks to give protection to things which are not original

is being pushed through. For example; a “political motive theory” suggests that government is trying to curry favour with certain rural communities; while a “financial motive theory” says it could be a nice little earner for government officials.

Then there’s the personal motive theory: Netshitenze’s been in his job for a long time but achieved very little (in fact he’s been an embarrassment); brother Joel is no longer a big hitter (in October he resigned, or was pushed, from his position as head of the Presidency’s Policy and Advisory Services); so the man needs to prove himself, pronto. In fact, it’s even possible that his contract requires him to deliver legislation like this within a certain period.

*Noseweek* asked Netshitenze to comment (and show us his employment contract) but, predictably, he stayed *schtum*. As did his boss, DTI Director General Tshediso Matona. ▣

# Desperately seeking Jenny

**I F YOU AREN'T AWARE** by now that the country's criminal justice system is in disarray, the chances are you're blind and deaf. Disarray means, *inter alia*, that nothing is guaranteed – even when all the evidence is there, offenders have been clearly identified and police, supposedly, are hot on the trail.

*Nose122's* story about Jenny, the young Rwandan betrayed into prostitution and crime, ended with her in Pollsmoor prison, awaiting prosecution. Her confession, in which she described the activities of a Cape Town-based Nigerian brothel madam, called Felicia or Auntie, had vanished from the docket and the attorney, hired by unknown persons to “defend” her, had withdrawn from the case. Yet help was at hand, in the form of offers to provide independent legal support.

But when *noseweek* tried to visit her in Pollsmoor, Jenny had been released

A prisoner who  
was released on  
bail after the  
court docket went  
missing  
has now herself  
mysteriously  
disappeared

on bail under questionable circumstances – and no-one knew where she was. Jenny has still to be found.

How this extraordinary state of affairs came about is partly revealed in a scathing letter by state prosecutor R Oliver of the Cape Town Regional Court to Western Cape Provincial Commissioner of Police Mzwandile Petros, complaining about the highly questionable conduct of detectives at Table View police station.

In the letter, Oliver narrates how, after the exit of attorney Riedwaan Isaacs, a new attorney was retained, again not by Jenny herself but by unidentified individuals. The new attorney successfully applied for a new, earlier, trial date (trial had been set down for 8 December). With trial set for 4 November, the docket was sent back to Table View police station so that the witnesses and the crime victim could be notified of the changes.

But come 4 November, the docket was not in court. Prosecutor Oliver writes: “I personally called for the docket and spoke to Inspector Loxton [of Table View police station]. He advised that the docket was at court. He faxed through a receipt, showing that a prosecutor had signed for the docket on 1 October 2009. The prosecutor's docket register showed it was sent to Table View SAPS on 6 October.

“The liaison officer, Inspector JJ van Zyl, then confirmed that the docket was collected by Inspector Loxton on 7 October... Later, Inspector Loxton informed me that the docket was at his house.”

*Noseweek* duly read through the entire Police Act – and found no provision allowing a docket to be kept at an officer's private residence. Attempts to get an explanation from Inspector Loxton as to what had happened, and why he had not sent the docket back to court for the trial, simply got nowhere – Loxton doesn't answer or return *noseweek's* calls.

So it was, on 4 November, without the docket, the prosecution couldn't continue. Oliver's letter to Commissioner Petros reads: “The magistrate was of the opinion that the matter



FINE MUSIC RADIO  
101.3





## Noseweek found no provision in the Police Act for a docket to be kept at an officer's home

should be struck off the roll. There were no witnesses at court so the state either had not to oppose bail or the magistrate would have struck the matter off the roll. The accused was then granted bail.”

In other words, concerned to see Jenny brought to trial and the investigations into her allegations taken as far as possible, the state prosecutor did not oppose bail, because this would have led the magistrate to dismiss the case.

It thus seems evident to *noseweek*, that, by withholding the docket, the Table View police forced a situation where the case would either be dismissed, or Jenny would be released on bail – and then disappear. And,

along with her, the need for further investigation of her allegations.

The docket arrived on the prosecutor's desk two days after Jenny was released from Pollsmoor. It is not known who paid the R1,000 bail, or who hired the new attorney (named in court records only as “Murray”; no law firm given) to represent her.

Oliver concludes her letter: “Inspector Loxton made it clear that it was the fault of the prosecution. It is my opinion that it was due to the fault of the SAPS. The complainant [Sylvia] is certainly going to insist that the matter be taken further. I cannot even

guarantee that the accused will attend the next court session.

“I am of the opinion that, in the interests of justice, the matter should be investigated.”

Further flouting of regulations is evident in the handling of the bail conditions set for Jenny's release. Prosecutor Oliver discovered that the court record simply stated that the accused should report at “any police station”, which is not procedural. Later, this was changed, by hands unknown, to read “report daily at Claremont police station”. By this time Jenny had, anyway, disappeared.

Early in December, in response to prosecutor Oliver's complaint, Commissioner Petros's office sent for the docket, and apparently opened an investigation into the matter.

Meanwhile, “rogue” attorney Isaacs, who, as reported in *nose122*, had threatened *noseweek's* investigator, called to repeat his threats. Identifying himself as “the man you slandered in your December issue,” Isaacs declared that *noseweek* had had no right to talk to “the accused”. Asked what section of the law forbade contact with an accused, the attorney replied: “You will see what actions we will take.” Should *noseweek* staff start wearing bullet-proof vests? we asked, and which “we” would be taking action?

“It's not a joke,” he declared, and the line went dead. ■



“We were dog people when we met—what happened?”



# Municipal madness

A couple are being hounded for rates and tax arrears on a house they sold some 40 years ago

**I**T WAS A SURREAL conversation: “Mrs Money you owe the Johannesburg municipality over R14,000 for outstanding rates and taxes.”

“That’s not possible. I don’t even own a property in Johannesburg – I’ve lived in Cape Town for the last 12 years.”

“This relates to your property in Buccleuch.”

“Buccleuch? In Sandton? – we sold that almost 40 years ago. Besides, it was a property registered in my husband’s name.”

This is the gist of the phone conversation 65-year old Drusilla Jane (Bunty) Money had in late September with someone from law firm Van de Venter Mojapelo Inc, of Randburg. Something was obviously seriously amiss: Bunty’s husband Graham (initials: RG) had indeed sold the Buccleuch house some 37 years back, after they’d lived there for only three years. Flustered, and a

little distressed, Bunty gave the caller her email address, which she came to regret – it turned out that the law firm had no address for the Moneys.

On 13 November an attorney at Van de Venter Mojapelo emailed Bunty a “Final Letter of Demand” (addressed simply to DJ Money; no physical or postal address given). This was written in the usual near-illiterate gobble-dygoon lawyers are fond of: “The above matter has reference. We confirm that we act on behalf of our client, City of Johannesburg Metropolitan Municipality... It is our instructions (sic) that your

account is in arrears with R14,527. Our instructions are to demand, as we hereby do, payment of R14,527 on or before 2009/11/20.”

And then, perplexingly: “Kindly contact our offices to obtain a final settlement amount before payment is made. Please note that the amount quoted herein is not the final settlement figure.”

What makes the letter even more galling is that the letter carries no reference to which property is at issue (no address or erf number), and gives no indication of when the debt is supposed to

have been incurred.

Unable to make head or tail of it, the Moneys approached *noseweek*. A look at Van de Venter Mojapelo's website quickly revealed that it specialises in debt collection – the lowest form of legal work – and has a massive collections practice, apparently acting for, *inter alia*, Absa, African Bank, Cell C, FirstRand, MTN, Nashua, SABC, Telkom, Virgin, Vodacom, and several municipalities, including those of Joburg, Tshwane, Buffalo City and Ekurhuleni.

On 20 November *noseweek* called the law firm and asked to speak to someone in the collections department, hoping to clarify what was going on. No luck there – after a full 12 minutes of holding the line, it went dead. So we phoned again and asked to speak to senior partner K Van de Venter, but neither she nor any

After a full 12  
minutes of  
holding on for  
the collections  
department, the  
line went dead

of the other four partners were available. So *noseweek* settled for a certain Farahan Khan, who bears the title “operations manager”.

Khan accessed the firm's computer records and reported that a query had been raised in September, and the person involved had said she had never owned a house in Buccleuch and had last lived in the suburb over 30 years ago. Exactomundo said we. And, continued Khan, an entry dated 12 November says “query resolved”. Meaning what exactly? asks *noseweek*.

What would have happened, says Khan, is that after the September query “we would've sought instructions from our client, the Johannesburg municipality, and they would have told us what to do”. And what exactly did they tell you? The computer doesn't show that says Khan. Well, says *noseweek*, on the very next day your firm sent a final demand to Mrs Money, so let's assume

that the Johannesburg municipality told you to go ahead with the claim. Mmmm, mutters Khan, I'll find out and get back to you on Monday. Fine, we say, would you please let us have a copy of the instruction you received from your client, and a copy of the underlying account? No problem says Khan.


That was the last heard from Van de Venter Mojapelo, so it's not clear what it's all about. The Moneys are adamant that there were no outstanding bills of any kind when they sold the house, and they've never heard a peep from Johannesburg municipality.

What does seem all too likely is that Van de Venter Mojapelo makes little (or no) effort to check whether its clients are indeed owed what they say. It's more likely, in fact, that the firm simply demands whatever the client claims – even if the claim may have long prescribed. It also looks like the firm isn't too fussy about who it goes after – the records must have shown the owner of the property as RG Money, yet they issued a demand to a DJ Money, without making any attempt to establish what connection, if any, DJ might have with RG Money – whose name is listed in the Cape Town directory. And where might they have got hold of Bunty's cell number?

But a few hours after *noseweek* spoke to Khan, Bunty received an SMS, telling her that legal action would now be instituted, and suggesting that she phone a certain number. When *noseweek* phoned on her behalf – sure enough, it was Van de Venter Mojapelo. A consultant called Sicelo explained that the matter related to rates for stand 2420 Buccleuch, and promised to send us a statement (he didn't).

The following Monday Bunty received an SMS from another number, telling her to call “Johan”. Again, it was *noseweek* that called – this time to find ourselves talking to a debt collection company called Revco, in Pretoria (clearly Johannesburg municipality farms out outstanding debts to all and sundry).

According to Johan there was an outstanding amount of R15,505 for stand 2420 Buccleuch – and he promised to check the Deeds Office records to confirm that the owner was indeed a DJ Money. That was the last heard from Johan.

