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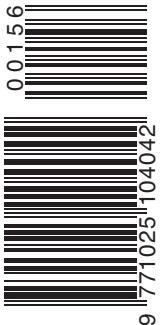
noseweek

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TERRIBLE TWINS

Tina & Iqbal all at sea



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noseweek

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Going places

FOLLOWING your report on SA Roadlink boss Allan Reddy (*nose155*), for the record, the Pearl Hotel group is owned by SA Roadlink/Allan Reddy and is named after his beloved wife.

They have bought the old Oudtshoorn Inn, Wilderness Beach Hotel (both ex-Holiday Inns) and there is a new place in Hout Bay. He must be doing really well in the bus business.

Janice Cocks
Cape Town

Bredell at it again

HAVING read your reports on the outrageous predator “control” cull being sanctioned by CapeNature and the provincial government (*noses115,137,153,154* and *155*): I now regret my acceptance of WWF’s withdrawal from the debate; it savours of *déjà vu*.

Many, many years ago I was contacted by well-known conservationist Clive Walker who asked me to motivate the SA Nature Foundation to intervene in the wholesale slaughter of wildlife in Namibia by the SA Defence Force and senior SA apartheid government officials.

My efforts hit a brick wall. Even my appeal to Charles de Haes at WWF, Geneva fell on deaf ears. [*Had you read noses25 and 27 you might have understood why.* – Ed.]

WWF is quite aware of what happened at the time. Is Morné du Plessis, CEO of WWF, comfortable in knowing that Western Cape MEC Anton Bredell, who was part of that fraternity, is now “at it again”?

Bredell comes from a culture of exploitation of wildlife and obviously

has no qualms about the unnecessary suffering of animals to be caused by indiscriminate hunting and trapping, or the critical state of bio-diversity – he has no respect for our fragile planet and should be removed from office.

Pat Werdmuller von Elgg
Hout Bay

■ WHAT ELSE can you expect when you have the DA in power in the province? DA = Death2Animals!!

Laureen
Johannesburg

See page 26 for an update on the story. – Ed.

Maddening mail

I’M MAD about *Noseweek* and always thrilled to find it in my postbox. But...

For nearly a year now we’ve been seeing it in the shops days before it arrives in our postbox. I can’t bear the wait, so, for now, we won’t be renewing our subscription and will, instead, buy it in the

shops. I do believe it’s the Post Office’s fault and has nothing to do with Mr Nose’s late nights. In fact I’m sure he’d throw a fit if he knew how slow the postal service has become.

René Hanekom
Van Riebeeck Park

WITSPOS, responsible for postal deliveries in the Gauteng area, has had a strike going, on and off, for the past year. Apparently both management and workers are so committed to their fight, they’ve long forgotten about the public service they’re supposed to perform – and the public that ultimately keeps them in business. It is maddening and the cause of many sleepless nights. It’s also the source of great joy to the men at Vodacom, MTN, Apple, Samsung and Microsoft.

We’ve been assured Witspos is now back up and running. If you’re a subscriber in Gauteng, please give us a call when this magazine arrives in your postbox. – Ed.

More rats tales?

COULD YOU please follow up on Wynne Jones (*nose 119*, “The rats who ate our pension”). I retired from the Catholic Pension fund nine years ago and we were defrauded of millions by this man.

The person who first exposed him is now deceased. About two years ago I was told that there was a five-year case pending against this man.

Karen Loseby
Rondebosch

Just a memory

THANKS FOR publishing Rita Miljo’s obit (*nose155*). I am still trying to comprehend her death. The fire was so bad that they have been unable to determine the cause. They call it a white fire. She lived upstairs and seldom came downstairs anymore. The problem is that there was no way out except for a rather steep staircase that went into her lounge.

There was very little left of Rita and Bobby and they were buried together on the plot, next to her daughter’s grave.

Rita had always said that she wanted to be buried in an old apple box, and that Bobby should be buried in an old apple box as well. So that is what happened – with a bottle of beer at one end for Bobby. He always had a beer in the evening!

