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noseweek

137

MARCH 2011

Strange suicide

Did SA soccer adman
John Lane kill himself?



Zurich Insurance: vulture by another name
The holy man and the R1m racehorse • Be rude, and die!



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Dissent of Man

The "Letters" section in *Noseweek* frequently provides an already adequate return on our subscription investment, and Keith Gottschalk's letter (*nose136*) was no exception. Thank you, Mr Gottschalk, for your lucid and thought-provoking reminder that eternal vigilance is the price of freedom.

Whether it was actually Thomas Jefferson who first said it or not, is hardly relevant; reminders that "Dissent is the highest form of patriotism" cannot be conveyed too often.

When those who support the government in power resort to branding everyone who disagrees with them with some or other derogatory term, this alone should cause you to shout "Beware!"

Theo Heffer
Rivonia

Snakes in suits

Your article "Roque Trader" (*nose136*) accurately reflects my understanding of Des de Beer and his *modus operandi*. By revealing the

close ties between De Beer and Roque Hafner, you have also exposed the essence of De Beer's character. It is certainly in the interests of the investing public to lay bare his fraudulent activities, but just as important to

that word travels. Eversheds is not the first firm to have its reputation trashed by unhappy ex-employees.

How much are you paying your PR person? Perhaps you should invest in an internal communications specialist –

■ I thoroughly enjoyed your article on Melissa's edited interview, but maybe for the wrong reasons.

It is refreshing to read an actual interview, prior to the copy editor amending it so it fits more into the socially

I asked my Discovery broker to ensure that discussions about me are recorded

understand what motivates such misconduct. A recently published book, *Snakes in Suits*, most aptly describes the psychopath I have come to know over the last 20 years-or-so in business. I look forward to reading more.

Noseweek Reader
By email

See p.6 – Ed

Eversheds sheds its reputation

The way Eversheds treats their employees (*nose136*) is shocking. They should know

or bodyguards for your junior staff members instead.

Abigail van Zyl
By email

■ I loved reading your article on Melissa (*nose136*) – who would have thought!

Allison
Cape Town

Is she a bitch?

Your Melissa piece was great to read; also good that people can see censorship and varnishing in action. Is she a bitch? I feel a boycott coming on...

Yves
Pietermaritzburg

accepted mould. I loved reading her real, unadulterated answers.

I too have my own business, my own set of 3.5-year-old twins. I too am bored just playing with them and gladly hand that task over to my capable nanny. Some of us just don't do small children well – I enjoy mine more and more as they get older. And like Melissa, friends are sometimes a luxury left by the wayside in the rush to deal with one's responsibilities. Sorry to spoil your dig.

Angelika
Bryanston

The dig was not aimed at her child-minding, but at her doctoring of the interview. Like you, I much preferred her authentic responses. – Ed.

Unpleasant Discovery

From your excellent reporting on Discovery Health and their policies (*nose135*) I learned for the first time that "The Scheme's authorisation is not a guarantee of payment and the final adjudication of a request for funding can only be made upon receipt of the claim." What help is that?

How can ethical organisations seriously recommend Discovery... or are other medical aids as bad? While I investigate my options, I have asked my financial adviser and Discovery broker to ensure that any discussions about me are recorded.

Anonymous
Fish Hoek



"A touch more salt, perhaps?"

■ I am presently fighting Discovery about a claim on my dread disease policy. They are wanting to pay me only 25% of the insured amount even though I had a major op and had part of my colon removed.

I caught the cancer in time before it spread to my liver etc. I am now being short-changed by Discovery because I was pro-active in attending to the problem, even though they advocate vitality and wellness and being pro-active. I have had this policy for many years. When I purchased it, I requested cover for cancer, not for percentages of cancer. The policy is costing me near R13,000 per month, including Life and disability. The dread disease value is R2.6 million, but they want to pay R650,000. I have sent everything to the Ombudsman for his opinion. Meanwhile I am thinking of accepting the R650K and using it to fund a smear campaign against Discovery.

Alan Rubin
Johannesburg

Our advertising department will be contacting you re proposed smear campaign. – Ed

Mind your Vs and Ls

Martin Welz's article on walking New York in the November issue was oh so enjoyable but I can't help pointing out, in a pedantic sort of way, that titivating and titillating mean two completely different things.

K S Collett
By email

You might visit sex museums to be titillated – I popped into the New York Museum of Sex only to freshen up my lipstick and eye shadow. – MW

Mr Nose

Catching up at last

MR NOSE has to marvel at our intrepid mainstream media. Back in 2009 (*nose115*) *Noseweek* broke the story of how a tiny, company called Valor IT quietly came to be awarded a R153-million government contract to instal an "enterprise content management system" at the Companies and Intellectual Property Registration Office (Cipro). (The system was supposed, *inter alia*, to help control corruption) Did any of the mainstream media pick up the story? Heck, no! Far too much chance of picking up a libel writ, and not PC to criticise a probably well-connected BEE enterprise.

Noseweek soldiered on, digging up fresh scandal on the affair in issue after issue. (*nose117*, 126, and 127). It was only after *nose127* hit the streets in May last year that Trade and Industry Minister Rob Davies felt he had to act. And on May 19 the mainstream media felt it could safely report his announcement that two top Cipro officials had been suspended for alleged involvement in the Valor affair, along with moves to cancel the whole contract. Duly cancelled.

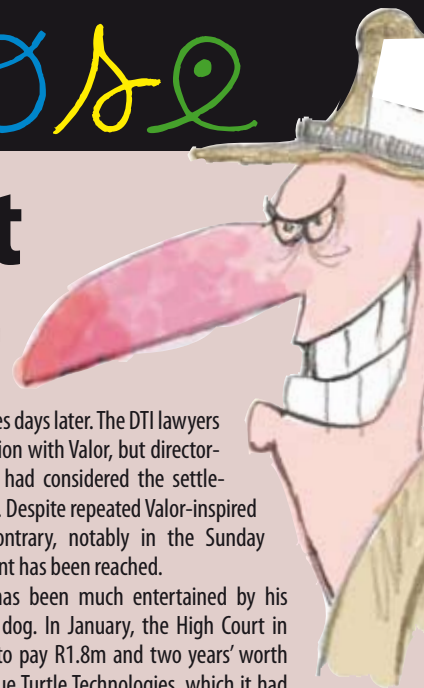
Not so, protested Valor IT chairman Josias Molele. "He (Davies) is lying!" Molele told *Business Report* on February 5, releasing a letter from Valor's attorneys Noko Inc, dated December 10, 2010, claiming the DTI's legal team had proposed a R28.1m settlement

with Valor, including R13.9m for wrongful tender cancellation.

Not so, responded Davies days later. The DTI lawyers had entered into negotiation with Valor, but director-general Tshediso Matona had considered the settlement terms unreasonable. Despite repeated Valor-inspired media reports to the contrary, notably in the *Sunday Independent*, no settlement has been reached.

Meanwhile Mr Nose has been much entertained by his favourite sport: dog eats dog. In January, the High Court in Pretoria ordered Valor IT to pay R1.8m and two years' worth of interest at 15.5% to Blue Turtle Technologies, which it had contracted to assist with part of the Cipro tender.

■ Mr Nose is much flattered by members of the press who feel impelled to follow his lead, no matter how long it takes. On January 30 the *Sunday Times* reported that the Mandela museum at Liliesleaf farm was planning to buy the adjacent property to demolish the house and retrieve the former president's historic Makarov pistol believed to be buried under it. *Noseweek* had told its readers that story, in detail, six months earlier in *nose131!*



For whom the bell tolls

LAST MONTH *The Star* reported that the cost of the government's contract to run the looming electronic tolling system on Gauteng freeways has soared from R1.16 billion to R4.56bn. Mr Nose is fascinated to see that part of the job – and a share in the spoils – has gone to Gijima, the technology solutions and services group headed by billionaire and one-time court interpreter Robert Gumede.

Readers will recall how Valor IT stole whole chunks of Gijima's website for its own use (*nose115*). Gumede took it on the chin, voicing not even a bleat of protest, so desperate was he to keep out of the Valor/Cipro scandal, lest it reflect adversely on his own quest for lucrative government contracts.

He certainly didn't want a repeat of the February 2008 fiasco when Gijima's award of a R3.4bn tender to modernise

Home Affairs' identification system was delayed by 12 months after an investigation by the Auditor General found the criteria for functionality, price and black empowerment had been changed by unnamed people within the State Information Technology Agency.

As we reported, there were no allegations of wrongdoing by Gijima, although Robert Gumede's reported R10m handout to the ANC's election kitty raised eyebrows in relation to the awarding of government contracts. Gumede must be glad to see that his R10m is now to be repaid many times over by the obliging SA National Roads Agency Ltd (Sanral) in its latest scam to rip off Gauteng's already beleaguered motorists.

Perhaps this latest handout will boost Gijima's disappointing 2010 results (revenue down 2.4% to R2.9bn).



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Devious dealings at Resilient

Why are Stanlib, Old Mutual and Investec keeping shtum?

VARIOUS recent reports by an anonymous investigator – containing a stream of damning information about the directors and senior management of JSE-listed Resilient group – have been circulating recently among property brokers and institutional investors. Noseweek has copies and has begun checking the information in them. All of it, so far, has proved correct – plus some!

We would presume that by now the financial institutions, who have invested billions of their shareholders' and clients' money in Resilient property funds, would have done the same – and found the same.

If so, they have chosen to say, or do, nothing about it. Which, once again, leaves it to Noseweek to provide you with further proof that some of the group's most senior directors (and a shady "ghost" partner) have for years conducted the business of Resilient in a manner best suited to advancing their own crooked purposes and profits.

In the past month, further evidence has come to hand which proves the long-standing and extremely sinister relationship between certain directors of Resilient Property Fund Ltd and Roque Hafner, a ruthless fraudster who, 20 years ago, saw mostly elderly investors taken for mega-millions in another property investment firm, Supreme Holdings.

In the Master of the High Court's trust records in Pretoria, we find that R A Hafner (our Roque) and Barry Stuhler were appointed trustees of Des de Beer's family trust, the Suni Trust, way back in 1994. Des is, of course, the founder MD of Resilient and a director of various other companies in the group, including Pangbourne Properties Ltd and Property Fund Managers Ltd, the management company of Capital Property Fund and of New Europe Property Investments plc. Barry, too, is a founder director of Resilient and a director of Pangbourne.

At last we have documentary proof that the three were already close friends at the time of the Supreme Holdings scandal. (In 1993 Supreme went into liquidation and Hafner was arrested because of his fraudulent activities.) The timing suggests De Beer's trust could even have been a useful place to hide

Hafner's assets from Supreme's liquidators. (According to 2008 records, the Suni Trust by then owned 1,725,000 Resilient shares, worth about R35 million.) To seal their cosy relationship, in February 2000, Hafner and De Beer were in turn appointed trustees of Stuhler's family trust.

In nose136 we revealed that, some time prior to June 2008, Resilient had made an unsecured, "soft" loan to a private company called Amber Peek Investments, of which the ever-present Roque Hafner was then the sole director – and that Amber had used the money to furiously buy and sell (churn) Resilient shares, most likely in a bid to influence their price on the JSE. (Resilient's MD, De Beer, had himself been a director of Amber, and resigned to be replaced by Hafner.)

Amber Peek, it seems, played more than a passing role in the overall crooked scheme of things: also in June 2008, Diversified Property Fund Ltd (headed by Andries de Lange who happened also to be one of the founder directors of Resilient) announced it had sold its entire shareholding in Resilient – to Amber Peek for R181m.

(Mysteriously, the announcement claimed that the disposal would "enhance the company's empowerment credentials by ultimately increasing black ownership".)

In the same week, Resilient announced that it had acquired 100% of the shares of Diversified Property Fund. What's up, Doc?

There are numerous further examples of their devious dealing: in May 2007 a company called Madison Park Properties 58 (Pty) Ltd acquired a portfolio of 53 properties from Pangbourne – another company that, at the time, was on the point of being taken over by Resilient – for the bargain price of R80.6m. How do we know Madison got a bargain? Because in October 2009 Madison Park sold the same properties to the Fortress Income Fund for R128.1m. At the time Fortress was being listed on the JSE as a member of the Resilient group and its directors included Resilient stalwarts De Beer and Stuhler.

In effect, properties due to be taken over by Resilient were taken out in a hasty intervention for R80.6m, only to be put back in for R128.1m. Institutional investors in Fortress

at the time of the listing would have funded the difference.

So why would Pangbourne have sold these properties for so little, if they were worth so much? And who was clever enough to see the potential – and collect a profit of R47.5m? In short, who is behind Madison Park Properties 58?

Madison Park's sole director at the time was Mark Walter Stevens. Mr Stevens had been employed by Old Mutual as a property broker for 10 years, and then by Imperial Properties for three. He has since become MD of Fortress. Could he be the talented property speculator?

It takes a closer look at Madison Park's share register to see through that one. There we find that Stevens's trust, MWS Trust, held just 35% of its shares. The majority 65% belonged to a company quaintly named Sweet Sensations 70. The true stakeholders in Sweet Sensations, now more thinly disguised, emerged within days of the profit being realised, to claim transfer of their share – 11 of them, every single one a director of one or other entity in the Resilient group. Some examples: Blue Dot Properties 456 (belonging to Barry Stuhler), Nano Trust (beneficiary: A de Lange, financial director of Resilient), Kibera Investments (belonging to J Kriek, executive director of Resilient), Dyjaju Trust (beneficiary: D Lewis, executive director Resilient), Silver Blade Investments (belonging to J van Wyk, financial director of Pangbourne), Poppy Ice Trading 2 (controlled by Hafner and, as likely, D de Beer).

And you thought at least some of them were clean!

To quote the anonymous author of the report on Resilient's wrongdoings: "Having had an opportunity, through

Madison, to look through the sprawling Pangbourne industrial portfolio, and having found it 'dripping with fat' (to quote De Beer), it seems that the Resilient team resolved to extract the 'fat' from Pangbourne for themselves – and used Mr Stevens as their front man for this purpose."