Surely someone should be doing something about this kind of cowboy behaviour? The Law Society perhaps? 



**K I N G S**  
ESTATE AGENTS

MARKET LEADERS IN

- 📍 **PARKTOWN NORTH**
- 📍 **PARKHURST**
- 📍 **CRAIGHALL PARK**

*The only place you will find us in NOSEWEEK is right here*

**ANDREW 083 655 0366**  
**GREGOR 082 829 6969**

## NEED TO CATCH A SNAKE?

**Africa's premier snake catchers**

**(We're not bad at sharks either)**

**Mercantile Investigation  
Litigation support  
Recoveries & resolutions**

**Tel: +27+83 357 8555**  
**mark@vumbu.com**



**VUMBULULA**  
RESOURCES PTY LTD

Y2CvRuWio2369X

PASSWORD 2:



**PIXELOCK**  
THE UNFORGETTABLE PASSWORD



# WHY DID ZENANDE HAVE TO DIE?

**A**N ANAESTHETIST WHO puts a child to sleep is responsible for making sure she wakes up before she leaves the recovery room. But at Life Fourways private hospital someone dispensed with this textbook fundamental – with fatal consequences for the “Little Princess”.

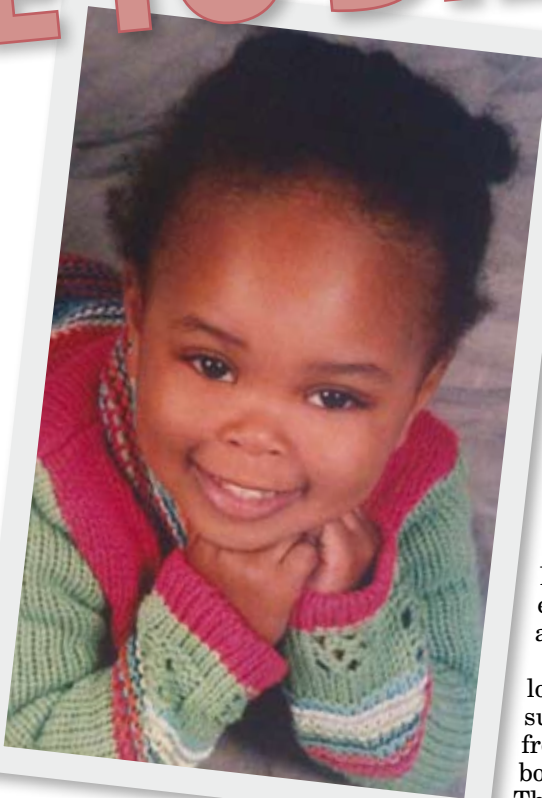
It’s 11 May last year and Zenande has a sore tummy again. The four-year-old has suffered from occasional bouts of constipation since she was two, for which GP Dr Maggie Mojapelo has been prescribing Pegicol, a laxative that has surpassed gogo’s favourite remedy – codliver oil.

But this time Dr Mojapelo, “just to be sure”, thinks there should be further investigation. Zenande’s own paediatrician is on holiday, so the child is referred to a paediatrician at Life Fourways hospital, Dr MA Ahmed.

Zenande is a joyful little girl – “a little angel” is how Charmaine Texterra, principal of Wonderworld pre-primary in Joburg’s Ferndale, describes her. The principal describes Zenande as “a very bright child with perfectly normal development”. To the teachers, she’s the “Little Princess”.

Zenande’s father Zuko Mdwaba (34) is a senior account manager at Oracle South Africa, the local arm of the world’s largest enterprise software company. (His brother Mthunzi is a vice president of Business Unity South Africa.)

Zenande’s mother is Ursula: a statistician at data-based business intelligence provider TransUnion. And there’s baby brother Lelo, who this May morning is just eight months old. Home is in a white-tiled villa complex in Douglasdale, behind high walls and



Where were the doctors when a child undergoing a routine procedure failed to wake up from an anaesthetic?

the ubiquitous guard-manned gatehouse.

Four days later, a Friday afternoon, Zenande and her parents are at Life Fourways, waiting to see Dr Ahmed. Zenande’s stomach ache has cleared up and she’s playing happily with other children in the doctor’s rooms. At 5.30pm comes a message: Dr Ahmed is tied up: Zenande and the other children should be hospitalised and he would check them on his evening round.

Why should she be (expensively) hospitalised? ask Zenande’s parents. The doctor hasn’t even looked at her. They take Zenande home.

They return to Dr Ahmed the following morning. The paediatrician suspects that Zenande is suffering from Hirschsprung’s, a disease of the bowel causing obstruction of the colon. There’s a simple procedure to make a definitive diagnosis – a barium enema and a biopsy. But first, says Dr Ahmed, he wants a second opinion.

So Zenande’s back with her classmates at Wonderworld, her usual happy, energetic self. Then a call from Dr Ahmed: he’s spoken to paediatric surgeon Dr Bob Banieghbal, who would like to do a biopsy.

Doing the pre-admission paperwork for Discovery Health – the Mdwabas are on Classic Comprehensive – Zuko is surprised to see that the hospital calls the pending surgery an “anal fissure procedure”, something vastly different from a biopsy.

Seeking clarification, Zuko calls Dr Banieghbal and finds the surgeon rude and resentful of this intrusion into his rarefied orbit. Determined not to be

bullied, Zuko tells him: "If you don't want to explain about this biopsy and what you'll be doing, we'll cancel."

Baniaghbal now adopts a more reasonable stance. Hirschsprung's is not possible in Zenande's case, says the surgeon. The disease usually affects much younger infants, who grow up stunted and lethargic – definitely not like vibrant, flourishing Zenande. Baniaghbal says he'd like to go ahead with the biopsy anyway (for which his invoice will be R3,080).

That Saturday morning the family leaves the Douglasdale house early for one of these same-day events: admission, surgery, home again on the same day. Zenande has been playing with her baby brother and she's fine; no tummy ache. "When we come back we're coming to fetch you; we're going to the shops" she tells Lelo.

By 7.48am Zenande is in a surgical gown and being carried into theatre by her mother. The anaesthetist is Dr

her paperwork. In about 15 minutes she has finished and says: "OK, we're done. Now we can go to the ward."

The nurse pushes the mobile bed, with Ursula and Zenande aboard, out of the recovery area. "But why is Zenande still unconscious?" ask her parents. "Why is she leaving the recovery area if she's still sleeping?"

"Oh, that's normal with kids," replies the nurse. "Keep calling her name and she'll come round."

But installed in the hospital's paediatric ward, Zenande is still unconscious. Her parents see paediatrician Dr Ahmed walk by – his own young son is today a patient in the hospital – but although Ahmed talks briefly to the Mdwabas, he does not come to check on Zenande.

Zenande is hooked up to a monitor. Zuko is alarmed at question marks and "battery low" signs that keep appearing on it. "Why is it taking Zen so long to wake up?" he keeps asking a nurse. "It's normal," he is told. Still no oxygen mask.

Around 9.15am, Zenande is still sleeping in her mother's arms. Ursula puts lip balm on her daughter's dry lips and kisses her on her forehead. It is cold. She opens Zenande's eyes: the pupils are tiny. Her fingers are turning blue. She is no longer breathing.

The parents scream for help. A senior nurse

arrives, exclaims: "My God!" and races for a doctor. Dr Dewald Buitendag arrives. He orders the parents from the ward, calls for mouth-to-mouth resuscitation and an oxygen mask. Ursula, traumatised, takes refuge in a nearby kitchen. She can hear the staff paging for surgeon Dr Baniaghbal and anaesthetist Dr Gouws.

Dr Buitendag, the paediatrician now attending Zenande, is on his cellphone, talking to someone. Zuko suspects it's Dr Gouws, and they are speaking in Afrikaans, but Zuko gets the gist of what Buitendag is saying: "We tried to resuscitate, but there's a serious problem that this child won't make it."

The doctor comes into the kitchen and tells the parents: "We've tried everything, but I don't think your child will make it." He adds: "She's been without oxygen too long." Buitendag

wants to know how long Zenande has not been breathing. Zuko screams at the doctor: "We don't know. The monitors were there to tell you that. The nurses are supposed to tell you that."

10.30am: Zenande is moved into the intensive care area within the maternity ward. There she is placed on a ventilator and starts breathing artificially. In the hours that follow Zuko and Ursula Mdwaba plead for Drs Ahmed, Baniaghbal and Gouws to attend their daughter. "I'm trained to deal with situations like this," replies Buitendag. "It's not necessary to get anyone else."

Zuko is desperate to speak to someone in authority, but the hospital's duty manager is in Pretoria. The receptionist finally gets her on the line. The manager assures Zuko that Dr Buitendag is a trained professional and is taking care of the situation.

Just after 12 noon, Dr Buitendag tells Zuko that Zenande is going to be in a "permanent vegetative state". Zuko demands that other doctors be called to assist. Buitendag refuses. Zuko demands a neurologist. He is told that none are available on a Saturday – this was, of course, all happening over the Great South African Weekend. A lady neurologist finally comes on the phone to Buitendag and tells him that Zenande's gasping is caused by a lack of oxygen to the tissues.

3pm: Zenande has now been unconscious for nearly seven hours. In desperation Zuko calls big brother Mthunzi and asks for some high-powered intervention. 4pm: Drs Ahmed and Baniaghbal finally arrive. They tell Zuko that they agree with Dr Buitendag – nothing more can be done for Zenande. Brain tests can wait until the following Monday.

Meanwhile, Zuko's brother Mthunzi Mdwaba has called Netcare chairman Jerry Vilakazi (who's also chief executive of Busa, where Mthunzi is a vice president). Next thing, Netcare chief executive Richard Friedland is on the line, saying he's dispatching a helicopter to airlift Zenande to Netcare Garden City Clinic in Mayfair, to the paediatric intensive care specialist Dr Miles Bartlett.

5.30pm: Netcare 911 paramedics arrive, but it's almost another hour before Zenande is wheeled to the helicopter. Just before they leave Life Fourways, the anaesthetist Dr Gouws finally pitches up – some 10 hours after he put the child to sleep in thea-

A senior nurse exclaims:  
"My God!" and races for  
a doctor, who orders the  
parents from the ward

Marius Gouws, who is using ultane oxygen and air, plus Macaine, a local anaesthetic. Zenande keeps sneezing and kicking, but finally goes to sleep in Ursula's arms. The mother is then asked to leave the theatre. She will never see her child conscious again.