All Rita’s photos, records etc were destroyed. It’s terrible that every vestige of such a giant of a person’s life could be wiped out in a flash like that. Except her work – the most important part.

Beatrice Wiltshire
Somerset West

GUS



A lesson in medical ethics



Picture: takomabeator

YOUR article “Hit and Run Lawyer” (*nose154*) states that I “argued that [Nosicelo] Tshakumani’s damages should be reduced by about 5% as she was one of “the indigent and very poor people who are disproportionately burdened in accessing appropriate medical treatment...”

The opposite holds true. Her lack of access to treatment increases her impairment rating and therefore would increase, not decrease her general damages claim.

You describe me as “Geduld’s medical expert” (Geduld being the lawyers Ms Tshakumani was suing for negligence in pursuing her claims) which implies that I am what is known as a “hired gun”. I am an independent medical practitioner and take instruction from attorneys, whether they act for the plaintiff or the defendant, and then endeavour to compile as fair and objective an assessment as possible. Failure to do so is unethical and amounts to malpractice.

I consider myself to be sympathetic and caring towards the injured (as I am to my patients): it is my ethical duty. As such, I always give the benefit of the doubt to the claimant. This is reflected in the fact that more than 95% of instructions to me come from injury plaintiffs. With it comes a bad-debt rate of around 30% and an average time-to-payment of two years: not exactly a sound business model. Increasingly though, defendants do instruct me and this

is usually, if not always, when claimants or rather their representative attorneys, institute inflated claims. At least one expert who assessed Mrs Tshakumani stated in a report that she would be “better off with an amputation”.

To even suggest that to her would be unprofessional, unethical and would amount to malpractice. She is infinitely better off keeping her leg, as disfigured as it is, for as long as possible. Good for her that she prevailed to keep her leg that is ever so useful to her. During the consultation with me she did not use – or, for that matter, did not have to use – crutches or even a walking stick.

So forgive me for sounding cynical but I should mention that compensation for amputation would probably add at least R500,000 if not R1 million to her claim – in which her representatives have a vested interest.

Your article not so subtly taints me with the same brush as the “Hit and Run Lawyer” and that, by any definition, is defamatory. Your inaccuracies and innuendos are no less dodgy than that of the attorney you are reporting on.

Several of my friends and colleagues have read your article and have engaged me on it. Of course, attempting to sue you for defamation would merely enrich your attorneys and waste my time and leave me out of pocket. So please do the correct thing and apologise publicly.

If you want to dig for dirt in this sphere I could direct you to lots of information of dodgy practices by

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attorneys and also medical practitioners. But I could not possibly trust you to get it right. Instead I shall continue with what I consider the correct and professional way of dealing with errant colleagues. Some examples:

- I have written to two of my colleagues this year warning them that their inflated assessments of injured claimants amount to fraud. I shall not hesitate to lay a complaint with the Health Professions Council of South Africa should they continue to compile reports inflating the impairment ratings (or for that matter



deflating ratings).

Claimants are entitled to fair compensation but then let's not forget that it is the petrol taxpayer, of whom the vast majority are the poor, who fund the RAF.

- I have personally laid a complaint against a colleague with the HPCSA for malpractice.

- I am primarily a spinal surgeon, and 18 months ago Discovery Medical Scheme sent me over 20 cases to review for surgery. I turned down all but one, as the operations proposed were multi-level lumbar fusions in old people with soft bone that, in my view, were doomed to fail. And the medical costs would be exorbitant with the incidence of major complications and re-operation rates being very high.

I charged no fee for this and had to endure hate mail and telephone calls from colleagues all around the country and, for a while at least, had pariah status.

This was not sustainable and I told

Discovery to find someone else to do their dirty work.

- I have had the courage (or is it stupidity?) to write several opinions in determining that acts of colleagues were negligent. This is no easy task and does not increase my popularity amongst my peers. But this does an infinitely better job than your article which may have permanently discredited me and diluted my efforts to improve the honesty, integrity and standard of service of my profession.