Subsequent to Resilient taking control of Pangbourne, two other small companies, of which Stevens was the sole director, contrived to acquire more, equally desirable, properties from Pangbourne's portfolio, once again at bargain-basement prices. (Note: within the space of 12 months he was able to muster the resources to spend R330m on property. Where had he, a salaried employee with a "thin" asset base, got the money? Well, for a start, he was somehow able to raise a R285m loan from Investec. Observes our anonymous investigator: "There can be no doubt that Mr Stevens had the support of some undisclosed private balance sheets to secure these funding arrangements." Whose?

The Fluxmans report

Readers have asked why we dealt so cursorily with the report by Resilient's attorneys, Fluxmans, which, it is said by Resilient spokespersons, exonerates Resilient's directors of any and all wrongdoing, particularly of the kind described in our last issue. The reason is simple: nobody Noseweek knows has been allowed sight of the report. Leaving aside the fact that Fluxmans can hardly be considered independent, their report is the lynch-pin of Resilient's and De Beer's defence, the single forensic report that evidently counters every single piece of evidence and comprehensively exonerates De Beer and the Resilient group management.

We know that certain asset managers and unit-holders of Resilient have asked to see it, and their requests have been declined. Others in the property industry, we are aware, have also called for a copy of this report, and again their requests have been refused. Why?

Is it because the Fluxmans report will not stand up to scrutiny? For De Beer, the only thing that could be worse than a defence kept secret

is a defence that fails. Could it be that, given its terms of reference, the methodology used, and the extreme time limitations imposed by Resilient for the investigation to be completed (+10 days), it will be easy to demonstrate that the Fluxmans report does not clear De Beer and his group at all, but on the contrary, shows that the allegations against him have never been independently investigated according to accepted forensic practice?

The test, of course, is simple: De Beer must publish the report, including its Terms of Reference. If he does not, you have your answer.

The biggest shareholders in Resilient Property Income Fund Ltd are major financial institutions: Stanlib holds over 18%, Old Mutual over 12% and Investec nearly 10%. (Investec is also a major shareholder – together with De Beer, Hafner and Stuhler – in Diversified Property Fund Ltd which has cross shareholdings in Resilient. (Are we surprised?) All of which raises a number of questions:

■ How come these major financial institutions, who all eagerly advertise how talented and thorough their researchers are, did not properly investigate the top management and the prior share and property dealings of a company in which they proposed investing billions belonging to their clients and shareholders?

■ Or, if they did, how come they did not discover the shady past and dealings of De Beer and his friends who were effectively controlling the company to their own preferred advantage?

■ Or did Liberty, Old Mutual and Investec simply not care? Might they, in fact, have been doing the same themselves – as Greg Blank, an authority on these matters, once suggested?

To summarise: Why have Stanlib, Old Mutual and Investec not reacted to the latest disclosures about the Resilient group of companies in which they have invested billions on behalf of clients and shareholders?

Do they perhaps reckon that if they say and do nothing, their clients are less likely to hear about it? That their clients, gullible fools, can so easily be made to believe that the poor performance of their annuities and pension funds is due to "continuing recessionary conditions", global warming, the rand-dollar exchange rate and the rising cost of baked beans?

Anything, anything but rampant dishonesty in the financial sector! ■



Property at a giveaway price

WE GET many emails at *Noseweek*. This one from Tim Brink really caught Mr Nose's attention:

"So I get a call, end of last year, from a lawyer with good news. The property agent has secured a buyer for my Yeoville (Joburg) flat. It's a giveaway price – R25k. I accept the offer, sign all the papers and wait for my boodle. Lawyer calls me a few minutes ago saying the buyer is pulling out of the deal. He just went to the flat to check



out what's what and he almost gets murdered by the occupiers. Says his life is worth more. Occupiers have hijacked the entire building, not just my flat. Two years ago they threatened to kill me when I tried to collect rent. Told me never to return. I didn't."

A phone call from Mr Nose revealed the rest of the story. Brink bought his 60m², one-bedroomed flat for R46,000 back in 1999 when Yeoville, just across the road from Hillbrow, was still a cool place to live. Brink stayed there for a while, and then let the flat. The last lease he signed was in 2005, after which he went abroad for a few years. During this period he paid the flat little heed, but on his return two years ago, he went to the flat, officiously carrying his lease agreement and title deeds.

Brink discovered that his tenant had been replaced by three families. When he suggested that someone might want to start paying some rent, he found himself surrounded by 15 men. The men told him that his documents were worthless

and that the flat now belonged to them. Part of the struggle, they said. The men made it clear to Brink that he should never come back.

Brink took the advice and decided to put the flat on the market. To his great surprise, he received an offer – albeit for a measly R25,000.

The buyer signed the offer to purchase and even paid the purchase price into the trust account of Brink's attorney. But then the purchaser decided to take a look at what he had bought, and he suffered the same fate as Brink, even being tied up for a while. On his escape he pleaded with Brink to let him out of the contract. Not wanting a man's life on his conscience, Brink agreed. He has now accepted that his flat has been hijacked and he's decided to walk away from it.

As far as Brink can tell, the building, Park Court 2 in Bekker Street, is totally dysfunctional, having no body corporate, and seemingly being beyond the reach of the city council's rates department. As far as Brink can tell most of the flats have been hijacked.

Mr Nose asked Brink to take a photo of the building but he was too scared to go back.

Stent



Jy dink jy's slimmer as ekke...

WE'VE written about Schulphoek before – the appalling decision of the Overstrand Municipality in Hermanus to sell land adjacent to Zwelihle township to facilitation company Rabcav to develop an upmarket seaside estate that will deprive Zwelihle residents of access to the sea, while delivering on none of the promises made in the consultation process.

After numerous objections had been lodged, DA Western Cape Local Government MEC Anton Bredell "investigated" and concluded that the deal was kosher, as was the highly suspect underlying agreement between the municipality and Rabcav.

Betty's Bay resident and DA supporter Mike Stakemire wrote to Bredell, with a copy to new Overstrand mayor Nicolette Botha-Guthrie. Stakemire recorded his "strongest objection" to the deal, questioned the giveaway price, the "embedded status" of Rabcav, the lack of a tender process, and the blocking of access to the sea.

Bredell didn't respond, leaving it to greenhorn Botha-Guthrie to try her skills at shrugging off inconvenient questions. She chose the old tried and tested technique of her Nat predecessors: "*Ek's die baas, slimmer as jy, so fokof met jou vrae*".

Her Haughtiness had this to say: "As acknowledged by yourself, you are clearly not au fait with this very complicated matter... most of your assumptions/statements are incorrect... it is respectfully suggested that, before criticizing the Municipality, you ascertain the facts and develop an informed opinion rather than

relying on press reports."

Stakemire reminded her that three high-powered lawyers (former Supreme Court of Appeal Judge Johan Conradie, Advocate Gys Hofmeyr and attorney Joe Brink) had written a legal opinion that concluded that the underlying agreement between the municipality and Rabcav was invalid (thus making the Schulphoek deal invalid), and asking whether Bredell had been shown this opinion.

Botha-Guthrie responded much as before: "The fact that you are a ratepayer of this Municipality obviously entitles you to have legitimate access to certain information... however I fail to see how you are an affected party."

She went on to say a lot more: that the legal opinion was irrelevant because it related to a development other than Schulphoek and therefore could not possibly "have the effect of attacking the legitimacy of the Schulphoek contract"; that the municipality had obtained its own legal opinion that said the Rabcav agreement was binding; that "the documents" (still not specified) were "all" made available to the team appointed by MEC Bredell; that she has a "serious problem if we continue to dabble with events of the past whereas we are actively managing the future"; that *Noseweek* is not interested in the truth and has on occasions published "false and slanderous statements affecting the political and management structure of this municipality"; that her municipality is honourable and that "if you do not agree with this, this is a matter you have to live with



and I trust you can now rest assured that the affairs of this Municipality are in safe and competent hands."

Stakemire responded, pointing out that Botha-Guthrie had clearly not studied the legal opinion which concluded that the Rabcav agreement was "invalid and unenforceable". He could also have pointed out that Judge Conradie expressly said the opinion could well be relevant to the Schulphoek deal. And that it's outrageous for a municipality to prefer a one-page unreasoned opinion from a small-town attorney (for that, as far as we can tell, is what the municipality relied on) over the opinion of Judge Conradie and co. Or that her answer does not actually confirm that the opinion was given to Bredell.

Or that the "let's-not-dwell-on-the-past-but-rather-look-forward" thing, like patriotism, is so often the refuge of the scoundrel.



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Did John Lane really take his own life?

Picture: BackpagePix

Gossip is rife over the last days of the brilliant brain behind the 2010 World Cup marketing campaign

FRESH questions have arisen as to why – and, even, by whose hand – John Lane died from a bullet through the brain last October. Lane, the gregarious, much-loved icon of sports marketing and promotions, whose brilliant input is credited with South Africa’s winning the 2010 World Cup bid, was found dead.

His widow, Callie Lane, said in a statement two days after Lane’s death: “It is my firm conviction that my husband’s death was self-inflicted because of prolonged World Cup pressure and stress.”

However, *Noseweek* holds a copy of a recording (see box) secretly made on the very day that John Lane, founder and head of Worldwide Sports, died at the age of 49. It tells a different story. In it, Callie Lane, 47, declares that her marriage is on the rocks, and that at 8am that morning she and John Lane had had a “very harsh discussion” after she’d discovered some “very unhappy-making information” about her husband’s financial doings.

The man who made the cellphone

recording was Hendrik Cloete, a former police officer who ran John Lane’s great love and “hobby”, the Atholl Estate Community Security Project. Shortly beforehand, Cloete had called John Lane to tell him Callie was on her way to the Atholl office and Lane asked him to record whatever she might have to say when she got there.

John Lane established the Atholl project 10 years ago to co-ordinate security and keep the streets clean in the exclusive Johannesburg suburb of Atholl, where he lived with Callie and their two children. Some 60 households contributed – or were supposed to do so – R399 a month for its services, and, over a decade, John Lane himself ploughed in nearly R3 million.

In the recording, Callie Lane tells Cloete she is there to “wind up” her husband’s involvement in the project – “and I don’t care if John hates what I’m doing”.

Cloete, who had worked with Lane on the Atholl project from its inception, tells *Noseweek* that the day John Lane died was the third of a furious ongoing row he was having with Callie.

Cloete says that after the 8am “very harsh discussion” that Callie Lane mentions in the secret recording, a security guard outside the Lanes’ luxurious house in Maple Drive reported that an enraged Callie Lane had showered blows on John Lane as he fled the property.

Around 9am, Cloete says, he called John Lane to tell him Callie Lane had phoned demanding a meeting that same day. “She was always in favour of closing down the project and getting John out,” says Cloete. “John said: ‘get a recording’.”

When Cloete asked Lane whether he was going to “do the transfer so I can pay the wages of the guys for the week” – the Atholl project had 21 workers on the payroll – Lane had replied with a laugh: “Hendrik, we’ve got *kak*, but don’t worry, we’ll sort it out.”

At the Atholl project’s office in Dennis Road, little did they know, when Callie

the property we found his body,” says Cloete. Lane, wearing black trousers and dark blue shirt, his sunglasses hanging around his neck, was lying behind a wall in a weed-shrouded hidden corner of the plot. Says Cloete: “The firearm [Lane’s own snub-nosed .38 Special revolver] was lying in his left hand.”

This puzzled the former police officer, who knew that Lane, although ambidextrous, favoured his right hand and habitually kept his revolver in its holster in his right-hand trouser pocket. He was even more puzzled to see that the single bullet entry wound was in Lane’s right temple.

Cloete phoned Callie Lane. “Callie, I’m sorry. I’ve found him. It’s not good news: he shot himself.”

He recalls now: “She sounded shocked, but not really shocked. She didn’t go ballistic, she was actually very calm about it. She just said ‘Hendrik, please can you come here.’”



'I said to him: that's interesting: gun in left hand, entry hole in right temple'

arrived around 2.30pm, that John Lane was dead. Police put the time of his death at “mid-morning”.

After the furious row with Callie that morning and his abrupt departure from their home, John Lane missed two appointments. He’d been due to attend a function at his teenage daughter Christie’s school, St Mary’s in Waverley, but didn’t pitch. It was also Boss’s Day and the Worldwide Sports staff had laid on a special lunch for their popular managing director at an upmarket restaurant. They waited for him to join them there – in vain. His cellphone was switched off.

Around 9.15 that night, according to a statement by Callie Lane, Bramley police told her that John Lane’s Chrysler Voyager had been found on an empty plot in Desborough Avenue, in the neighbouring suburb of Elton Hill. Police took Callie Lane to the plot, where she saw the dark blue Voyager, locked and undamaged. A “brief search revealed no clues as to my husband’s whereabouts” and Callie was driven back home.

Hendrik Cloete was at home in Randburg watching television with his wife when he received a call from Callie saying she was getting “really worried” and asking him to come and “search for John”. He went to her house, collected the spare keys of John’s car and, accompanied by a Safeguard security guard, went to Desborough Avenue. “I didn’t want to go alone,” he says.

“Within the first three minutes of searching

Back on the scene, the police wanted someone to identify the body. Cloete phoned Keith Roxburgh, a management consultant who lives in Dennis Road next to the Atholl project’s office. They met at the Lanes’ house and the two men drove to Desborough Ave.

“It was very dark,” recalls Roxburgh, “but we had torches. There were cars all over the place, largely police cars and cars of the Atholl project.

“Hendrik introduced me to a police officer from Bramley Police Station. They took me to the back. John was lying on his left side with his left elbow tucked under the body. The gun was held firmly in the left hand – his own .38. His right arm was over his head. A certain amount of blood near his head was soaked in the ground. The single bullet hole was in his right temple. There was no exit wound.

“While we were standing there the cop said ‘suicide’. They said it probably happened mid-morning.”

A police forensics team arrived from Sandton, put up floodlights and started taking photographs. “The regional forensic guy wanted to know if John was left-handed,” says Roxburgh. “I said to him: ‘that’s interesting: gun in left hand, entry hole in right temple’. He laid his finger across his mouth and said: ‘We’ll do our job’.