A radiologist does the enema and Dr Baniaghbal the biopsy – a simple procedure taking a sample of tissue for laboratory analysis. Dr Baniaghbal emerges from the theatre and tells the parents the biopsy results will be available in five days' time.

A nurse carries an unconscious Zenande into the recovery area. Ursula is asked to hop onto a cot-sided bed, where she cuddles the sleeping child. There is no oxygen mask to speed the child's recovery. No one here checks for a blocked airway.

The recovery room nurse is busy with

tre.

Gouws attempts to give an explanation to her parents: yes, he administered the anaesthetic to Zenande, but thereafter the nursing sisters were there to see to her recovery, he says.

“What was your responsibility to ensure that Zen wakes up from the anaesthetic before you deserted her?” demands Zuko. “I had to attend to the next patient,” replies Gouws.

At Garden City Clinic Dr Bartlett and his eight-strong team swing into action. Theirs is the only paediatric intensive care unit in Johannesburg and Bartlett’s hypothermic treatment and brain protective strategies for bringing back unconscious near-drownings and children suffering from in-hospital respiratory cardiac arrest is legend.

But Bartlett’s team has only a six-hour window from the moment of resuscitation to save its young patients. And it’s now more than eight hours since Dr Buitendag started CPR on

The whole question now is: why was the child not awake when they returned her to the ward?

“There’s hope for these patients, if we get them early. So why did they wait? The doctors (at Life Fourways) knew what we do here. Why didn’t they immediately send the child to us, instead of waiting nine to 10 hours before having the child transferred?”

*Noseweek* asks anaesthetist Dr Marius Gouws: does he remember the case of Zenande Mdwaba, the little girl who died in May? “Not really,” is his indifferent response.

You put Zenande to sleep with a general anaesthetic and she didn’t wake up. She died. – “Yeah?”

Can you remember? – “Not really.”

Isn’t it the anaesthetist’s responsibility, if he puts a child to sleep, to make sure that she wakes up? Dr Gouws goes on the offensive: are we aware that there has yet to be an inquest?

We start to pose another question: is it usual for a child to be taken from the recovery room – But Dr Gouws has terminated the call.

Dr Bob Banieghbal, the surgeon who operated on Zenande, says: “The reason he (Gouws) can’t remember anything is because of selective amnesia; you don’t want to remember a traumatic incident.

“I remember every single thing by the second that it happened, because it was such a traumatic event to all of us. That a very minor procedure goes terribly wrong and a four-year-old died from a reason that we still haven’t established.

“What’s unusual about the whole thing was that we don’t have a very good record of the post-operative period of the child.”

However, the result of the biopsy that the surgeon carried out has now been revealed: Zenande did not have Hirschsprung’s, and her occasional constipation had no pathological significance. So she was normal; the surgery wasn’t even necessary.

“Normal’ is not quite right,” says Dr Banieghbal. “The child had a medical problem, but at the end of the day we came out saying that this medi-

cal problem was of no clinical significance. That means that the child’s constipation was not a pathological constipation. It was the standard run-of-the-mill constipation that children do suffer from from time to time.”

Dr Banieghbal continues: “The paediatrician was at a loss what to do. She thought she needed to be certain that she’s not missing Hirschsprung’s as a possible diagnosis. It’s a common request – I see four to five children a week referred to me with it. In private practice we get nailed if we do the right thing and we get nailed if we don’t. It’s a very fine balance between doing a test that may or not prove a diagnosis and not doing it.”

Today, Zenande’s parents Zuko and Ursula Mdwaba are still struggling to heal. Through her tears Ursula says: “I want to warn parents who are taking their children for tonsillitis, tooth extractions and circumcision, all these procedures that are very quick. First, trust your instincts, ask questions.”

Zuko: “Those doctors at Life Fourways acted with absolute disrespect for human life. I could not understand that people could be that cruel to a child. They deserted her. They went on with their Saturday afternoon, happy with their families. I will never be at peace until the medical team at Life Fourways account for what they did to us. We would at least like to ensure that no other family goes through this unimaginable experience. That is the least we owe ourselves and the memory of our lovely child.”

Mthunzi Mdwaba comments on the level of care and medical attention that he considers Zenande received at Life Fourways hospital: “Excessive incompetence. I could not understand that the anaesthetist disappeared leaving a child who had not woken up. Everyone in the field insists that if you put a child to sleep you’ve got to be there to make sure that they wake up.”

At the time of writing, no inquest date had been set. Advocate Laurence Hodes SC has been retained by the Mdwaba family for pending criminal and civil action against Life Fourways hospital and its staff.

■ Life Fourways owners, Life Healthcare, operates 60 acute-care hospitals and same-day surgical centres across the country, with 300 operating theatres, 38 trauma and emergency units, 34 maternity units etc etc. The group’s motto: “Dedication to wellbeing and quality of life.” ■

## The anaesthetist Dr Gouws finally pitches up – some 10 hours after he put the child to sleep in theatre

Zenande at Life Fourways. Dr Bartlett and his team explain the six hour window to her parents. They explain what they’re doing – inter cranial pressure monitoring, brain oxygen monitoring and so on. Zuko and Ursula are installed in a room in Garden City Clinic. The parents stay with Zenande, reading her favourite book *Winnie the Pooh*, singing, praying and telling the unconscious child how much they love her.

But it’s too late. On Monday 25 May, Zenande stops breathing and is pronounced dead.

That is *noseweek*’s reconstruction of events, based on the parents’ recollections. A specialist close to Miles Bartlett’s Garden City Clinic recovery team says now: “The child never regained consciousness, so this would be classed as an anaesthetic death.



# Like a hole in the ...

## Does the Garden Route really need another mega golf estate?

**T**HE CAPE WINDLASS Environmental Action group – perhaps fortified by the recent Cape High Court judgment against the Arabella estate (see *nose122*) – has lodged a challenge in the same court against the proposed LagoonBay golf estate near George. Windlass is asking the court to set aside a decision made on 5 May last year by then Western Cape Environment Minister Pierre Uys to allow the gigantic development to go ahead. LagoonBay Lifestyle Estate (Pty) Ltd and the George municipality are parties to the proceedings.

The proposed development is at Hoogekraal, between Glentana and Herold's Bay, some 15km from George – i.e. in the middle of an area suffering its worst drought in 50 years. LagoonBay would be bordered by the Maalgate river and lagoon to the east, and the beaches of Glentana to the west. To the south, says the website, is “the mighty Indian Ocean, super highway of migratory whales and dolphins”.

The website boasts that the development will see “two championship golf courses nestled comfortably in one of only six Floral Kingdoms of the world”, both Retief Goosen signature courses. “Retief proudly endorses LagoonBay as his first signature development.”

The scale of the thing, for anyone who knows the tenuous and fragile resources of the area, is outlandish. LagoonBay will cover over 800 hectares, comprising two 18-hole golf courses and 866 single-residence plots in village clusters, 320 single-title and/or fractional-title lodges, and 150 single-title and/or timeshare apartments (plus all the roads required). Throw in a private nature reserve and the “Hoogekraal Village Centre”. In season, an influx of 4,000–5,000 people is expected.

The environmental objections centre on the impacts on social and environmental resources, with water a key issue. LagoonBay, says Windlass, will require a massive five million litres per day – in a notoriously drought-prone area where the only constant source of water is treated sewage from the

municipal sewage works. As the objectors point out, that much water would sustain 100,000 people leading lifestyles that require 50 litres per day (which *noseweek* understands is more than present drought restrictions in the area allow per person per day).

Then there are the pristine beaches, presently accessible only on foot, between Glentana and the Maalgate River, which Windlass would like to see protected from the anticipated massive influx of visitors. A huge strain would be placed on resources, starting with a gigantic building site to which workers would be brought daily from as far afield as Mossel Bay. Apparently 30-35 farmworkers and their families will have to be resettled, and the nearby villages of Glentana and Outeniquastrand will be completely dwarfed.

The minister, says Windlass, was not in possession of sufficient information to reach an informed decision, and didn't apply his mind to the matter. There is no evidence that alternatives were assessed. Quite plainly, the minister simply ignored the serious social and environmental impacts that would result. Never mind that the George Spatial Development Framework declares that “further golf and other similar estates outside of existing urban settlements shall be discouraged”.

Windlass argues that there is good reason to suppose that the minister placed undue emphasis on “social upliftment”: imposing a condition that the development company contribute 2.5% of its turnover on sales to a social upliftment initiative (the Hoogekraal Trust) was *ultra vires* (beyond his powers) – and irrelevant to the real issues.

LagoonBay Lifestyle Estate is a father-and-son team from Pretoria, Thys and Werner Roux, and in the main their fellow directors aren't high-profile people – Cheslyn Mostert, Theunis Bosch and Jacobus van Staden. But then there are Mathews Phosa, Treasurer General of the ANC and serial company director, and former South African ambassador to the US, Franklin Sonn, the company's non-executive

chairman. The developers have also drummed up support from the likes of Western Cape judges Essop Moosa and Nathan Erasmus – and the ubiquitous Alan Boesak.

The objectors claim that the developers facilitated the creation of the George Leadership Forum (GLF), which, together with representatives from the Hoogekraal community, the George branch of the ANC, and the “Ex-Political Prisoners Committee”, made impassioned pleas to Uys to allow the development to go ahead.

Apparently the forum told Uys: “Don't allow those who enjoyed the benefits of apartheid to take the food out of our children's mouths.”

The objectors say that, shortly after Uys took office, the developers began pushing him to give approval. In an August 2008 letter they claimed there would be great benefits to the “wider community”, with R100m going to the Hoogekraal Trust at the outset, and R10m to R15m per year after that “in perpetuity” (the objectors claim these figures are wildly inflated).

On 5 May Minister Uys gave authorisation, reversing a negative decision taken in November 2008 by the local director of integrated environmental management, made after three experts had concluded that the development would cause irreversible damage.

The ANC, of course, lost the Western Cape in the April elections, and the LagoonBay decision was one of Uys's last before leaving office on 6 May.

