news you're not supposed to know

noseweek

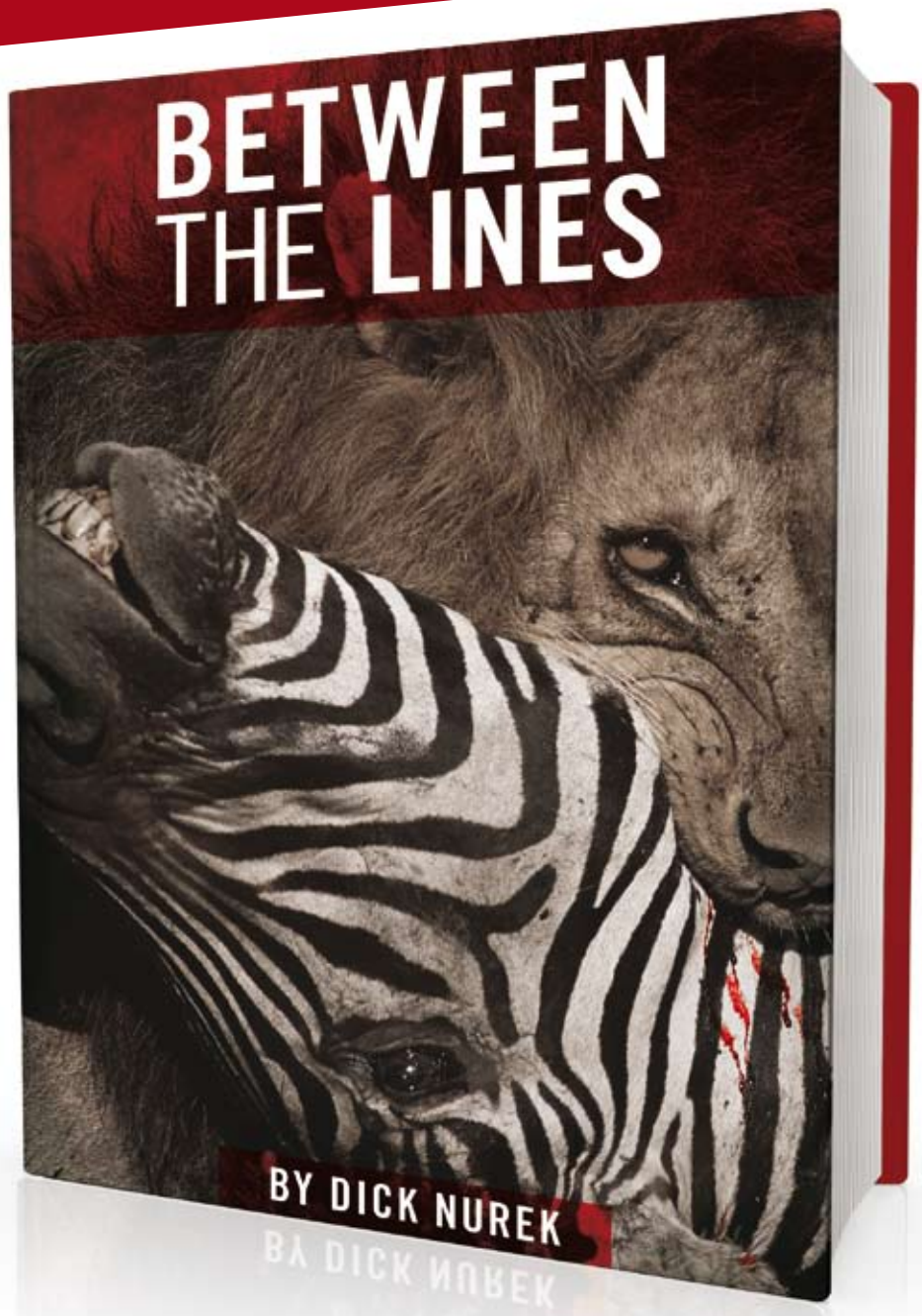
R34.80 (including VAT)

138 APRIL 2011

Was Brown stitched up?

00138
9 771025 104042

THE SHOCKING STORY OF THE LARGEST ONGOING CORPORATE FRAUD IN SOUTH AFRICAN HISTORY



A candid look at how those at the very top of the company, planned, choreographed and executed a machiavellian scheme of staggering proportions.

Of how secret illegal investigations into clients and employees were cunningly orchestrated using phone taps, e-mail tracers and illicit recordings of private risk meetings.

The unveiling of a 'special relationship' with one of the country's leading legal practices.

And of how a plan; to bring the institution to its knees and to put those responsible behind bars, has hatched.

Available soon in book stores across South Africa and the United Kingdom.

In paperback & audio books for easy listening.

noseweek

APRIL 2011 ISSUE 138

Who stitched up J Arthur Brown? page 10

noseweek online

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

Buy noseweek's online edition for only R278

Wherever you want it....whenever you want it

www.noseweek.co.za

Letters

What's the JSE going to do?

I assume the information you published on Pangbourne Properties Ltd and Resilient Property Fund Ltd (*noses*136 &137) has been verified and is correct. What is the JSE going to do about it?

The facts, as supplied by you, must require action from the JSE. What these two companies (Resilient having taken over Pangbourne) have done is absolutely illegal and is punishable. What next? They can't get away with this.

Louis de Becker
By email

Ask the JSE. They can access all the information they need with the click of a computer button. – Ed.

■ Apparently many in the industry are aware that the source of your information is a listed property competitor.

Is it not prudent to advise on the credibility of the source and the motivation behind all this effort and, similarly, to ensure that it is not perceived as some sort of vendetta or personal gripe?

Otherwise, most interesting stuff. Are there going to be additional articles covering some of the other directors and funds in the same stable?

Marc
By email

What if the anonymous source (we don't know who) that first brought the information to light is *a competitor with a gripe, running a vendetta? If the information is correct, and suggests wrongdoing, all the rest is irrelevant to our case. That's the nature of democracy and a free market: conflicting interests are motivated by self-interest to check and challenge one another. No matter what the original source, we check our information and stand by what we publish. We have never held shares in the Resilient group or had any personal dealings with its directors. What we published we published because we believe it is newsworthy and in the public interest.* – Ed.

> **What Resilient and Pangbourne have done is illegal and is punishable**

Lane wouldn't have killed himself

Thank you very much for investigating the John Lane story. We all knew that it could never have been suicide. John was too generous to be so selfish as to take his own life. Thank you again. I thought no-one cared.

Chris Ndaba
By email

Pox on all your houses

Anyone reading your "Gates of Wrath" article should feel ashamed to have spent money on a publication that gleefully sensationalises the private affairs of a family in despair.

Holger
Cape Town

If there was any sensationalising, it was done by the parties themselves in open court proceedings; the despair in which the family finds itself is, it is argued, being aggravated and exploited to avoid the dictates of the law when it comes to sharing a large fortune. All matters of which society is entitled to take note. – Ed.

Mouldy business

Browsing the internet, I have noticed a number of references to scams related to Mouldmed (*inter alia*, *noses*30,35&50), RRR-Link and associated companies. Those involved are the Therons of the Kubus scandal of the 1980s. Have you had any other complaints about their dubious activities?

John Binns
Table View

How many more complaints do you want? The Therons in question have spent half a century causing a lifetime of trouble to thousands of people. That's just who and how they are. And you, as far as they're concerned, are just another determined sucker. – Ed.

The Ghavalas gang

For over 10 years I have been pursuing the whereabouts of one of the pension fund surpluses – that of the Cullinan 1985 fund – involved in the Ghavalas scam (*nose*119). But I remain poorly informed on the details of the progress in their recovery.

In a nutshell: the Cullinan Pension Fund was outsourced in 1995 by converting it to an Old Mutual retirement annuity – without obtaining the members' approval or notifying them of the changes.

The assets of the fund included a "surplus" of R53 million (current value R350m) which was not paid out to the members or added to the capital value of their pensions.

It is unknown in terms of which Act or other regulation this could legitimately have occurred.

The surplus was somehow transferred to a memberless fund, apparently set up by Simon Nash/Ghavalas

Gus

etc specifically to strip out these surpluses for their own benefit.

The conditions of the plea bargains, the huge curator's fees, the manipulation of prosecution charges and the Pension Fund Administrator's reactions make one seriously question whether there is any integrity left in the pension business – and whether, at the end of the day, there will be anything left for the pensioners.

The Ghavalas gang (who are being unbelievably lightly dealt with), Old Mutual, the Curator, the FSB and others involved have generated an impenetrable cloud of obfuscation and bovine excreta, for the pensioners to have to contend with.

Recently OM placed a notice in the press regarding the fund surplus, calling for members to apply to be included in a distribution – but then replied to applicants that virtually none of them are eligible for the R151m recovered.

At present I am preparing a complaint for the Law Society against the fund curator, who steadfastly refuses to provide any information to the representatives of the fund members (who in fact are the clients, via the FSB).

Your thoughts would be appreciated.

Raymond R Tyler
By email

■ *When you get to filing a complaint with the Law Society, you really must be desperate – because they, for certain, will do absolutely nothing that will be of any help to you. The only way you'll get some sort of justice is if you steal from a bank, or an insurance company, or a lawyer. I'm only sort-of joking.* – Ed.

Let my bankers go!

While in the UK in December, I opened a simple savings account with Barclays Bank. No bank charges for depositing or withdrawing from this account. Back at home I deposited R1,100 cash into my Standard Bank account and was charged R16 for this single little transaction. The South African bank customer is being ripped off at every turn. I thought that when Gill Marcus was appointed at the Reserve Bank she was going to investigate these excessive bank charges and credit card fees extracted from their poorer customers. (The wealthy appear not to pay bank charges.) When challenged on the ridiculous – even obscene – bonuses and, for that matter, salaries paid to the banking fat cats, the bleat is that if they are not paid these sums they will upsticks and off. Perhaps their bluff should be called.

It seems the word "modest" has disappeared from our vocabulary, certainly where it pertains to fat cat packages.

Alison Weston
Kenilworth

Phone invasions

Thank you for your articles exposing the ongoing spam and telemarketers calling at all hours invading my personal space.

One always wonders: where on earth did they get my contact details from? Even when filling in forms, I am always evasive with my cell number and email address.

I got married in January 2006 and have since then changed my accounts and policies to my married name – except my FNB current account.

For some time I have suspected them of having given out my personal details but when I've confronted my personal banker with this, they have denied it.

Just two days ago, after reading your article, I again received a spam email addressed to my maiden name.

I have sent a message to my personal banker and have replied to the company and told them that they are operating with an illegal data base.

What else can I do to protect my privacy?

Lindy McMahon
By email

Fishy smell from the Waterfront

Something just doesn't make sense: the V&A Waterfront gets sold four years ago for R7.2 billion to a Dubai-based investor at a time when everyone is making money hand-over-fist; it is bought back this year by shareholders including the Public Investment Corporation (PIC), using pensioners' money, for R9.7bn at a time when:

1) the world is experiencing one of the most frightening economic downturns in living memory;

2) Dubai has shelved pretty much every construction deal they had and are regretting their frenzied tourism oriented investments;

3) the seller is short on dough and would be happy to break even on some of their investments.

Any chance that the selling price is R7bn and the other R2.5bn (state pensioners' money) finds its way into a couple of fancy bank accounts overseas?

I couldn't think of a better deal for the Dubai company... a 34% capital appreciation in a dire economic climate?

Smells to me…

Stefan
By email

You're right about the stink – it's overwhelming – but wrong on the detail. Investec somehow managed to lean upon the custodians ofgovernment employees' pension funds – the PIC – to pay them the interest that, for a good long while, they weren't paid by Dubai and its partners on a massive loan it had raised from South African banks – led by Investec.

Investec and its friends had gaily advanced the entire amount needed to buy the V&A Waterfront. Dubai invested not a bean of its own.

So Investec and its friends stood to take the rap, which they have now contrived to pass on to the state's "widows and orphans", with interest! Like you, w'd love to know how they managed to do that. – Ed.

WHY ARE LEADING LAW FIRMS SWITCHING TO LEGALSUITE?

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

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

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

LEGALSUITE SOFTWARE

"MAKING COMPUTERS WORK FOR YOU"

+0861 711150

FOR A FREE DEMONSTRATION.

www.legalsuite.co.za

noseweek

Editor
Martin Welz
editor@noseweek.co.za
Managing editor
Hans Muhlberg
Production editor
Tony Pinchuck
Gauteng bureau chief
Jack Lundin
jack@noseweek.co.za
News editor
Mark Thomas
news@noseweek.co.za
Censor-in-chief
Len Ashton
Sub-editor
Fiona Harrison
Cartoons
Myke Ashley-Cooper, Gus Ferguson, Stacey Stent
Cover art
Len Ashton & Tony Pinchuck
Contributors
Harold Strachan
Accounts
Nicci Joubert-van Doesburgh
Subscriptions
Maud Petersen
subs@noseweek.co.za
Advertising
Coordinator: Adrienne de Jongh
Agency Sales: Heather Haydn
Leigh Spaun

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

SUBSCRIPTION RATES

Print	
SA only	R336
Neighbouring states (airmail)	R446
Europe, Americas and Australasia	R530
Internet edition	
1 year	R278
Combined	
Print+Internet (SA only)	R468

To subscribe

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

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

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

In the shadow of the Japanese nuclear disaster, **Greg Palast**, an expert on the regulation of the utility industry, asks some hair-raising questions

Snap, crackle and pop

I DON'T KNOW the law in Japan, so I can't tell you if Tokyo Electric Power Co (Tepco) can plead insanity to the homicides.

The Obama administration, just months ago, asked the US Congress to provide a $4 billion (R27.5bn) loan guarantee for two new nuclear reactors to be built and operated on the Gulf Coast of Texas – by Tokyo Electric Power and local partners. As if the Gulf hasn't suffered enough.

Here are the facts about Tokyo Electric and the industry you haven't heard on CNN:

The failure of emergency systems at Japan's nuclear plants comes as no surprise to those of us who have worked in the field.

Nuclear plants the world over must be certified for what is called "SQ" or "Seismic Qualification". That is, the owners swear that all components are designed for the maximum conceivable shaking event, be it from an earthquake or an exploding Christmas card from al-Qaeda.

The most inexpensive way to meet your SQ is to lie. The industry does it all the time. The government team I worked with caught them once, in 1988, at the Shoreham plant in New York. Correcting the SQ problem at Shoreham would have cost a cool billion, so engineers were told to change the tests from "failed" to "passed".

The company that put in the false safety report? Stone & Webster, now the nuclear unit of Shaw Construction which will work with Tokyo Electric to build the Texas plant, so help us.

There's more.

Night after night we've heard CNN reporters repeat the official line that the tsunami disabled the pumps needed to cool the reactors, implying that water unexpectedly got into the diesel generators that run the pumps.

These are Emergency Diesel Generators (EDGs). That they didn't work in an emergency, is like a fire department telling us they couldn't save a building because "it was on fire".

One of the reactors dancing with death at Fukushima Station 1 was built by Toshiba. Toshiba was also an architect of the emergency diesel system.

The South Texas project-in-the-making has been sold as a red-white-and-blue way to make power domestically with a reactor from Westinghouse, a great American brand, but the reactor will be made substantially in Japan by the company that bought the US brand name, Westinghouse-Toshiba.

Tepco and Toshiba don't know what my son learned in 8th grade science class: tsunamis follow Pacific Rim earthquakes. So these companies are real stupid, eh? Maybe. More likely is that the diesels and related systems wouldn't have worked on a fine, dry afternoon.

Back in the day, when we checked the emergency back-up diesels in America, a mind-blowing number flunked. At the New York nuke, for example, the builders swore under oath that their three diesel engines were ready for an emergency. They'd been tested. The tests were faked, the diesels run for just a short time at low speed. When the diesels were put through a real test under emergency-like conditions, the crankshaft on the first one snapped in about an hour, then the second and third. We nicknamed the diesels, "Snap, Crackle and Pop". (Note: moments after I wrote that sentence, word came that two of three diesels failed at the Tokai Station as well.)

In the US, we supposedly fixed our diesels after much complaining by the industry. But in Japan, no one tells Tokyo Electric to do anything the Emperor of Electricity doesn't want to do.

The US has a long history of whistleblowers willing to put themselves on the line to save the public. In our racketeering case in New York, the government only found out

about the seismic test fraud because two courageous engineers, Gordon Dick and John Daly, gave our team the documentary evidence.

In Japan, it's simply not done. The culture does not allow the salary-men, who work all their lives for one company, to drop the dime.

Not that US law is a wondrous shield: both engineers in the New York case were fired and blacklisted by the industry. Nevertheless, the government (local, state, federal) brought civil racketeering charges against the builders. The jury didn't buy the corporation's excuses and, in the end, the plant was, thankfully, dismantled.

Am I on some kind of anti-Nippon crusade? No. In fact, I'm far more frightened by the American operators in the South Texas nuclear project, especially Shaw. Stone & Webster, now the Shaw nuclear division, was also the firm that conspired to fake the EDG tests in New York. (The company's other exploits have been exposed by their former consultant, John Perkins, in his book, *Confessions of an Economic Hit Man*.)

If the planet wants to shiver, consider this: Toshiba and Shaw have recently signed a deal to become world-wide partners in the construction of nuclear stations.

So, if we turned to America's own nuclear contractors, would we be safe? Well, two of the melting Japanese reactors, including the one whose building blew sky high, were built by General Electric of the Good Old US of A.

[After Texas, South Africa is next. Eskom and the South African Government are looking for *cheap* nuclear reactors to double up Koeberg. – Ed]

And now, the homicides:

The Japanese plants are releasing radioactive steam into the atmosphere. Be sceptical about the statements that the "levels are not dangerous". These are the same people who said these meltdowns could never happen. Over years, not days, there may be a thousand people, two thousand, ten thousand who will suffer from cancers induced by radiation.

The carcinogenic isotopes that are released at Fukushima are already floating to the US west coast with effects we simply cannot measure.

■ Greg Palast, a Puffin Foundation Writing Fellow for investigative reporting, is the co-author of *Democracy and Regulation, the United Nations ILO guide for public service regulators*, with Jerrold Oppenheim and Theo MacGregor. Palast has advised regulators in 26 states and in 12 nations on the regulation of the utility industry.