When it comes to attorneys, you need look no further than the list of those suspended and struck off the roll in the northern provinces – there are 22 pages of them – and at least six on the list are personal injury attorneys who have instructed me in the past and against whom I have laid complaints with the Law Society as they have stolen my fees and probably their injured clients' compensation as well. Laying complaints with the Law Society is a double-edged sword as it then guarantees me bad debts from the attorney involved.

I presented a seminar called "Ethical medico-legal reporting" at the orthopaedic congress held on 5 September in Durban. If you wish to gain some insights, which you clearly lack, then make sure you get a copy.

Finally, although medico-legal matters and my reports become a matter of public record and are possibly even in the public interest, it is in my view insensitive and even smutty to air the affairs of a private individual, like Ms Tshakumani, in the way you have. She has suffered enough. I presume you have her permission. You certainly do not have mine.

Your disclaimer is blatantly untrue: You made absolutely no effort to ensure "the accuracy and soundness of the contents" of your publication by contacting me and verifying your statements.

In future first check with the doctor who has done an assessment report as to the veracity of your inferences.

Dr Charles Edelstein
Claremont

THE medico-legal report compiled by Dr Edelstein that was submitted in court in support of attorney Stafford Geduld's defence to Ms Tshakumani's claim, states that it is drawn up in accordance with the American Medical Association's "Guide to the Evaluation

of Permanent Impairment".

One of the categories to be considered is the "burden of treatment": this is monetary compensation for the inconvenience ("burden") of, for example, having to have an injection every day, or having to wear a diaper (nappy). This category constitutes up to 10% of the overall award rating, or "whole person impairment (WPI)".

Because our society has a huge number of indigent and very poor people who are disproportionately burdened in accessing appropriate treatment – most, at best, getting acute and emergency tertiary medical treatment only – Dr Edelstein explains, he has developed a variant category to compensate these claimants for that burden. By doing so he did not decrease her award by 5%, but in fact increased it by that percentage.

Prior to our receiving his complaint, our reporter had no reason to suspect she'd misread the evidence. (It is not normal practice for journalists to ask witnesses in legal proceedings to explain their evidence outside of court.)


We have no hesitation in conceding the error and do apologise for the embarrassment it has caused Dr Edelstein.

Dr Edelstein was, factually, hired by the defendant to provide an expert medical opinion. Which is what Noseweek reported. We did not describe him as a "hired gun". While expert witnesses are expected to be just that – and scientifically objective, as Dr Edelstein states – any innuendo is, unhappily, implied by the adversarial legal system itself which allows for the residual idea that he who pays the piper – if ever so subtly – calls the tune, to the extent that each party generally calls "its own" expert witness.

Dr Edelstein is himself far more damning – and potentially defamatory – in his assessment of the medical expert retained (hired) by the plaintiff's attorneys to support her claim.

Noseweek is not qualified to make an assessment of either. We accept Dr Edelstein's assurance that his assessment of Ms Tshakumani's condition and entitlement to compensation was done professionally and in good faith.

The controversy he speaks of is undoubtedly newsworthy.

We do not apologise for giving moral support to Ms Tshakumani in her battle to obtain fair compensation after all this time. – Editor 

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Arms and serious unanswered questions

IN AUGUST the Seriti Commission of Inquiry into the arms deal refused Terry Crawford-Browne permission to make public the submissions he had made in June. The Commission went so far as to counter his request with a facetious question: “What is the point of disseminating what is already in the public domain? What purpose will be served thereby?”

Simple: he wants the world to be able to hold the Commission to account – when it gets to writing its report – for what we now know for certain the Commission knows.

Thanks to Crawford-Browne, this is the gist of what the Commission undoubtedly knows:

- The so-called “offset” investments offered by the arms suppliers to sweeten the deals – already recognised worldwide as a scam – fail the requirements of section 217 (1) of the Constitution, which requires that government procurements must be “fair, equitable, transparent, competitive and cost-effective.” (Even the Department of Trade and Industry has conceded that the offsets were a fiasco.) This is relevant, since three of the six provisions of the Commission’s terms of reference refer to offsets.