“There was no suicide note. The guy was quite worried about that.”

Roxburgh and Cloete returned to the Lanes’ house, where friends and a mothers’ support group were gathering. “Callie was



Last known photo of John Lane

The secret

recording

WHAT John Lane's wife Callie had to say to Hendrik Cloete about her husband as he went off to an empty plot to die...

"I have to add to your Friday. I'm here to present in a nutshell that the wheels are off with John, in a sense, that we have had a huge crunch in the [Worldwide Sports] business. Whether he told you or not, it's true. The World Cup was good, but it was not buckets and buckets of millions, believe me.

"It was successful and we all did hard work, but subsequently the whole economy's taken a serious downer. Global and international sponsorship budgets have been cut radically, with the result that actually we're having to tighten the ship very hard, very hard, at Worldwide. Any non-essential vehicles; any non-essential staff. We've already laid off all our temporary staff.

"We've got to have the best people, and people there are working damn hard. The Atholl project [managed by Hendrik Cloete] is part of the problem. It is a major part of the problem and John is stepping down [as chairman] with immediate effect as per my instructions.

"I don't care what he says, Hendrik, he's been taking our family money and putting it into this project [Atholl]. And Nicholas [Rabjohn] and Mark [Oxford] – Nicholas is John's business partner and Mark is our accountant – they're good chaps to keep. We are sitting with very tough cashflow problems; we're worrying about paying salaries, paying bonuses, what staff we can keep on. We've got to get down to a strong good core.

"John has undertaken for months and months and months to step down at Atholl project. So he's out of the picture. I'm very sorry because I know you've worked hard with him. But this project is over as far as the Lanes are concerned. It's an economic reality; it's not a personal vendetta.

"Plus! Plus there's money owing on this project, that we've been paying accounts through Worldwide. The Atholl

stationery account [with stationer Applebee] and all kinds of things. Applebee's is an expensive shop. Why the hell on a community non-profit project is John running this stationery?

"I'm not accusing you of doing anything wrong, but what has happened is that John's taken our combined family money and he is living off credit cards and we [at Worldwide] are sitting with cashflow problems, with staff retrenchments or a whole consolidation. And



this is not acceptable. The money isn't out there. Everyone's biting the bullet.

"The World Cup was lovely, but now we've come down off this. There isn't budget out there, Hendrik, and our family cannot give the time or the money any more. It's finished.

"John won't show me the statements of the Atholl project. I said to John this morning when I found some of the things that he hasn't been telling me, and there were serious backlogs of cashflow, I said to him: 'Either give me the information straight, or I'll get it with a court order'.

"Please don't think about our marriage as being in a good state – and I don't care who knows. Because this is financial survival for me.

"How much are the weekly wages [for the Atholl project]? R9,400. On Tuesday night I've got a big meeting at Worldwide Sports and they want to know where all of John's expenditure's going. It's believed to be going to the Atholl project.

"I'm not cross, but I'm telling you: as

of this morning at 8 o'clock, John and I had a very harsh discussion, because I found some very unhappy-making information about our living expenses, Worldwide Sports cashflow, and the Atholl project. He has not got capacity for this project [Atholl] and I'm here to wind up his involvement in it. He will be out of it by the end of November. I will be writing the letter to inform the residents to keep going if they feel so, and we're looking for a new chairman. John will be taken away as signatory of the account and Applebee stationery [account] will be closed. If there's no cash, you can't buy.

"John has undertaken to do things and has not come to the party with his business partner or his life partner. No one's going to pay my bills. The car's been sitting two months in the garage and I found out today there's R32,000 outstanding on the Voyager and the Jeep! I said I'm coming to fetch the car and they said they won't release it!

"I don't care if John hates what I'm doing. He can have a court order on me; I'll have a court order on him. I've asked him to come out of this for how long. It's affected our marriage and now it's turned into a financial burden. John Lane is out of this [Atholl] project and I want to know exactly what of Worldwide Sports' money he put into this project, because we are primary creditors.

"John is running a very funky setup by himself. You cannot live – a person in this day and age cannot live – on credit cards or accounts. We've done it [Atholl project] for 12, in fact 15 years. It's caused the most terrible stress to our family. John has said there's a committee, there's everyone contributing, but it's not. John's the committee, John's the sole person – and our family money. He's not just bankrolling cashflow, it's been going through on the corporate cards of Worldwide Sports. It's on the printout that Mark [Worldwide's accountant] has shown me.

"It's a crunch time. It's been coming for a long time."

very calm,” says Roxburgh. Callie asked him to phone a family friend named Dave Albert.

Dave Albert is a somewhat controversial, intimidating man who heads SSG Africa Risk Management, a company within Warren Goldblatt’s notorious firm of private spooks, SSG. The bulky security chief was quickly at the house, as was Brett Bennett, a young security guard who had recently been made redundant from John Lane’s Atholl project.

For some reason Dave Albert seems to inspire great fear among the residents of Atholl. However, in the days and months that followed, he was a tower of strength to Callie Lane. His black Mercedes-Benz was parked at Callie’s house most nights, and at Christmas, the security veteran took Callie Lane and her children on holiday to Swakopmund in Namibia. Since their return, however, he hasn’t been spotted around the family.

Dave Albert had known John Lane for years – since the security company Albert established in 1998, Special Armed Services, had moved into Atholl to help John Lane with his Atholl



Ex-Agliotti girlfriend Diane Muller and Dave Albert

Dave Albert is a somewhat controversial and intimidating man

project, says Henrik Cloete: “Dave Albert, who claims to be an ex-policeman, wanted Atholl because it’s one of the most affluent areas and there’s a lot of money in security around here. I hate his guts. Once they (Special Armed Services) tied up one of their own guards – who had stolen from a resident – naked to the gate and they had him there the whole day till the police came to fetch him.

“And Brett Bennett is a complete maniac. He’s in his 20s, and claims he was trained by the British military as a sniper.”

Adds Keith Roxburgh: “Brett’s a cold fish. When he was part of the scheme, I’ve seen him tie suspects’ hands and question them in the street, punching and kicking them.”

Albert tells *Noseweek* he, too, visited the empty plot in Desborough Avenue on the night of October 15. He dismisses Cloete and Roxburgh’s statements that the gun was in Lane’s left hand. “That’s not the way I saw it. The gun was in his right hand. It was most definitely a suicide. John wasn’t the type of person that could be coerced into going somewhere quiet [to be murdered]. He was with his vehicle, it was his own weapon, there was fire-burn residue on his hand and things like that. So it certainly was a suicide.”

He agrees that “it does seem very strange” that Lane left no note. “There was nothing in

the house, nothing in the car, nothing in the office.”

Many of the staff at SSG are former cops and Albert appears to enjoy close relations with the Bramley police. Indeed, he admits he has had sight of both the confidential police file and photographs taken at the death scene. Well, surely those photographs show which hand the gun was in? “No, the gun wasn’t in his hand at the time the pictures were taken,” says Albert. “They were taken separately, the ones I saw anyway.”

Was there an inquest? “Not as far as I know.”

So, for Dave Albert, the whole thing is cut and dried? “I have to say yes,” he replies. “I must say, if there had been anything untoward I probably would have picked it up and I certainly didn’t see that, not at all.”

Former policeman Cloete says: “Gunpowder burns were clearly visible on both of John’s hands and on his forehead. The fact that the burns had spread to his forehead indicate that when the gun was fired it was not touching his head, but at least several centimetres away.

“There was no inquest to determine the cause of death as far as I know, the police were so sure it was suicide. I remember that after the post mortem the body was cremated in almost indecent haste.”

A leading Senior Counsel says it is not

mandatory to hold an inquest for a suicide. “To get a death certificate, however, there has to be a post mortem. This is when a doctor examines the body and establishes the cause of death – in this case, a gunshot wound to the head. But the doctor would not speculate on whether this was suicide or murder.”

Albert, asked whether John Lane’s family is bearing up now, said: “I think they are – it’s a tough time for everybody. It was totally unexpected. I haven’t seen the family much this year. I was involved, helping them to get through everything, at the end of last year. But this year the schools have started and Callie has started working again. They’re all very busy at the moment.”

And that Christmas holiday together in Namibia? “We went with a group of people, that’s correct.”

Albert’s support of Callie Lane following her husband’s death has caused tongues to wag in Atholl, a super-rich suburb whose residents include Lazarus Zim (founder and chairman of Afripalm Resources), society queen Edith Venter, former De Beers and Anglo American chairman Julian Ogilvie Thompson, and former Nedbank chief executive Richard Laubscher: not forgetting troubled estate agent Wendy Machanik.

Keith Roxburgh says that in January this

year Callie Lane phoned him to say: “A quiet word in your ear: have you heard the terrible stories going round this area – that Dave Albert and I are having an affair?”

Says Roxburgh: “I told her I had heard the stories and that everyone was talking about the fact that they all went on holiday together to Swakopmund – Callie, the children and Dave Albert. He says Callie hotly denied the holiday story. “She said, ‘that’s utter nonsense!’” As for the frequent presence of Albert’s Mercedes at her house, she told Roxburgh: “Dave just parked his car in my property so that any would-be thieves would see there’s movement and a car there.”

Callie Lane is reluctant to talk to *Noseweek* about anything. Did John leave a note? “I’m afraid I can’t answer that. I think you can understand one is very sad about death and if you don’t mind I’ve got my children here; they’ve just come home from school. I don’t wish to go into any discussion. If you can just respect the family’s need to grieve. If you wish to have any comment would you kindly contact Mr Gustav von Geysso. I’m represented by him. He’s an attorney.”

Von Geysso says that Callie is executrix in the estate of her late husband and he’s the agent acting on her instructions. “We’re still in the process of trying to establish what claims there

Albert's support of Callie following her husband's death has caused tongues to wag



Callie and John Lane

are against the estate, what assets there are and if the estate is going to be solvent.” Any questions relating to “the personal affairs of the deceased” would not be in his ambit. He refers our request for comment to Kevin Iles of law firm Bowman Gilfillan. However, Iles declines to note down our list of questions. “We have a policy not to comment on our clients or their matters.”

Having listened to Callie Lane’s comments in the secret recording about the crisis enveloping her late husband’s Worldwide Sports, *Noseweek* approached John Lane’s partner and the company’s new MD Nick Rabjohn with caution. John Lane, who studied law and African languages at Wits – he was fluent in Sotho – started the sports marketing and advertising consultancy in 1992. The following year he was joined by Rabjohn, then 23 and straight out of university, where he studied B Phys Ed with a major in sports marketing.

“We’re financially sound,” insists Rabjohn. “There are no financial problems, only cashflow, nothing more than

cashflow. We're not in a financial crisis. We obviously miss the income John brought in, but we have to plan a strategic way forward without him. Because of his nature he was speaking to a lot of people and a lot of business came through John. He was absolutely outgoing, fun, happy, really calm, very kind, very gentle. I hardly ever saw him get angry in all the time I worked with him. Always the voice of reason."

And John Lane's additional role as chairman of the Atholl project? "I used to complain, he spent too much time on it."

Asked about Callie Lane's involvement in the business, Rabjohn explains that at the time of Lane's death, Worldwide Sports had three partners: Lane with 51%, Isaac Shongwe with 26% and Rabjohn with 23%. Rabjohn says that although Callie Lane helped out in the early days, she hasn't been involved at all in recent years. "Callie's not involved in Worldwide Sports, she's never had any shares, she doesn't work here. She's been a very good business partner's wife. She's a lovely lady and she was a very good wife to John."

Under a buy/sell agreement, a policy pays an amount to Callie, and her husband's 51% stake in the company is split between Rabjohn and non-executive director Shongwe. (Shongwe, who is chief executive at Barloworld Logistics Africa, was featured in *noses*106/107 for his role in a controversial BEE share deal between pharmaceutical company Aspen and Chemical, Energy, Paper, Printing, Wood and Allied Workers' Union Ceppwawu (see *nose*107).

Rabjohn recalls that, in his last days, John Lane seemed depressed (which is not surprising when you read our excerpts from the secret recording). "John never arrived at the Boss's Day lunch. There was no answer on his cell, which is very unlike him. He'd been a bit down. I said maybe he's just gone to have some quiet time. He'd been pretty down in that week. I think there's a natural down after a big event like the World Cup."

For John Lane to commit suicide was "absolutely the last thing in the world, I would have thought. But I've spoken to the police and they said it was undoubtedly a suicide. There was no question and they didn't even look at any further investigation. They would never have allowed the cremation to go

on unless they were very sure."

Four days after Lane's death, Callie Lane killed off his beloved Atholl project and terminated the employment of its staff with immediate effect (Eleven of them have filed claims with the CCMA). The project's creditors, owed as much as R100,000 – include the liquor store Norman Goodfellow's, Herbert Evans hardware, Appelbee stationers and Postnet, Illovo.

There has also been a clean sweep on the domestic front: John Lane's elderly parents, retired quantity surveyor Reg and Penny Lane, who live in Norwood, have been told they are no longer welcome at 54 Maple Drive. And Callie Lane's sweet old mom Nona, who for years had lived in their garden cottage, has been dispatched to Elphin Lodge retirement home.

John Lane's memorable contribution to soccer was recognised at a memorial tribute at Soccer City on October 28, when PSL chairman Irvin Khoza presented a gift to his grieving widow.

Craig Bond, chief executive of Standard Bank China (following the \$5.5 billion purchase of 20% of Standard by the Industrial and Commercial Bank of China in 2007) was John Lane's friend of 30 years – they were bestman at each other's weddings.

From Beijing he tells *Noseweek*: "John was hellish proud of everything he'd done to secure and deliver the World Cup for South Africa. John had five passions in life: his network of friends; his business and SA football; his Atholl security project; his family; and fly-fishing."

However, when Bond flew back to South Africa to attend his "best mate's" funeral, he learned from Lane's family and business partners that 10 years of focus on delivering the World Cup had "physically and emotionally drained John to a point of collapse".