Nuclear power: going out of fashion?

Victory for Vuyo

VICTORY for Vuyo (Vuyisile Zolani) Matu, the "eager to learn" school pupil from Katlehong who leapt over a first-floor balcony fleeing an abusive teacher, and whose injuries resulted in the amputation of his right leg (*nose*121). The Gauteng education MEC has been ordered to pay him R2.82 million in damages, with interest and costs.

As *Noseweek* previously reported, the incident took place at Mpontsheng Secondary School in Katlehong in February 2007. Matu had twice failed grade 10 and when, aged 18, he returned to school that January for a third attempt, his Zulu teacher, Masuku Maphosa, chased him away.

On February 16 Matu was cornered by Maphosa in a school corridor. Maphosa put down a stick he was carrying, rolled up his sleeves and said: "Now it's you and me!".

Matu, who testified that Maphosa had frequently disciplined him and other pupils with corporal punishment, leapt over a first-floor balcony to escape, and on landing, suffered an open fracture of his right tibia and fibula. Surgeons amputated the leg below the knee.

Maphosa testified that when Matu jumped he was nowhere near him. He said he had never used corporal punishment on a learner; the worst punishment he'd imposed was to clean the stairs, pick up papers or clean a classroom. Matu, he said, had had no need to fear corporal punishment, as it was never meted out.

Not so, said Matu's friend and fellow pupil, Tau Mokoena, who had been the school's chairman of Cosas (Congress of South African Students). Mokoena said he and other students were frequently beaten by Maphosa and that they were afraid of him. He had made reports about the unlawful beatings to both Cosas and the Ekurhuleni district education office. Mokoena also testified that principal G M Ngogodo had told pupils at a school assembly that, although the law was that teachers could not beat learners, "this would never be the case at Mpontsheng School".


Vuyo Matu

Acting Judge Dan Bregman in the South Gauteng High Court found that Matu's evidence was "the most probable rational explanation for the jump, namely that he was frightened of Maphosa who, immediately prior thereto had put down the stick, rolled up his sleeves and threatened him". He found Tau Mokoena's evidence "forthright and not vague".

Said Judge Bregman: "From this behaviour Maphosa clearly conveyed to Matu that he intended to harm him. This, in itself, constituted an assault. Maphosa will therefore be held liable for any harm, and the specific harm suffered by Matu."

Matu's damages award breaks down to:

Past medical expenses: R6,398;

Future medical expenses: R1,512,000;

Loss of income: R754,000;

General damages: R550,000.

Total: R2,822,398 plus interest at 15.5% from September 2009 to date of payment.

The MEC was ordered to pay Matu's costs, including the costs of two counsel.

But how much of the R2.8m will Matu, who has recently turned 23, actually receive?

How much will attorney Anthony Millar of Norman Berger & Partners deduct from the pay-out for his "contingency fee" and top-up legal costs?

Millar tells *Noseweek* he cannot answer these questions without Matu's permission. And Matu is apparently nowhere to be found. Millar says that after the case, the young man had "a falling out" with his mother and his aunt (the latter is Thembisie Matu, actress and *grande dame* of TV commercials for Cell C, Doom and Joko).

"We did give him the complete bundle of medical records and offered to assist him in sourcing a new prosthesis," says Millar. "Vuyo indicated he would make his own arrangements and we haven't heard anything further from him."

Eversheds default on R78,000 then send in heavies

PITY Ursula Smith, the legal secretary who had the temerity to take on her former employer, giant legal firm Eversheds (*noses*133,136). In *nose*136 it was reported that Ursula (a *nom de guerre*) was awarded R78,000 by the CCMA in a "default judgment" after complaining of constructive dismissal. Eversheds had failed to turn up for the November 8 hearing.

However, Eversheds failed to pay up by the deadline of December 15. Then, in February, Ursula received a curt SMS from the CCMA instructing her to attend a new arbitration hearing on March 4. It emerged that the law firm had protested the R78,000 award, claiming they had not received notice of the November hearing – despite a fax advice noted in Ursula's file.

The CCMA accepted this explanation, obediently rescinded its default award and ordered Ursula's claim be heard again.

At the March 4 hearing, Eversheds appeared in force in the form of deputy chairman Lavery Modise and Ursula's nemesis, HR director Nikki Webb.

There was another delay: Eversheds said its senior labour lawyer, Imraan Mahomed, who would lead evidence for the firm, required two full days to cross-examine Ursula, and would be calling six witnesses.

In order to give the great labour lawyer time to prepare for his epic clash with poor Ursula, the arbitration was postponed to May 3 and 4. (Big law firms are adept at creating delays that wear down adversaries and deplete their fighting funds – and spirit.)

Meanwhile Ursula, who has a daughter in matric, has been struggling to find work and faces eviction from her rented home.

Catnapping leads to kidnapping in Brouze dogfight

THE WAR of attrition between reputed billionaire David Brouze and his estranged wife, Karen, has gone yet another round in the courts. This time David has been accused of "kidnapping" their two-year-old daughter when he held off returning the child for several hours after the agreed time for one of his regular access visits.

In *nose*136 we told the saga of the acrimonious breakdown of the Brouzes' 17-year marriage and Karen's quest to establish the true wealth of her 47-year-old husband – with a view to obtaining the large chunk of it to which she is entitled under the accrual system in a possible future divorce action. A share he appears as determined to deny her.

Her estimated asset breakdown – totalling more than R1 billion – was filed by Karen in responding papers after David filed an unsuccessful urgent application in December for extended access to their youngest child over the Christmas holiday. However, outside the court afterwards, Karen offered – through the attorneys – reasonable visiting rights over the holiday.

Now more court papers recount the background to the latest urgent court application after David, non-executive director and former chairman of the JSE-listed Austro Group, arrived at Karen's home in Atholl, Joburg, on the morning of January 20 to collect their youngest child at the usual "contact collection" time of 8.30.

The bell at the gate was not working and for seven minutes David's frantic hooting failed to rouse Karen. The "billionaire" went to the back door and after 10 minutes of banging, Karen, who was having a sleep-in, finally appeared in her pyjamas with the child.

David left with their daughter and, nearly two hours later, his attorney Graeme Greenstein faxed a letter to Karen's attorney Ian Levitt stating: "Until such time that he [David] has clarity about your client's [Karen's] condition and her ability to care for… [their daughter] he will not return her." His client sought urgent agreement that Karen would consult a psychiatrist.

Levitt declares in a replying affidavit that David "is not entitled to act in this manner. He has sought to manufacture a false case against Karen. In effect he has taken the law into his own hands and committed the criminal offence of kidnapping".

Levitt dispatched a letter to Greenstein informing him that if… [their daughter] was not returned to her mother by 1pm he would bring an urgent application before the high court and lay criminal charges.

By 13h15 there had been no response and that afternoon Karen's urgent application was brought before the duty judge at the South Gauteng High Court in Johannesburg, Acting Judge Jody Kollapen. After hearing the arguments of both sides, the judge ordered David Brouze to return the child to her mother "forthwith". Indicating the judge's disapproval of his actions, David was also ordered to pay legal costs on the scale of attorney and own client.

Malls shock for Absa

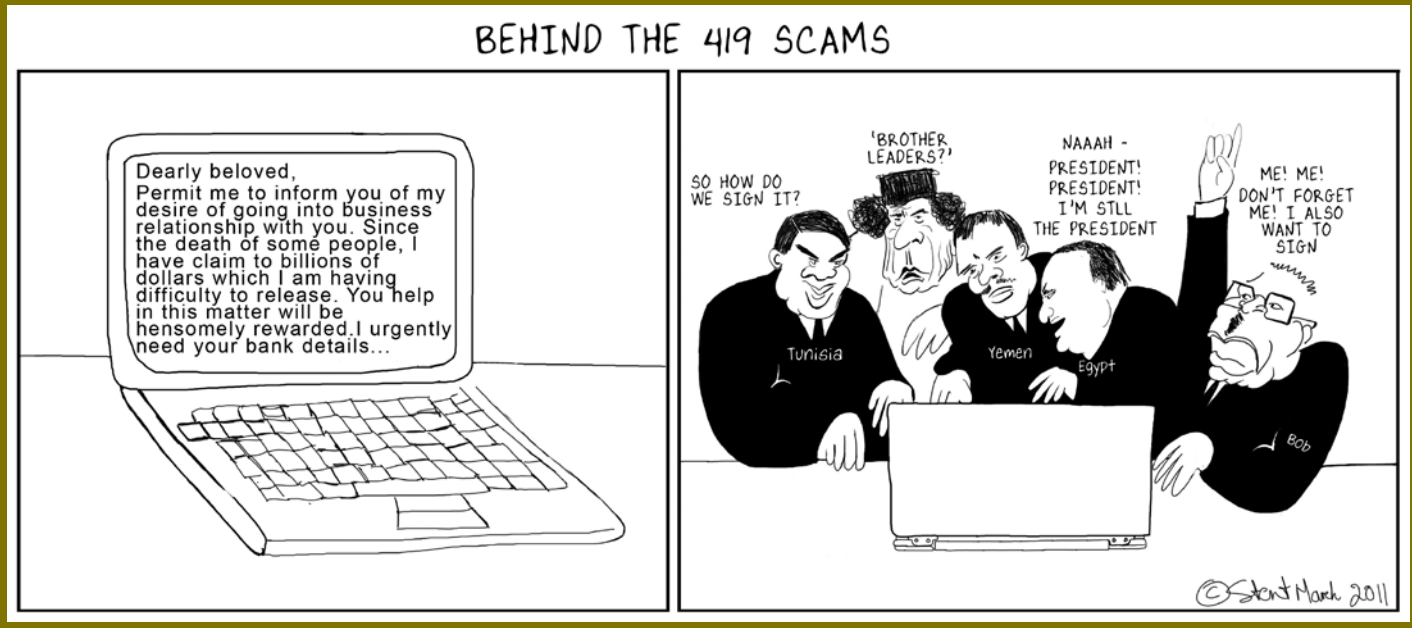
TWO OF the shopping malls developed by the controversial Theodosiou brothers – with no proper planning approval – are about to be auctioned off by the liquidators.

Their biggest creditor, Absa Bank, is bracing itself for a massive loss.

On 30 March the Lonehill Centre at 22 Lonehill Boulevard, owned by Immobili Retail Investments (Pty) Ltd (In Liquidation), and Bel Air Mall on Malibongwe Drive, also in liquidation, go under the hammer of Auction Alliance.

Absa's outstanding bonds over the two malls total R1.05 billion. Would-be buyers consulted by *Noseweek* consider that, together, they are currently worth no more than R500-to-R600 million.

If this is reflected at auction, Absa faces a loss of between R400m and R505m – which will have a serious impact on the bank's profits.



Stent

Fidentia's Arthur Brown says the case against him is so tainted he can't get a fair trial

FALL GUY?

FOUR YEARS after he was arrested for the first time on 192 criminal charges, Arthur Brown, the controversial and much-maligned founder of the Fidentia group, has applied to the high court to order the "immediate and permanent" stay of his prosecution on all criminal charges pending against him.

After all the years of media hype and courtroom drama, there are, as it happens, finally only six main charges left standing against him (See box).

Whether his application for a stay of prosecution is successful or not, the case will see all his main accusers having to answer to the public on charges as serious as any Arthur Brown has faced.

In support of his application, Brown and his legal advisors have assembled a devastating case against the Financial Services Board (FSB), the National Prosecuting Authority (NPA), the Commissioner of Police (here held accountable for the actions of the late lamented Scorpions and their successors), the Fidentia curators and – perhaps facing the most damning charges of all, although they are not formally cited as respondents – the Press and other news media.

Each of the above, already politically vulnerable and subject to critical public scrutiny for a variety of other reasons, is not likely to emerge unscathed from Brown's coming high court battle.

BROWN'S CASE AGAINST THE MEDIA

Brown is widely – generally – referred to in the media as "the man who stole from widows and orphans". Or, better still, as "the man who stole a billion (or two) from widows and orphans and then stashed it away offshore". No allegedlys about it. At last count there had been more than 17,000 media reports bearing the underlying theme that Brown has stolen billions from widows and orphans.

He has, in fact, never been charged with such an offence. He has never been charged with stealing a billion or anything approximating that amount from anyone. The so-called widows and orphans trust, Living Hands, in any event invested only R850,000-odd in Fidentia Asset Managers (FAM). (The fund had shrunk from R1.2 billion to R850,000 while still in the hands of Old Mutual – see box for more about that)

FAM then advanced the Living Hands' – and other investors' – money to other Fidentia companies as properly recorded loans. They, in turn invested in shares and property that were all still there and accounted for when Fidentia was placed under curatorship.

There is every reason to believe that these

investments represented value for money.

This "structure" had been approved by Fidentia's lawyers and auditors. All that might be debated is whether those investments were appropriate to, or in accordance with, the investors' mandate – and, if not, whether that constitutes a criminal offence. For example, at Brown's first bail hearing in March 2007, the investigating officer, then-Superintendent Geoff Edwards, admitted that the Teta monies had not "gone missing", but were used to purchase projects, allegedly contrary to its mandate.

The extent to which the media have, without independent investigation and without qualification, felt free to malign Brown – who has yet to be found guilty of an offence – is probably unprecedented. Which is one of the main reasons why, today, Brown is applying to court to have his prosecution on all remaining charges permanently stayed.

"How does one escape from being falsely branded as someone who stole billions from the poor, when the media have ensured that your right to the presumption of innocence has been completely and systematically eroded? Especially when you, yourself, are entrapped by the *sub judice* rule while criminal proceedings are pending against you?" he asks the court in his application.

"I respectfully submit that as a result of the wide adverse media coverage of me being a robber and a thief who has stolen billions from widows and orphans, that I have already been tried and convicted… I have indeed suffered irreparable pre-trial prejudice which will result in grave injustice to me should the entire prosecution of my cases not be permanently stayed."

Look at some of the examples he cites: In the *Mail & Guardian* in February 2007, it was reported that "Fidentia executive chairperson Arthur Brown and his cronies are responsible for reducing R2bn in other people's savings to a meagre R8.5m." (This, the paper had deduced from a Moneyweb broadcast, when one of the curators of Fidentia, forensic accountant, George Papadakis, had declared that "about R8.5m is left in the company's larder.")

That *M&G* went on to add: "Various investigators have stated that substantial sums were transferred offshore..."

The same month, Jackie Cameron – also on Moneyweb – spiced things up a bit, declaring: "Arthur Brown... initially went into business with a handful of cronies – but [in due course] he surrounded himself with an intriguing line-up of women. Some of them have a lot to answer for, having frittered away not far off R2bn in savings, most of it belonging to widows and orphans of mine workers."

A year later Alec Hogg himself launched a list of thieves and rogues, "most recently lawnmower salesman turned robber of widows and orphans, Fidentia's J. Arthur Brown..."

E.tv's Deborah Patta felt free to call Brown a "corporate psychopath" in one of her broadcasts, while *Business Day,* too, felt justified in declaring, without qualification: "Then we look at Fidentia, where R2bn has effectively just been stolen from widows and orphans."

HOW DID IT COME ABOUT?

Many will say the media lack due caution, but they have undoubtedly taken their cue from the authorities: from spokesmen for the FSB, from senior state prosecutors, from the court-appointed curators – even from some high court judges – who appear to have acted with equally unprofessional bravado. This, too, Brown has carefully documented in his application.

Examples he cites:

By mid-October 2006 Fidentia was hearing nasty rumours that the FSB inspectors were approaching its clients with damaging accusations, in a bid to instigate a complaint or extract justification for the inspection. Fidentia's then-attorneys, Bowman Gillfillan, on 20 October wrote to the FSB complaining that its inspectors were making untrue and defamatory statements about the company to its clients, by informing them about "the current investigation into Fidentia and the trust monies that have disappeared".

At about the same time – and the investigation had not even properly commenced at that stage – Brown learned that the FSB had already informed *Personal Finance* editor Bruce Cameron that "Fidentia had stolen billions from widows and orphans." How did Brown know this? Cameron told him so.

"Even at this early stage the seeds for the ultimate infringement of my constitutional right to a fair trial – and the presumption of innocence had been sown," he says.

Section 8 of the Inspection of Financial Institutions Act makes it a criminal offence for an officer of the FSB to make public the subject or content of an inspection, prior to the conclusion of that inspection.

One again, Brown's attorneys wrote to the FSB drawing their attention to these infringements and objecting to them. Which might explain why the next move was so obviously calculated to ensure that the accusation became more widely known – and reportable – at less risk of incriminating the source.

Someone from the FSB now apparently went to the Milnerton Police Station and informed the SAPS that Fidentia "had stolen billions" and that certain unnamed officials of the company were preventing the inspectors from carrying out their duties by threatening them with firearms.

A group of police brandishing rifles was immediately despatched to accompany the inspectors back to Fidentia's head office, creating a spectacle and ensuring that the story was speedily spread among the staff and any number of their friends.

The police quickly established that there was no truth to the claims of interference, and left. The inspectors remained to carry out an illegal seizure of documents.

That weekend Bruce Cameron published his first scoop report: Fidentia had been raided by

Who pocketed the widows' and orphans' cash?

IN THE five years preceding their investment with Fidentia Asset Managers, the Living Hands' funds had been entrusted to Old Mutual's management: in which time the fund lost an effective 23% of its capital value. This, while Old Mutual was paying the beneficiaries – the widows and orphans – just 4% per year. Which explains why the trustees were eager to remove their funds from Old Mutual.

When the trustees of the Living Hands Trust decided to move their funds, their portfolio was said to be – in the most recent statement from Old Mutual – worth R1.2 billion. But Mutual eventually only transferred R898 million to Fidentia Asset Management.

The balance of R300 million of widows' and orphans' money, Old Mutual had pocketed for itself as a "termination fee".

"I am accused almost daily of having stolen from widows and orphans, yet Old Mutual could benefit by this obscene amount in cancellation fees – in addition to their usual generous management fees – without so much as a mention in the press, let alone public outcry or sanction," says Brown.

"Under Fidentia's management, the Living Hands Trust was the effective shareholder of one of the most substantial fixed property and private equity portfolios in the country, making the so-called widows and orphans the beneficial owners of one of the largest grass roots black empowerment transactions in South Africa at the time."