- We know the Commission has a legal opinion from Advocate Geoff Budlender SC that the arms deal was unconstitutional and illegal from inception, and is therefore unfixable. Budlender further advises that the international remedy for fraud is to cancel the contracts, return the equipment and recover the monies.

(The financial consequences of cancellation would be borne by British and German taxpayers, not South Africans, in terms of the guarantee arrangements for the loan agreements.)

- The Commission also refers to 160 pages of affidavits that detail why and how BAE paid bribes of £115 million (R1.5 billion) to secure its warplane contracts; to whom the bribes were paid; and to which bank accounts they were credited.

The 1996 Defence White Paper and 1998 Defence Review noted that there was no conceivable foreign military threat

to South Africa, and that socio-economic upliftment was the national priority.

All that is now required is urgent remedial action to recover the monies so that they may be allocated to South Africa’s desperately needed social upliftment. That, suggests Crawford-Browne, does not require three years of further investigations, simply political will.

More recently Crawford-Browne has suggested the Commission should interrogate former British Prime Minister Tony Blair about the pressure he applied on our government to buy BAE/Hawk and BAE/Saab Gripen fighter aircraft, despite their having been rejected in 1997 by the SA Air Force, which rated them unsuitable and too expensive.

And what about the Blair government’s complicity in BAE’s payment of bribes of £115m, and Blair’s placement of officials to block investigations by Britain’s Comptroller and Auditor-General and parliamentarians into the fraudulent offset contracts?

Crawford-Browne even reckons Blair will be able to tell the Commission all about the role of the so-called “BAE/Al Yamamah slush fund” (administered by the Bank of England, no less) and its purpose to destabilise resource-rich countries in Asia and Africa. This question, he suggests, is particularly germane given recent events at the British-owned Lonmin mine.

Crawford-Browne has had no luck with the Commission on that lot either. What a pity. Judge Seriti might just have earned his place in history.

As the *Cape Times* observed in a recent editorial, “Effectively, Crawford-Browne and [*military software designer*] Richard Young have placed the commission on terms: They have insisted that the commission go about its work in such a way that it answers to the South African public, and is not perverted to merely serve the political interests of the president and president’s men like Mac Maharaj”.

The credibility of the commission is no longer a given, the *Cape Times* noted.

Here at *Noseweek*, it never was.

The Editor

Egyptian Dambusters target Ethiopian hydroelectric scheme

EGYPTIAN authorities, fearful of a monopoly on Nile waters, received agreement from Khartoum to build an airbase in Sudan from which to launch attacks on the dam being built by Ethiopia to provide hydroelectric power, says a report posted on the anonymous media outlet WikiLeaks.

WikiLeaks has leaked files allegedly from the Texas-based global intelligence company, Stratfor, which quote an anonymous “high-level Egyptian source,” claiming that the Egyptian ambassador to Lebanon said in 2010 his nation would do anything to prevent the secession of South Sudan because of the political implications

By TOBY COLLINS

it will have for Egypt’s access to the Nile.

The Nile is vital to the people and agricultural projects of Egypt. Also in the Nile Basin and reliant on its waters are Sudan, Eritrea, Ethiopia, Uganda, the Democratic Republic of Congo, Rwanda, Kenya, Tanzania and Burundi. As Egypt is at the end of the river it is in a particularly politically precarious situation.

Ethiopia’s massive hydroelectric damming projects have sent shockwaves throughout the region,

highlighting the faults in previously-signed treaties on Nile-sharing.

The Grand Ethiopian Renaissance Dam will be Africa’s largest hydroelectric facility – 40km upstream from Sudan on the Blue Nile.

Ethiopia has denied Egypt’s requests to inspect the dam unless it relinquishes its veto on water allocation. Although, according to the source, Ethiopia had agreed not to use the reservoir’s water for irrigation, there were concerns about the extent of water loss through evaporation.

According to WikiLeaks, a 2010 internal email records Sudanese president Omar al-Bashir’s agreement to

Stent





host an Egyptian airbase in Kursi in the west of Sudan's Darfur region. This base would be used to launch an Egyptian assault on the Ethiopian dam, if diplomatic efforts failed. The anonymous source cites the "useful case-study" of Egypt's 1976 sabotage of another Ethiopia damming project.