■ Shortly before going to press, *noseweek* heard that serious intimidation had started – threatening phone calls to objectors, incidents of arson, and a threat to homeowners of a reign of terror in Glentana over the holiday season. A statement from the George Leadership Forum probably didn't help: “The greenies from Glentana and their lawyers are taking the bread out of the mouths of the children of the poor and unemployed.” Wonder how the luminaries backing the project, not to mention financier RMB, feel about being associated with this? [w](#)



# EMIRATES FLIGHT 404 TO HELL

**WHEN** CAPETONIANS Johan and Angelique Hafkamp planned a trip to Australia last April, with their two young children (aged 18 months and three), they chose to fly Emirates Airlines. They could hardly have imagined the nightmarish voyage that awaited them.

The family arrived at the Cape Town International airport at around 2.30pm, to check in for their 6.10pm flight. But, the Hafkamps told *noseweek*, “For whatever reasons, the Emirates' check-in queue was ridiculously slow and we only got to the counter at 5pm. By then our pre-assigned seats had been issued to other passengers”.

As a result, the family found themselves being given separate seats. An emotional Angelique Hafkamp described how she strongly protested as

A Cape Town family was left stranded in Dubai after their passports, tickets and money disappeared – and the airline refused to help

her husband and three-year-old son were assigned seats at the back of the plane while she was to be seated somewhere in the middle, with her 18-month-old. She says they finally accepted being separated when Emirates staff assured them that on the Dubai-Melbourne leg of the journey they would be seated together.

Once aboard, to add to their discomfort, their hand luggage was scattered in lockers around the plane. “It was frightening. Not only were we to worry about our two kids, but the luggage as well.”

When they landed in Dubai, flight attendants offered no help in gathering their luggage together – and on the bus to the terminal buildings, they discovered that they had left behind the small bag that held their tickets, passports and a substantial amount of cash.

Arriving at the terminal they explained the problem to security personnel, and someone was dispatched to search the plane. The Hafkamps themselves were not allowed to return to the plane for “security reasons”.

They proceeded to the departure lounge to wait, but the missing bag didn’t arrive – and the flight to Melbourne departed without them. Security staff told them that nothing had been found on the plane, and they frantically sought help from Emirates

went into overdrive. After insisting that Emirates customer services were dealing directly with Mr Hafkamp (by December he had yet to hear from them), *noseweek* received a statement by email – the content of which serves to remind the world that PR, *inter alia*, involves the subtle art of deflecting blame onto the customer.

It reads: “Emirates Airline prides itself on providing both convenience and comfort to all its passengers both prior, during and post their flight. In the case of Mr and Mrs Hafkamp, records indicate that the family checked in at Cape Town airport at 17h00 for flight EK771, with a scheduled departure time of 18h10. According to airlines procedures, all pre-assigned seats were released 90 minutes prior to the flight departure.”

(And no, Emirates don’t mind that it may take 90 minutes in the queue to reach the front – the Hafkamps were to blame for losing their booked seats.)

“The airline ground staff and cabin crew are well trained and do provide support and assistance to passengers, where possible. In the case of

the Hafkamp family, a bassinet was provided. However the situation of the family’s travel documentation being left on board was unfortunate. The ground crew provided as much assistance as possible in trying to locate the documents, to no avail.”

In other words, another function of PR is to bring reality into alignment with words.

Angelique Hafkamp told *noseweek*: “On our second attempt to get to Australia we chose to travel with Malaysia Airlines, and what an amazingly good decision that was. Families with small children were called first. We were helped with our luggage, shown to our seats and they made sure that the kids were settled and comfortable.

“We were given the same caring treatment on the way back from Melbourne. We were boarded first, helped with the kids and the luggage, and generally treated with kindness and sincerity.”

When their return flight from Kuala Lumpur was cancelled, said Angelique Hafkamp, they were not left at the airport to sleep on the floor, as they had been at Dubai. “We were put up in an hotel for twelve hours; lunch was provided as well as a complimentary three-minute phone call to anywhere in the world in order to advise our families of the delay and new arrival times.”

Which just goes to show that the best PR isn’t PR. It’s what customers actually experience that counts. ▣

## The Hafkamps spent three nights and two days, without food, sleeping on the floor of the Dubai International Airport

Airline staff, but no-one could say what might have happened to their bag. In fact, Emirates staff didn’t seem particularly interested in their plight, and made no attempt to help them, and they were not offered accommodation or refreshments.

By the time they finally managed to leave, the Hafkamps had spent three nights and two days, without food, sleeping on the floor of the Dubai International Airport. The airport police opened an investigation into the theft, and a day later they were handed a report – in Arabic.

On the second day the airline offered them a return flight to Cape Town. Continuing to Melbourne, they were told, was impossible. Without papers the Hafkamps had to arrange temporary identification and travel documents through the Dutch consulate (Angelique Hafkamp is a Dutch citizen) and the South African department of foreign affairs.

Back in Cape Town, Emirates Airlines promised to find out what had happened. They would not consider compensation for the unused Dubai-Melbourne tickets. Six weeks went by without a word from Emirates, so the Hafkamps called *noseweek*, and, in July 2009, we called the airline.

It was then that the PR machinery

### ASSOCIATION OF ARBITRATORS (SOUTHERN AFRICA)



The following courses are now being offered to Members of the Association and those wishing to apply for membership.

- Certificate Course in Arbitration
- Fellowship Admission
- Specialisation Construction Law

**REGISTRATION  
Certificate Courses**

1 February 2010

**Fellowship Courses**

22 February 2010

**Specialisation Construction Law:**  
22 February 2010

For further information, kindly contact the Association at:

PO Box 653141,  
Benmore 2010,  
3rd Floor Sandown House,  
Norwich Close (off 5th Street),  
Sandown

**Tel: (011) 884-9164/5**

**Fax: (011) 884-9167**

**arbsadmin@icon.co.za**

**www.arbitrators.co.za**



# Voyage round my sister

Jack Lundin last saw his sister Gill more than 14 years ago. He only learned in October that she had died – two months after that sad event. When he set about piecing together the last months of her life, he was shocked to discover that while dying of cancer, Gill had been subjected to grotesque mistreatment by a woman who suddenly became determined to inherit the estate that Gill had only weeks before willed to charity. It seems that, given the opportunity, even quite ordinary, ostensibly decent people are capable of doing unspeakable things to the defenceless



Gill at 17, Africa-bound aboard the Bloemfontein Castle

**S**OME TIME IN OCTOBER last year I learned from *noseweek's* Cape Town office that a woman had called from the UK asking for my telephone number. She thought her mother might be related to me and wanted to check out the family connection.

But when, on 26 October, Julia Fairbridge finally came on the line, it was to give me the sad news that my elder sister Gill had died two months earlier, of liver cancer. She was calling as Gill had wanted me to have our late mother's diamond and pearl ring.

I hadn't seen or heard from Gill since 1995. A widow who'd had an eventful career working for Britain's Crown Agents as a high-powered secretary in emerging African countries – and with more than a passing connection with MI6, Britain's external intelligence agency – she was then living alone in a cottage in the Karoo village of Aberdeen, recovering from breast cancer. She had reverted to the family name of

Lundin after the death in Zimbabwe of her gold-mining husband Fred Smit, and ended up in Aberdeen after reading about the sleepy Karoo hamlet in a magazine.

Our relationship had always been a volatile one, but when I arrived in June 1995 from the UK to offer support, it was to find a scary stranger: Gill's always fiery temperament had been massively amplified by Tamoxifen, a hormone blocker drug used daily for five years after surgery to decrease the chance of breast cancer recurring.

Gill seemed to be at war with quite a few people in Aberdeen. One morning, shortly after my arrival, her rage turned on me. As I recall it, she had taken great exception to my retiring early the previous evening to my room to read. I was given my marching orders. A kind couple in Aberdeen gave me shelter for the time it took to finalise my new job with the *Financial Mail* in Johannesburg.

Had Gill died in Aberdeen? I asked Julia Fairbridge in that 26 October

conversation. No, she replied, Gill had fallen out with everyone in Aberdeen; she had sold her house there and had been living in Pennington, a seaside village south of Durban. She had been well cared for there by her landlady, said Julia Fairbridge, but in her last week they had a row and Gill had then been installed in a hospital, where she died. No one knew where I was.

Julia Fairbridge is a stepdaughter of my Aunt Joyce. I reminded Julia that she had known where I was; she had phoned me once at the *Financial Mail*. (And, had she called the FM, they would have told her I was now with *noseweek*.) "That was a long time ago," she replied.

The first alarm bell rang.

Julia told me I should collect my mother's ring from Gill's landlady in Pennington, a Mrs Bev du Plessis.

I immediately phoned to thank Mrs du Plessis for all that she had done for my sister and to learn more about the circumstances of her death. I was shocked to hear from Bev that during Gill's last week, when she was very sick and confused, a woman called

Jenny had whisked my sister away and drawn up a new will, under which this Jenny and her sister-in-law in England were to inherit all of Gill's circa R600,000 estate.

Bev, a widow, lives on the top floor of her house in Oyster Drive, and lets out two downstairs flats. Gill rented one, for R1500/month. She moved in on 27 May last year.

"When Gill arrived here she was absolutely OK and fit," says Bev. "She planted granadillas in the garden and took charge of my bonsais. She had Thandi, her little Maltese-cross dog and they used to walk down to the beach. Yes, she was cantankerous and liked to get her own way, but she was happy, she really was."

But just weeks later, Gill was told she had terminal liver cancer.

Gill had a friend, Jenny Fortescue, who lived not too far away at Tudor Gardens, a retirement village in Scottburgh, where she made ends meet by giving piano lessons, knitting and doing craftwork. It was she and her sister-in-law in England, Julia Fairbridge – yes, the one who had called me – who were now set to inherit Gill's entire estate.

Bev recounted to me how, after the bedroom ceiling of Jenny Fortescue's flat at Tudor Gardens collapsed in early June, she had moved briefly into the flat adjoining Gill's. Gill had then offered Jenny R3000/month for ten years if she would stay, but Jenny refused the offer.

"They quarrelled a lot," says Bev. "Just about every day. In July Jenny went back to Tudor Gardens and

hardly visited, although she knew Gill was very sick."

During July, realising she had only a short while to live, Gill began to list her last bequests. She gave Bev du Plessis her car, a 1995 Hyundai Accent, and, in a typical Gill deal, took Bev's old VW Jetta and traded it in on a 2007 Fiat Uno, paying the balance herself. The Uno she then gave to Jenny Fortescue.