"He seemed to have run out of personal funds to keep his Atholl project going and was evidently under pressure, with creditors chasing him. Coupled with these pressures, his staff and partners were pressuring him for payment of promised bonuses for their World Cup delivery.

"I honestly believe John got to the point of burnout and absolute desperation and believed he was better off – to his family and business partners – dead than alive, because of the life cover he had in place." ■

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SA Eagle by any other name...

They may hide behind their new name, Zurich Insurance Company SA Ltd, but they're still the same old vultures

WHEN fire razed Ye Olde Bell Pub in Somerset West on the night of October 10, owner Elizabeth Rossouw had good reason to believe that one of the six slot machines she'd leased from Grand Parade Investments may have been the cause.

The slot machines had given trouble after having been tampered with during a break-in – machine number six was particularly problematic – and Grand Parade's technicians had visited on several occasions before the fire to attend to it.

Faced with the devastation at Ye Olde Bell Rossouw decided this was not the time to gamble on the vagaries of insurance companies, and worth the expense of calling in one of only two registered independent fire investigators in South Africa, Dr David Klatzow.

It didn't take Klatzow long to confirm their suspicions, putting the insurance burden firmly at Grand Parade's door and that of their insurers, Zurich. The Rossouws had been dutifully paying Grand Parade a monthly insurance premium tagged on to the rent for the slot machines.

While Klatzow was sleuthing around in the embers, two Zurich representatives arrived: their own (unregistered) fire investigator, Gary Kemp; and Adrian J Kennedy, a director of the law firm Everingham's.

It is intriguing that a senior partner in a law firm should visit the scene of a possible insurance claim even before any police investigations are concluded.

Klatzow, who knows his stuff, challenged Kemp, who agreed to work under Klatzow at the scene, thereby legitimising his presence. But no sooner had they gathered their info, Kemp reneged, took his notes and said he had no intention of cooperating with the ace (and fully registered) investigator.

Noseweek has learnt that Kemp, who is Zurich's top fire investigator, has been operating illegally contrary to the Natural Scientific Professions Act which decrees that anyone who is not registered, may not:

“perform any kind of work identified for any category of registered persons in terms of this Section... pretend to be, or in any manner hold or allow himself or herself to be held out as a person registered in terms of this Act... or use the name of any registered person or any name or title referred to in Section 18 and 22... perform any act purporting or calculated to lead persons to believe that he or she is registered in terms of



The remains of Grand Parade's fruit machines

this Act”.

Although Zurich is the third-largest short-term insurance company in South Africa, Kemp, its top fire investigator, is not registered as required by law – and would probably not qualify for registration since he doesn't have an honour's degree in chemistry.

When *Noseweek* queried this with Zurich's executive director, Dennis Burton, he referred us to Kennedy, who took umbrage at the suggestion that he was aiding and abetting contravention of the act.

“Your contention that our client has been contravening Section 27(3) of the Act is without foundation. Our client is a short-term insurance company whose activities are regulated by the Short Term Insurance Act and other legislation within the financial services environment. Our client is certainly not regulated by the Natural Scientific Professions Act and is not subject to the dictates of that Act.

A little bit of name-calling

“Your reference to our client “using a Mr Gary Kemp in its assessment of claims” implies a repetitive practice to use the services of Mr Kemp and reveals your misapprehension as to the manner in which insurance claims are investigated. Insurance companies generally appoint independent loss adjusters to investigate large claims which are reported who will make a preliminary assessment of the facts of the matter and it is usually on the recommendation of the loss adjuster that a particular expert is appointed to assist in the investigation.”

Seeming not to grasp why laws are enacted, Kennedy conceded: “Whilst it is correct that Mr Kemp is not registered with the Council, this is not a contravention of the Act... We further point out to you that any legislation which has the effect of operating in an unfair and discriminatory manner against certain categories of persons will be incompatible with the rights entrenched in the Constitution and would therefore be susceptible to constitutional challenge, not to mention other legislation and common law provisions which may be invoked, if the Act has the effect which you apparently contend for.”

Oh, so Kennedy considers the law to be unconstitutional and discriminatory against his client and the client's contractor, Kemp, and will defy it until he gets round to challenging it in the Constitutional Court.

Confirming that Gary Kemp was not registered and therefore acting illegally, Andries de Klerk, Registrar of SA Council for Natural Scientific Professions, said: “Only investigators attached to the SAPS and the State do not have to be registered. (Section 43, Natural Scientific Professions Act of 2003). The Act makes it legally

compulsory for natural scientists to be registered in order to practise or consult. (Section 18, 20 and 27).”

Knowing that the legality of Kemp's findings could only be exposed in a court – something that could take years, Zurich seems to have decided some blackmail would do the trick, and instructed their client, Grand Parade, to strike a deal with the victim; “Accept a soft loan of R300,000 from us (subject to a confidentiality agreement) and you can get back to business ASAP. In return you drop all your legal claims against us or we will fight you in court, which could take years to resolve”.

Why would a non-registered financial service provider arrange such a loan when that, too, would be against the law in terms of the Financial Services Board Act of 1990?

We sought the answers from Adrian Funkey, CEO of Grand Parade.

Funkey begged for more time to address our queries, then responded via attorney Kennedy who maintained that his client (We really don't know which of the two he was referring to) was free to do whatever it could to defend any claims.

(Oh? Including breaking the law?)

Noseweek also finds it strange that both insurer and client are represented by the same attorney.

For the Rossouws, left without their livelihood and desperate to start rebuilding the business, they saw no alternative but to accept the illegal loan and zip up.

For Zurich, it is mission accomplished. And for consumers, the eagle has landed – literally – because Zurich is the phoenix that rose out of the ashes of SA Eagle Insurance – a company that also seemed to play a game of stacked odds with its clients.

IT MAY have changed its name, but like a leopard's spots, SA Eagle, now called Zurich Insurance Company SA Ltd, continues to play insurance roulette with its customers – employing extraordinary means to justify repudiation. The only difference between the old and the new entities is the absence of AIN (Associated Intelligence Network), the company Eagle retained to investigate its claims and to manufacture evidence against claimants.

Noseweek has in the past exposed how AIN, acting for Eagle, bribed “witnesses” and fabricated “crimes”, as in the case of Leon van Wyk and his business partner, Danie Murray, who were arrested by the private investigators – ostensibly for being part of a crime syndicate – so that he would miss his court date with Eagle. (*nose35*).

Noseweek also exposed the roles played by Henry Beukes and Captain Hansie Prinsloo (both former partners at infamous Brixton Murder and Robbery Squad) in the repudiation of claims relating to Mike Hynek's Vrystaat Brake & Clutch business in Bethlehem (*Nose61*) when they “found” a witness who said he'd been paid to burn down the shop.

AIN was used to frame other business owners for arson so that their claims could be repudiated (*nose61* and *nose62*). That was SA Eagle. In July 2007, it became Zurich Insurance SA, Ltd marketing its insurance products through a network of brokers and agents and listed on the Johannesburg Stock Exchange. Its most recently stated gross premiums were R3,9 billion, with a margin of solvency of 55,8%.



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From star to

How the horse-whisperer's gelding was left to die in misery

IN LIFE, the horse called Spear of Destiny brought joy to his three owners as well as to horse-racing fanatics, none of whom would have expected his demise to have been so horrific, wasting away in misery until his starvation was so far advanced that he had to be put down.

Co-owned by M Fullard, J Drew and D Watson-Smith, Spear of Destiny broke his maiden in April 2009, at Kenilworth Race Course, when he beat such mounts as Advocacy, Jessie James, Blue Reef, Dorothy and eight other previous non-winners.

But bookmakers were unimpressed; they

saw him as unpredictable – rightly so, because it was downhill from then on for the gelding that had been acquired by the trio of investors for about R1 million.

With a maintenance cost of about R10,000 a month, Spear of Destiny was quietly declared a bad investment and was retired after coming eighth in the Dunedin Construction MR 78 Divided Handicap at Kenilworth, in August last year.

The following month the owners mandated his trainer, Stan Elley of Stan Elley Racing Stables in Philippi, to find a buyer. With that, Spear of Destiny's fate was sealed.

Abracadabra, from his hat, Elley identified Ashley McGuicken, a self-declared professor of theology and horse whisperer, to adopt the retiring horse.

Noseweek has learnt that when McGuicken visited the stables that September to inspect the horse – in the company of his daughter Mariam Besselink for whom the horse was to be bought for general hacking purposes – he gave the impression that he knew what he wanted.

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Who is Ashley McGuicken?

VERY LITTLE is known of theology professor Ashley McGuicken. McGuicken runs numerous websites like *Capitol Royal Dynasty*, and *Israel & Reba Ministry* where he and his new wife, Rebecca, offer spiritual enrichment to the lost and depressed. The couple seem to have offended some theologians around the world.

A George Bakalov of Apple Valley, Minnesota in the US says he first met McGuicken in 2002 “when I visited his ministry in Holland at his invitation”.

“In 2003, Ashley came to a summit for European leaders in Oslo, where I introduced him to Dr Peter Wegner, founder and president of the International Coalition of Apostles (ICA)... Mr McGuicken was accepted as a member of the ICA at my recommendation...”

That’s a recommendation Bakalov has been regretting since 2008; five years later, he campaigned for McGuicken’s expulsion from the ICA after he had “lost his way”.

When *Noseweek* contacted Bakalov in the US, he wasn’t any kinder:

“I don’t know where Ashley McGuicken earned his PhD, but I don’t believe a word this man says about anything, so unless this is confirmed by an actual educational institution with a written statement, I consider this not to be true.

“He changed his name to ‘Israel’ after divorcing his wife and marrying someone 20 years younger. To me it’s all a fraud. I was involved in

the restoration of a church here in the US, which I found out he had defrauded. He’s no horse whisperer, just a fraud and I hope justice lands him in jail where he belongs.”

Ironically, while Spear of Destiny was being starved to death last December, Ashley (Israel) “the Man” McGuicken was behind the lens filming his wife, Rebecca’s, spirit video “live from Cape Town”. (See *noseweek* website for video clip).

starvation

A stable hand who witnessed the visit told *Noseweek* that he “meticulously inspected the horse,” and just like in the 1998 movie *The Horse Whisperer*, he seemed to have been communicating with the horse.

Another source said McGuicken and Elley appeared to know each other “like old pals” – the reason, perhaps, that Elley agreed to sell Spear of Destiny for R3,000 (Yes, there are no missing noughts after the three) – delivering a bankrupting loss on the purchase price alone, never mind the costs incurred over the three years or more they’d owned him.

Father and daughter took the horse to their farm somewhere in Stellenbosch, along with his medical records, which reportedly showed he was in good health, with an uneventful medical history.

In November, two months after Spear of Destiny had changed hands, inspectors from the Cape of Good Hope SPCA were alerted to his plight.

He was “grossly underweight and depressed...” said the statement that SPCA inspector Louis Joubert gave the police. His Stellenbosch living conditions “were unacceptable, especially for a horse off the track. We insisted that a vet be summoned to determine the cause of his rapid deterioration, especially weight loss, and cautioned the owner to make necessary improvements”.

The SPCA records show that the vet arrived and collected various samples for testing, recommended a revised diet, and medicated the horse.

But despite all these efforts, in January the SPCA received another tip-off: that there was no horse feed at the farm.

“We went to investigate,” recorded Inspector Joubert, “and found a virtually empty feed room



Ashley McGuicken

To page 33

WITH LUCK you'll never need to call the Metro Emergency Medical Services of the Cape Winelands for an ambulance. If you do, be sure to grovel to the poorly trained and extremely thin-skinned phone operators or you may get the treatment that Brenda Delaney received on September 26.

(That's not her real name; at her request we've changed it and those of her family, as well as her address and her son's phone number.)

Brenda phoned for an ambulance at 3.20pm when her husband, George, looked like he was going to pass out. Brenda was convinced he was having a heart attack. George is 74, suffers from chronic ischaemic heart disease and severe hypotension, has four stents, and has been transported to hospital by ambulance four times in the past few years – most recently ending up in the ICU of the Vergelegen Medi-Clinic in Somerset West.

Brenda's daughter, a nursing sister, was present that afternoon and, having ascertained that her father's blood pressure was 70/40, she was equally worried. Brenda's son, who lives down the road, came to the house as soon as he heard what was going on.

The transcript of the telephone call follows. Note how Brenda is seemingly punished twice by having the phone put down on her. There appears to be a deliberate attempt to string things out as long as possible by making a complete meal of a simple address, going on needlessly about Brenda's perceived rudeness, and asking irrelevant questions. Note also the absence of concern for the wellbeing of the patient.

Operator 1
(O1): (Hard to understand but sounds like) "Middag, Stick."
Brenda Delaney (BD): We

need an ambulance quickly at number 15 Jacklin Close, Hermanus Heights. It is a heart patient.

O1: Number 15?

BD: Jacklin Close.

O1: Jacklin Close?

BD: Hermanus Heights.

O1: Mmm... Jacklin Close, Hermanus hey?

BD: (Loudly) Hermanus Heights.

O1: Number?

BD: (Under breath, inaudible on tape) F*. (Loudly) Number 15.**

O1: Ma'am don't swear at me.

BD: Ja but, please, I have told you three times...