The Fidentia curators have since, with FSB approval, sold most of this portfolio for a fraction of its real value, under questionable circumstances. An example: Fidentia spent close on R25m acquiring and expanding the business Automated Outsourcing Services, which was (and still is) the largest administrator of unit trust funds in the country. The curators sold it for a mere R10m.

the police and the FSB as part of an investigation into monies managed for widows and orphans.

The inspectors' final report was delivered to Fidentia on 16 December 2006. A month later, Fidentia wrote to FSB pointing out some of the obvious errors in the FSB inspectors' report, chiefly the claim that R680m of investors' money was unaccounted for.

In response, on 22 January, the FSB inspectors partly conceded their error, now insisting that the reduced sum of R245m was, as far as they were concerned, still unaccounted for. (They would later coyly point out that they had never said "stolen" or even "misappropriated", just unaccounted for.)

But when, on 1 February 2007, the FSB applied for Fidentia to be placed under provisional curatorship, it was the original inspectors' report, with the (admittedly incorrect) figure of R680m that was handed into court.

In a *Moneyweb* article that appeared on 13 June 2007, Barry Sargeant quoted Rob Barrow, the then-CEO of the FSB, as follows: "Barrow confirmed that the Fidentia matter, involving a looting of R1.4bn in cash, R1.2m in profits…"

A June 2009 broadcast has FAIS ombud Charles Pillai referring to "the Fidentia case in which over a billion rands, mostly of widows' and orphans' pension monies ...was stolen".

An October 2008 Sapa report stated that "R1.3bn had been transferred into the personal account of Susan Brown, the accused's wife". This lie, says Brown, was printed as a result of what the then-prosecutor, advocate Bruce Morrison SC, had told the press. Morrison, he alleges, was one of the main purveyors of false information to the press.

"Particularly during the bail hearings in October 2008, he deliberately – in the presence of the press – claimed there was over R1.6bn missing and deposited in a Swiss bank account. [This] clearly shows that he intended to portray me in an extremely bad light."

Brown had reason to suspect that an inappropriate relationship existed between advocate Morison and the curators of Fidentia, and that he was conducting the case in a way that was designed to protect the interests of the curators. He reported this to higher authority, and his defence team raised the issue at a court appearance. Morrison vehemently denied it – but only weeks later he left the service of the NPA to go into business with one of Fidentia's curators.

As recently as September last year, the new prosecutor handling the Brown case, Advocate Jannie van Vuuren – obviously enjoying his new starring role in this ever-popular soap opera – told the magistrate, in the presence of a large press contingent, that he would be adding a further charge to the list of charges against Brown "for theft and fraud of about R1.2bn".

Not only was this a "deliberate untruth" says Brown in his affidavit to court, it was purposely said in the presence of the media. In November, Van Vuuren repeated the lie in the high court when, again in the presence of the media, he advised Judge Essa Moosa that the case against Brown "involved fraud and theft of about R1.4bn". It does not – and never has done.

When Brown's counsel objected, Van Vuuren refrained from mentioning it again – but did not apologise either. Brown's attorneys have lodged a formal complaint with the NPA. Three months later the head of the NPA, Menzi Simelane has finally confirmed in a letter that he is investigating the matter.

Meanwhile, no doubt encouraged by what the prosecutor had said in court, the *Sunday Independent* featured a picture of Brown in its pre-Christmas edition, captioned: "Almost 50,000 widows and orphans were left destitute after the Living Hands Trust, a mineworkers' pension fund, went bankrupt. Fidentia boss J Arthur Brown faced charges in Cape Town's high court for fraud, theft and money-laundering for the disappearance of over R1.2bn from the trust."

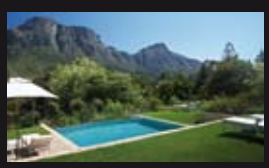
JUDGES

Brown argues that as a result of the unprecedented media campaign against him, even members of the judiciary have not escaped being influenced. He gives two examples:

During argument in the application for his provisional sequestration in November 2007, the presiding judge, Judge Dennis Davis, made the following comments: "We are dealing with a gentleman who has misappropriated millions of rands" and "We have to deal with the plight of widows and orphans" and "we are dealing with a person who has numerous criminal charges against him in relation to the misappropriation of monies of widows and orphans".

The judge, says Brown, made these statements notwithstanding the fact

Five Star Cape Town from R1 650


BISHOPSCOURT


CONSTANTIA


LONG BEACH


FRANSCHHOEK


SEA FIVE, CAMPS BAY

Simply the best way to see and experience the Cape.

Enquire with us now to see some of the amazing specials we have on offer to South African ID holders and their families.

THE LAST WORD
IN INTIMATE HOTELS

Central Reservations: 27 (0) 21 794 6561 Email: info@thelastword.co.za

www.thelastword.co.za

Preferred BOUTIQUE

Terms & conditions apply. Valid for South African ID holders only.

mantis

The six remaining charges

ARTHUR Brown was arrested for the first time on the morning of 7 March 2007 by a posse of no fewer than 20 Scorpions officers and presented with a "provisional" charge sheet containing 194 charges of corruption, racketeering, fraud, theft and numerous other statutory offences. After 22 days in detention he was released on R1million bail.

Today, after five years of investigation by the Financial Services Board (FSB) and the police's Directorate of Special Operations (DSO) – in the course of which he had his bank accounts frozen, was arrested a second and a third time, faced a barrage of negative press reports in which it was simply assumed he had stolen "billions" from widows and orphans and had smuggled huge sums offshore, was sexually assaulted in a prison van on the way to Pollsmoor Prison, where he was held for eight months while the State opposed his bail applications and pressed him to sign a plea bargain – Arthur Brown faces just the six main criminal charges.

(Note that not one of them relates to off shore funds. In fact, in 2008 the Reserve Bank declared that, prompted by the FSB inspectorate, it had completed an extensive 18-month investigation and could find no evidence that Brown was involved in illegal offshore transactions. No-one appears to have noticed.)

The six charges are:

1 Fraud, alternatively theft of approximately R700,000 in or during 2002. This is known as the "Antheru" charge and pre-dates the establishment of Fidentia. A peculiarity of this charge is that, not only did the trustee of the Antheru Trust not lay any charge against Brown, but he is financially supporting Brown's defence. In his current application for the stay of prosecution, Brown notes: "Monies invested by Antheru during that period were repaid in full".

2 Fraud, alternatively theft, relating to R3m in damages allegedly suffered in 2002, prior to the establishment of Fidentia. This is known as the Fundi case. Brown notes: "The State failed to mention that the claim for alleged damages was the subject of a high court civil case which was settled in 2003. No criminal charge was ever laid against me prior to the Fidentia curatorship order on 1/2/2007."

3 Fraud, alternatively theft of approximately R203m. This is known as the Teta charge. Brown notes: "The charge does not take into account the capital reduction and profits totalling R48m paid to Worthy Trade for the benefit of its client, Teta. At the first bail hearing in March 2007 the investigating officer admitted that the Teta monies did not go missing, but were allegedly invested contrary to mandate. There is a genuine dispute surrounding the entire investment and its mandate."

4 Fraud, alternatively theft or corruption relating to approximately R93m. Known as the Matco/Living Hands charge, it relates *inter alia* to R66m invested by the Living Hands Trust with Fidentia Asset Management, which lent the money to Fidentia Holdings – which then used it to buy shares in Matco, a company specialising in the administration of pension payments. Brown says: "It is noteworthy that none of the shareholders suffered any prejudice, potential prejudice, or any losses. None of them laid charges against me."

5 Theft, relating to R12.6m from Fidentia Holdings that was used to buy a number of properties known as the Thaba Manzi Game Farm. Some were registered in the name of a trust – the Farmer Brown Agri Trust – of which Brown was a trustee, while others were registered in the name of a company called Changing Tides. Brown contends that these were nominees for Fidentia Holdings and that the Fidentia directors – and then the curators – were aware of this. In the end, the game farm was sold by the Fidentia curators for R34m, realising a profit of approximately R22m.

6 Theft, relating to R5.5m allegedly transferred from the account of Infinity, a Fidentia subsidiary, to pay staff in January 2007. Brown notes in his court application for the stay of his prosecution: "Infinity owed the holding company loans far in excess of the R5.5m. This was an internal transfer; no theft was committed against anyone."

In conclusion he states: "It has always been my submission that I am not guilty of any criminal offences."

that there was nothing on the papers before the court on which to base these averments."

When Brown's counsel, Advocate R L Selvan, objected, Judge Davis made the excuse that he was "speaking hypothetically". To which Brown says: "It is clear that it could not have been a hypothetical remark at all; it was in fact directed exactly at me."

Brown records having had a similar experience when his sequestration was made final by Acting Judge President Jeanette Traverso. He declares that his attorney, Rashaad Khan, had to correct the judge as she appeared to have been under the impression that Brown had been charged with stealing millions from widows and orphans.

At a later occasion in Judge Traverso's chambers (where they were arranging a date for a hearing), in conversation, Khan informed the judge that he was the leader of the Peace and Justice Congress, a political party that advocates the return of the death penalty for murder, rape and drug trafficking. To which Judge Traverso is alleged to have responded: And what must we do with Mr Brown? From this he understood the judge to mean: Shouldn't Brown then also be sentenced to death?

"From the remarks I have heard from various counsel and also as a result of the above incidents, I have a reasonable and well-founded apprehension that judicial officers have indeed not escaped the adverse media trial and conviction of me over the past three years," he states in support of his application.

Brown's application was filed in the Western Cape High Court on 31 January this year. Cited as respondents are the National Director of Public Prosecutions, the Western Cape Director of Public Prosecutions, the National Commissioner of Police and the Western Cape Commissioner of Police. The respondents had till 22 March to file answering affidavits and the case is set down for argument on 16 May.

NEXT MONTH: After being placed under curatorship, what became of Fidentia – and of the "widows and orphans" money? And what happened to Arthur Brown? We explain how the Brown case, much like the recent Agliotti case, raises disturbing questions about how the system of plea bargaining puts temptation in the way of prosecuting authorities when they are under "celebrity" pressure to deliver quick results.

Finally, why was Fidentia *really* placed under curatorship and, in the end, who benefited?

Chaotic finances hit R510m MTN project

MTN's DECISION to appoint Umbutho Civil and Electrical CC (*nose*134) as the firm that would oversee the R510-million construction project of its hubs in Worcester, East London and Kimberley – seemingly because the name of the firm's owner, Diau April Mokoena, did not suggest any melanin deficiency (unlike, say, a Murray, or a Roberts) – had backfired somewhat.

For starters, Umbutho short-changed the Worcester-based construction company, Smartcom, by R1.8 million on a R14m project. Smartcom's owner, Pieter Swart, refused to take this lying down and arbitration proceedings are in progress.

Then an East London construction company, Inyati, told *Noseweek* that it had been ripped off by some R400,000, and that the whole East London project was roughly five months behind schedule.

In Kimberley things are even worse, *Noseweek* has learnt, as a sub-contractor called Tswela, which is owed R3m, has obtained a court order barring Umbutho from the site, effectively bringing all work to a halt. (Tswela chose not to talk to us, on the advice of its attorney.

Umbutho's performance, however, has been positively stellar compared to that of the company appointed by MTN to oversee its construction projects in Empangeni, Queenstown and Umtata. This company, Qinisa Construction, got itself into huge trouble, owing some R42m to various parties.

Qinisa, it seems, persuaded MTN to pay R21m to the Industrial Development Corporation of South Africa (IDC), to whom Qinisa owes a great deal of money – the thinking being that the IDC would then release the money that Qinisa needed to pay its sub-contractors. But IDC got smart, and decided to hang on to the money itself, no doubt to settle Qinisa's debt. As a result, building operations have come to a halt.

According to the advertising blurb, Qinisa "strives to maintain a high ethical standard at all times… to make no excuses… to have fun".

The man behind Qinisa is Justin Mthembu, who is described in the company's advertising as "the rising star of South African construction", a man whose "humility shows in his hands-on approach".

Mthembu was not available for comment (could it have been his humility, or perhaps his refusal to make excuses?)

Noseweek spoke to legal manager Anthony Faul. It was a surreal phone-call. After putting the various claims to him, his response suggested that he had no idea what we were talking about, then he got angry and said *Noseweek* should speak to the company's external attorney.

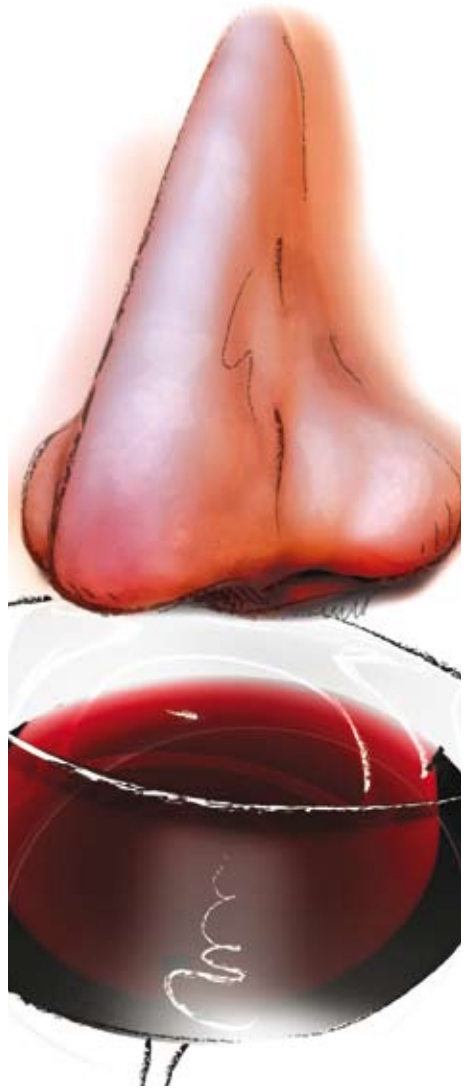
Why do that if there was nothing in the story? Faul's response was that he was sick and tired of all the slanderous rumours.

Richard Hoal of Cox Yeats in Durban, decided to issue a "no comment", after consulting his client.

As for MTN, an external spin-doctor named Iwan Pienaar sent *Noseweek* a perfectly polite email, confirming that "there is a dispute between Umbutho and Tswela", and that Tswela has obtained a court order against Umbutho not to continue with the construction "until their issues are resolved".

As for Qinisa, Pienaar said that "MTN has never bailed out Qinisa… MTN is not in the business of funding other companies... with regard to whether IDC failed to step in to assist Qinisa, MTN cannot comment thereon as MTN was never a party to such engagement".

An MTN employee by the name of Morwesi Ngwetjana showed decidedly less *Ayobaness* (approval) when he wrote to Smartcon's Pieter Swart, who was pleading with MTN to intervene and resolve his dispute with Umbutho. Said Ngwetjana: "With regard to your contacting the media, MTN reserves its rights to take any appropriate position where MTN's reputation is being damaged without appropriate cause."



We have a nose for advertising.

If your brand is not where you think it should be, then talk to us.

We'll sniff out the right strategy for you.

O'Donoghue
& ASSOCIATES ADVERTISING

031 2086166
www.odonoghue.co.za

Battle lines drawn over Goose's golden egg

Yes or no? It's decision time for the giant Lagoon Bay project near George

THINGS are hotting up at LagoonBay. The monstrous proposed development – of two 18-hole golf courses, 866 plots, 320 lodges, 150 apartments, and one private game reserve – is not only set to destroy 800 hectares of lovely countryside in the George area between Glentana and Herold's Bay, it will also use an extraordinary 5 million litres of water a day, in an area where the stuff is in desperately short supply, so a lot of people are very firmly against it. (See *nose*123.)

There are also many who are determined to see it materialise – like the developers, the "take-no-shit" father-and-son team, Thys and Werner Roux, of Pretoria, who have useful people on their board of directors, like Mathews Phosa (former premier of Mpumalanga; member of the ANC's NEC; and director of every second company with embarrasing links to apartheid SA).

The application for environmental approval was initially turned down by the Western Cape government, then suspiciously reversed by ANC Minister Pierre Uys (yes him!) on his last day in office.

An environmental group has now gone to court to have Uys's decision reviewed.

While the LagoonBay developers have been decidedly slow to file answering affidavits, members of the environmental group, meanwhile, have been subjected to all sorts of threats and intimidation: arson; loosening of vehicle wheel nuts; and talk of hit-men. This seems to have been orchestrated by local groups in favour of the project, like the "Ex-Political Prisoners Committee" – Mathews Phosa and the "George Leadership" – who make stupid and inflammatory statements including: "The greenies from Glentana and their lawyers are taking bread out of the mouths of the children of the poor and unemployed".

Meanwhile, the rezoning application has been approved by the municipality (the ANC-led coalition voted for it, the DA minority abstained) even though both the Western Cape and national agriculture departments opposed it. (The national department has recently mysteriously changed its mind and issued a fresh letter supporting it).

Even the municipality's own planning department expressed strong opposition to the development, saying in its report that there had been "substantial non-compliance" with the spatial development policy – which states that "route sections and the adjacent countryside are memorable gateways to Cape Town and the Garden Route respectively, and urban development has


Artist's impression on the Lagoon Bay Hotel


Laurie Dippenaar

"You guys stand accused of supporting an 'environmental rapist' (LagoonBay) How do you plead?"

Former FirstRand boss Laurie Dippenaar

already substantially subtracted from their visual quality, and no further deterioration should be permitted".

The planning department also pointed out that "there are many areas in the Southern Cape where farmers are struggling due to unviable or uneconomic land portions, the unavailability of clean and sustainable water resources" and that, as regards the supposed benefit of a satellite town to house labourers that is being created, "there is absolutely no guarantee that the proposed community village envisaged by this proposal will not become another one of these problematic settlements in George that will require assistance from the municipality".

The rezoning issue is now with the DA minister of environmental and land-use issues, Anton Bredell (yes him!),

The Rouxs are putting serious pressure on him to make a decision after he complained that the matter was complex and that his file was incomplete (Surprise, surprise: the municipal planning department's negative report was missing),

The developers brought a High Court application in February for an order requiring Bredell to hand down a decision within three months. Rather than oppose the application, Bredell has agreed to issue a decision within that period.