To her Pennington GP, Dr Volker Vach, she made an anonymous gift: a R12,000 printer for his ultrasound. "Gill was so excited that day," recalls Bev.

Julia Fairbridge in the UK got £10,715, transferred from Gill's National Savings and Investments account. And on July 16, with Bev du Plessis's help, Gill wrote to Julia, informing her that she was set up with a lawyer for her will and that she was leaving her estate to charities.

The lawyer Gill had seen two days earlier was Bev's Scottburgh attorney, Mark Tomlinson. "Bev brought her along, but sat outside for the duration of our consultation," says Tomlinson. "Gill was fine. She had in her own handwriting the names of four charities and was adamant that they would be the sole beneficiaries."

Gill signed her will 13 days later, on 27 July, leaving "all my liquid assets" to KAPS (20%), Hospice Umkomaas branch (20%), Cansa

Research (40%) and District 49 Children's home, Umkomaas (20%). The delay in signing, explains Tomlinson, was because he had had to get the details of all these bodies.

Bev du Plessis was named as residual heir. "When I spoke to Gill I said I'd like to put in a residual heir because there's often clothing, secondhand furniture and so on, not worth naming in the will, to be disposed of," explains the attorney.

Already at this time, Gill was under

## During July, realising she had only a short while to live, Gill began to list her last bequests

the care of Sister Sue Bell, from Khanya Hospice at Umkomaas. Sister Bell first saw Gill on 7 July. "A very positive lady who's not afraid of dying," she noted in her file. The next day Gill, who was complaining of "quite a bit of pain", was started on morphine syrup.

Terminal cancer patients these days are treated at home. Sister Bell saw Gill regularly. On 13 July Gill was "up and dressed". On 20 July she was lying down, feeling nauseous and vomiting quite a bit. "Mentally she was fine". On 27 July (the day Gill signed her will), she was getting a pain on her shoulder. "I didn't like the look of it and I referred it to her doctor, who increased the morphine syrup. Mentally still fine."

In August the deterioration was sudden – and rapid. By 4 August Sister Bell's notes record that Gill had lost a lot of weight. "When I saw Gillian on 11 August that was when the big change happened," says Sister Bell. "She was vomiting, she could only drink fluids. She was confused and talking a load of garbage."

Gill was to live for another four days. But what a four days they were to be!

The following day, Wednesday 12 August, Jenny Fortescue reappeared on the scene, and announced that Gill felt that Bev du Plessis was not taking good care of her, so she was going to

Gill tends her garden in Aberdeen, Karoo, 1995





take my sister to Lakeview, a lifestyle retirement village with a frail care unit close to Jenny's home in Scottburgh. Jenny took Gill from Oyster Drive and dumped her at a nearby pharmacy, where she was left for two hours, sleeping on a bench. "I picked her up, took her back home and put her into bed," says Sister Bell.

"I said to Jenny: 'Gillian is my patient, nobody does anything without discussing it with me. How can you take her in the condition that she's in? She's not of sound mind, she's confused, she's in pain. Please don't do this to her'. I said to Gillian: 'Do you want to go into Lakeview or do you want to stay here?' Gillian said she wanted to stay here."

The following day, Thursday 13 August, Bev du Plessis left the house to attend a memorial service for her mother, who had died six days earlier. During Bev's absence Jenny Fortescue reappeared accompanied by one of her young piano students and in Sister Bell's words, "kidnapped Gillian".

First stop was Gill's GP, Dr Vach. Jenny Fortescue had an odd request: she wanted Dr Vach to give her a certificate of sanity for Gill. "Gill was too frail to get out of the car, so I went

from my surgery and spoke to her," says Vach. "She was tired and physically very weak, but she recognised me and, for the short interaction we had, very much of sound mind."

Dr Vach had got the impression from Jenny Fortescue that they required some sort of certificate of sanity before Gill could be admitted to Lakeview, so he hurriedly wrote one on a sheet from his prescription pad.

Dr Vach says he is aware now that Gill wanted her money to go to charities, but had heard that a will signed on her deathbed at Lakeview left all to Jenny Fortescue and Julia Fairbridge. "OK, I should maybe have seen this one coming," the doctor says, "but it [the certificate] was done in between other things. I was told it was purely for the move to Lakeview. I realise now that there were bigger implications.

"Gill was a very charitable lady and I can see that it would have been in her heart and her nature to leave her money to charity. She was dying when she was brought to me.

"I was led to believe that Gill was unhappy at Bev's place and wanted to go. I said OK, I can't stop her. The mere fact that she (Jenny Fortescue) came with false motives means that there was something devious going on."

For weeks Bev du Plessis had done everything for Gill: giving her morphine syrup every four hours, cleaning up, providing friendship and support. "But at the end Gill was so confused," says Bev. "Because she hadn't seen me every five minutes she thought I'd been away for weeks. Jenny capitalised on the fact that Gill thought I was neglecting her. Jenny didn't understand that by then Gill had no concept of time.

"The only thing that Jenny took from Gill's flat was her bank statements."

Lakeview does not require certificates of sanity for its

frail care residents. In this sad voyage around my sister, it's clear that obtaining the doctor's hastily-scrawled affirmation of Gill's "sound mind" was part of a carefully-laid plan.

From Dr Vach's surgery Jenny Fortescue drove Gill to Lakeview, where she was installed in the frail care unit. At the same time Jenny Fortescue summoned David McIntosh, an Amanzimtoti representative of Absa Trust, to Lakeview to prepare a new will for Gill.

Says McIntosh: "I got a call on my way from Port Shepstone. Jenny was checking your sister in. I met them at the frail care section. I think Gill was pretty tired at that stage. She was in bed and could hardly move.

"I spoke to your sister and said: 'Look, can we get the will?' She looked like she was falling asleep. As I was talking to her she would turn round and say to Jenny: 'What must I do?' Then Jenny had to go off and get a supply of morphine. I was chatting to Gill. She would just say: 'I can't remember'.

"I contacted Jenny later on and said the best thing to do would be to get somebody to draw up a will document for Gill, stating what she wants."

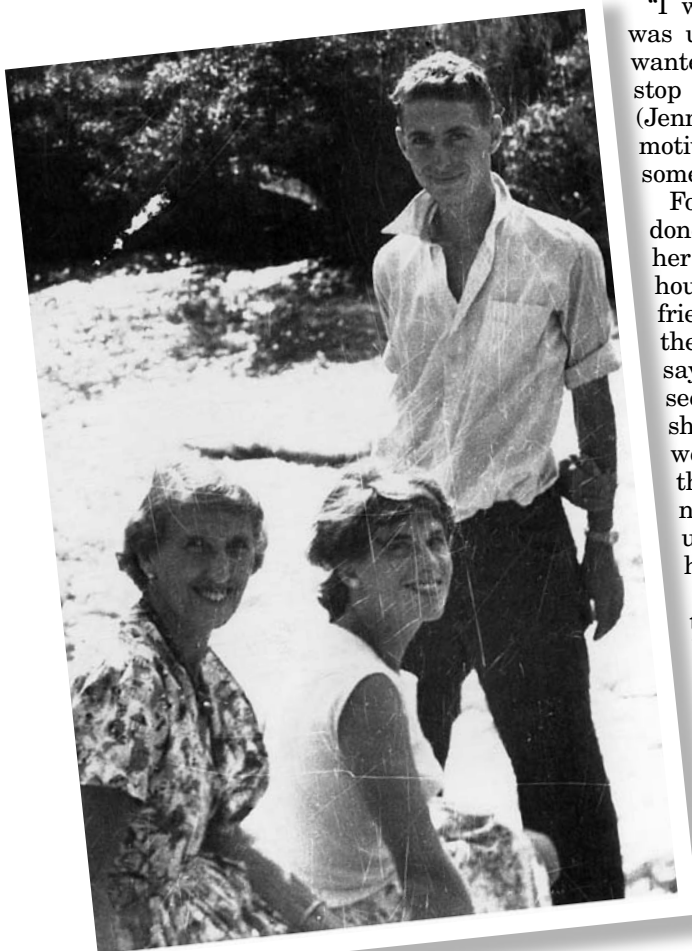
The next day, the Friday, Jenny Fortescue got just such a document prepared. I have a copy of the neatly-typed result and if my sister was consulted at all regarding its contents then she must indeed have been deeply confused. Addressed "To Whom It May Concern" this "letter", purportedly from Gill, lists 14 "confirmed facts" – some of which are blatantly untrue.

The first eight "facts" are a vituperative condemnation of Bev du Plessis – "Mrs du Plessis suggested many things and I went with her plans as I was very confused after the shock of hearing I have cancer again ... I agreed to see her lawyer to draw up a will in her favour ... monies were being spent without my permission and I am of sound mind at present though informed I was not." Most important was fact number 11: "A new will has been made in favour of my nearest relatives KJJ Fortescue 60% and Julia Fairbridge 40%. This has been lodged with Absa bank."

KJJ (Jenny) Fortescue and Julia Fairbridge were, of course, not relatives of Gill's. (I am Gill's only surviving relative – and I am satisfied that she wanted her money to go to the four



Jenny Fortescue



Growing up in Africa: Gill, cadet reporter me and our late mother Margery. Our father, author and African adventurer John Lundin, died five years earlier in a mystery sailing incident in the Mediterranean when I was 14



charities.)

For good measure, Jenny Fortescue inserted fact number 12: "Mrs du Plessis will not get another cent"; and number 13: "I do not require the services of Mrs Sue Bell (the hospice sister) in future as I am being well looked after at Lakeview."

The next day, Saturday 15 August, Jenny Fortescue, accompanied by a friend named Charles Neville Keel, arrived at Lakeside only, apparently, to find that Gill was beyond being able to sign her name. They then left, to return with a uniformed policeman (Constable BA Cele), who proceeded to plant my dying sister's thumb on an ink pad and affix a print to the letter, which I believe expressed the wishes of Jenny Fortescue infinitely more than her own.

There were two witnesses, the aforementioned Charles Neville Keel and a caregiver at Lakeview, Sonika Peach. It was in the afternoon, between 2-3 pm.

In a final insult to my sister, a sheet of paper was produced by Jenny Fortescue which Constable Cele obligingly signed

Says Sonika Peach: "Gill's eyes were glassy, she hardly could even take water any more. She was too far gone. You know, with the morphine and stuff that they gave her, I don't think there's any way that she knew that she was even signing anything."