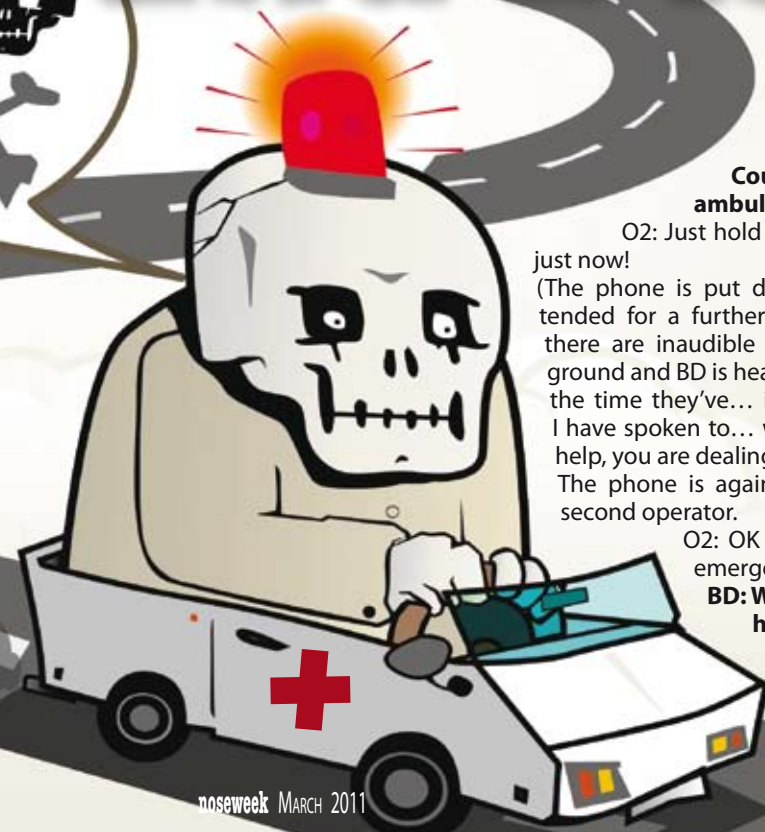
O1: Just hold on for me, just hold on for me.

(The phone is put down and BD is left holding for 30 seconds. Her daughter is talking in the background but what she says is inaudible. BD is heard to say, "What are we dealing with?... No, nothing".)

The phone is picked up by a second operator.

Operator 2 (O2): Mackenzie, waarmee kan ek help?

Be rude and DIE!



BD: Oh dear God... I... Can you hear me? Number 15 Jacklin Close, Hermanus Heights.

Could we have an ambulance here please?

O2: Just hold a sec, I'll talk to you just now!

(The phone is put down and left unattended for a further 30 seconds. Again there are inaudible voices in the background and BD is heard to say: "God... by the time they've... it's the third person I have spoken to... what's that going to help, you are dealing with dummies.")

The phone is again picked up by the second operator.

O2: OK Ma'am, what's your emergency?

BD: We are sitting with a heart patient, I have been trying to...

O2: Ma'am, listen

to me. If you want help, you need to co-operate, OK?... (BD tries to talk but O2 talks over her all the time, his tone becoming increasingly belligerent).

Listen, no, no... listen to me, listen to me... my colleague... listen, listen to me, ma'am you will listen to me. If you want me to help you, you will listen to me. My colleague gave me the phone because you were rude. You have not been helped because of your attitude, that's why you haven't been helped, OK! So you need to co-operate in order for someone to help you... if you proceed with this you won't be helped ma'am, I can assure you.

(At this point BD's daughter takes the phone.)

Daughter: Hello, hello, this is somebody different speaking, can you...

O2: Thanks, thank you very much, because of that lady's rudeness she wasn't... she hasn't been helped, my colleague tried to help her and she was rude, that's why you are talking to me.

Daughter: This is someone new...

O2: OK, excellent.

Daughter: Can you tell me how many minutes will it take for an ambulance to come to Jacklin Close, Hermanus Heights?

O2: OK, you have a cardiac patient. What is his name and surname ma'am?

Daughter: Delaney is his surname, D-E-L...

O2: OK, just give his name quickly ma'am.

Daughter: Inaudible.

O2: What is his name?

Daughter: His first name is George.

O2: George... and his surname is?

Daughter: Delaney.

O2: Delaney. OK, and how old is he ma'am?

Daughter: He is 74.

O2: 74. OK. Ma'am, tell me what is the chief complaint? So he's a cardiac patient. Is he complaining of chest pains?

Daughter: His blood pressure is very, very low at the moment, OK, diastolic 48.

O2: OK

Daughter: He is clammy, wet, he is a cardiac patient, he has got stents and he is on heart medication, I am a nursing sister myself.

O2: OK, no problem.

Daughter: We want an ambulance despatched ASAP so we can get him checked out.

O2: OK, certainly will... OK, give me the address.

Daughter: 15

O2: 14

Daughter: No, 15

O2: OK, just hold... 15... OK Ma'am, give me the address.

Daughter: 15 Jacklin Close.

O2: Jackson

Daughter: No, it's Jacklin — I am going spell it for you: J-A-C

O2: J-A-C

Daughter: K-L

O2: Uhuh

Daughter: I-N, Jacklin Close in Hermanus Heights.

O2: OK. Can you spell that again?

Daughter: Jacklin Close, J-A-C

O2: J-A

Daughter: Charlie — C

O2: Ja

Daughter: K-L

O2: Ja

Daughter: I-N

O2: OK, that's Jackson Drive.

Daughter: (Loudly) No, Jacklin Close, please... it's Jacklin Close, I can't spell it three times.

O2: Jackson Close.

BD's son takes the phone.

Son: Excuse me, where are you guys at the moment?

O2: Yes sir, I just need the address to despatch a vehicle. Can you give that to me?

Son: Tell me, are you at the ambulance station or not?

O2: Sir, you are speaking to the communications centre, I have got a vehicle available, as soon as I have got the address we can despatch the vehicle, Can you give me that to me?

Son: I am going to give it to you and I am going to give it to you slowly, because I am also going to lose my temper, Jacklin Close.

O2: Jacklin Close?

Son: That's right, now I

am going to take my car down to your ambulance station. Is your vehicle being despatched from there? Could you answer me that?

O2: Sir, I am speaking to you, so no vehicle has been despatched because of someone that was rude, the vehicle wasn't despatched, OK... Can I have your name please?

Son: Can I have your name please, sir?

O2: You certainly can, Mackenzie. Can I have your name sir?

Son: It's Robert, and the surname is Delaney. It is...

O2: Can I have your telephone number please?

Son: 028

O2: Zero 28

Son: 212

O2: 212

Son: 3444

O2: Three-double-four...

Son: 4-3-triple 4. Is Dr Cleeve Robertson still in charge of you guys?

O2: That's correct, ja.

Son: Great. I am going down to the ambulance... you can tell them I'll meet them down there and they can follow me up, this is not the easiest place to find.

O2: OK, I'll send you guys an ambulance.

Son: Thank you very much.

Total time of 5.26 minutes

The ambulance arrived 10 minutes after the phone call ended – and 15 minutes after it was made. (The official report claimed an ambulance was despatched within two minutes of receipt of the call).

The paramedics were good. At the hospital, George was diagnosed with hypotension and released soon afterwards. Shortly after the event Brenda complained about the way she'd been treated, and Dr Cleeve Robertson, head of the service, apologised on the phone. Brenda has, however, never received a written apology.

In December, Brenda herself had a serious asthma attack and was admitted to

hospital for 11 days.

Because she was so traumatised by her experience with Metro, she couldn't bring herself to phone for an ambulance and asked her son drive her to hospital instead. Later in December, Brenda heard from Metro, who suddenly wanted a statement, as there was to be a disciplinary hearing. She provided one and made it clear she wanted a written apology from Mackenzie. She has not heard another word. To add insult to injury, Metro has, to date, failed to repay the R700 fee Brenda paid for the ambulance, despite the fact that the amount was also paid by Discovery.

Riyadh Taliep, the Emergency Control Centre manager in Worcester, referred us to a Mr Hendricks – apparently the person who chaired the disciplinary hearing.

Hendricks was not prepared to comment. ▣

METRO EMS VALUES

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OUR CORE VALUES

- Caring
- Courage
- Professionalism
- Compassion
- Honesty
- Integrity
- Sincerity

a small-time cook

HERBERT Derendinger of the infamous Crookery School (*nose135*) is not just a polished liar and fraudster but also an arrogant petty thief who has maintained his comfortable lifestyle by making up stories.

Derendinger had claimed to have obtained a doctoral degree in food and nutrition from Cambridge University. Well, *Noseweek* can confirm that during those years (when he was supposedly reading for his PhD), the self-professed professor was nowhere near Cambridge, but was in fact fighting to stay out of jail in Namibia – for what his employer, De Beers, ruled to have been petty theft.

The employment history that Derendinger would rather not talk about or disclose to his bankers isn't that rosy after all. *Nose's* Derendinger jigsaw puzzle is rapidly filling up; prior to 1975, the crafty cook was a chef at Consolidated Diamond Mines in Oranjemund. Records from the Namibian mine show he was a chef at the CDM kitchen.

"He was a good cook," a former mine employee told us, "But who cares anyway. When you work at a mine where you are not allowed to leave the compound to prevent theft of gems, anything provided in the form of food would be OK."

Derendinger's fortune as a top chef at CDM changed when the business was acquired by De Beers. "It was a tense moment in the industry," an employee told us. "There were rumours that some miners were smuggling diamonds through the kitchen staff as that was the easiest means any gem could be taken off the mine."

De Beers being De Beers, they mandated their internal security team to investigate. This included a search of Derendinger's house.

Noseweek has learnt, however, that there were no gems stashed in his home – instead, several items of kitchen equipment and implements belonging to the mine were unearthed.

The De Beers investigation docket on the matter said Derendinger had had "no justification for converting company equipment for personal use". A case of theft was

opened with the Oranjemund police – charges that were later dropped when a settlement was reached whereby the "professor" agreed to be fired and forfeit any due benefits.

Another De Beers former employee explained that the company had decided not to waste its time with his prosecution for "petty theft", satisfying itself that "a message had been passed to the rest of the staff that no form of theft would be taken lightly".

Derendinger was summarily dismissed and he unceremoniously left Oranjemund. He then had a spell at an establishment in Kwa-Zulu-Natal, where he was also dismissed under similar circumstances.

His reinvention in the Western Cape was gradual and steady. For Somerset West residents who got to know him, he was a silky operator who knew how to dupe his victims. The Helderberg Village retirement complex, which also fell for his claim to be an expert second-to-none in the hospitality industry, learnt the hard way.

Flashing a business card associating him with the Tourism Grading Council of South Africa and his under-the-tree cookery school, The Swiss Institute of Hospitality, (presumably lent credence by a Swiss flag that adorns his website and his business-card holder), the retirement village granted him a contract to provide meals for the elderly residents.



De Beers sacks light-fingered chef who acquired a taste for pilfering

In the Helderberg Village kitchen, Derendinger enticed innocent would-be chefs among the staff to part with between R32,000 and R39,000 for (unaccredited) diploma studies. He and his wife, Sarah Alleta, then used their Swiss Institute of Hospitality students to cook for the elderly residents without pay.

It took the intervention of a Swiss

from their home at 47 St Emilion Street, Somerset West – defrauding would-be students with fake credentials.

Noseweek has learnt that Sarah, who also goes by the strange name Prepay 99er, doubles as the invigilator for the cookery school's exams – often conducted at the couple's home.

When *Noseweek* went to press, the

Meanwhile, despite the Tshwane University of Technology's having instructed their attorneys to act swiftly to stop the couple making any further false claims (*nose136*), its



Herbert Derendinger

Several items of kitchen equipment and implements belonging to the mine were unearthed

national living in Somerset West, Joachim Hoster, to expose the couple's shenanigans to the Helderberg Village management, who promptly terminated his contract – upon which the couple's petty-thievery ways kicked in and they helped themselves to some kitchen equipment from the village.

This hurdle, however, has not deterred the Derendingers, who have since resorted to conducting their schemes

number of victims who had opened cases of fraud against Derendinger kept increasing, but at last count, eight student victims had so far laid charges of fraud at various police stations across the Western Cape.

The government, on the other hand, has been quiet about the frustrations of young victims with worthless "qualifications" who are struggling to recover the defrauded amounts.

website swissiht.com still boldly announces: "The Swiss Institute of Hospitality Institute was founded by Herbert Derendinger for and on behalf of the Technikon Pretoria in 1994, and brought to the Cape in 1997, it is a private institute, using the Swiss Syllabus, operating in South Africa."

How many more victims must the couple defraud before any concrete action is taken? **W**

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Teen muscles to be tested in court

**Attack by
ripped
schoolboys
leaves
partygoer
dentally
challenged**

A SATURDAY night party for 14-15-year-olds at the Bryanston mansion of Peter Moyo, millionaire chairman of Vodacom, ended in a violent assault in which the young victim lost two front teeth.

The trouble-makers, it is claimed, were 15-year-olds from St Stithians Boys College, one of Joburg's top private schools (tuition alone R70,337 a year).

The boy who lost his teeth is Cole van Deventer, a 15-year-old grade 9 pupil at Northcliff High (fees a more modest R22,350), the former model C school in Blackheath, noted for its fine athletics record. The boy who threw the devastating punch was Bradley, 15, a pumped-up grade 10 pupil at St Stithians.

The November 27 party at the Moyo's palatial Eccleston Crescent home was hosted by their daughter Khanya, 15, who attends nearby Redhill School (fees R51,206).

In addition to his role as non-executive chairman of Vodacom, chartered accountant Moyo sits on the boards of Liberty Holdings and Transnet. He's also chairman of the audit committee in the Attorney General's office. His busy life is based at Amabubesi, the diversified investment group he co-founded in 2002.

Partygoer Cole van Deventer takes us through the evening's events. "It was pretty much just a get-together party. My friend Darren goes to Redhill – he got a bursary there. Darren got invited to the party. He's good friends with Khanya, so she said we could come. There were four of us – Darren and three of us from Northcliff. My sister Natasha dropped us off.

"The house was a house you could only dream of. Basically three-floor split-level,

with a security box and four garages at the front. At the back there's a 20m pool with a waterfall feature, a tennis court and basketball area.

The garden is gigantic. The back of the house is made up of glass. Inside there's an equipped home-gym, pool table area, a sound-proof area for music, a dance room and TV area. We weren't allowed upstairs.

"The party was just chilling with friends, like a normal party, with a DJ and all that other stuff. I think there were about 40 people, but you could easily fit 500 in Khanya's house. Some adults were in the kitchen or outside, braaing the meat. We had boerewors, chicken, cocktail sausages and chips. And cool drink – no alcohol. There were chairs and tables scattered around Mr Moyo's garden.