So why are the Rouxs so keen to get the rezoning through, when they're clearly in no rush to have the review of the environmental approval heard?

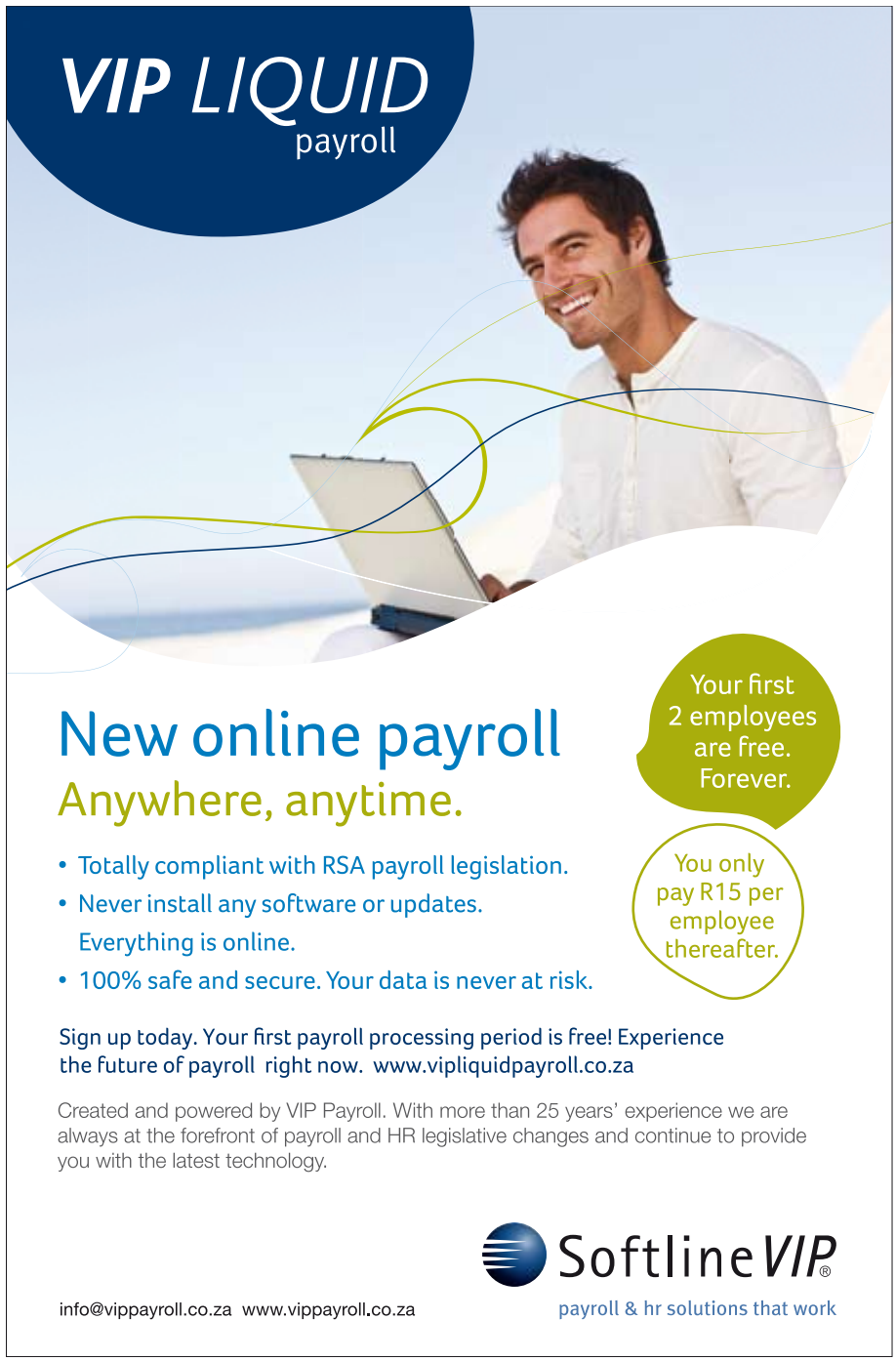
Well, it may be because Rand Merchant Bank (RMB), which is funding the project, has made it clear that it won't release any more of the promised R600 million until the rezoning is through.

The Rouxs need the money, *inter alia*, to purchase 180 hectares they desperately need for the development. This land is owned by one Dirk Herzog, who's a bit pissed off because the Rouxs reneged on their promise to give him some prime plots in the new development in return for his land. And because he found out that another big name associated with the development, the golfer Retief Goosen, who will be lending his name to the development, covets the very same plots.

Could it be that RMB is regretting its decision to get involved in this highly unpopular development?

Certainly it's aware of the pitfalls. As far back as 2004, Laurie Dippenaar – then FirstRand Group CEO – seems to have had his ear bent by a greenie with whom he went hiking, and sent an email to Ed Grendel and Willis Meyer of RMB saying: "I received the attached email from a friend. It is self-explanatory. In a nutshell, you guys stand accused of supporting an 'environmental rapist' (LagoonBay) who are proceeding to bulldoze a sensitive ecosystem before all the legal requirements and formalities have been complied with! How do you plead to this charge?

"Seriously though, I would be bitterly disappointed if there is a disregard for environmental issues. Secondly, if owners of holiday homes intend rising up in protest, there could be a reputational impact for us (our logos appear on their website). I would appreciate your feedback."



Driven round the Benz

The dealership demanded R21,000 – the Bulgarians did the job for R5,140

MOTORISTS are getting ripped-off and nobody seems to care; the big cost of owning a car is not in the purchase price, but hidden away in some obscure clauses demanding that your high-end vehicle must be serviced by an "authorised dealer" and that that Special Part – be it fuse, bulb or spare key – must only be bought through one of these dealerships at an always-over-inflated price.

Even a simple adjustment, such as having the central control unit (the car's computer) reset is laid down in the small print, and, to get a regular service carried out, owners must call and book, sometimes weeks in advance, and are often held to ransom by the manufacturers.

One Cape Town motorist, Attila Allmann – who had until recently regarded himself as a proud Mercedes-Benz fanatic – has a complaint that echoes numerous other cries that have reached *Noseweek*.

Allmann took his Vito Bus CD115, with an odometer reading of 105,000km, to Mercedes-Benz Culemborg when its central control unit seemed faulty.

"A diagnostic test was carried out and I was quoted, on paper, R21,261.65, to have the unit replaced. It was clearly pointed out to me by the dealership that this is the only possible way of carrying out the repair. I was never offered any alternative.

"I approached the spares department at the dealership, requesting the part number that needed to be replaced and was told this was impossible as employees are under strict instructions not to divulge any part numbers to clients."

Ironically, when Allmann opted not to have his car attended to and requested a quotation, the part number was clearly stated on the sheet of paper.

He turned to the internet and "within a few clicks" found that very part being offered by three UK-based suppliers for the equivalent of R8,500 – including shipping and taxes – that Special Part that the local dealership had claimed "needed to be specifically pre-programmed in Germany by Daimler AG for my Vito".

When he told Mercedes-Benz Culemborg about his bargain find, they warned him that if he were to buy the part from Britain, it would not work in his car. He was also discouraged from buying the Special Part second-hand out of a salvaged Vito, which would have cost him R8,000. But Mercedes-Benz Culemborg was adamant: "our Special Part, or get lost".

Idling between the devil and the deep blue sea, Allmann then hit on the idea that the part could simply be repaired, but his inquiry about that seemed to be regarded as offensive by Culemborg staff who snootily told him: "computer parts can never be repaired; just order the damn Special Part through us!".

"At this point, I followed the advice of John Davidson of Connoisseur Autohaus in Somerset West, a pre-owned car dealer, who referred me to Dimitri Stavrev of D S Auto Electronics in Montague Gardens. These unassuming, gentle and highly professional Bulgarians have since repaired the CCU for R5,140 including VAT and have given me a year's guarantee.

"DS Auto Electronics have more diagnostic

DS Auto Electronics workshop in Cape Town

equipment than all the Mercedes dealerships in South Africa put together.

"They carry out simple electronic component replacement on the motherboards and, to put a cherry on the cake, they can carry out the programming as well.

"This roller-coaster journey has made me acutely aware of the highly organised cartel in the auto industry in South Africa – which is bent on making outrageous and excessive profits.

"Furthermore, I am of the opinion that Mercedes clients are treated with condescension and contempt: if they can afford a Mercedes, they have money, therefore we'll milk the suckers. Most of their clients probably reel from the punch then reluctantly pay up.

"No dealership should be allowed to make such a massive profit on a part that simply shouldn't fail – and that's before labour is factored in. The fact that I was able to save myself more than R16,000 speaks volumes."

Allman's repair by an "unauthorised company" seemed to have irritated, Mercedes-Benz SA: Culemborg's service administrative manager then phoned to inform him "bluntly and without any explanation, that my request for a claim against the CCU part would not be entertained by Mercedes".

The vehicle has 105,000km on the clock and the Special Part is not a mechanical working component, Allmann points out. "So much for paying for quality! I also find it unacceptable that I was given no explanation as to why Mercedes would not entertain my claim! Their approach is, 'take that, say thank you, shut up and pay up'."

When *Noseweek* contacted Mercedes-Benz South Africa, we received two sets of responses. In the first, Leon Knoesen of the "vans division" wrote: "…we would like to assure you that the problem that Mr Allmann has experienced with his vehicle and Mercedes-Benz Culemborg is sincerely regretted. We have a full understanding of his disappointment, inconvenience and resultant frustration. As manufacturer, we take this sort of information from our customers very seriously..."

"Mercedes clients have money, therefore we'll milk them"

Very seriously indeed. Five days later, the same Knoesen sent an addendum to his earlier response: "We would like to assure you that it is certainly not Mercedes-Benz practice to withhold information from customers. Nevertheless, we have addressed the concerns raised by Mr Allmann with Mercedes-Benz Culemborg."

The monopoly supplier goes on to say: "Mercedes-Benz South Africa replacement parts are priced using various factors, ie movement, competitiveness within the SA market, R & D costs, storage and delivery cost, inflationary increases/decreases, parts segmentation etc. Based on the aforementioned, Mercedes-Benz SA adjusts and constantly updates the pricing system and pricing of individual components. We have revised the pricing of the component, taking into consideration the latest parameters, and have adjusted the price accordingly.

"Mercedes-Benz SA is however not able to comment on the price if sourced directly from abroad, as all our imported parts are purchased from our parent company in Germany. Nevertheless, we will bring this matter to their attention and address it accordingly.

"With regards to the control unit repair, we wish to inform you that Mercedes-Benz SA, regardless of which control unit is deemed to be faulty, does not and will not under any circumstances allow any repair to an electrical control unit. As per our directive from Daimler A G, it will be replaced. This is to protect the customer from any consequential and unforeseen damage that may result from repaired electronic control units."

Well, judging from the number of motorists queuing up in Montague Gardens at D S Auto Electronics, Mercedes-Benz SA (and by extension, Daimler A G) should think again about their exploitatively marked-up Special Parts because, as consumers become more internet literate, they're likely to vote with their wheels.

Mr Nose

Amazement as insurance company does the right thing

DOWN but not out

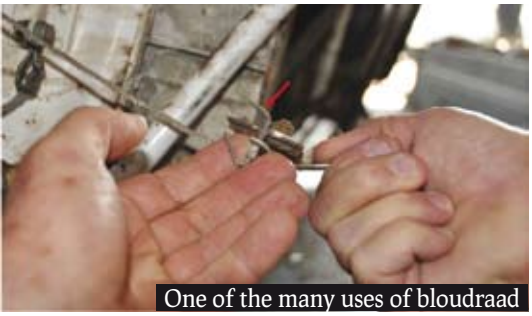
HOORAY! Hooray! At last Mr Nose has a good news story about an insurance company.

Scene one: Game catcher Henk Renken takes off in his helicopter – as is his professional wont – to track an eland bull in the Limpopo bushveld. He's hardly up in the air when the subsidiary drive shaft on his Hughes helicopter shears and the craft plummets to the ground. Renken is seriously injured, the helicopter is a total write-off – and the eland bull is left to browse undisturbed for one more day.

Scene two: The insurance company sends an experienced old salt by the name of Viv Hodges to have a look at the helicopter. He quickly discovers a thing or two not as they should be – well, two things. One of the pulleys through which the wires to the clutch on this helicopter traverse is held together by a piece of *bloudraad* – steel fencing wire, standard first-aid kit for broken-down oxwagons and tin lizzies in 1922 – in place of the normal specified high-tensile bolt. And, horrors, the copter's airworthiness certificate has expired. Consequently the insurer writes a

polite letter to the client saying that these things are not acceptable and that they do not intend to pay out the claim.

Scene three: The intrepid aviator appoints Independent Forensic Consultants to re-evaluate the claim. In the spirit of objective scientific investigation, Independent Forensic Consultants come to very much the same conclusions as Viv Hodges had



One of the many uses of bloudraad

reached, namely that these derelictions were indeed present: the aircraft had got a bolt replaced by a piece of *bloudraad* and its airworthiness certificate had lapsed. However, it was also established that none of these features played any role in the causation of the air crash.

The crash had resulted from metal fatigue in the lower rotor shaft and that could not have been anticipated. As for the airworthiness certificate, that was merely a bureaucratic formality which the aviator thought had been done by his maintenance organisation, while the maintenance organisation thought that it had been done by the operator, so by an oversight, the R200 was not paid and the certificate was not issued.

The aircraft had, however, undergone all the requisite flight examinations and services that were required by the aircraft manufacturers. There was every reason to believe it was fit to fly. It was not airworthy only insofar as it did not have a current certificate of airworthiness.

The copter's maintenance schedule required the maintenance organisation to examine the rotor some time in the future and the break was one of those things that just happen.

The *bloudraad*? The presence of a sturdy, trusty piece of *bloudraad* in the pulley indicated one thing and one thing only: that the pre-flight check by the aviator himself was rather good in that he had picked up on the missing bolt and decided to take no chances before he took off. It certainly played no role in the aircraft crash.

Scene four: Normally, insurance companies are very quick to seize upon this sort of thing to justify repudiating a claim. But in this case, a brief chat with aviation assessor Rod Sievwright at Regent Insurance quickly persuaded that company to take a different approach this time.

Indeed, Regent's manager: aviation, Dave Rijntjes, decided that it would not rely on technical loopholes to repudiate this claim, as it was probably entitled to do in law. To fulfil a moral obligation to their client, they made him a generous settlement offer – not offering the full amount – but a generous settlement nevertheless.

We are delighted to be able to tell this story, which shows that, believe it or not, an insurer can show a human face. Regent's decency and, yes, compassion, has seen an enterprising aviator back on his feet and able to continue his career. Which, after all, is what insurance is all about.

PARIS FRANCE
Sunny, spacious apartment
Fully equipped kitchen
5 mins from Champs Elysees, shops, restaurants, airport shuttle & metro.
English TV, free internet and phone.
€110 per day
25 Rue Paul Valery, 16th,
Metro Victor Hugo
anne@pvalery.com 082 900 1202
www.pvalery.com

NEED TO CATCH A SNAKE?

VUMBULULA
RESOURCES (PTY) LTD
PRIVATE FORENSIC INVESTIGATIONS
+27 +83 357 8555
mark@vumbu.com

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

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

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

Refining the art of leisure
Calming life's tempo
Striking the right chords
Fine jazz. Fine music. Fine Radio

FINE MUSIC RADIO
101.3
and now on
94.7
(Hout Bay & Llandudno)

Angry Cape Town neighbours in a froth over the Chinese Consulate next door

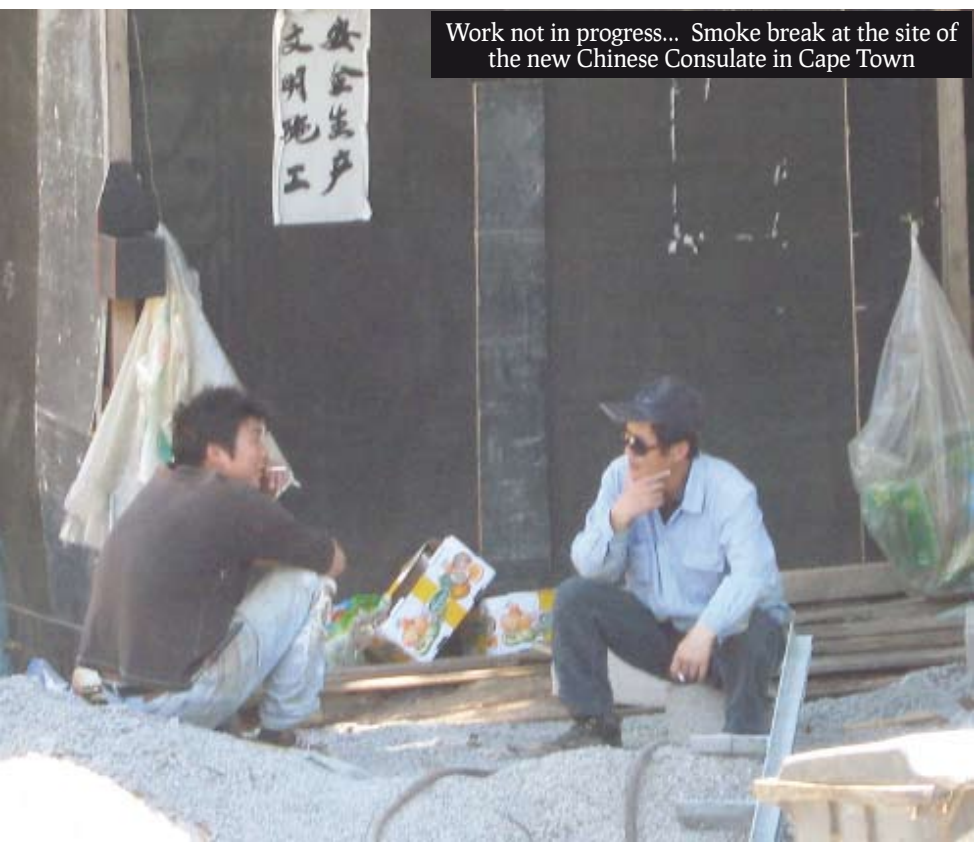
Gobsmacked!