In a final insult to my sister, a sheet of paper was produced by Jenny Fortescue (in the same typeface as that used in the thumbprint letter) which Constable Cele obligingly signed. In this certificate, the constable confirmed that Gill knew and understood the contents of her "statement dated 15 August 2009 which also purports to be her will".



Our father John Lundin. He roamed Central Africa in search of the white rhino, gold and the fabled elephants' graveyard

Gill died at 11.30pm that night.

By Monday morning Absa Trust's McIntosh had prepared Gill's new will, only to learn of her death. He's aware of Dr Vach's Certificate of Sanity, but says he doesn't know why Jenny Fortescue got it. "In a situation like that, just in case there's a problem with the document that she signed," he surmises.

McIntosh told me on 9 November that Gill's "letter" signed with a thumbprint on her death bed, was being submitted to the Master of the high court as a valid will. "If the master accepts it he will then issue the authority, the letters of executorship." Absa Trust was just waiting for a letter from Julia Fairbridge nominating Jenny Fortescue as executor of Gill's estate. Absa Trust, said McIntosh, will be the agent (getting 3.5% of the gross estate).

How could Absa Trust be party to this shoddy affair? McIntosh said that he believed (wrongly) that in her July will Gill had left everything to Bev du Plessis. "And when Jenny heard about this she just thought well, that's wrong."

On 18 August, three days after Gill's

**noseweek**  
ADVERTISING  
ads@noseweek.co.za  
021 686 0570



forensic restitution

Independent leader in:

- Fraud, Theft and Corruption investigation
- Forensic reconstruction of accounts
- Data recovery and user analysis from all PC's and Operating Systems
- Confidential detailed background checks
- Quantification of losses for insurance and legal claims
- Detection and recovery of misappropriated assets
- Collection of evidence for claims
- Excellent working relationship with SAPS Specialised Commercial Crime Unit
- International professional skilled team, confidential reporting, per hour billing

FORENSIC RESTITUTION (PTY) LTD ■ www.restitution.co.za  
tel. + 27 (0)11 234 2189 ■ email. info@restitution.co.za

WHICH  
ONE DID  
YOU  
REMEMBER?

**PIXELOCK**  
THE UNFORGETTABLE PASSWORD

www.pixelock.com

**FRAUD HURTS  
WE MAKE IT  
BETTER!**



forensic restitution

tel. + 27 (0)11 234 2189  
www.restitution.co.za

**terramite**  
CONSTRUCTION EQUIPMENT

**Compact TLB's  
and Sweepers**

Tel: +27 31 461 4177  
Email: sales@terramite.co.za  
www.terramite.co.za

People who dislike each other can co-operate.

All it takes is a good story.

storytelling.co.za

the  
**notebook  
company**

**0861 LAPTOP  
527.867**

**Notebook  
Sales  
Repairs &  
Rentals  
From R69**

www.notebook.co.za

death, Jenny Fortescue told Mark Tomlinson, the Scotburgh attorney who was executor of Gill's earlier will, that Gill had made a new will at Lakeview and the earlier one was therefore null and void. On this assurance, Tomlinson closed his file on the matter.

At their two-hour meeting, said Tomlinson, he had made it clear to Jenny Fortescue that Gill's earlier will left everything to charity. "She said she would see to it that they got a little something," he now recalls. He adds: "If there's some skulduggery here, it's one of the most macabre and sinister things I've ever seen."

Lakeview's frail care matron Alison Webber seems sympathetic to Jenny Fortescue. Was she aware that Gill had already made a will leaving everything to charity? "I've heard otherwise," replies the matron. "I had heard that she'd left everything to the lady looking after her, Bev du Plessis."

In Matron Webber's view, was Gill capable of making a new will, in the state she was in when she arrived at Lakeview? "I cannot answer that question."

However, Matron Webber adds: "From the beginning I knew that something was wrong. I was suspicious, but my only concern was that this dying lady needed to be cared for. I just wanted to get Gill into a bed. We are nurses."

Khanya Hospice's sister Sue Bell praises Bev du Plessis for the devoted care she gave my sister: "When I went to visit Gillian, Bev didn't know I was coming and she was always there with her," she says. "Gillian had told me that she'd given Jenny Fortescue money and bought her a car. To think what Jenny did to Gillian when she was dying! I've never had a case like this in my life."

"When she took Gillian off to Lakeview she didn't even pack her toothbrush, toothpaste, nightdresses. Even her ID book and purse were left in the flat."

Now having a good idea of what's up, I make a return call to Julia Fairbridge in the UK. From her home at Banks End, Huntingdon, she says: "Jenny and Gill were quite good friends and the week before she died Gill said 'Please come



Gill and me in Derbyshire shortly before I was dispatched to a life of cold and violent English boarding schools

and get me out of here'. So Jenny put her into a nursing home for her last week."

I asked if Gill had made a will. "Gill originally told me she had made a will with a lawyer near Pennington," Julia Fairbridge replies.

"She told me that she was giving it [her money] to charity. Then, when she was moved from this flat, it was something about her wanting to make a new will in favour of my sister-in-law, Jenny." No mention from Julia Fairbridge, note, of the £10,715 that Gill had given her a month before she died. Or that she was to get 40% of Gill's money under the so-called deathbed letter.

What does Jenny Fortescue back in Scotburgh have to say? "Gill offered me a lot of money and I turned it down," she says. "I could see this lady (Bev du Plessis) sidle up to Gill and making herself felt. I actually walked out of the whole business. I was very angry with Gill and with everybody to see what was going on. Gill was being as spiteful as she could. She could be very spiteful, let me tell you."

And taking Gill to Lakeview? "I just popped in to see Gill. I'd vowed I wasn't going to go again, but I popped in to see how she was doing and she said: 'Please get me out of here'."

And then a new will was prepared? After a long pause Jenny Fortescue says: "Yes. We managed to get it away from Bev. We made it to stop Bev from getting everything." Months later, she's still spinning the Bev-would-have-got-everything line. No mention of the "letter" that she organised for the thumbprint signature, just a repeat of the lie: "Absa prepared a new will and Gill signed it."

And who are the new beneficiaries? "Well, because we didn't know where you were we've split it between Julia and myself," says Jenny Fortescue.

■ On 23 November 2009, after learning that Absa Trust's will was never signed, Gill's earlier executor, attorney Mark Tomlinson, filed Gill Lundin's properly signed will with the Master of the high court in Durban. He attached the thumbprint letter prepared by Jenny Fortescue together with his reasoning, based on case law, why this is not a valid will.

Jack Lundin is noseweek's Gauteng bureau chief.



# New Desert Fictions

**I**F JAMES WORKMAN has extracted from his telling of Bushmen stories a new model for water management it's no mean achievement. The question is, can it be applied to global industrial society, as Workman would like? Whatever the proposed model may mean to his targeted readership among the US thinking classes, my own response, on reaching the end of his lengthy chronicle of the irrationalities of North American water management, was a resounding No. Despite this, his endeavour as a whole is fascinating and worth reading.

*Heart of Dryness* threads Workman's analyses of his own society's water ills around an account of the reactions of the last remaining inhabitants of the Central Kalahari to the Botswana government's decision, in 2002, to cut off their well points, in a final attempt to force them from their ancient territories and into "a better life" in camps. That decision resulted from a wide complex of processes, and Workman's background as a journalist and water policy advisor (resident in Gaborone at the time) gives him the confidence to shift points of view across the stresses and strains of contemporary Botswana, and do justice of a kind to both sides.

In the mid-1950s, when Elizabeth Marshall Thomas's *The Harmless People* gave her account of living among Kung and Gikwe bands in the central Kalahari, those quietly distant people commonly hid themselves from intruders, in reaction to the long-standing practice of capturing them to work on white farms, or as serfs among Tswana groups. By the turn of the 21st century, when the assault on their independence was irreversible, the last residents had come to rely on government-supplied water, and their ancient finely woven knowledge of desert life was in tatters. With the Botswana government intent on "freeing up" the Kalahari to begin mining vast stores of coal and diamonds in the Bushman heartland,

CHAS UNWIN  
REVIEWS

## Heart of Dryness: How the Last Bushmen Can Help Us Endure the Coming Age of Permanent Drought

(Walker Publishing)

By  
James G Workman

their time was up. As I write, reports come in that the Botswana government has mounted the final onslaught: the entire Central Kalahari Game Reserve is allegedly being burned to ashes. Marshall Thomas's horrifying description of the devastation wrought on the Kalahari landscape by a massive veld fire came back to me as I heard this.

Workman visited the remaining bands out there several times, and takes as his protagonist Qoroxloo, leader of a tiny band who stay on, cut off from the deep well water to which they had become accustomed. He extracts from her conduct and knowledge the elements of a model for resource ownership and management.


The difficulty I had with all this is that Workman, for all his loving respect for his subjects, still treats "the Bushmen" from within a framework that he doesn't examine nearly closely enough. Take his introduction to his protagonist: "A magnificently wrinkled female Bushman squatted

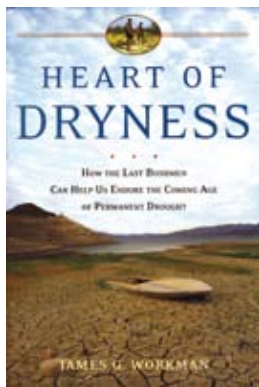
by a small fire."

And isn't it odd that the civilisation responsible for the destruction of an ancient way of life continues to produce eulogies to its precious values? When Workman talks of the "beauty" of the capitalist market system is he far enough away from the trade in coal and diamonds to be taken seriously as a spokesperson for the people of the Kalahari? I believe he'd say yes. I'd say he hasn't sufficiently examined his own presence in the matter.

Take also the fact that the egalitarian

sharing of the Kalahari way of life is, or was, sustained by a magical world view – one utterly at odds with Workman's own. Or is it? What if Workman's world is itself shot through with unacknowledged piece of magical thinking? For example the idea that a "new model", produced from "cracking the code" of a traditional society, could release the US from some core problems?

After all US thinkers have come up with whole libraries of models for effecting change – each discarded to make way for a new one, as business goes on as usual. What would "the Bushman" view of that look like? 



A new Cape Town Municipal Valuation is due in Jan 2010.

For objections phone P Meakin Registered Professional Valuer 021 683 4349.