However, the viability of joint Sudanese-Egyptian military operations has been brought into question in the light of their fractious relationship.

According to WikiLeaks, the Stratfor source claimed that "if it comes to a crisis, we [*the US*] will send a jet to bomb the dam and come back in one day, simple as that. Or we can send our special forces in to block/sabotage the dam".

Although both Egypt and Sudan are signatories to the Nile Basin Treaty, the contested Halayeb Triangle, in 2010, led to President Bashir's accusing Egypt of occupying Sudanese territory.


The immediacy and extent of the

Ethiopian threat to Egyptian fresh-water access is questionable but its domestic political usefulness for the now-ousted Mubarak regime is not.

The supposed Ethiopian threat is, allegedly, being politically exploited by the Muslim Brotherhood to exert pressure on the incumbent government.

On 26 August, Egypt denied allegations that the new government was under pressure to persuade China, as a key regional investor, not to back such Nile development programmes.

The UN estimates that by 2050 the world's population will have increased by 3.5 billion, with the majority of growth in developing countries where water stress is already a key issue, potentially making access to fresh-water more incendiary than access to fossil fuels in the coming decades.

Although Egypt was a perennial economic underachiever during the Mubarak regime's years of mismanagement, it has the potential to be a powerhouse – for which it would need access to resources. – *Sudan Tribune* 

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The Agriculture and Fisheries Minister's eagerness to favour a fellow ANC multi-millionaire with a R1-billion tender opens a window on all that's wrong with the Zuma government

Minister Tina Joemat-Pettersson

MINISTER FROM HELL

“UNFILLED POSTS, an over-promoted minister, out-of-control corruption – an absolute disaster.”

That's how a German website, “The German Gateway to South Africa”, headlined its story on the current state of South Africa's Department of Agriculture, Forests and Fisheries (DAFF) and its minister, Tina Joemat-Pettersson. Germans may not always be kind – but they are known for their precision.

Ex-school-teacher and Northern Cape ANC MEC, Tina Joemat-Pettersson was elevated to the Zuma cabinet in 2009. Since her appointment as political head of the DAFF, it's been fast downhill. Her public pronouncements more often make her sound as though she's on something, rather than onto something. Add to that the social arrogance of the very wealthy – which she is, as the widow of Swedish millionaire Thorwald Pettersson – and you have the ANC cadre deployment from hell.

(In an interview years ago she said her husband was a “consultant” in Tanzania. Besides providing her with the means for unlimited travel, his trust pays her R2.4 million a year for their two children. Naturally this is in addition to the R2m she earns each year as a cabinet minister.)

Her appointment and continued survival in government, despite her obvious incompetence and shocking manners, is widely attributed to her having positioned herself as the ultimate Zuma loyalist.

According to a draft document obtained by *City Press*, Pettersson is the liaison person between the president and the agriculture department for Masibambisane, a rural development project that started out in Zuma's hometown of Nkandla, but soon expanded to other provinces – with “a concentration in the Eastern Cape's OR Tambo region”. Zuma and Pettersson reportedly arrive in villages “every month dressed in overalls to hand out tractors and livestock”. The minister's critics accuse

her of using Masibambisane to ingratiate herself with Zuma.

DAFF spokesmen have flatly denied the department is funding the project (and the development of Zumaville at Nkandla), despite repeated leaks from within the department that suggest the R800m voted for a project called Zero Hunger has been diverted to Masibambisane.

Her eagerness to favour Sekunjalo – a company controlled by Dr Iqbal Survé (see box), another member of the ANC's millionaire elite (and one-time close friend and business associate of Brett Kebble) – with a R1-billion tender for a job it was not qualified to perform, and the embarrassing exposure of incompetence and corruption in her department in the subsequent court proceedings, offer another unique window on what's really up in the Zuma government.

The fact that the tender award by Pettersson's department to Sekunjalo was stopped before take-off by the Western Cape High Court in December is old news, since overtaken by

Sekunjalo's bid to buy out Independent Newspapers with a billion-or-three borrowed from Qatar.