"There were three okes that were with this guy called Bradley – that's the oke who hit me. Khanya said she didn't want them there because they're known for fights, they go to St Stithians. They crashed the party. One chick that was there just invited them and they just pitched up. Everyone says they were drinking, but I didn't see the bottle.

"About half past 10 we were sitting near the swimming pool and they were sitting next to us and they just started swearing for no reason. Every sentence they said they would swear. My one friend Mark stood up and said 'please don't swear'. Mark doesn't swear. He looks dodgy sometimes, but he's like a kind child. They just looked at Mark and started swearing at him. Darren said to me: 'Cole, do you have my back?' like 'are we going to stand up for each other?'. And I'm like, 'yeah'.

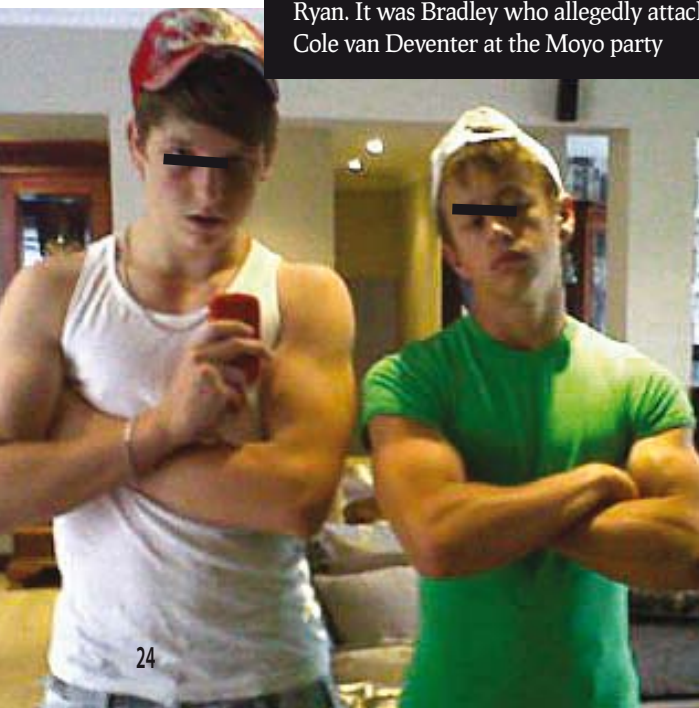
"So we both stood up and said like, 'why are you swearing at him?' They stood up. I think Bradley must be on steroids – his arms are huge, bigger than my dad's. At the age of 15 you can't really have muscles that big. And steroids make you pretty-much aggressive.

"There were just two of them from Saints – Bradley and his friend Ryan – who were looking for trouble. They're, like, 'I'm going to hit you' and we said 'come and hit us'. Then a friend called Una stood up for us. He was like, 'you guys are acting like children, I'm going to smack you'. So they got scared and backed off. They went to the other side of the house and were playing pool and stuff.

"At about 11 o'clock people started leaving.

Cole van Deventer before the fateful party

St Stithians College pupils Bradley (left) and Ryan. It was Bradley who allegedly attacked Cole van Deventer at the Moyo party



By quarter-past it was just us and the people who were sleeping at Khanya's house. We were outside, like where the food and drinks were. Bradley and Ryan came back down and started swearing again. Bradley started pushing me, so I started pushing him back. That's when Bradley just swung and hit me and that's when I lost my tooth. A friend says something was in Bradley's hand when he hit me.

"It was pretty much like a hit-and-run. They'd phoned their parents to collect them and the parents were waiting outside. I went to the bathroom and Khanya helped me with everything; she gave me salt water and tissues and stuff to put in my mouth."

Darren's cousin drove him back to his father's house and when Monday came, Cole went to his dentist. "My second front tooth was hanging by a piece of flesh. He just touched it and it fell out automatically."

Peter Moyo tells us he was not at home the night of the party. "I don't think I owe anybody any explanation," he says. "There's nothing wrong with holding parties at my house. The sad thing is that the injured boy was not even on my daughter's invitation list. I think a friend of his had been invited and he came with a friend."

Moyo refers to the incident as a scuffle. He says there were "at least eight adults" present. "My wife (Sibongile) and a few of the parents were there. Because they're 14- and 15-year-old kids, we were more worried about alcohol and drugs. So we specifically said our gardener must keep moving around, making sure that none of these things take place. We never have alcohol at our house for children's parties, even for my 18-year-old son". (That's Thobani, who was also at Redhill last year).

"When it happened, all the children hid it. My daughter said: 'Can I tell my mum?' and this youngster that was injured said, 'No, my dad will sort it out'. Certainly, none of the adults saw it."

We had wanted to speak to Bradley's family to get their side of the story, but St Stithians proved evasive. Headmaster Dave Knowles (remember him from *nose65*, back in 2005, when he featured in our report of a drunken boys' sleep-over while they prepared roses for Valentine's Day?) declined to talk to *Noseweek*, leaving this chore to Megan van der Poll, the college's marketing director.

"We are aware of the incident, yes, but haven't been involved," she says.

"We've advised Bradley's parents that you wish to make contact. The school was not in any way responsible for him at that particular point in time."

Cole van Deventer's father, Clinton, is a field engineer with British Telecom, and supplies telephone systems and automatic voice recorders to South African brokerage houses. He faces a R30,000 bill for two implants for his son. For the father of three, his son's lost teeth have come at the worst possible time: they've only just moved into a house they bought

in Randpark Ridge and have had to fork out for bond fees, transfer duty and deposit. So Cole, who's been fitted with a temporary plate, will have to wait for those implants.

■ On January 21 police arrested a 15-year-old boy who was later charged with assaulting Cole van Deventer with intent to commit grievous bodily harm. The boy was released into the custody of his mother. The matter has been adjourned for hearing in the Randburg juvenile court. ■

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THE Reserve B@nk BLINKS first



An American may get away with the theft of SA technology
– while the High Court ducks major legal implications

HORRIFIED at the number of deaths caused by domestic burners, retired Professor Colin Vale invented a paraffin stove that would automatically extinguish its flames if it tipped over. (See *noses68; 107; and 117*)

Vale filed a South African patent application but, because he couldn't afford to patent worldwide, he entered into an agreement with an American businessman called Peter Knop, who was represented in South Africa by the controversial Mario Ambrosini, an Italian/American lawyer, Buthelezi side-kick, and South African MP.

The agreement provided that Vale transfer rights to his invention – referred to in the agreement as his “intellectual property” (IP) – to a company called Promethea, registered in the Pacific island tax haven of Vanuatu. In return, he would have a 20% shareholding in Promethea, which would manufacture the stove and apply for foreign patents – it already had a similar deal with another South African stove inventor called George Long (*nose 68*).

Vale had concerns about the validity of the agreement, as he had recently read an article that suggested it was

unlawful for a South African to transfer IP to a foreigner without Reserve Bank approval. So he insisted on inserting a clause that provided as follows: if the transfer of rights to Promethea turns out to be illegal, the IP will instead be deemed to have been transferred to Promethea's South African subsidiary (Vale mistakenly believed he would have equity in that company too).

Vale and Ambrosini then went to see a specialist lawyer, who confirmed Vale's suspicions. He told them that, because Exchange Control Regulation 10(1) (c) says that nobody can export “capital” without exchange-control approval, and because a court, in a case known as the Reddot case, had held that “capital” includes IP, the transaction they'd entered into had been void from the outset. This was subsequently confirmed by the Reserve Bank, which issued an order declaring the agreement invalid from the outset, and ordering that it be undone within 30 days.

Knop and Ambrosini ignored both the advice and the Reserve Bank instruction, with Ambrosini threatening to “tear apart” the financial system.

Promethea and its local subsidiary

then instituted legal proceedings against the Minister of Finance, the SARB, Vale and Long, for an order setting aside SARB's decision to declare the agreement invalid.

Moreover, they sought an order declaring the SARB to be unconstitutionally established. The argument was that, although the Reserve Bank is an organ of state, it acts as though it is not bound by legal strictures – for example, by meeting in secret, refusing to deal with the public, not being subject to the Public Finance Management Act, and not reporting to parliament.

Lawyers naturally watched this case with great interest. But, despite the fact that the parties went through all the legal hoops, the matter was never heard.

On November 23, 2010 a settlement that had been reached between Promethea and its subsid-



George Long with his invention

unlawful. No sanction for Knop, who blatantly broke South African law and ignored a Reserve Bank instruction. No reimbursement of the money that Promethea made out of the technology over a period of some four years – money that should have come to this country. (When we spoke to Ambrosini, he insisted that Promethea had in fact made a huge loss). And two South African inventors left high and dry because of the dispute.

The two have never received any money from Promethea, and neither has a shareholding in the South African subsidiary.

Extraordinary stuff. Is the Reserve Bank really scared of an attack on its legality? Ambrosini told us he has no doubt that it is open to attack – and the correspondence from Promethea's attorneys, Lourens

De Klerk, leading up to the settlement was certainly pretty blunt: "The foregoing (the settlement proposal) would afford the South African Reserve Bank the following advantages... the SARB does not face the possibility of an adverse judgment which would open the door for a number of consequences and potential legal challenges which the SARB may deem undesirable".

The Reserve Bank's attorney, Dawie Botha, refused to comment and couldn't give us the name of anyone within the bank who might want to comment. Which was a pity, because in a letter that Botha sent to Vale when Promethea first put the settlement forward, he described it as "an underhanded attempt to get the IPR (Intellectual Property Rights) into their local company".

Vale is astounded at the outcome. If the underlying agreement was invalid, how can the IP now end up in the name of the South African subsidiary he asks?

He's considering bringing a case for a declaration that the patent belongs to him, but he's not sure he has the resources. And he doesn't have much time either – he has lung cancer and he doesn't know if he'll see a legal action through. So Knop may well get away with the theft of South African technology.

No doubt about it: the law has little to do with justice. **■**



Hello? Is there anybody out there? Please reply if you have received my umpteenth call

The Speaker's failure to respond to Mario Ambrosini's pleas for a parliamentary hearing have sparked legal proceedings

YOU KNOW that feeling you get when dealing with a government department: nothing works as it should, and the rules count for zilch. As for complaining, you may as well spit into the wind. But it seems even the honourable MPs have to put up with this sort of thing.

Inkatha Freedom Party MP Mario Ambrosini (who also appears in the stove patent story in this issue) has become so frustrated with the National Assembly that he's brought a High Court application against the Speaker, Max Sisulu – due to be heard on March 9.

It all began when Ambrosini sought to table a private member's bill, the National Credit Act Amendment Bill, which is designed to suspend the accrual of interest on debts when the debtor is under debt-restructuring in terms of the National Credit Act.

Getting a private member's bill before the National Assembly should not be difficult, he says, because Section 73(2) of the Constitution makes it clear that: "a Cabinet member or a Deputy Minister, or a member or committee of the National Assembly may introduce a Bill in the Assembly".

Says Ambrosini in his court papers: "In terms of this section, I have the power to introduce legislation... perhaps the only function I have as a Member of the National Assembly which I can exercise individually."

But that's not how things work because the Rules of the National Assembly say a private member cannot introduce a bill without permission from the National Assembly – in which, of course, the ANC has a majority. To get permission, the MP must produce a memorandum on the bill which goes to the Private Members' Committee (ANC majority) which consults on the matter and submits a report to the National Assembly, which recommends whether to submit it.

Ambrosini says that, in practice, the reports are never considered by the National Assembly, effectively giving the Private Members' Committee final say. Cabinet members and their deputies, however, are exempt from this procedure.

Ambrosini believes that this violates Section 73(2) of the Constitution, which

recognises only one exception: that "money bills" can only be introduced by the Cabinet member responsible for financial matters. He says that although the Constitution permits the assembly to create its own procedures and rules, these should not "trammel the constitutional powers and duties of Members of the National Assembly". The Constitution, he says, expressly avoids "majoritarianism, which is the power of the majority to have exclusive control of the agenda with no dialectic relationship with the minorities".

He says the Private Members' Committee defers to the executive on whether to allow bills to go forward, therefore it is the executive that decides whether a member may introduce legislation. "This subverts the doctrine of separation of powers in which parliament carries the sole responsibility of making laws and the executive is limited to implementing such laws."

Ambrosini finds it shocking that parliament has not brought its rules into compliance with the Constitution more than 14 years after its adoption; and that the rules were carried over from the previous order with a few amendments. The Rules Committee, of which Ambrosini is a member, has apparently not met for nine months, and has a huge backlog on its agenda.

He has prepared a draft revision of the rules, but he says there is no indication that the process is going anywhere – and his complaints have simply been ignored.

- On May 15, 2009 he wrote to the Speaker asking him to change the rules. No response.

- He raised a point of order that the National Assembly had no rules because it had failed to readopt those of the previous Assembly, but the Speaker rejected it.

- He asked to have the issue put before the Rules Committee, attaching a legal opinion from Advocate Anton Katz, but neither the committee chairman, Advocate M T Masutha, nor the Speaker responded.

- On February 14 last year, Ambrosini wrote to the Speaker tabling the bill. No response: the bill was neither introduced nor referred to the Private Members' Committee.

- He asked for reasons for the decision, under the Promotion of Access to Justice Act, but no reasons were forthcoming.

At his wits' end, he's now gone to court, asking

Mario Ambrosini

for an order setting aside the Speaker's decision to refuse introduction of his bill and an order requiring the Speaker to introduce his bill – under the same conditions as one introduced by a Cabinet minister or a deputy. He also want a declaration that any Rule of the National Assembly that prevents a member from introducing a bill violates the Constitution.

Finally he has a response: Sisulu is defending the case. (It's much more exciting than replying by letter – and the taxpayer picks up the tab!)

Obviously the Speaker's view of what the National Assembly is all about differs from Ambrosini's: "The business of the National Assembly is largely to consider and pass legislation." (Not, he says, to introduce it.) Much of what else Sisulu says is hard to follow (Ambrosini at one stage in his reply says that "I am unable to respond to the last two sentences... as I cannot make sense of them". Nor, we admit, could we. But his point seems to be as follows:

Yes, the Constitution does allow an MP to put forward legislation, but it

is considering the rules, and that a sub-committee is on the case. As for Ambrosini's (hand-delivered) letter of February 14, "It seems to have been mislaid internally due to some administrative oversight I have not been able to ascertain".