Min Charge R5000 plus Vat

*Heart of Dryness* is a hardcover published by Walker Books, imported from the USA and available from Loot.co.za for R197. We accept payment by Visa, Mastercard, or direct deposit to our ABSA bank account.



Over 2 million Great value **Books** Massive selection of **& Music, Movies Console Games** At the lowest prices!



Free delivery on orders over R200! Telephone 021 785-5752 info@loot.co.za





The Minister (left) and Jeremy Michaels (in red-striped tie)

# No respect

**A**LRIGHT COUNTRY Life fans – if I do have fans out there: after a week of unprecedented disrespect directed at this country scribe, I suddenly have serious doubts. But maybe disrespect is just the lot of the serious journalist today.

Yes indeed, it went like this: First off, I'm accosted on the street by a local loudmouth, who threatens in bold words to sue me and my "little" newspaper (which, I usually retort, carries big news – but I didn't bother to go into that under the circumstances).

And why was she going to sue me? Because one of my trainee journalists, she claims in a crazy rage, took her photo without permission. Now, normally I try to educate my fellow country folk about press freedom, and matters of the law and so on, but today I simply am not in an educational mood.

Besides, the simple fact is that the aforesaid raving loudmouth's image was captured while she was taking part in a serious piece of protest. By serious I mean toyi-toying down the narrow streets of Barberton in the company of around 300 other highly-excited citizens. So I tell her to shut the fuck up and KMB (kiss my black butt).

I find that's the only useful response

these days to utter stupidity.

But the thing was just beginning, for, the very next day, I find myself being seriously disrespected anew, this time by one of those spin-doctoring buffoons who suffer under the illusion that they're even bigger and more important than the senior government officials they spin for – and as a result treat the media as if we are members of the Simon Mann club, looking to overthrow the state.

Once again I'm not amused, and in no mood to argue politely. Soon enough I'm back in stride, calling him an ass-kissing putz, failed journalist, dumb ass motherfucker (sorry – you can take the boy out of America but you cannot take the American out of the boy). Most spin doctors, if you didn't know, are former journalists, and failed ones at that – ever hear of one Vusi Mona of *City Press* fame, now spinning for the Prezi's office? Point made.

But it wasn't over. Next day it's the turn of Mr "I'm-more-important-than-

the-minister" Jeremy Michaels, whose business card reads: "Head of Communication and International Co-ordination". What the hell does this character Co-ordinate Internationally?

This particular spin doctor, who is obviously in serious denial of his real role in life, was in Barberton with the minister, who, it turns out, is paying a visit to these parts so as to reassure the community that she and her department are "concerned" about the ongoing illegal mining activity (and which our "little" paper probably alerted them to the seriousness of in the first place).

But hey! Guess what? Mr International-spinning-co-ordinator decides the minister's address is not open to the media – and then goes so far as to prevent journalists from trying to talk to the minister as she leaves.

But now get this, dear fans or non-fans: When Mr Spin-doctor-in-denial then lowers himself personally to address the assembled members of the Simon Mann Club, he gets asked how the minister came to be here in the first place. And he solemnly declares that she was simply following up on reports regarding the illegal mining problem in Barberton. Would somebody please remind this failed journalist who originated those reports?

As you're aware by now, at this point in his disrespected week this lowly country scribe was in fine form, so he later calls Mr Spin-doctor-in-denial and announces himself as Bheki Mashile from Barberton. And Mr Spin says "Oh yes – the journalist – nice to hear from you. What would you like to know?"

So I tell him about writing quite extensively about the illegal mining problem and how I'd have liked to tell readers what the minister had to say – but, I say, "You denied me the opportunity."

And, I add, "I'm working on a column – you know *noseweek* don't you?"

And he says "Oh – them!" (Love the reputation.)

So I ask: "Would I be wrong to describe your treatment of the media today as totally asinine? Putting it simply; did you behave like a complete asshole?"

But Mr Michaels won't comment. ▣

I am accosted by a local loudmouth threatening to sue me



## Activist

**W**ELL IT GOT SO I SCARCE knew what Activist meant. Depending merely on how you felt at a hunch, a public figure was either hero or no-good bum. To those who arm themselves with sanctimony, activism meant just a nasty self-indulgent way to behave, and criminal. I mean shooting your mouth off about moral principle is okay, but to get out there and do something about it at risk to your own life is not only selfish but antisocial, as with dear old Rowley Arenstein, Durb's very own ace Struggle lawyer, who got called activist when the only physical activity he ever undertook was standing up. In court, that is, to lacerate state witnesses under cross-examination.

Rowley started off believing in Stalin, see? In those heady days old top-pies will remember, when the Red Army drove the Wehrmacht from Stalingrad clean back to Berlin, he took to Chairman Mao instead when Stalin turned out a no-good bum, gave up the whole *gemors* with the first Afghan invasion and ended up as cheerleader for Jonas Savimbi, than whom there never was a worse psychopathic megalomaniac no-good bum in the whole history of ideological horseshit, bejassus I ask you with tears in my mince pies. *Ja*, I suppose you could call Rowley a sort of Marxist rabbi. He just had to have a prophet, you understand.

Well, behind all the political hithering and thithering Rowley always ran with underdogs, but activist – *nyet*. Why, I remember being a section cleaner with him in *boep*, trying to teach him how to use a broom; you don't use it to pull all the dirt towards you, you push this dirt away, sort of; also how to use Brasso for polishing a light switch – he'd neither seen nor heard ever of anybody doing such a thing, I mean this was the supreme inactivist. Come to think of it, I once heard from an old military man that when Rowley was in the army in WW2 he got transferred to a desk in the military Law Department after almost dropping a mortar bomb sharp end down the barrel. But there you are, and there he was pushing five years in Pretoria Central. For activism



**Behind all the political hithering and thithering Rowley always ran with underdogs, but activist? – *nyet***

*nogal*. For telling young folks NOT to join the armed struggle in SA. The trouble was he didn't tell them to go and join the SADF instead. He told them to sit down inactively and read Karl Marx about how capitalism would ultimately implode from sheer greed, and come to think of it he just may have been right about this last, the way things are going in this world these dismal days.

So, then, you will understand I've had trouble defining this -ism. But no longer. Here on the BBC telly I see a truly activist feature from the archives of a smallish English midlands town – I think it was Sudbury, but no matter. The hero of Sudbury was truly active by anybody's measure, name of William, I seem to remember, but no matter as long as I've got the facts straight, which I have. Willie won the VC in the trenches of WW1 for his activism. One couldn't be more miserable than in a trench, of course; you could smoke fags for comfort and sing sentimental songs; *Keep the Home Fires Burning* (till the boys come home), such sort of song, but Willie did more than that. When the Hun laid down his next artillery barrage and Hun machine guns raked every square inch of no-man's-land, Willie squirmed his way over the top and under half a mile of barbed wire and got into the Hun nest and killed everybody inside with his revolver and got the VC for it. Sudbury was festooned with banners, all citizens turned out with the Union Jack, proclaiming Willie's heroism. He got a bit of leave and the populace showered him with flowers and the kids got a half-day off school with a free lollipop. Hurrah hurrah! For a whole week.

Came eventual Armistice, righteousness had prevailed. The Empire rejoiced. Sudbury was festooned with banners, all citizens turned out with the Union Jack. Kids got a free lollipop. The mayor declared a victory feast in the Town Hall for all his councillors and every Sudburian notable. The tables groaned. Outside, Willie and every unemployed ex-soldier groaned and hurled abuse at the mayor. When the mayor came out to restore order Willie told him of a certain indecency which he could perform upon himself on a Sunday; the soldiers rushed into the Town hall and drove out all the notable Sudburians and ate all the lovely grub and drank all the champers and set fire to the place. Burning buildings were part of their culture, see. They moved down the street and found a shop with a piano and dragged it in front of the blazing Town Hall and played music and sang *Keep the Home Fires Burning*.

Now if that's activism I think I quite fancy it. Maybe I'm not too old to take it up. **W**



## noseweek online

Get access to the  
noseweek archive of  
saints, sinners and  
rogues

Buy noseweek's online  
edition for **only**  
**R278**

Wherever you want  
it...whenever you  
want it

WWW.  
noseweek.co.za

### 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).

**Further info** Adrienne 021 686 0570.

### PERSONAL

**Renéé**, steeds lief vir jou, waardeer jou en Geseënde Kersfees. GS

**Can noseweek** stem the growth of the "Wabenzi" tribe? Julius Nyerere would be impressed. AMS

**Noseweek rules** – await your dealing with comrade Michael Sutcliffe of Ethekwini Municipality – please! PJZ

**Our Julius M.** reputedly received 10% for school woodwork. Was that perhaps for crawling out of it? JAM

**Compliments of the season** to noseweek and readers. Tony & Sandy Ferrar, Barberton

### LEGAL, INSURANCE & FINANCIAL

**Legal services in Kenya?** Wanam Associates specialise in IP, Trade Mark, Corporate Law, Conveyancing/Property Law, ICT Law, Litigation, Legal Support/Resources; [www.wanam.com](http://www.wanam.com)

#### Naked Law

For the legal advantage visit [www.nakedlaw.co.za](http://www.nakedlaw.co.za). The Law: without the frills, the bills or the wigs!

**Debtor Management** Manage your debtors. Maximise cash flow. Phone Dale at Alcrest Outsourcing (Pty) Ltd on 086 100 0239.

**Matrimonial and family law** specialist, Petra Visser Attorney, Johannesburg.

Call 011 646 9961 or [pav@telkomsa.net](mailto:pav@telkomsa.net)

**Legal representation for the indigent** with a just and enforceable cause? Call 031 705 5198.

**The Southern African** Institute of Government Auditors: Building a brighter future for government auditing in South Africa. Call 012 362 1221.

**Accounting services** available – SMEs monthly accounts from R3500pm. Call Jeff 082 371 0000.

**Investment advice** from highly qualified professional with 30 years' experience. William Bowler 082 920 6387 or [wbowler@global.co.za](mailto:wbowler@global.co.za)

**Adrian Gary Skuy Attorneys**, Johannesburg Specialising in commercial, tax, labour and criminal law. 082 451 5779 or [taxlaw@telkomsa.net](mailto:taxlaw@telkomsa.net)

### FOR SALE

**Archneer** Supplier of art materials; craft; paper. Call 012 342 8432.

**Tinus & Gabriel de Jongh** paintings bought, sold and valued for estates and insurance. Art prints sold. Gallery open by appointment; 021 686 4141; [dejongh@yebo.co.za](mailto:dejongh@yebo.co.za); [www.tinusdejongh.co.za](http://www.tinusdejongh.co.za)

**Secondhand plastic pallets** bought and sold. [www.premierpallets.co.za](http://www.premierpallets.co.za) or 083 756 6897.