IN A JANUARY edition of *Time Magazine*, entitled "China's Split Personality – As its global power grows, China is displaying both a smile and a growl to the watching world", it speaks of the "Two faces of China in the world today. One side is suave and cosmopolitan. The other is assertive and even arrogant".

Giovanni Lorenzi has first-hand experience of the Jekyll and Hyde nature of the world's latest superpower. Lorenzi lives in the upmarket Cape Town suburb of Fernwood, close to Kirstenbosch Botanical Gardens. Lorenzi and his family have lived there for 12 years and, although they were very happy at first, the past four or five years have been a nightmare. That's because the Chinese government has been building the mother-of-all-consulates right next door to Lorenzi's rather lovely Tuscan pile.

Lorenzi is fed up for a number of reasons. He can't understand why the Chinese government – which uses only imported Chinese labour (all 60 of whom sleep on the building site) and materials (other than sand and cement) – has been allowed to build for over four years. Work that has involved, in Lorenzi's words, "excavating and removing boulders larger than many RDP homes", "incredible dust storms". as well as power and telephone cuts. He's alarmed by the huge increase in traffic on Rhodes Avenue, caused both by trucks delivering building materials, and people coming for visas and the like (although building works are still going on, it appears that consular activities are being conducted from one of the completed buildings).

Lorenzi was unable to get answers from his local councillor, Neil Ross, so on 17 January 2011 he wrote to Premier Helen Zille, copying his letter to the Chinese Consul. His anger is obvious from the outset: "My family has resided on the land peacefully for the past 12 years… the last (almost) four years have been made a living hell by everyone's favourite friend, The People's Republic of China" – people who, Lorenzi says, "fail to respect norms of decency according to the cultural values of the country that hosts them".



Work not in progress... Smoke break at the site of the new Chinese Consulate in Cape Town

Lorenzi discusses in detail the latest outrage: "The Chinese approached us advising that they wanted to erect a two-metre-high concrete boundary wall, which would have meant walking out of our front door and straight into a concrete wall 4m away… we managed to convince them not to erect the concrete wall and they came up with a double steel barrier system… 10 days ago they advised by phone that they would… place a 1m electric fence on top of the double steel barricade… all that is missing now is a sign saying 'Concentration camp China'."

(*Noseweek* actually thought the fence looked pretty good, and certainly inoffensive in the circumstances.)

He discusses more general complaints: "We have been the victims of Chinese torture in many different ways… our aural senses have been subjected to the early morning routine of 60-or-so Chinese workmen clearing their throats and nasal passages with (much) gusto and disposing thereof [evidenced by disgusting globs all along the boundary – obviously Beijing's olympic no-spitting rule never reached Cape Town].

"This usually starts from about 5.30 in the morning and more often than not gives the

impression that the clearing and discharge takes place with a precision that borders on the orchestral… between 06h45 and 07h00 they begin their incessant banging on a concrete mixer on site… at 07h00 sharp, work commences and the cacophony of aural terrorism reaches alarming proportions and continues throughout the day until about 18h30 to 19h00 (I suppose there is a lesson for many of our South African brothers and sisters with regard to the work ethic instilled, enforced or drilled into the Chinese work force.)"

He talks about the unfathomable nature of the people he has to deal with: "The Chinese consular authorities (as opposed to what appears to be some small-in-stature but large-in-influence political type of officer with whom we have had to deal) on occasion, at least tried to display a modicum of accommodation of our concerns… the pattern is, however, always the same, they do something, we complain, a delegation (never fewer than 4/5 persons) accompanied by an interpreter visits us, they bring a gift or gifts (normally green tea) – then they leave, and very little, if anything, changes, they simply do what they wish."

He goes on to talk more about the mysterious "little man" who doesn't appear to form part of the consular authorities but rather seems to be some "political-type appointee" and who intimidates the consular staff into absolute silence… they advised that they would refer the matter "up the line to Beijing".

Lorenzi ends with a threat of his own: "So we are left with the following options, plant Free Tibet flags on our side down our 50 metres of common boundary and on the properties of all sympathisers in the area…"

Zille hasn't responded, but the Chinese Consul General, Hao Guangfeng, wasted no time. In fact he came to see Lorenzi at his home, and asked that he refrain from recording the conversation. Hao then made nice, talking of good neighbourliness and offering a compromise on the electric fence, which entailed its being placed at a 45-degree angle and therefore making it a bit less in-your-face. Hao also made it clear that the Red Army would not be best pleased if Lorenzi were to start flying Free Tibet flags.

We know that foreign embassies are regarded as sovereign territory, but how exactly do these things work? When *Noseweek* asked the City of Cape Town to explain how the Chinese government was able to do what it's done, the response came in writing from the city's Director: Planning and Building Development Management, Cheryl Walters. Some of what she said was surprising:

"The consolidation of properties does not require the approval of the City of Cape Town… the sale and subsequent acquisition of the properties to the Chinese government is not a matter for the City of Cape Town to control. The city has played no role in the acquisition of the land by the Chinese government and has no direct knowledge of the details of the manner of registration. The acquisition of immoveable property in the Republic for foreign missions or consular posts requires the consent of national government… Further details can be obtained from the Diplomatic Immunities and Privileges Act 1963… [which] provides that the Vienna Convention on Consular Relations… shall have force and effect of law… representatives of the foreign state must respect the laws and regulations of the receiving state. However, should they fail to do so they enjoy immunity from the criminal jurisdiction of the receiving state…

The sign the Chinese Consulate forgot to put up?

"The Chinese government submitted sketch plans and a consent application… both of which were approved by the city… the proposed buildings complied with the parameters and requirements of the Zoning Scheme… According to our records the building work commenced on 29 October 2007. Once commenced there is no time limit for the construction to terminate. It is understood that construction work has been more or less continuous since commencement and that it is almost complete… Building work has been carried out in accordance with the approved plan.

"It needs to be pointed out that at all times during the seven-year relationship with the Chinese government they have always been most cordial, cooperative and responsive to the city's requirements."

The Chinese clearly march to the beat of their own drum. When the new 32,098m2 Chinese Embassy was built in Washington a few years back, China again only used Chinese labour, something that raised the ire of unions in the US, especially as the country was already in the grip of the Great Recession.

Why use only Chinese labour? In an article that appeared on Bloomberg.com, former US assistant defence secretary Ashton Carter was quoted as saying: "They think our workers will implant bugs. And if China isn't careful, we probably will. They may also want to shield rooms or equipment used to gather information."

If embassies and consulates are little more than spy centres, should we be concerned that the new Chinese Consulate is in a ministerial neighbourhood?

Work in progress... The new Chinese Consulate in Cape Town

Judge dances to strip club tune

Strippers are not workers: they are contractors who pay clubs to display their wares

FOR YEARS, strip clubs have been duping Home Affairs. To save money on permits for their foreign exotic dancers, they call them "workers", whereas it is the women who have to pay the clubs that exploit them.

Home Affairs issue the clubs with corporate permits, allowing them simply to apply for a Worker's Authorisation Certificate for each of the hundreds of strippers, mainly Eastern European, they bring into the country for three-month spells to "dance" at their venues.

After the Immigration Act of 2002 became law, a policy decision was taken by Home Affairs – then under IFP leader Mangosuthu Buthelezi and Dr Mario Ambrosini (see *nose*117) – that Mavericks was entitled to recruit foreign dancers, provided they plied their trade in South Africa for no longer than three months, on non-extendable visitors' permits.

But an amendment to the Act gave blanket authority to the Minister of Home Affairs over issues that came under the jurisdiction of other departments – such as labour, internal security and foreign affairs. Even residency could be granted without, say, checks on any criminal activities in their country of origin or whether their skills were in demand.

A 2004 amendment tightened the definition of "work" to be "employed or conducting activities consistent with being employed or consistent with the profession of the person, with or without remuneration or reward, within the Republic". This meant dancers were regarded as workers who required work permits, for which there is a fee.

Mavericks contested the requirement in the Cape High Court, and won. The court said the club could convert their dancers' visitor permits to corporate permits, as provided for in the Act. Soon afterwards another club, Teazers, then owned by slain sleaze boss Lolly Jackson, lodged a similar conversion application.

However, both clubs still had some issues, mainly to do with finances: corporate-permit applications cost R1,520 and required "financial guarantees… to defray deportation and other costs should the corporate permit be withdrawn, or certain foreigners fail to leave the Republic when no longer subject to the corporate permit".

High-priced immigration attorney Gary Eisenberg (close friend of Ambrosini who drafted the original Act) identified a loophole in the legislation for Mavericks: it was the club that needed the corporate permit, but individual workers (dancers) simply required a Worker's Authorisation Certificate. This gave Mavericks grounds to contest the financial requirement in the Cape High Court – which ruled in the club's favour, allowing Mavericks to bring in foreign dancers without paying a guarantee for each woman. All other strip clubs were similarly relieved of that financial burden.

But they got off the hook under false pretences: the clubs' owners are failing to disclose to Home Affairs that the dancers are not "workers" paid by the clubs, but under contract to the clubs to display their wares at club premises.

Noseweek got hold of a contract used

by various European agents to recruit women for Mavericks. It unashamedly demands R2,500 for visas – money the club has been exempted from paying by the high court – and another R2,500 for renewals. It also states: "Mavericks Revue cc collects R2,000 per week on behalf of the main agents and the sub-agents".

The club also charges them a weekly levy of an undisclosed sum.

Mavericks accommodates dancers "in our accommodation block which is over 5 floors above the club in Cape Town") where "the weekly rental [R850] as agreed and notified to your agent, will be paid weekly in advance".

Also, a dancer who breaks her contract and "departs the club before the end of her shift will be subject to an early departure fine of R1,500".

The contract makes no mention of any form of remuneration by the club. How do the dancers raise the money to settle these bills? Although the clubs call their dancers employees, they are never paid by the club, and only receive remuneration from the customer.

The contract also stipulates the kind of performance expected:

"Downstairs table dances for a maximum of four customers: R200, (R50 per every additional customer); Downstairs lap dances in private booths: R250 for two songs; Double shows: R250 for two songs; Platinum Lounge Private Dances R750 per dance per 15 minutes; Extravaganza Club Private Dance R1,500 per dance per 30 minutes; Mavericks Library Private Dances R3,500 per dance per hour.

"All dancers must perform at least one full stage dance rotation on every shift… Dancers must strip to their G-strings during each of these two-song dances… On average each song lasts two-to-three minutes", and for the "Fantasy Show", which lasts for "four songs of approximately 10 minutes", dancers, "must strip completely..."

Recruiting dancers for Teazers, is J V Entertainment Inc of 5455 Wilshire Boulevard, Suite 2114, Los Angeles, California, run by Yuliyan Ivanov Andreev. That contract stipulates: "Teazers shall credit the Dancer with 50% of the cost of the air fares. The Dancer shall reimburse the money within 60 days after beginning of employment.

"Teazers shall provide the accommodation at a rate of R3,200 per month… The Dancer shall pay Teazers a levy of R1,000 per week. The Dancer shall pay the Agency a commission of R900 per week."

As with the Mavericks contract, there is no mention of the club remunerating the dancers – who are, in fact, self-employed using the club's premises. Operations are no different at Arabesque Restaurant and Revue Bar, the company that took Home Affairs to court late last year in an attempt to get their corporate permits back after a raid that revealed several illegally obtained permits.

How could Judge Bennie Griesel of the Cape High Court have ordered the reinstatement of the questionably obtained work permits? The seemingly not-so-learned judge agreed with Autumn Skies, also trading as Arabesque, that Home Affairs and the SAPS should have warned the owners of their plans to raid the club. *[Does this apply to tik dens too?* – Ed]

Arabesque's contracts correctly refer to their dancers as contractors: "The Contractor agrees to pay the Company a fixed weekly fee… [of] R1,100 [which] may be adjusted. …pay her overseas agency commission [of] R1,000 [which] will be collected by the club and transferred to the agency."

Could Home Affairs officials be blind to these shenanigans?

And is *Noseweek* missing something that only His Lordship can see?

■ See copies of Judge Bennie Griesel's judgment on *Noseweek's* website, as well as copies of dancers' contracts.

Medical aid uses technical loophole to squirm out of paying for life-and-death operation

THERE when you need us most, is the reassuring slogan used by Compcare Wellness – but sadly for the Duarte family, it has proved an empty promise in their darkest hour. In a case which is literally a matter of life or death, the medical insurer has given them the cold shoulder, refusing to pay, on an outdated technical point.

Pedro Duarte, a self-employed electrician from Centurion, has been a member of Compcare's scheme for over 12 years. His 25-year-old son Niki, who was until recently studying electrical engineering at the Tshwane University of Technology, is a listed dependent covered by Pedro's policy. In 2009 the Duartes' world came crashing down when Niki was diagnosed with acute lymphoblastic leukaemia. From August 2009 until December 2009 he received intense chemotherapy. This came at considerable financial cost of course, but Compcare picked up most of the tab: Compcare paid some R800,000 and Pedro, roughly R40,000.

Then came the really bad news: Niki suffered a serious relapse, and the Duartes were told that if he didn't have a bone marrow transplant he would die. That's when Compcare started getting difficult.

With bone marrow transplants, doctors typically first look to the family for a matched donor. The Duarte family was screened (at Compcare's cost) and no suitable match was found. The search had to be widened, and Pedro would have to pay. That's because the Medical Schemes Act only requires schemes to pay for bone marrow transplants in cases where the donor is a family member.

This rule apparently goes back to 1998, and it's predicated on the fact that in those days it was believed that transplants from family members were the only ones with any real chance of success. This thinking no longer applies, as Niki's doctor, David Brittain, said in a submission to Compcare: "My understanding, from the discussions with members of your team and your correspondence, is that the transplant is being declined on the basis that, under the prescribed minimum benefits legislation, only related donor transplants are funded.

"If this is so, it is an outdated approach as the allogenic (from donor) transplant is what provides the survival benefit, and not the source. In the era of high resolution leukocyte (HLA) typing, unrelated (non-family) matched donors have an equivalent outcome to matched sibling donors in this scenario. In fact, only 30% of people have a matched donor sibling and currently half of our allogenic transplants use unrelated donors. Internationally, this figure is in the region of 66%.

"I would go so far as to say that it is unethical to deny someone a transplant based on the fact that his donor is from a registry, as opposed to a family member. Currently unrelated donor transplants are offered to patients in the state sector if their families pay for the sourcing of the stem cell (as in this case) or the cost of the stem cells is covered by fund-raising."

The submission did not impress Compcare, so Pedro had to pay the cost of a search of the South African register – some R80,000. But still no

BLOOD MONEY

match was found. So an international search had to be done. This cost Pedro a whopping R550,000, although it did at least result in a match. Which meant that Niki's transplant could take place.

Pedro has on a number of occasions put it to Compcare that, as he has found and paid for suitable bone marrow, the least they can do is pay for the transplant. After all, if they were prepared to pay for a transplant in the case of a family-member donor, why not pay for one where the donor is a stranger? Especially as there is no extra cost. But Compcare flatly refused. Not even in person (Compcare refused to meet Pedro), but in gutless little notes like this: "We regret to inform you your request for the above has been declined."

Unable to delay matters, Pedro decided to pay for the operation himself, for which he was quoted a beyond-whopping R750,000. The operation took place on 23 December 2010 and, when we spoke to Pedro on 2 March, he had laid out R950,000 – being the R550,000 he spent on getting the bone marrow, and some R400,000 towards the operation, with another R300,000 still owing. Pedro has managed this by mortgaging his house, which had been bond-free.

There is, of course, no guarantee that Niki will pull through – it can, apparently, take up to a year to recover from an operation of this sort and although the marrow hasn't been rejected, it is not clear yet whether it has taken. Worryingly, Niki had a relapse which resulted in his spending another three weeks in hospital, some of which was in ICU.

One thing Niki doesn't lack is guts: whilst awaiting the transplant and undergoing a course of chemotherapy, he obtained permission from his doctors to take part in the Cape Argus Cycle Tour with his father. Why? "It's my tenth Argus, I can't stop living, and I want to prove that it's possible to still carry on, it's another goal I can achieve – never give up!"

Pedro hopes that by bringing this matter to the public's attention, he may help bring about a change to the law. He says: "I'm pleading, I think it's immoral and I think it's inhumane: two-thirds of donors nowadays are unrelated and if two-thirds of patients can't pay, two-thirds of patients will die. How many people must die before the act changes? I want to expose this, I want the public to know."

Most corporate slogans are meaningless tosh, but Compcare's probably takes the cake: "There When You Need Us Most."

We have looked at Niki's case with the greatest compassion...

In its November 2010 newsletter, Compcare proudly made the following announcement: "As we come to the end of one of the most exceptional years in Compcare's history, we continue to go from strength to strength, delivering nothing but the best in healthcare to our members… Compcare has always managed to maintain reserves well above the Council for Medical Schemes' minimum 25% requirement, and now the scheme is growing its solvency level even higher as a result of its excellent financial performance in 2010. Members can rest assured that with Compcare they will always be well looked after."

Noseweek found it just as difficult to talk to Compcare as Pedro did. Asked for comment, Principal Officer Rod Hallowell sent this empty response from an outside PR spokeswoman called Martina Nicholson: "We are sure you will understand that it is somewhat difficult for us to engage freely with you on this matter without compromising the confidentiality of our medical scheme member and his son, Niki. May we assure you that Niki Duarte's health and wellbeing was very carefully considered throughout our decision-making process. We have looked at Niki's case with the greatest compassion and understanding for what he and his family must be going through. Funding decisions are made to ensure a good outcome for the patient, subject to the registered rules of the medical scheme and the prevailing legislative framework. The Council for Medical Schemes endorsed the decision in this case".

As alluded to by Nicholson, Pedro did take the matter to the Council for Medical Schemes, and the Registrar did find for Compcare. Pedro's last shot is an appeal that's set down for some time in April. Pedro will be representing himself. Compcare, with its excellent "solvency level", will no doubt be able to afford counsel.

■ In this issue *Noseweek* brings readers a rare story of an unusually decent insurer paying a claim that, on a technicality it might have refused to pay (see page 20).