Sisulu says he wrote to Ambrosini after the application was launched, saying he would refer his proposal, and that he received no response.

The fact that the ANC dominates the National Assembly does not invalidate the rules, argues Sisulu. As regards separation of powers, he says the ANC and its committees "take seriously the oversight function that the assembly is enjoined to exercise over the executive arm of government... they do not abdicate this responsibility to the executive... do not defer to the executive on whether it is appropriate to introduce a particular member's bill... I therefore specifically deny the unfounded allegation that effectively the executive decides whether or not a Member or the National Assembly may introduce legislation."

Ambrosini's problem, says Sisulu, is that he simply doesn't want to have to get any prior approval

doesn't set out the procedure. That's where the Rules come in. These rules, first issued in June 1999, distinguish between two types of bills: executive bills, introduced by ministers, and members' bills. Executive bills do not require National Assembly consent, but need pre-approval by the cabinet, whereas members' bills require consent from the assembly. Neither procedure violates the constitutional right to introduce legislation.

Ambrosini's problem, says Sisulu, is that he simply doesn't want to get any sort of prior approval.

Sisulu also draws a distinction between initiating legislation which, he feels, an MP can do, and introducing it, which requires consent.

In his submission to court, Sisulu says: "Only the National Assembly has the power to initiate and prepare legislation. The constitutional power to initiate or prepare legislation does not exist in respect of members of the National Assembly acting in their individual capacities as such."

Sisulu says the Rules Committee

Then Sisulu goes on to say: "In any event, consultation with the executive to solicit its views, taking into account that ultimately it is tasked with the duty to implement legislation, would not be inappropriate or unlawful, provided that the Assembly takes the final decision." Jawellnofine.

Displaying the kind of *slapgat* attitude that would make public servants the world over glow with pride, Sisulu ends by saying, if the court finds that the rules relating to members bills' are unconstitutional, "it should suspend the declaration of invalidity to allow the National Assembly to formulate new rules. A period of two years would be appropriate".

Semantics, says Ambrosini. "He should rather say he has allowed me the opportunity of initiating legislation by submitting a proposal, but refused me the opportunity of introducing legislation through a bill".

Maybe it requires a high court judge to get to the bottom of it – after he's sorted out parliament's internal mail delivery system. **W**



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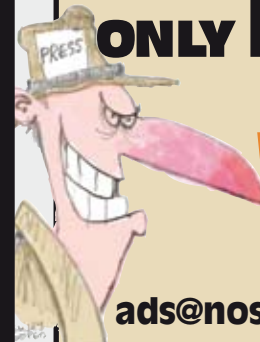
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Trophy jackals

Predators to the slaughter –

Apartheid-style posses are bent on preserving their gun-wielding ways, and they've picked on jackals to justify their cause

JUST WHAT is it that causes a certain breed of man in a traditionally patriarchal society to scurry for his gun at the site of a wild animal? Take the Free State-based Oranjejag, a problem-animal hunting club, established under apartheid law, which defined “hunt clubs” as “any six people who are not black”.

Back in the day, the Free State Problem Animal Control Ordinance mandated the Oranjejag to remove “potential problem animals” – a thinly disguised licence to indulge in lekker fun. This hunting club went from farm to farm, with or without the farmers’ permission. Those who refused to be part of it or to employ some of their methods – which included poisoning and hunting with dogs and gin traps – could be forced to do so by the courts. Many jackals and caracals were decimated in the frenzy, despite there having been no scientific proof that jackals or caracals were responsible for the claimed scale of lamb deaths.

By the time Oranjejag was officially disbanded in 1993, it was estimated that, since 1966, they had exterminated 87,570 animals in the Free State, alone. The *South African Journal of Science* says about 70% were Cape Foxes – harmless insect and rodent eaters. Research also showed that 0.1% of lamb deaths were caused by predators.

When the Oranjejag was officially banned, the practice continued and, as in rhino hunts, the methods used became more sophisticated. In 2008 and 2009, farmers in the Smithfield district reported that helicopters were being used to hunt jackals.

Jackal hunting is not confined to the Free State. There are reports that Cape

sheep farmers also want to be allowed to “protect” their lambs. There seems to be no move towards non-lethal control, such as employing Anatolian sheep dogs, which have been used with great success in Namibia and on some farms in South Africa.

The recent SANParks admission that they slaughtered 340 jackals in their frontier parks as part of a purported “scientific experiment” has been questioned by several conservationists. Chris Mercer of the Campaign Against Canned Hunting, expressed concern about the size of the sample. “That’s not culling,” he said, “that’s extermination”.

Enter Dr Bool Smuts, director of the Landmark Foundation, which educates farmers about non-lethal predator controls. Smuts is also involved in research into the management of jackal livestock depredations. Such radical and large-scale lethal interventions against a naturally occurring species in a national park would surely have ecological and ethical consequences, he said. Also, the number of jackals involved in the cull varied, depending on who you spoke to.

Smuts sent a polite letter – one scientist to another – to Dr Angela Gaylard, Regional Ecologist: Frontier Cluster, Scientific Services. Answers to his questions about the predator profile in cull areas: the exact size of the sample; when it was done; by whom; and the status of fencing in the areas – would have to wait until the data was published, which could take three years, he was told.

The Big Clean



Gaylard accused him of having “got animal rightists involved”. Naughty boy! She hinted at calling in their lawyers – clearly confusing accountability with harassment.

By now, other disturbing reports were in circulation, *inter alia* that SANParks had employed the services of a contractor, Taffie Muller, who had engaged in night culls.

In the face of mounting public condemnation, SANParks hastily put out a brief report on the Jackal

O *WHAT a tangled web we weave, when first we practise to deceive,* wrote Sir Walter Scott. He could have been referring to the recent stand-off between environmentalists and provincial MECs and their farming-community constituents in the war against indigenous free-ranging predators on livestock farms, that are being blamed for a total onslaught against livestock.

The fine balance to our biodiversity means that if one predator is exterminated, the next up the pecking order will take over. Their solution is

A flimsy phone poll has not fooled the experts

- all to protect a few lambs, writes Beatrice Wiltshire

“research”. After explaining that the Springbok herds in Addo and Karoo were not increasing at the desired rate, SANParks deduced that, in the absence of large predators, the problem might be caused by caracals and jackals – a reasonable deduction that takes no cognisance of the recent drought and says nothing about killing caracals. Their solution: kill all the jackals (who should be happy to know they were shot according to standard operating procedures).

Further translation reads: “When we have counted the dead jackals, and the live springbok, then we can tell other parks so they can also go out and kill all their jackals. Once we have proved that exterminating jackal populations in game parks stops them from stealing springbok lambs, SANParks will be so much wiser... Conservation officers in other parks will be better-equipped with manuscripts on how to draw diagrams and exterminate jackals, and once we are left with no jackals, everyone will have to admit how clever we are in solving complicated stock-theft cases.”

Says Smuts: “It is inexplicable why simple accountability questions are ignored or met with a rude response, and why the national parks authority feels it is above public, ethical and scientific accountability – while they exterminate naturally occurring indigenous species from our National Parks.

to exterminate the lot – the consequences can be dealt with later. What counts is the livestock-farmers’ vote.

It all started with a survey by some students (“Van Niekerk *et al*”) at the University of the Free State – conducted telephonically. The problem arose when Professor H O de Waal of the African Large Predator Research Unit in the Faculty of Natural and Agricultural Sciences sent it to the agriculture ministry, typed up in a format typically used to represent a published paper – which explains why it was not quoted as a paper “in prep”.

As Rob Harrison-White, who has 12 years’ experience in Jackal/Predator Research, pointed out: if such a survey is used to motivate government decisions that could have serious implications for wildlife and livestock farmers, then it should be available for perusal and comment by all. Publication of scientific data is then subject



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to a rigorous peer review process. Anything less constitutes opinion masquerading as fact.

He found this opinion poll to be of great interest as it contradicted other published papers which showed, *inter alia*, that the state of health of sheep and the lack of sheep husbandry was a major factor leading to predation and livestock mortalities.

Because the survey was being used to motivate protocols that

they wished to exterminate or on what basis they had determined that predators were indeed the cause of livestock farming difficulties. He also refused to answer a written question regarding which law entitled his organisation and the MEC to exert pressure on executive staff at Cape Nature to issue permits against their better judgment and contrary to their policies and procedures.

Smuts also asked that Landmark, which had *locus standi* (legal standing before a court), be included in a proposed meeting with Cape Nature to discuss the issue, but he got no response.

Next stop, Cape Nature, whose Lucille Meyer said there had been “no political pressure exerted on the top management to issue permits to destroy predators in the province

Is this what we are to expect from the DA’s promise of “accountable and transparent governance”?

Smuts felt he had no alternative but to appeal to Premier Helen Zille for a meeting in order to present written evidence about two of her cabinet ministers’ “unlawfully trying to pressure statutory institutions to issue permits that not only ran contrary to their policies and procedures, but also the law that the province was responsible for implementing”.

The eventual response was that they could not grant his request for an interview until they had heard from the MECs about Smuts’s allegations. This was despite written confirmation from Cape Nature staff of the minister’s *ultra vires* actions (beyond his powers). Were they thus suggesting that the MECs investigate themselves?

When Cape Talk and Radio 702 got involved, there was some



Leopard in a gin trap

would have significant implications for all South Africans, Harrison-White asked for access to the claimed scientific study, or to see the peer-reviewed data – which the good professor has, to date, refused to provide.

Meanwhile, it was open war in the Western Cape after the conservation NGO, Landmark Foundation, discovered that pressure was being applied to Cape Nature staff by Agri Western Cape (AWC) – through the MEC for Agriculture, Gerrit van Rensburg – to issue blanket destruction permits for predators in some farming districts. These permits authorised the use of helicopters and night hunting; the issuing of gin traps or other spring-loaded snares; dog-hunting and poison – irrespective of any “collateral damage” to other species.

When Dr Bool Smuts, head of the Landmark Foundation, phoned AWC CEO Carl Opperman, he was told they wished to “clean up areas” so that normal agriculture could continue. But Opperman could not answer basic questions as to what numbers of predators

Pressure was being applied to issue blanket destruction permits in some farming districts

in a wholesale way. (By political pressure I mean ‘you must do so or else...’). Yes, our MECs have in the past expressed particular views on measures we should explore, based on requests from landowners and farmers.”

Compare that to a written report from a member of Cape Nature stating: “We’ve been forced to approve permits for the use of helicopters as tools to exterminate predators in certain Great Karoo areas” and, “Yes, political pressure has certainly been brought to bear on us – and in no uncertain way.”

Exit MEC Gerrit van Rensburg, whose staff member Johan Coetzee promptly informed Smuts that the matter would henceforth be attended to by MEC Anton Bredell (see *Noses* 132, 134, 135). It didn’t take long before Bredell bowed out, indicating that future correspondence should be directed to Cape Nature Conservation.

hasty damage control as Bredell was asked to explain their actions on air.

Now, pre-election, there appears to be a back-down by the DA administration in the Western Cape: permits are not being issued and a task team has been appointed to investigate further.

Says Smuts: “We can only hope this team comprises all relevant stakeholders and does not degenerate – as so often happens in this industry – into an exclusive club that determines the outcome, regardless of the data before them.”

Meanwhile, the plot thickens: the Department of Environmental Affairs and Tourism tried to exclude environmentalists from a public-consultation Leopard Management Workshop: the list of those invited is heavily biased in favour of hunting interests. But that’s another story... ▣

Horse trading

From page 19

and no obvious signs that Spear had been fed recently or been watered regularly. His condition had gone from bad to worse.”

The SPCA decided to remove the horse from the farm, as it was apparent that he was rapidly being starved to death in the care of a “clueless owner”. On January 11, Spear of Destiny couldn’t take the abuse any more and collapsed.

“Despite a concerted effort and after struggling for hours, he could not get up. He was simply too weak, malnourished and emaciated.” His destiny was sealed when, later that day, “on the recommendation of a team of veterinarians, we put Spear to death”.

Spear of Destiny’s breeder, Nicky Bartlett, owner of the Danika Stud in Port Elizabeth, was all emotional when we got hold of her. She couldn’t understand why the horse had not been offered back to her stud. She was angry too, that nobody had bothered to inform her that the horse had been put down.

“Nobody called me, not even the trainer. In fact I don’t even know who bought him from the owners. A friend called me from Cape Town to alert me that a newspaper had published a story about his starving to death. Even then, nobody bothered to tell



me anything. And the trainer has been avoiding me as well.”

When *Noseweek* finally got hold of Stan Elley, he initially sounded sorrowful: “In my 40-year experience with horses, I’ve never seen anything like this.” But Elley’s otherwise-friendly mood changed when we asked him about his claimed friendly relationship with the McGuickens.

“I don’t have any further comments,” he said. Asked why the horse, initially bought for a million bucks, would be sold for a knock-down price of R3,000 – was something wrong with it? His response was: “I am


Professor horse-whisperer Ashley 'Israel' McGuicken

not going to answer any more of your questions.”

Was the horse insured and if so who were the beneficiaries?

“I’ve told you, I won’t answer any more of your questions.”

Elley also refused to comment on how McGuicken had known that Spear was up for sale only days after the owners had given him the mandate to sell the horse.

How many other ex-racehorses are being subjected to similar abuse? 