**Khoisan Trading** For a wide range of Natural Seasalt products, made on the West Coast; [www.khoisantrading.co.za](http://www.khoisantrading.co.za)

**Buy a solahart** and save 40% of your electricity bill. Call 0861 SOLAHART.

### SERVICES

**Silver Spoon Function Hire** Hiring of cutlery, crockery, linen, glasses, marquees, heaters etc. For your hiring requirements 011 262 2227; [www.silverspoonhire.co.za](http://www.silverspoonhire.co.za)

**Rob Wyly Trading**, manufacturers of reflective safety clothing. Call 011 789 3933 or 021 794 5422; [www.rwtsa.com](http://www.rwtsa.com)

**Mount Croix Animal Hospital** for vets who really care. Call 041 374 3034

**Does your business have an image?** Professional Graphic design of logos, stationery, brochures, company profiles, advertisements, presentations, folders, leaflets, packaging, invitations. Call Penny 082 590 1818.

### THE OLDE ENGLISH SHAVING SHOP

Cutthroat razors  
Badger shaving brushes  
Imported shoe trees  
V & A Waterfront (Upper Floor)

**021 4188068**

and

### HOT TOWEL SHAVES AT MR COBBS THE BARBER

Gentlemen's Hair Cutting in an Olde World Victorian Salon

**021 418 2427**

[www.englishshavingshop.com](http://www.englishshavingshop.com)  
[mcrafft@mweb.co.za](mailto:mcrafft@mweb.co.za)

### HEALTH & FITNESS

**Chiropractor** Dr David Dyson (USA). Specialising in back, neck pain and wellness. 031 469 4192.

**The Beauty Clinic** Professional Beauty Salon and Spa in East London for men and women. Call 083 261 2372.

### COURSES

**Art Classes, Muizenberg** General art & drawing skills. Meg 021 788 5974 or 082 926 7666. [jordi@telkomsa.net](mailto:jordi@telkomsa.net)

### TRAVEL, FOOD & LEISURE

**Penthouse Travel** for all local and international marathons. Call Marie 021 976 8110  
**For good entertainment**, become a member of the Masque Theatre Club. [birgatom@iafrica.com](mailto:birgatom@iafrica.com)

### PUBLICATIONS, CDS & DVDS

**Have you read** *The Master's Ruse* by Patricia Schonstein? A love poem to earth. [afpress@iafrica.com](mailto:afpress@iafrica.com)





# Property & Leisure

## PROPERTY FOR SALE

**Sasolburg** 8ha industrial land (Zone: Noxious Industries) located amongst all major chemical industries. R30m Call Jacques 083 308 9133.

**Denton-Miller Estates** sells Natal South Coast property!

[www.natal-south-coast-estates.co.za](http://www.natal-south-coast-estates.co.za)

**Grahamstown** Gracious stately home, ideal for entertaining. Spectacular garden, guest cottage & more. Call Monika 082 855 0015.

## PROPERTY WANTED

**Riebeeck, Robertson, Stanford areas** Cash buyer for 2/3 bedroom modernised house in good position. Occupation negotiable. Fax: 011 728 7847.

## PROPERTY TO RENT

**Pinelands** 3 bedroomed unfurnished house with Security Fencing available. For immediate occupation. R7,000 pm. Nico 021 531 5544.

**Constantia, Cape Town** Fully furnished granny flat available immediately. R6000pm Call 021 794 2842.

**Montague Gardens, Marconi Estate.** Commercial Industrial Property to let. 793m<sup>2</sup> @ R35/m<sup>2</sup> Call 082 443 9230.

**Industrial Property Specialists, Durban.** Call Tristan Rasmussen 082 566 4258; [www.rasmussenproperties.co.za](http://www.rasmussenproperties.co.za)

## HOLIDAY ACCOMMODATION

**Arniston** Stunning seafront home perched on clifftop overlooking beach. Breathtaking position and panoramic sea views. 5 bedrooms, 3 en-suite, serviced. 082 706 5902.

**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.

**Plettenberg Bay** Anlin Beach House B&B/Self-Catering. Affordable four-star luxury, 100m from Robberg Beach. 044 533 3694; See our website for special offers: [www.anlinbeachhouse.co.za](http://www.anlinbeachhouse.co.za); [stay@anlinbeachhouse.co.za](mailto:stay@anlinbeachhouse.co.za).

**Umhlanga** 2 bed/2 bath stunning, serviced sea-facing apartment with DSTV. [putz@icon.co.za](mailto:putz@icon.co.za); 082 900 1202.

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

**Provence** Cotignac, village house, stunning views, pool, sleeps 4-6; [rsaunders@cwgsy.net](mailto:rsaunders@cwgsy.net)

**Plettenberg Bay** Fynbos Ridge B&B/self-catering. Fragrant fynbos. Spectacular mountain views. Abundant birdlife. Relax and unwind. 5-star. [www.fynbosridge.co.za](http://www.fynbosridge.co.za); 044 532 7862.

**Upper Newlands** Friston Lodge B&B, near Kirstenbosch. Comfortable affordable accommodation, garden setting. Solar-heated pool, DSTV. Contact Sabine: [Sabine@stay-in-cape.com](mailto:Sabine@stay-in-cape.com); 076 156 2381.

All the smalls ads on these pages are included in the online edition of noseweek at no extra cost

For specialised  
Property ads contact  
Adrienne:

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

021 686 0570 (mornings)

## PARIS FRANCE

Sunny, spacious apartment  
Fully equipped kitchen  
5 mins from Champs Elysees, shops,  
restaurants, airport shuttle & metro  
English TV, free internet and phone

€110 per day

25 Rue de Valery, 16th,  
Metro Victor Hugo

[anne@pvalery.com](mailto:anne@pvalery.com) 082 099 1202 sms  
[www.pvalery.com](http://www.pvalery.com)

**Wilderness/Garden Route** Self-catering cottages sleeping 4, on 29ha estate bordering Rondevlei, a bird-watching paradise, great walks, very peaceful. Tim: 071 683 4133; [www.reflectionsreserve.com](http://www.reflectionsreserve.com)

**Piketberg** Mountain Farmhouse, Western Cape. Trophy bass fishing, cliff diving, bouldering, fynbos walks. 4 bedrooms, 2 ensuite. Self-catering, serviced on request. 082 554 9944.

**Cape Town** Burgundy Estate, 1 Bedroom Apartment, abuts the vineyards of the Durbanville Hills and De Grendel wine estates. Gary 082 410 6442.

**Indaba Hotel, Sasolburg** Breakfast buffet from 05h00. Call 016 976 0600.  
[elsibie.indabahotel@absamail.co.za](mailto:elsibie.indabahotel@absamail.co.za)

**Kleinbaai** Nell's B&B. Luxury ensuite rooms with private sea-view balcony. Call 082 853 3744; [naomi.nell@absamail.co.za](mailto:naomi.nell@absamail.co.za)

**Ngwenya timeshare for sale** August week. New unit, Crocodile River view, sleeps 8. R105 000 ono. Call 082 925 9298.

**Hout Bay** Beach front apartment, sleeps 6, secure and luxurious.  
[Jenny-barker@intekom.co.za](mailto:Jenny-barker@intekom.co.za)

**Melkbos, Cape Town** 4 double bedroom villa, pool, BBQ & deck, close to beach.

World Cup R5000 p/d. Contact Mark 021 557 6438 or [mark@awsolutions.co.za](mailto:mark@awsolutions.co.za)

**Kruger Park, Ngwenya Lodge** Luxury 8 sleeper unit on Crocodile River. 5-12 March 2010. Peter Chaplin 083 777 1488.

**NENDAZ SWITZERLAND**  
4 Vallées region – 100 ski lifts and  
400km ski area

Apartment for rent.  
Sleeps 4 (2 adults & 2 children).  
20m from ski lift, bus stop and shops.  
R1000 per day.

[marilizead@iafrica.com](mailto:marilizead@iafrica.com)  
082 827 1242

## WATER LEAKS FOUND

We detect and repair leaks underground and in walls Insulation audits done using infrared thermal imaging

SEE OUR WEBSITE FOR DETAILS

[www.findaleak.co.za](http://www.findaleak.co.za)

011 763 6306

Peter 083 651 6306



## COMPANY DIRECTORS

Websec offers 24-hour online information on directors of all SA-registered companies.

Low volume searches  
(1000 pa) for R2750 plus VAT.  
Contact [lennon@accfin.co.za](mailto:lennon@accfin.co.za)



Book smalls  
online at  
[www.noseweek.co.za](http://www.noseweek.co.za)

This space is a snip at  
**ONLY**  
**R1800...**

Why not try  
it for size?

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

021 686 0570





**INTEGR8**  
GROUP

**Tried ... Tested ... Proven**



## MTN Business and Integr8 Group's Strategic Alignment epitomises corporate synergy

Our alignment provides your organisation with one ICT provider locally and internationally. While Integr8 manages your people, technology and processes via the only South African based Nerve Centre®, MTN Business's leading telecommunications infrastructure is leveraged in order to deliver your organisation a more efficient, cost effective and optimised innovative solution.

Integr8 Group houses Integr8 IT which is the largest privately owned BEE ITC management service company on the African Continent. The company has multiple offices throughout Africa. Integr8 IT is renowned as the preferred ITC service provider focused on innovative, integrated and managed ITC services, delivered quality customer services by it's exceptional team and by building strong technology partnerships. Integr8 IT is the innovator and operator of the only SA based Nerve Centre® providing a digital hub to manage and maintain the ITC environment of many of the country's leading corporations.

- ICT outsourcing • Software as a Service • Disaster Recovery • Unified Messaging • Infrastructure design, implementation • Desktop Server infrastructure support
- VPN's/ Connectivity • Cloud Computing • 24/7/365 Nerve Centre ® • Asset Finance • ICT Security

MTN Business



[www.integr8group.com](http://www.integr8group.com) - **0861 888 888** - [info@integr8group.com](mailto:info@integr8group.com)