Mutual & Federal's HOT DEAL

Instead of paying up on a claim, insurers put the boot in

ALTHOUGH Moccasin Footwear CC of Pietermaritzburg technically belonged to Shireen Sookgreep, her husband, Yusuf Essa, was the person who ran things. It was a pretty typical SME – a small factory, a staff of 40, and a loan of R1.5 million from the a self-financing Independent Development Corporation (IDC), the state-owned national development finance institution that provides financing to entrepreneurs and businesses.

But on 26 October 2002 something decidedly atypical happened – the entire factory burnt down. Essa did what one does in such circumstances; he submitted an insurance claim. In fact, he took it so seriously that he employed a professional to handle his claim, one Graham Cox of Ernst & Young. The claim was in the order of R5.5 million, with R5m representing lost stock and plant and machinery, and the rest representing interruption to business.

Mutual & Federal rejected the claim. The basis: fraud and a failure to take precautions to stop the fire.

This, despite the *Natal Witness* having reported on 28 August 2002: "The task of firemen attending to a raging fire at Moccasin Footwear… was hampered by the fact that the nearest hydrant was not connected to a

water supply."

And despite the fact that a report by one Dr Mark Froneman of Advanced Forensic Services – dated 7 November 2002 – found that "the exact cause of the fire could not be determined, as the scene had been spoiled by previous investigators... likely ignition sources for the combustible material in the north eastern corner was a fluorescent light fitting or a discarded cigarette end".

And despite the fact that the criminal charge of arson that Mutual & Federal laid against Yusuf Essa was rejected by Detective Commander, Superintendent CC Wiles, who said in a letter: "The Senior Public prosecutor has declined to prosecute in this case… chances of a successful prosecution are almost non-existent."

So Essa had to sue for the R5.5m. There was a complication in that the insurance policy that Moccasin had with Mutual & Federal had been ceded to the IDC as security for the R1.5m loan. It was a minor complication because the IDC agreed to re-cede the policy so that a legal claim could be submitted – which it did on 17 September 2003, acknowledging in the document: "it is their intention… to enable Plaintiff to pursue its losses and claims under the policy against Defendant for its own benefit… and the IDC, as cedent, hereby undertakes and agrees to take all reasonable and necessary steps to assist the Plaintiff, as cessionary, to do so."

The IDC's attorney, M P Silinda, confirmed the cession on 22 September 2003 in a letter to Essa's attorneys, Jassat & Jassat, and also asked to be kept up to speed on litigation proceedings.

Essa's understanding was that IDC would hold its claim against Moccasin until such time as the insurance case had been completed.

Mutual & Federal, needless to say, defended the case, and even submitted a counterclaim for some R500,000 – being the amount they had paid to Moccasin's landlord for damage to the building. All the necessary pleadings and court papers were filed.

But before the matter could come to trial, Essa received a nasty shock: the IDC sued Moccasin for its R1.5m.

This was despite the fact that it knew the company wasn't trading, and that the plan had been for the company to pay the IDC once it recovered its insurance money.

Moccasin didn't defend the IDC action and a judgment was granted.

Because it was anticipated that Moccasin's case against Mutual & Federal would be heard shortly, the IDC agreed not to execute its judgment until 30 June 2007.

But then Mutual & Federal pulled a fast one: it claimed that a three-day trial would never be long enough for such a complicated matter, and that Moccasin should reapply for a five-day trial. Essa did so in 2007, but by 2010 a date had still not been allocated.

Meanwhile, the IDC issued a writ of execution for the sheriff to attach the only asset Moccasin had: its claim against Mutual & Federal. In April 2010, the claim was attached and sold in execution to a white male who paid a mere R120,000. Since then, Essa has heard nothing further about the claim.

It took a while, but Essa thinks he has now figured out what happened. Mutual & Federal struck a deal with the IDC which went something like this: you make Moccasin's claim go away and we settle the amount owing to you, and in the process we save some R4m on the R5.5m claim against us.

Such a deal would have been easy to put together, especially as both companies were represented by the same firm, Mason Inc of Pietermartizburg. Neither the IDC nor Mutual & Federal answered our questions, but Mason Inc's senior partner Graham Shelwell sent us a lengthy written response. He admitted that the claim had been bought by one of his firm's attorneys on behalf of Mutual & Federal, and that the proceeds had been paid to the IDC's Johannesburg attorneys. He claimed that the reason the trial hadn't gone ahead in 2007 was due to Essa's decision to change attorneys, rather than the number of days required. He ended by saying that "there is nothing untoward in an attorney firm acting for a number of creditors against the same debtor".

Essa wrote to the President's helpline on 10 July 2010, asking for help: "Does anyone care – is it legal for a government parastatal to make a deal with Mutual & Federal at the expense of a private company employing approximately 40 people?"

…Especially a parastatal that is supposed to develop industries in South Africa, he might have added. Naturally, our dear President has not responded.

KINGS
ESTATE AGENTS
MARKET LEADERS IN
PARKTOWN NORTH
PARKHURST
CRAIGHALL PARK
The only place you will find us in NOSEWEEK is right here
ANDREW 083 655 0366
GREGOR 082 829 6969

This space is a snip at
ONLY R1750...
(Plus VAT)


Why not try it for size?
ads@noseweek.co.za
021 686 0570

VERITAS INTERNATIONAL
TRANSCRIPTIONS AND DIGITAL SERVICES
Recording and Transcription Company - The Best
HIGHLY CONFIDENTIAL WORK
Recording and transcribing of hearings, arbitrations, ccma, commissions
"Realtime transcription"
done overnight and weekends
rates for 1 week and 3 days
Offices throughout the Western/Eastern Cape & Gauteng
Specialists in the preparation of appeals to:
The High Court
Supreme Court of Appeal in Bloemfontein
and the Constitutional Court
Head office: 6th Floor, Nedbank Centre,
63 Strand Street, Cape Town.
Tel: 021 424 4424 Fax 086 601 5996 / 021 424 4555
www.veritastranscribing.co.za

THE WORLD ACCORDING TO RONALD BOBROFF

VETERAN personal injury attorney Ronald Bobroff, former president of the Law Society of the Northern Provinces and present arbiter of good taste and probity as a member of its ethics and rules committee, has launched a vitriolic attack on rival specialist lawyers, on his firm's website.

Some of the cyberspace pronouncements by Ronald Bobroff & Partners Inc:

On attorneys who advertise:

"RBP have and continue to receive instructions from many clients who were fooled by glitzy advertising into instructing incompetent or money-grabbing attorneys".

On attorneys who finalise cases quickly:

They are "usually dishonest or incompetent".

On small legal practices:

"Many firms, especially those that advertise widely on TV, are in reality one-man practices, i.e. just one director or partner. Most of the work in these practices is done by secretaries or junior personnel. Imagine entrusting your body to surgery when the operation is done by the doctor's receptionist or girlfriend!

Most small practices are desperate for cash flow and will often pressurise you into settling too early for too little. Personal injury and medical negligence claims are often very complicated and cannot be properly dealt with by small law firms";

On large corporate law firms:

"They merely have a department handling victims' claims and devote most of their resources and skills to representing the insurance companies which oppose these victims' claims. It is unlikely that they will prefer your interest above that of one of their major clients."

So what should a victim with a personal injury claim do? Switch to Ronald Bobroff & Partners Inc of course! So says senior partner Ronald Bobroff, who claims an "encyclopaedic knowledge of medicine and medico-legal issues". His website declares: "Few law firms doing medical negligence/personal injury work have the skills, decades of experience, medical knowledge or financial resources of RBP Inc.

"Ronald Bobroff & Partners Inc has been the leader in all medical negligence and personal industry claims for over 30 years and is regarded within South Africa and internationally as a firm that consistently obtains brilliant results for its clients.

"Your pain and suffering deserves the very best compensation. Ronald Bobroff & Partners Inc – 15 lawyers, together with paralegals and support staff – are ready and willing to help you achieve this. To help you change attorneys just follow this simple procedure." A four-step instruction on how to fire your present attorney and hand your claim over to Bobroff follows. "We can still assist you even if your former attorney refuses to release the file."

The Law Society's guidelines on advertising and marketing state that attorneys' publicity may not compare the quality of service provided by them to any other firm of attorneys, nor claim to be superior in any respect. Communications must not "derogate from the dignity of the legal profession". Communications must not involve "undue influence, coercion, duress, harassment or nuisance". Touting for work, directly or indirectly, is strictly forbidden.

The Law Society reminds senior partners that they are responsible to ensure that all publicity complies with the guidelines. "This responsibility cannot be delegated. Where the attorney becomes aware of any impropriety in any publicity appearing on his behalf, he must forthwith use his best endeavours to have the publicity rectified or withdrawn, as appropriate."

"RBP IS A FIRM THAT CONSISTENTLY OBTAINS BRILLIANT RESULTS"

The Law Society may order the alteration or "discontinuence of offending material".

Rival personal injury attorney Michael de Broglio, who is his

"IMAGINE HAVING SURGERY WHEN THE OP IS DONE BY THE DOCTOR'S RECEPTIONIST OR GIRLFRIEND!"

practice's sole director (although he has six attorneys on the payroll) is well known for his giant motorway billboards and lavish television advertisements. De Broglio clearly considers that the Bobroff website's cracks about "glitzy advertising" by "incompetent or money-grabbing attorneys" are directed at him, and has complained to the Law Society.

Although loudly vocal in private about Ronald Bobroff and his vitriolic website, De Broglio is against a public spat. "I have dealt with this matter confidentially via the Law Society," he says. "The matter has now been resolved. I don't wish to comment on it publicly."

Not so another irate personal injury attorney, Nathan Cheiman, who responds to the website tirade with some sharp retorts of his own.

"I find the website totally unprofessional and reprehensible in its approach to the public that view it," he says. "It's in flagrant disregard of the standards laid down for advertising by attorneys. Bobroff would be better off chasing ambulances, as he used to do when he was a single practitioner in the 1970s and 1980s, and to keep his mouth shut, rather than to belittle and humiliate his peers and colleagues.

"I have never come across such disgraceful behaviour and conduct by a senior attorney, and moreover one that sits on the Northern Provinces Law Society. In fact, on the Law Society he is a strong proponent of the anti-touting laws and has sat in many disciplinary hearings relative to unworthy and professional conduct."

An attorney who asked not to be named tells *Noseweek*: "Ronald has conceded that the website does not accord with the rules. He has said he had no knowledge of what was on his site and advised he will change it when he has time."

Ronald Bobroff claims he's unaware that he's upset anyone.

"We have no knowledge of any complaint and therefore cannot comment," he tells *Noseweek*. "Our new website was very recently erroneously posted by our in-house developer prior to same being checked by the directors. During the last few days there have been some amendments/corrections of embarrassing content, spelling and grammar and the whole site will be edited within the next week or so."

■ Personal injury attorney Anthony Millar of Norman Berger & Partners is suing Bobroff's firm for handling a case too slowly.

Millar took over the case, which involves a 12-year-old brain-damaged boy. The attorney (see Vuyo Zolani Matu R2.8m award story on page 9) testily declines to give *Noseweek* any details of his litigatigation against Ronald Bobroff & Partners Inc. However, Bobroff is courteously helpful. "We are aware of claims by Mr Millar that our Mr S Bezuidenhout – a very senior and experienced attorney – should have processed the claim of a brain-damaged boy of 12 more speedily," he says.

"Mr Millar took over the claim, which we understand he settled very soon thereafter." [Could this explain the website swipe at "usually dishonest or incompetent" attorneys who finalise cases quickly?] "The issue of brain injury to a child is a complex matter and each must be dealt with on its own merits," continues Bobroff. "The long-term interests of the brain-damaged child should always remain paramount, rather than a quick settlement which may prejudice the victim. The matter is being defended by attorney C Shirilele on behalf of the Attorneys Insurance Indemnity Fund, and the court will no doubt proclaim on the matter in due course."

Despite all the hype about Ronald Bobroff's "encyclopaedic knowledge of medicine and medico-legal issues", and his firm's reputation as "the premier medico-legal practice, leaders in medical negligence claims and Road Accident Fund claims since 1974", we hear there's a surprising *volte face* in his lawyers' pleadings in the Millar litigation. It is now denied that Bobroff is a specialist personal injury attorney; he must be judged by the standards of a "normal" attorney!

■ Subsequent to *Noseweek*'s exchange with Bobroff, the website was revised and the contentious passages removed.

"BOBROFF WOULD BE BETTER OFF CHASING AMBULANCES, AS HE USED TO DO WHEN HE WAS A SINGLE PRACTITIONER IN THE 1970S AND 1980S" – NATHAN CHEIMAN

"CLIENTS FOOLED BY GLITZY ADVERTISING INTO INSTRUCTING INCOMPETENT OR MONEY-GRABBING ATTORNEYS"

"YOUR PAIN AND SUFFERING DESERVES THE VERY BEST COMPENSATION"

Ronald Bobroff

Banks keep lawyers on a tight lead

If you've ever yearned to unleash the dogs of law on the high-street moneylenders, forget it: the legal beagles will never bite the hand that feeds

LONG AGO banks – and many other such large commercial enterprises -- ensured they had priority access to the best legal advice and representation by paying one or two major city law firms a monthly retainer. But that method is costly and its reach is limited. The banks have since discovered that they have the means to control the entire legal profession – at no extra cost at all: property conveyancing and the registration of mortgage bonds is the choke chain with which they bring the dogs to heel.

When the inflated cost of conveyancing comes up for debate, lawyers have successfully argued, time and again, that they both deserve and need to be allowed to monopolise the business. *Noseweek* has been persuaded that half the country's law firms would go bust if banks, estate agents and accountants, for example, were also allowed to do conveyancing – at half the fees charged by attorneys.

These monopoly profits purportedly serve as a sort of tax with which to subsidise the essential – but way less profitable – services of small-town and suburban divorce and criminal defence lawyers.

So it's established: only attorneys may do conveyancing. All that remains to be decided is which lawyer gets the business. But this is not something the man in the street gets to choose because – surprise, surprise – one monopoly leads to another. Since the demise of the country's building societies, the big five banks have monopolised the home-loan business, and anyone wanting a mortgage has to use the lawyer nominated by the bank to register the bond and the transfer. In short, the banks get to decide which attorneys get the business.

Any attorney who wants to be on a bank's conveyancing "panel" has to comply with various conditions and, of course, be of "good character". How does an attorney prove good character to the bank? For a start, they never act against that bank, ever: not even for their next-best client. Not even if the case against the bank is totally unrelated to conveyancing. You simply

don't bite the hand that feeds you.

You don't need to be a lawyer to realise that this raises serious issues of competition law – abuse of dominant positions and all that – not to mention constitutional law, given that the Constitution recognises that everyone has the right to legal representation.

When *nose*99 raised the issue, the banks had very little to say on the subject: Standard Bank denied that it imposed any restrictions on attorneys; Absa raised the confidentiality defence; Nedbank said that attorneys have their own professional rules to deal with conflicts; and FNB (First National Bank) denied it even had a panel – simply a "preferred list" – and claimed that it "fully supports the independence of the legal profession" (which surprised *Noseweek*, as the Cape Town law firm that *Noseweek* used to defend itself against First National a few years back withdrew from the case sharpish when it realised its conveyancing work was in jeopardy).

The big law firms were even more reticent: Mallinicks (now part of Webber Wentzel) raised the confidentiality thing; ENS (Edward Nathan Sonnenberg) – formerly known as Nedbank* – spoke of "private contractual arrangements", and the others (Jan S de Villiers, Hofmeyrs, Deneys Reitz, Routledge Modise, Cliffe Decker, Bowman Gilfillan, Webber Wentzel and Werksmans, (Yes, they all have different names now) chose to ignore *Noseweek's* questions.

The Law Society of South Africa, however, took up the cudgels with great alacrity. A mere two-and-a-bit years after our article appeared, an editorial on the matter appeared in the March 2010 issue of their magazine *De Rebus*. It was an interesting piece of writing. It started with a blatant falsehood: "A practitioner has lodged a complaint with the Competition Commission about a condition in a bank's letter of engagement appointing his firm to the bank's home loan panel of attorneys." (Bollocks, the complaint was lodged by a member of the public, one Cobus Potgieter, something *De Rebus* was forced to acknowledge in an erratum two months later, following a complaint from Potgieter that read: "The editorial is misleading and factually incorrect in that it suggests that your society has been proactive in bringing this matter to light, which is not the case.")

The editorial went on to show uncanny insight into the issues involved: "Clearly… the bank simply wants to discourage attorneys from acting for those who have claims against it. There is… at least anecdotal evidence that some banks… have deliberately disempowered the residents of certain towns from conveniently bringing claims against it by simply putting all the local attorneys' firms on its panel and subjecting them to similar conditions. Not only is such behaviour possibly anti-competitive but it also amounts to a form of denial of access to justice."

Most importantly, the editorial displayed a fierce resolve to tackle the issue head on. In a blistering attack, then-editor Philip van der Merwe said: "The condition complained of reads 'Your firm's panel code may be deleted if… your firm becomes involved in any legal proceedings against A (for some reason the letters BSA were left out) … either as a party or as legal representative of another party and irrespective of whether there is any conflict of interest or not…' Whether or not imposing such a condition is anti-competitive within the meaning of the Competition Act 89 of 1988 is of course a legal issue (something that the lawyers of the Law Society apparently can't comment on), but as far as the Law Society of South Africa (LSSA) is concerned, such a condition is certainly inappropriate and a matter for concern. The LSSA will discuss these types of conditions imposed by the banks with the Banking Council… It does seem time to have another word with the banks."

An "inappropriate condition", a matter "for concern", time to "have another word" – strong stuff indeed and the kind of talk that, no doubt, had the banks quaking in their boots!

So what's happened since? The Law Society's Barbara Whittle told *Noseweek*: "Before engaging the Banking Association on this issue, the Law Society of South Africa (LSSA) referred it to some of its specialist committees. After consulting the committees, the LSSA informed the Competition Commission that, from a professional point of view, it would not be inappropriate for an attorney on a bank's panel to litigate against the bank, unless a clear conflict of interest exists. The LSSA was of the view that the provisions of clause 13.6 of the 'letter of engagement' are inappropriate and unfair. The Banking Association has indicated to the LSSA that it cannot dictate the terms under which banks procure from their service providers, and it appeared that only 'certain banks' were involved in the issue raised" [would "certain" be four or five perhaps?].