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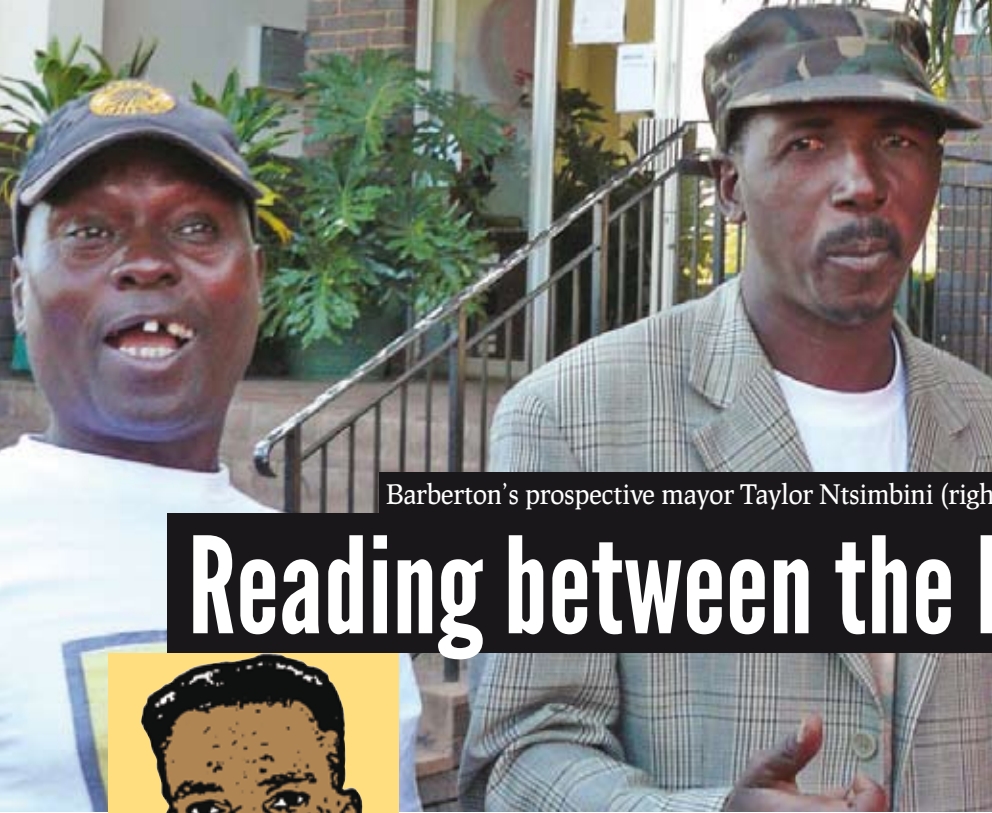
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Joseph Mureithi, Western Cape

January survey

Luke Pretorius
Colin Sparg
Daan Strydom
Ami Kapilevich
Steven Linde
Mike Taylor
Sally Fisher
Siyabonga Radebe
Jackie Ravenscroft



Barberton's prospective mayor Taylor Ntsimbini (right) and friend

Reading between the lines

understand that, ultimately, what they have been elected to do is serve the public? Simple, you say? Seemingly not; it's proved nearly impossible for past ANC councillors to understand. Let's look at the history of their performance – in the public interest, naturally. Well, unfortunately there is nothing to look at.

Not once did the editor of the *Umjindi Guardian* ever hear at a council meeting a councillor highlight a problem that was directly affecting his ward. All they did was go with the flow, voting along the party line on items that, in retrospect, were so straightforward, they hardly needed a council resolution.

But when some of the residents of Ward 6 – situated near a Dukes Tavern and a Bongani Bottle Store – had to endure the monumental headache of all-night bashes, not a single councillor made an effort to put a stop to this nuisance.

Only when the residents complained to the Liquor Board, and their case was reported in my *Umjindi Guardian*, did they succeed in getting one of the culprits, Mainline Msibi of Bongani Bottle Store, to tone it down.

To list them all, the examples would fill a 32-page newspaper with a front page headline saying something like "Local councillors – ANC's failures". So, will these new councillors truly represent their constituencies or simply take their seats, collect their pay cheques and continue singing the same old song while doing absolutely buggar all?

Maybe they should take a page from US President Barack Obama's book. Before the US's first black president won a seat in the senate, he was, for years, a field organiser in Chicago. And what is that you ask? He organised community members to address pressing issues affecting their community, e.g. drugs, housing etc. But why look all the way to the US for inspiration? Our DA locally has gone out of its way to try to address concerns brought forward by their constituents – against all odds, for that matter. And before this writer is accused of being partial to the DA – or any party – I'm partial to public service.

Why do I remain just a little sceptical of the new deal? It seems our lovely little Umjindi could end up with an illiterate mayor, Taylor Ntsimbini. Yes! The man can't read or write. So, you say, Zuma, had no formal education. Maybe, but on that score he has defied all his detractors. Way to go Mr Pres – even if I am still an Mbeki man. Like him, I'm also foreign-educated. We have to stick together – if only for a laugh. ■



Bheki Mashile's **Country Life**

IT WOULD appear that the ANC has finally seen the light and realised that true democracy is a government for the people by the people. In other words, office bearers are actually elected by the people. Or should be.

In his speech at the recent 99-year ANC celebrations, President Jacob Zuma reiterated the party's commitment to allowing constituencies (and municipal wards) to select their own candidates. These constituency-endorsed candidates would be the ones to stand in the local elections on behalf of the party.

Needless to say, like many a political analyst, this scribe believes this is a step in the right direction. However, before we blow the trumpets, toss the confetti and party till daybreak in celebration, we need to wait and see if this results in a new generation of councillors who understand and embrace the concept of public service.

By initiating this new electoral process for its councillor wannabees, the ANC is saying to its cadres: you're there to serve the people, so it is the people who must say whether they want you or not.

How refreshing! If anything, it just might eliminate the arrogance that had many councillors proclaiming that now infamous saying, "I only answer to the ANC". (Yes, remember Tseko Taabe, a former MP from my little country town, Umjindi – Barberton – who was ousted from the legislative body for taking brown envelopes from travel agencies? You've got to love my country life.)

So we can finally tell them: if you don't do your job, we'll take you out next time around. All good and well, but will these candidates



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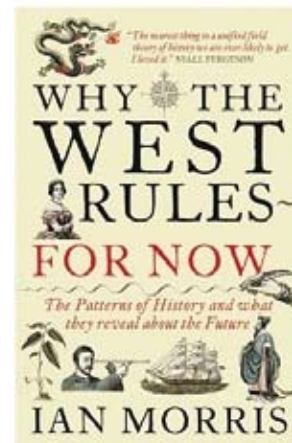
Ever the twain shan't meet

THE SUBTITLE of this delightfully entertaining, erudite and thoughtful tome (750 crowded pages) is *The Patterns of History and what they reveal about the Future*. Tantalising. We're all suckers for a bit of the old crystal-ball routine. And the fact that its promise is uttered by an eminent archaeologist and historian is surely a guarantee of sophisticated prognostication.

And so it is. If, however, the reader is expecting specific prophecies which would allow one to go forth and, say, invest profitably in pork bellies, you might be disappointed. As for the future ratings of East and West in the dominance game, well... it's complicated. Like real life.

Morris (it's Ian, not Jan the well-known writer) is a highly intelligent version of ye ancient soothsayer: In essence, he's saying that anything is possible, given the vagaries of weather, politics, cultural variations and the precise significance of the apocryphal

Len Ashton
reviews
Why the West Rules – For Now
(Profile Books)
By Ian Morris



tree falling in the forest while we are not around to witness that event.

He does, however, provide the reader with a treasury of information, solemn and otherwise, exploring the rich lunacy of human history. The thing is, you have to do your own analysis of the evidence. Morris does not stint in his endeavours to assist the reader, with anecdotes, bibliographies and indexes that would surely put the British Library to shame. That he is able to marshal so much information, while retaining the alternately awed and amused interest of the reader, is hugely impressive.

But if you think you are going to work out the betting odds on whether China or the West is going to win the race for world dominance, well...

Morris will probably ease you into a state of humble acceptance of fate. For all the bravado of human leadership, we are all, great or little, moulded by the past and baffled by the unpredictability of what is to come.

The somewhat contrived fantasy introduction to Morris's book depicts a scene in which a desperate young Queen Victoria is forced to become a vassal of the Emperor of China – a what-if scenario which, the author contends, could possibly have occurred had Britain not had the good luck to undergo the industrial revolution before rival countries did so. Pure luck, says Morris.

A gruesome example of the luck factor is, for instance, the fact that, while Americans slaughtered each other with artillery and repeating rifles, in the 1860s Civil War, the Chinese were doing the same to each other with

cutlasses and pikes in the world's last traditional war. "For sheer horror, the traditional version far outdid the modern one. Twenty million died, mostly through starvation and disease, and Western diplomats and generals exploited the chaos to push farther into East Asia."

Karl Marx, apparently, wrote a China column for the *New York Daily Tribune*. He claimed that, for thousands of years, Oriental states had been so centralised and powerful that they had stopped the flow of history. Europe progressed from antiquity through feudalism to capitalism, and proletarian revolutions were about to usher in communism. "But the East was sealed in the amber of despotism and could not share in the progressive Western trajectory."

When history did not turn out exactly as Marx had predicted, Leninists insisted that, if they could shatter the old fossilised societies, it should be done at whatever cost. This theory is not the only reason, says Morris, why Mao, Pol Pot and the Kims of North Korea unleashed such horrors on their people, but it bears a heavy responsibility.

Would-be prophets should enjoy studying Morris's charts, graphs and other attempts at discerning a future consequent on a vivid past. But if you worry about trying to work out a sure-fire method of protecting life and limb in the years to come, it might be wiser to stop swimming against the tide of history. Live a little. While you can. ■

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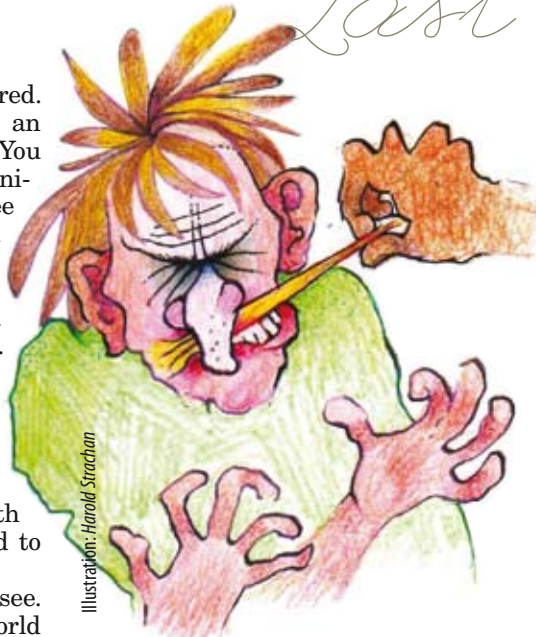
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Harold Strachan

IT ISN'T difficult to get disappeared. I mean it's easy to become an unperson, I've done it myself. You become a birth certificate signifying nothing, nobody can see you, light passes clean through you – a left-over ghost of the past. One would expect this to be painful but you don't feel anything, it's a bit like being beamed up into orbit. It happened a long time ago, just after Sharpeville, but if you think this is going to be a political story, well, no. You might say it is sort of *agterstevoor* political, but in the main it's a story about the South African Air Force and being called to save one's country.

Aircrew are an élitist lot, see. Everywhere in the whole wide world they perceive themselves as something extraordinary, especially the pilots. And maybe they are, in a way; I mean there's good reason for astronauts being ex-fighter pilots. Why, I remember, at the ripe age of 19, calling other folks of the SAAF penguins if they didn't wear aircrew wings over their left tits – birds who couldn't fly – and as for the army and the navy, they could manage nothing better than hoofing it or floating about by way of propulsion from point A to point B. Top Air Force brass took note of this



College, Voortrekkerhoogte, to learn military manners like not using filthy language, passing the port from left to right in the mess, sabre drill (no shit, it was in case the King came a-visiting), military law and military hygiene, like building proper bogs for the troops in times of battle. No flying. Then they invited us to sign on with a proposed Special Reserve of Flying Officers, civilians who would leap forth and wage patriotic war at the bugle's call. Come the midwinter varsity break and we'd be off to 24 Air School up on the

Highveld for a month of every sort of lovely flying, including aerobatics, and it wouldn't stop after we'd left our various universities. Indeed when I'd been teaching Fine Art for 10 years I was still on the Reserve, much skilled in the art of aerial warfare, and so it was when the country's time of crisis was upon us.

Teaching art is a sweet and gentle thing to do. Most of everything else in the country was in a state of confused frenzy after Sharpeville but we were nicely insulated, thank you. Since sleeping with one's students is academically improper I got married to one of mine, another sweet and gentle thing to do, and we did the lot and found a nice little house that came with roses all about. But we observed many thousands of persons marching from Cato Manor one day, waving sticks, shouting that their leaders should be released. So it went in every city, until the government declared a State of Emergency, and mustered all its armed forces, and called up the Special Reserve of Flying Officers to go and shoot people from the air.

The bugles blew. The Air Force sent a letter to my home address, which letter seemed to go astray. Then after a gentlemanly wait they sent a registered letter to my home address, but that seemed to go unsigned-for. Then after an ungentlemanly wait they sent another registered letter to my place of work, which the secretary signed for, but something happened to that one too. And so it went for a year or so, until one day a great big military policeman arrived at my mother's home, a courier, and he had a letter nobody could mislay, and it said:

Dear Madam, will you please hereunder write your son's present address, and will you please inform your son that if he does not report for military duty within two (2) weeks he will be stripped of all medals, decorations, buttons, badges, epaulettes and lanyards and his Air Force moustache will be torn off and trampled underfoot on a military parade ground.

So the old girl filled in all these things, and my present address was: Number E6781, Pretoria Central Prison, and that's how I became unpersonified. Evermore. ■

Unperson

élitism; of the rôle of the University Air Squadrons in the Battle of Britain and the young fellows of the '30s who had learned weekend military flying at state expense along with their academic careers, who made a sort of backbone to the fighter force when war came. Who, whereas a Luftwaffe pilot would yell to his squadron-mates "*Es geht los!*" when he caught sight of the Spitfires – "*It goes bedonderd!*" A good class of English pilot would call to his mates when he saw the Messerschmitt 109s, Tally ho! – like he was John Peel who'd caught sight of a bloody fox, man.

So ja, our top brass took note, and sought to have some such nice thing for ourselves after the war. They took note of every young pilot who had availed himself of the offer of a university loan once it was all over, and stuck us cream of the cream in the SA Military

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