Noseweek was told that the Competition Commission did consider the issue and found that Absa was breaking the law by imposing such conditions – although, mysteriously, the commission could not confirm that it had ever heard such a case.

No doubt the contracts that banks now require their attorneys to sign no longer contain such obviously anti-competitive terms, and the new procedure is for the bank to do a little audit of its law firms every year – a process that includes the question: "Have you acted against us during the past year?"

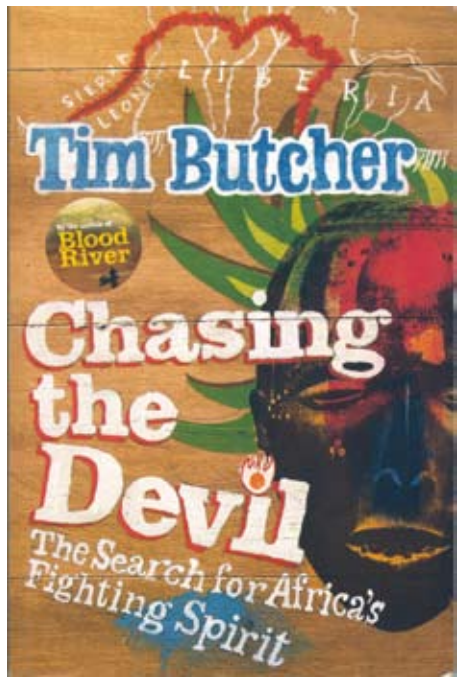
There's only one correct answer.

** Nedbank bought Edward Nathan some years ago in a deal that netted the partners some serious dosh, only to divest itself of the firm a few years later.* ◻

The law firm Noseweek retained against FNB a few years ago withdrew from the case when it realised its conveyancing work was in jeopardy

Going Greene

Len Ashton
reviews
Chasing the Devil
(Chatto and Windus)
By Tim Butcher



THE VIEW from the West is striking: Africa, seen from Europe and North America, remains a hugely theatrical concept. Disillusionment occasioned by examples of greed, cruelty and chaotic governance is tempered by a notion of glamour, of extremes, thrilling to the citizens of more sedate societies.

The shamelessly over-the-top cover of *Chasing the Devil*, with dominant voodoo mask, is appropriate to the cliche – but doesn't measure up to the fascinating contents.

At first glance, the idea of retracing Graham Greene's astonishing 1930s trudge through Sierra Leone and Liberia seems mildly opportunistic. It's not. This is a deeply informative insight into experiences which informed much of Greene's writing, and Butcher is a perceptive and observant guide to the *grand guignol* horrors, and occasional joys, of two ravaged countries.

This not just another ex-colonial guilt-fest. Butcher is a sophisticated, knowledgeable writer with a sense of humour. And, while he is not formally judgemental – he follows the strict *Daily Telegraph* style in which this ex-journalist was nurtured – he conveys more than enough drama and insight to satisfy both armchair travellers and academics.

South African readers will not be as awed as Londoners, for instance, by the exotica described – we tend to be a little bored these days by regular reports of ritual murder up-country. But the power of the devil dancers and their cohorts in contemporary Liberia is truly frightening. Vast territories are in thrall to ritualists who exploit omerta to terrify and torture with impunity.

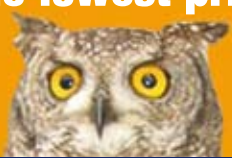
In Freetown, Sierra Leone, Butcher compares the colonial experience with that of Hong Kong. Both are situated on magnificent natural harbours of strategic importance, both have experienced turmoil. But Freetown has ended up as a caricature of the decayed tropical paradise, disembowelled by vicious warlords, drugs and greed. Hong Kong prospers mightily. The waste of human life and the pity are noted: also the seemingly ineffective aid programmes.

Followers of the fortunes of Liberia's deposed leader Charles Taylor – recently accused of pressing uncut blood diamonds into the innocent hands of disobliging model Naomi Campbell – will be interested to know that Butcher had attracted Liberian attention some time before his expedition.

He relates that in 2003, when Taylor's regime was staggering, a diplomat friend at the British High Commission in Pretoria called to say that intelligence had picked up a threat to Butcher from Liberia. What sort of threat? "The most serious type," quoth the envoy.

The notion of retracing Greene's march was not a mere whim. (Incidentally, Greene's doughty cousin Barbara accompanied him, wearing unsuitable shorts in an age when legs were not polite extremities in the West). Butcher spent time and money on an archival hunt which produced much valuable forgotten material on the great novelist's adventure. And Butcher contends that Graham did not give Barbara her due as witty

Chasing the Devil is a Chatto & Windus publication with a published price of R215. It is available from Loot.co.za for R180. We accept payment by Visa, Mastercard, or direct deposit to our ABSA bank account.

loot co.za
Over 7 million Great value Books
Massive selection of & Music, Movies Console Games
At the lowest prices!

Free delivery on orders over R220!
Telephone 0861 69-5668, info@loot.co.za

Graham and Barbara Greene

companion and brave adventurer at a time when there were few sophisticated comforts for travellers in rough territory.

Mind you, the Greenes did retain a string of bearer "boys", who often toted their employers through the jungle in hammocks. Ah for the days of Empire.

It appears that Greene was probably spying out the land for the Anti-Slavery and Aborigines Protection Society, according to papers Butcher found at Rhodes House in Oxford.

The ruling Liberian elite, mostly descendants of freed black slaves, had been systematically selling into slavery their compatriots from the hinterland. Large numbers of native Liberians had been loaded at gunpoint on to ships which conveyed them to the Spanish island of Fernando Po, to work on plantations.

Butcher is an engaging writer. He has an unusual eye for detail and character, so that the many ordinary and extraordinary characters he encounters in The Benighted Land, as Barbara dubbed it, remain in the mind's eye to charm, horrify or astonish the reader.

Chasing the Devil is a fluent, rapid read. Butcher is one of the few foreign correspondents (ex, in his case) who are also natural writers. The fact that he has a sense of the absurd helps: one needs to retain some sort of perspective after harrrowing encounters with drugged child soldiers and other nightmares. Does he see hope for these ravaged lands? Well, he doesn't despair. Not exactly, anyway.

"How would you feel if the mouse did that to you?"

THE TINTIN SHOP
South Africa
www.tintinshop.co.za
| Parkview Shopping Centre| Moreletapark| info@playstuff.co.za| Tel: 012 992 6107 |

Too busy reading your noseweek?

Don't have time to get *organised*?

Need help clearing and sorting your cupboards, study, garage, kitchen, or any other area of your home?

Call
Judith Penny,
Professional Organiser,

082 926 3531
judith@allsorted.za.net

all sorted
Creating order, creating energy!

CAROLINE'S WINE WAREHOUSE
PURVEYOR OF FINE WINES SINCE 1979

Buy handpicked value wine online,
at **R25 - R59 per bottle**
www.carolineswinewarehouse.co.za
Buy unsplit cases of 6 bottles
or mixed cases of 12 bottles

For more details, e-mail me on
carowine5@mweb.co.za

CAROLINE RILLEMA
CAPE TOWN

Sensitive readers should refrain from reading this linguistic excercise

Wh@t the ... ?

FOR A LAUGH, here's a bit of history you're not likely to find in any other South African news medium. It starts most unpromisingly as a meeting (at the University of Port Elizabeth in 1997) of the Language Commission for Afrikaans – *Taal Kommissie* – of the *Suid-Afrikaanse Akademie vir Wetenskap en Kuns*. That is the gathering of worthies who determine the "standard" or correct spelling and usage of Afrikaans.

Two factors lent great promise to the occasion: the chairman was the delightful Professor of Linguistics from Stellenbosch, Johan Combrinck, and on the agenda for that day's meeting was the word *fok*.

Some of those present at the meeting recall how the word immediately triggered the telling of jokes, all – appropriately – in bad taste, among them:

Michelangelo to the Pope: "You want me to paint fucking what?"

Noah (on that weather forecast): "Scattered showers? Like fucking hell!"

The mayor of Hiroshima: "What the fuck was that?!" (Or in the original: "*Kore wa, nanika fokku ni deshita ka*?"

This was followed by Combrink's contribution, which came in the form of a linguistic essay – in Afrikaans – based on a *Monty Python* sketch – which might explain why, although it is titled *Die Unieke Afrikaanse "Fok",* it works just as well in translation as The Unique English "Fuck".

Copies of this historic document are preserved in several private archives. The translation which follows is our own.

"One of the most interesting, most colourful words in Afrikaans [or English, or, we guess, any number of languages] is the word fuck and its relations. It's a magical word that, just by its sound, can reflect pleasure or pain, love or hate, discovery or frustration. It is one of the very few words that can fulfil the function of just about all word forms.

"It is used as a transitive verb: Fuck the lot of them!

As an intransitive verb: Oh, fuck!

As a command: Fuck it!

As an active verb: He fucked me over.

And as a passive verb: Now you're fucked.

As the main element of a range of compound verbs: fuck on, fuck along, fuckaround, fuck up. (More in Afrikaans, e.g. *uitfok, toefok, byfok, agteroorfok, agternafok*.)

Or as the stem of a verb: Now you've really fucked up.

As an abstract noun: I don't care a fuck.

As a proper noun: Have you seen what the fucker's up to now?

To qualify a question: How the fuck?

Who the fuck; why the fuck; where the fuck; when the fuck?

As an adjective: Where must I find the fuckin time?

As an adverb: He arrived with a fucking great smile on his face.

And as an exclamation: Oh fuck!

It can be inserted into words: un-fuckin-believable! (In Afrikaans, even into itself: *Nou is jy ge-fokken-fok!*)

It's used to describe a wide variety of situations:

Surprise: And how the fuck are you?! Where've you been all this fuckin time?

Fraud: The garage/bank really fucked me over.

Upset: Oh fuck!

Trouble: Now I'm fucked.

Aggression: Fuck you!

More aggression: I'll fuck you up!

Despondency: How the fuck am I supposed to do that?

Disgust: F-u-u-ck!

Pleasure: Fuck-a-doodledoo!

Incomprehension: What the fuck's that?

Authority: What the fuck do you think you're doing?

Lost: Where the fuck am I?

Panic at being late for an important event: fuck-fuck-fuck-fuck-fuck!

Conviction: Un-fuckin-doubtedly!

It can describe clock time: It's half-past-fuckin-five;

Circumstances: How did I land up in this fuckin job?

People: I'm no James-fuckin-Bond!

Places: All the way to fucking Durban

Things: Just look at your fucking shoes!

Or be the soul of a heartfelt invitation: Go get fucked!

In short, in Afrikaans – and English – fuck is un-fuckin-equalled!"

■ Fortuitously, in the same week that the above piece of linguistic analysis came to hand, a 70-year-old reader – a lady – who we are sure has never allowed the eff-word to cross her lips, somehow saw fit to send us the following joke. It neatly wraps up the theme.

A disgusting-looking character walks into an Absa bank and yells at the sweet-looking lady teller: "I want to open a fucking account!"

Shocked but well trained, she responds: "Excuse me, sir, I don't think I quite heard what you said. What is it that you want?"

He's not to be restrained: "Listen here, you dumb fuckin cow, I said I want to open a fucking bank account!"

"I'm sorry sir, but that sort of language is totally unacceptable and unnecessary in this bank," she replies, before bursting into tears and rushing to summon Mr Du Toit, the bank manager.

Mr Du Toit is duly shocked on hearing her tale and agrees absolutely that such behaviour will not be tolerated in any Absa bank. He immediately accompanies her back to the counter to confront the disgusting reprobate. "What's your problem?" he demands of the man.

"There's no fucking problem!" the man yells. "I've just won R27 million on the Lotto!"

"Ah, I see, says the bank manager, and this fucking bitch is busy fucking you around?!"

All very Calvinist: the only use the word appears not to have in Afrikaans is to describe the sexual activity it actually once denoted.

Which brings to mind a limerick:

On a date with a gorgeous young bird,
his amorous emotions were stirred.
Summoning bold virile pluck
he enquired: Do you fuck?
She replied: yes – but I don't use that word.

Subscribers can win!

Apart from having SA's top investigative magazine delivered to your door, you could also win one of five Ken Forrester wine packs. Subscribe now and stand in line to score.

CONGRATULATIONS TO THIS MONTH'S WINNERS:

Hans Malcomess, Musgrave
Michele Bentley, Observatory
Alan Jones, Ferndale
Ms Z Siyengo, Sandton
Doug Mundell, Kloof

Subscribe to 12 issues of noseweek and SAVE OVER 20% on the cover price. It's easy ...

Choose one of these straightforward options to get your **noseweek** now!

Subscribe **ON LINE** at **www.noseweek.co.za** or email **subs@noseweek.co.za**

CALL 021 686 0570 with your credit card details

Cheques to **Magazine Marketing & Subscription Services (Pty) Ltd** and **POST** to Box 44538, Claremont 7735

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

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

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

Postal address.....

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

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

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

THIS IS A GIFT FROM (if applicable):

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

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

THIS IS A ❑ New subscription ❑ Renewal

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

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

PAYMENT METHOD

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

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

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

Card number

Last three digits on reverse of card Expiry date M M Y Y

Cardholder's signature

Issue 138

The human factor

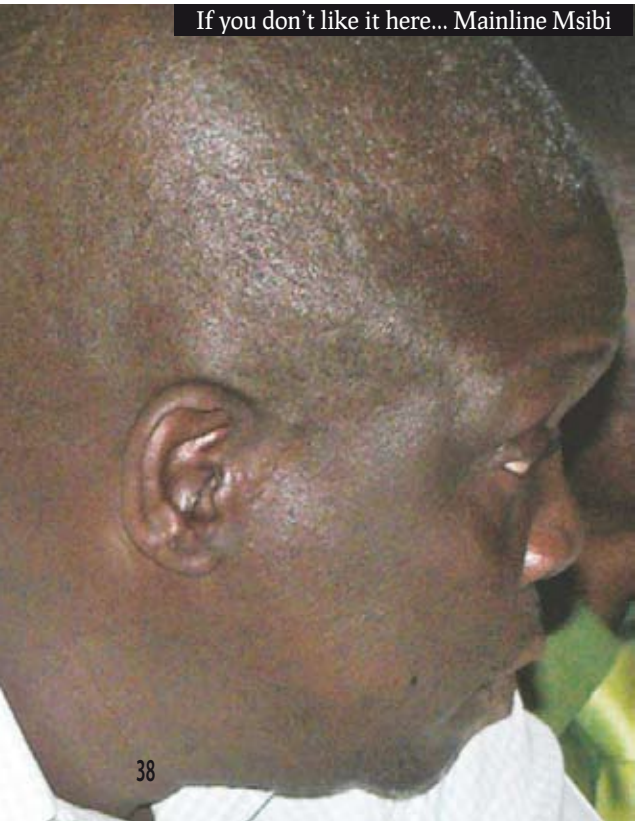
Bheki Mashile's
Country Life

WHERE do we draw the line, or, better said, when are we supposed to draw the line with regard to our job and our commitments as journalists and, in particular, investigative journalists?

Unlike reporting general news, investigative journalism does not only take time to really get down to the story, and of course its follow-up, but it can draw one close to the subjects, be they the target of the investigation (example: "I found OJ Simpson to be a nice guy – I can't believe he did all those things") or the victim of the injustice under investigation.

Fortunately for me, I have yet to warm to any of my targets. On the contrary, I have generally come to despise them. To understand, you need only recall that two of these buggers (Umjindi's municipal manager and its mayor) tried to sue me for R1.2 million. Where the hell would I get that kind of moola? (Certainly not from *Noseweek*, where poverty is supposed to keep them honest!)

I have, however, more recently become closely acquainted with a victim on whose behalf I have been investigating the defrauding of intestate estates. Like Mama Gladys (I love your bravery, the late Dudu loved your bravery too). And, of course, I take my hat off to Mrs Shongwe who, despite being gravely ill, continued to take on Umjindi's municipal manager. It was her case that first alerted me to fraud around people dying intestate.



If you don't like it here... Mainline Msibi

One cannot investigate the defrauding of women and children without the human elements – concern, caring, sharing their anger, providing both emotional and financial support – kicking in.

I recently had my share of the human factor kick in when, a week before Christmas my world was turned upside down. It still is, although I am slowly getting over it.

One of the victims I was assisting with an estate fraud succumbed to Aids. I was devastated; I felt as though I had been grabbed by a tornado to be tossed around in its core with no way out.

"How could this happen?" I asked myself and bellowed to her spirit: "For crying out loud, we were making such great progress in exposing and bringing to justice the scumbag, how could you die on me?" It was a fair question because so close did I get to this victim (name withheld), that I became her social worker, legal advisor, provider and, at one point, employer, after I hired her as an administrative assistant in my little Umjindi Guardian newspaper office.

I will never understand why South African society cannot grasp the threat of the HIV virus. Please, someone, tell me how can I convince my people that this Aids thing is no joke?

I have come to the conclusion that the only solution is to get a donation of baseball bats from MLB (Major League Baseball) in the US so that I can whack some sense into people's heads. Just say: Hey! Being unfaithful and engaging in unsafe sex will kill you! Whack, whack! (Where is Tony Soprano when I need him?)

Anyway, did I go too far with caring and assisting this victim? Did I exceed the bounds of journalism ethics that call for impartiality? Yes of course I did, but I am human and she had no one else to turn to and, for the most part, the fraudster had left her destitute, thus the job.

But now I sit with anger – deep, in depth anger. I am so bloody angry that she is dead. I truly felt I could have saved her but now I feel as though I failed. I ask her spirit: What more could I have done? After all, I did a lot more than just chase the story and write.

And next time, what do I do about the human factor? Keep a safe distance? Unfortunately I fear I will end up doing the same thing again.

To close on a lighter note, when I read (in *Noseweek*, where else?) of the poor suburbanites in Midrand going through shebeen hell, I could not help laugh and sing Michael Jackson's whiney song, *You are not alone…*

You see, one particular middle class area of Barberton's Emjindini township faced a similar problem. They tried every means to reason with the shebeen proprietor, then sought the intervention of the police and the municipality – to no avail. However, they did get some results when they petitioned the Liquor Board and, of course, my little Guardian.

What made me laugh and sing the MJ number was your nuisance's "it's because I'm black" claim. Well here in Barberton, Mainline Msibi kept telling the township homeowners, "if you don't like it, move to Town!". I'll have to warn them not to move to Midrand.

Harold Strachan

OLE!

MY CHINA Vink had a truly cute colonial house at Toll Gate, top of the Berea. It came with his job in the municipality. Trouble was, he had nothing to put in it except a bed and two thousand books; stove and fridge came with the house. Apart from that lot, the place was echoing empty but all he had to find was a pot, a plate, a cup and bits of cutlery and *voila!* everything was up and running.

The cause of this sparse mode of living was a dreadful divorce which cost him dear. Indeed I too had had such a divorce which cost me dear, only I didn't have a cute municipal house. I didn't have a job either, I'd just got back from overseas, with certain skills in art conservation, and all I had was a change of shirts and clean socks, so it was obvious I should move in with him if I brought my own plate and cup, said Vink. Also a mattress.

Well I scouted round the commercial art galleries and got a couple of big paintings to clean and soon enough the word got around that I was in town. Ere long we could afford to open a booze account at a Toll Gate bottle store called Lucky Liquors, and buy a bit of furniture too. Soon enough the word got to Ashby Mbanjwa, a lean and lanky Zulu artist with a taste for lucky liquor and a determination to get to the top of the art world, regardless of every exclusion laid on Bantoes.

One Sunday morning as Vink and I sat at our nice new table eating sardines on toast, with tea, suddenly everything went darkish, and there in the doorway stood Ashby, smiling, all six-foot-two of him in centimetres. I have signed on for a Fine Art degree with Unisa by correspondence, said Ashby to me, I need a qualified art tutor to supervise the practical side of things, and howzit, hey? Straight to the point, man. We gave him some sardines and toast, also tea, and soon enough it turned out he needed a studio too, and with a grandiose flourish at his empty bedrooms Vink said, "Take your pick!" so within half an hour all was concluded; supervisor, studio, everything spick and span for Unisa. Since it's now 12 noon and Sunday, said Vink, would you care for a glass of gin and mango juice? Just to seal the deal.

Er… says Ashby after gin/mango #6 or so. Er... do you think you might be able to buy me a case of gin? Straight to the point, man. Vink and I splutter on our drinks. Buying a bottle of booze for a Bantoe comes only after Illicit Diamond Buying for criminality, it will get you a couple of months. Buying a whole case will get you something like a firing squad, because it will cause the Bantoes to rise up and rebel.

Okay, says Vink, and by the way, how do you propose getting back to your Group Area home, now you're so nice and pissed? The sun is showing signs of setting and, by gin/mango #12-or-so, it has long ago set and it's pushing ten pee em when Ashby says: By the way, could you write me a note saying Bantoe Mbanjwa has been working for you until 10? Curfew time according to the Pass Laws. Hell no, says Vink, you'd better sleep unlawfully on the floor somewhere here. So there you have it. Ashby moved in with all his easels and paints and chisels for wood sculpture, also his bedding.

And it came to pass that after some weeks me old mum came down from Maritzburg in her Morris Minor to see how her lad was doing lately, and the moment Ashby's eyes fell upon her, he declared she was exactly what he needed for his Unisa portrait in oil paint, what with all the wrinkles and a large schnoz like Rembrandt's portraits of old Jews and stuff. So the Old Girl decides to stay for some days, getting painted, getting pissed in a ladylike way, taking a break with the young folks in Durbs.

Illustration: *Harold Strachan*

And it also comes to pass that Ashby reveals a taste for ballroom dancing – it seems to go with the Unisa side of things; he has brought his ghetto-blaster hi-fi with him and a stack of big black vinyl records, and latish one night he puts on a blood-curdling tango called *Adios Muchachos* and steps it out. No no, says OG, you don't do it like that, I'll show you how. First you must have a rose in your teeth. Sorry, no roses, says Vink. A ball-point will do, says Ashby, so he sticks his Bic in his gob and they set to with athletic jerking about and hair-raising cries of *¡Olé!* now and then. But after a while, suddenly filling the doorway, stands another six-foot-two figure, *en O vok, daar staan die Law!* A great big *konstabel*, and he says to the OG, People next door report they've seen Auntie dancing with a native boy. Yes, says she. He falls silent and makes with his brain, and after a bit he says, Why does Auntie dance with the native boy?

After a bit he says, Why does Auntie dance with the native boy?

Because he is so good-looking, says OG. Now he really concentrates: does this come under the Immorality Act or the Mixed Marriges Act or what other acts are there? He's lost. Would you like a glass of gin with mango juice? says OG.

Perplexity. Is this corruption?

Why does Auntie want to give me a glass of gin with mango juice? says he. Because you are so good looking too, says she.

Yirra yissis, says he. After much thought he takes off his cap and sits at the nice table and says, Well I'm not driving… ◻

FRAUD HURTS
WE MAKE IT BETTER!
forensic restitution
tel. + 27 (0)11 234 2189
www.restitution.co.za

Private Apartments
TO LET
FULL FACILITIES • TV • SECURITY
LONDON £100 per day*
Between Park Lane and Grosvenor Square
NEW YORK $120 per day*
Midtown/E63rd & Madison Ave
PARIS €120 per day*
206 Rue de Rivoli on Tuileries Gardens
(* Additional costs of 25% for any booking under 3 nights.)
Cell 082 445 1804 or Tel: 021 712 1712
Fax: 086 617 1317
EMAIL: ddn@iafrica.com

This space is a snip at
ONLY R1750...
(Plus VAT)
Why not try it for size?
ads@noseweek.co.za
021 686 0570

PROPERTY SERVICES

Looking for an investment/development property? Contact Gilby at Cape Commercial developments 021 697 5073 or 084 491 0513.

PROPERTY FOR SALE

Malgas, Breede River 22 hectares, 1.3km river frontage. Portion zoned for bird watching sanctuary. Offers on R15m. Serious purchasers (no agents). Contact Lisa Griffiths: Lisa.enavant@icon.co.za
Pinelands, Cape Development potential, large 894m² plot; building to either renovate or demolish. Call Nick 021 531 5544
Breede River Virgin veld 460ha, 2.5km river frontage, 15km outside Worcester. Call 082 411 7427.
Kensington B/Randburg 2 mins from Sandton Clinic, lovely 2-bed garden flat, R650 000, Kim 083 564 8162.
Magaliesberg Beautiful farm 95+ha, natural game, 2 houses, outbuildings, airstrip, river, private sale, 9.5m; keithw@vodamail.co.za
Hermanus In sought-after Eastcliff. Superbly designed home for discerning couple, 2 bedrooms en suite, double garage.R3,9m Call 028 313 2345; b16@hermanus.co.za
Robertson 3 bedroomed house 2 beautiful bathrooms, gourmet kitchen, large garden, pool, full security. Call 082 703 2695.
Newlands, Cape Town double-storey freehold townhouse – no levies – in secure, gated complex of four near SACS, Westerford and San Souci. Three beds, 2 baths, downstairs loo, and separate laundry. Kitchen courtyard and small, mature private garden. Integral carport and plenty of parking. Offers under R3m. Call 074 143 3923.

RETIREMENT FACILITIES

Oasis Care Century City, Cape Town. Assisted living when you need care. We have lots to give. Call 021 528 7301.

OVERSEAS LAND FOR SALE

Andorra Residential land for sale. Call James Douglas +44 777 075 2202; james@bromptonprint.co.uk

LOCAL HOLIDAY ACCOMMODATION

Clarens Near Golden Gate in the beautiful eastern Free State: Rosewood Corner B&B offers all you want for a break from it all. 058 256 1252.
Arniston Stunning seafront home perched on cliff top overlooking beach. Breathtaking position and panoramic sea views, 5 bedrooms, 3 en-suite, serviced; 082 706 5902.
Umhlanga 2 bed/2 bath stunning, serviced sea-facing apartment with DSTV; anne@pvalery.com; 082 900 1202.
Plettenberg Bay Anlin Beach House B&B/Self-Catering. Affordable four-star luxury, 100m from Robberg Beach; 044 533 3694; See our website for special offers: www.anlinbeachhouse.co.za; stay@anlinbeachhouse.co.za.
Hermanus Luxury homes for holiday rentals, 4, 6 and 10 sleepers. Kim 083 564 8162.
Pilanesberg 22-29 April 2011. Manyane Resort chalet, sleeps 6 – 2 bedrooms, each with 2 beds on mezzanine level, two bathrooms. Self catering, serviced. R8400 p/w. Call Karen 072 1991303.
Nature's Valley Holiday house available for rent, 4 bedrooms plus separate cottage available; fay.howard@polka.co.za
Green Point, Cape Town Self-catering apartments, secure, safe, convenient and reasonably priced. Call 021 439 2580.
Struisbaai Luxury 3 bed/2 bath apartment for weekend breakaways and holidays. Call 083 454 8951.
Piketberg Mountain Weekend retreat. Jean 082 554 9944; www.retreatguestfarm.co.za
Durban Honeycomb Guest House keeps in the nose. Call Marq 031 563 8806.

OVERSEAS HOLIDAY ACCOMMODATION

Provence Cotignac, village house with stunning views, pool, sleeps 4-6; rbsaunders@cwgsy.net
London Spacious double en-suite room in luxury penthouse. Continental breakfast, close to transport £40 sgl £60 dbl p/n; mjsc333@hotmail.com

SMALLS

NOSE SEEKS NOSE

Women seek men Catherine (Jhb) and Caroline (CT) fit, funny, fifty-five and utterly fabulous seek sane, solvent, stable and sincere single gentlemen with a view to a permanent partnership. Please call 071 609 9292.

PERSONAL

Antoinette Our little touch of grey looks good! Love you. Derek.
To Sue On 7th April Happy Anniversary for 32 great years. Love Greg.

TRAVEL, FOOD & LEISURE

Gourmet Wine Tours Educate your nose and titillate your palate. 083 229 3581; sflesch@iafrica.com; www.gourmetwinetours.co.za

LEGAL, INSURANCE & FINANCIAL

Legal services in Kenya? Wanam Sale Inc specialise in IP, Trade Mark, Corporate Law, Conveyancing/Property Law, ICT Law, Litigation, Legal Support/Resources; www.wanam.com
Debtor management Manage your debtors. Maximise your cash flow. Phone Dale at Alcrest Outsourcing (Pty) Ltd on 086 100 0239.
Tax-free income, legal and non-declarable. Call John 082 824 7785.

FOR SALE

Tinus & Gabriel de Jongh paintings bought, sold and valued for estates and insurance. Art prints sold; 021 686 4141; dejongh@yebo.co.za; www.tinusdejongh.co.za
Call 021 882 9331.
Julius Malema bogroll at wholesale or retail. Selling like crazy in the gift shops; paperface.co.za
Electric Trouser Press Call 021 439 5784.
Hansgrohe Axor Kitchen sink mixer by Phillip Starck discounted by 1/3 to R3,200. Call 082 560 4086.
R21 Truck & Plant cc for quality used Trucks,Trailers & Earthmoving equipment. Tel 082 226 2220; email: R21@wirelessza.co.za; www.R21trucks.co.za

SERVICES

Mane Consultants Your one-stop professional information hub on Africa (from Cape Town to Cairo). We provide information on issues related to risk (political, academic, social, environmental and economic); www.maneconsul.com
Silver Spoon Function Hire Hiring of cutlery, crockery, linen, glasses, marquees, heaters etc. For your hiring requirements 011 262 2227; www.silverspoonhire.co.za
Flying Dutchman. Innovative ideas for your graphic design needs. Corporate ID, branding, packaging and more. Call Mich 072 141 8854; miichjoubert@yahoo.com
Video Production For video filming/editing/graphic design. Private and Corporate. High-end production. Call Cheryl 082 902 1315; info@amberray.co.za
BMT Bike Shop, Stellenbosch The best multisport shop. Meet our friendly and efficient staff. Call 021 887 3417; www.bmtsa.co.za
Hospitality Consultant Need help with your hotel, guest lodge, B&B, restaurant? Call Derek Drew 082 940 0973.
Garden Route Draughting From beach cottage to mansion in 3D. Tracy or Bill: 083 654 8879; info@thdesigns.co.za
Lane & Associates cc Debugging, corporate and criminal investigations and ardent *Noseweek* fan; www.c-lane.co.za

COURSES

Art Classes, Muizenberg All ages. General art, painting and drawing skills, mixed media, portfolio preparation for students. Meg 021 788 5974 or 082 926 7666; email: jordi@telkomsa.net
Art Classes, Bedfordview Individual attention. Painting for fun or a living. Getting started, perfecting your Matric or portfolio. Portraiture, landscapes, fine art, contempary. I'll teach you how. Qualified Teacher & Artist. – Call Hilary 083 409 9733.

HEALTH & FITNESS

SA Callanetics Programme Safe, gentle, fast, visible. Achieve more flexibility, stamina and strength, better posture, cm loss and more. For studio locations, DVDs, instructor training courses. Call 011 795 3311; www.ctasa.org.za; info@ctasa.org.za

PAYMENT & TERMS FOR SMALLS & BOXED ADS

Deadline for smalls is the **1st** of the month prior to publication.
Smalls ads are prepaid at R150 for up to 15 words, thereafter R15 per word plus VAT.
Boxed ads are R250 plus VAT per column cm (min 3cm deep).
Payment by cheque should be made to Chaucer Publications (Pty) Ltd, PO Box 44538, Claremont 7735.

Payment by direct transfer should be made to Chaucer Publications (Pty) Ltd; Account 591 7001 7966; First National Bank; Vineyard Branch; Branch code 204 209
Payment online at www.noseweek.co.za
Email ads to ads@noseweek.co.za
Further info Adrienne 021 686 0570

DISCLAIMER

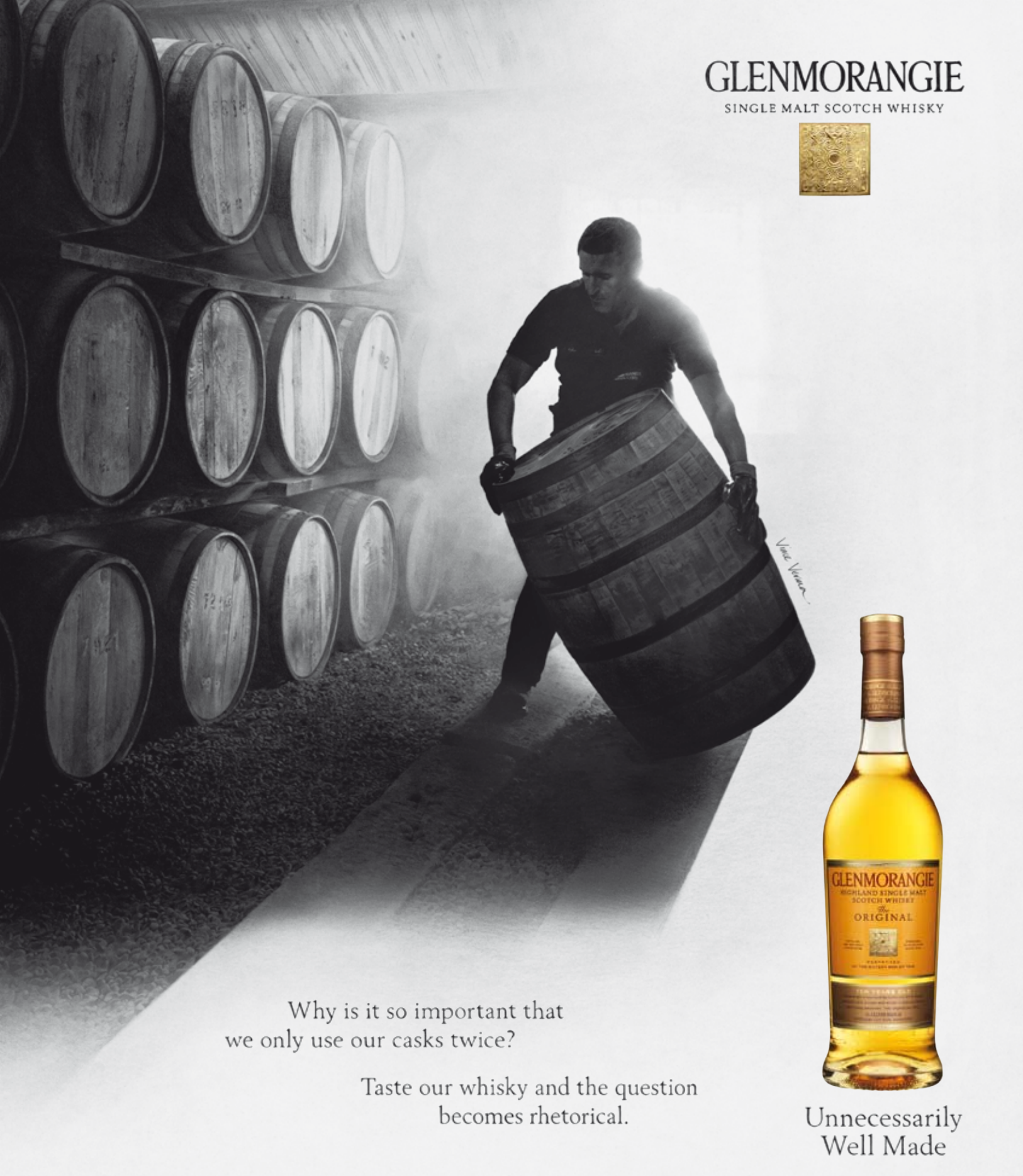
Although noseweek does reject obviously questionable ads, it can't run checks on every ad that appears in the magazine. The magazine doesn't endorse the products or services advertised and readers are urged to exercise normal caution when doing business with advertisers.

The route to a simple solution is usually extraordinary.

When it comes to making extraordinary connections, nothing comes close to the human brain. It's our inspiration behind providing unsurpassed Information and Communication Technology solutions for your business. We call it the amplifying power of Connective Intelligence™.

www.bcx.co.za

Business Connexion
Connective Intelligence™



Not for Sale to Persons Under the Age of 18.