But on closer examination, *Noseweek* has decided the story deserves a serious retelling to give readers the revealing details others missed in the rush. It's the perfect case history with which to show why state department after state department has become dysfunctional and unable to deliver the services that are supposed to justify their existence.

It also offers the chance to reconsider the question: is Sekunjalo fit and proper to control the flow of information to a major section of the population – which it could do, were it to become the owner of Independent Newspapers?

The story begins with a call for tenders for a five-year contract to perform the function of ship manager for the manning, management and maintenance of the Fisheries' fleet of research and patrol vessels. The contract had been held by Smit Amandla Marine for more than 10 years and was due to end in March 2011.

The first call for a tender was advertised in November 2010; supposed to close in December. But before there was a formal opening, the tender was cancelled. Smit Amandla noticed, when they got their tender papers back, that they'd been opened and their tender price was written on the receipt.

The tender was advertised and cancelled twice in January, to be re-advertised for the fourth time in March, with the opening of bids set for April.

Another curiosity: tender documents provided for the first tender included a section that referred to the prohibition of "restrictive practices" (such as collusion between bidders) and a newly introduced form requiring bidders to certify that they had not colluded with other bidders. Both introduced following a directive from the Treasury.

World domination – for the good of the people

DR IQBAL SURVÉ has always seen himself as a man with a calling. As a GP in Lansdowne, Cape Town, he had big dreams; wanted to make an impact on the world. As he'll tell anyone who'll listen, he gave up medicine when he realised business was the one area in which he could dominate the world "for the good of the people".

He created the investment company Sekunjalo and kept chasing his global dream. In pursuit of that, he got himself appointed by Bill Clinton to the advisory board of the Clinton Global Initiative, and went to Davos to attend the World Economic Forum's (WEF) annual meeting last year.

It all paid off. At the forum's most recent gathering, in Dalian, China, Sekunjalo was made a founding member of the WEF's Top 125 New World Champions, the only South African company in a collection seen to have what it takes to become global leaders

Three years after he launched Sekunjalo, it was blown out of the water by the collapse of the Health and Racquet company, LeisureNet (Iqbal was a director), losing R160 million. After that came characteristically curious deals with Brett Kebble...

How Sekunjalo climbed back to having assets worth over R2 billion is one of those



Dr Iqbal Survé

miracles the terminally innumerate can only marvel at.

[Becoming Siemens' BEE partner, enabling that company to get mega-billions in state and parastatal contracts had just the teeniest bit to do with it. – Ed.]

It was the reason for an elaborate sit-down dinner for 500 guests in the Cape Town Convention Centre's ballroom in November 2007. MC for the evening: Essop Pahad; Iqbal's co-host: Western Cape Premier Ebrahim Rasool.

With the Premier and Iqbal at the main table were Leonard Ramatlakane, MEC for Community Safety; Membathisi Mdladlana, Western Cape Minister of Labour; Siemens boss for Southern Africa, Siegbert Proebstl; and, of course, Haiko Alfeld, Africa Director of the WEF. – *From a profile by Hilary Prendini-Toffoli that appeared in nose98.*

For the later-advertised bids, bidders were given an outdated form that did not include this clause. Subsequent events suggest this was a calculated move by an insider to protect Sekunjalo – four of the seven bidders were, in fact, Sekunjalo in different guises – implying collusion, by definition.

The bids were first to be evaluated

by an evaluation team which was to consist of "technical, financial and legal specialists appointed by the deputy Director-General of Fisheries". When later challenged to detail the specialist qualifications of those appointed to the team, the department simply did not reply. It was evident from the minutes of their meetings, no one on the team

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had the specialist knowledge the rules required.

The qualifications and level of skills needed to man the department's vessels were substantially higher than those required to maintain small fishing vessels. The issue was of such importance that the bidder had to list employees and specify each one's qualifications and experience. The recordings of the evaluation team's deliberations would later reveal that they had so little knowledge of seafaring they were unable to appreciate the difference, and ignored the point.

The fishermen and fishing boats in Sekunjalo's fleet were, without further ado, rated equal to Smit Amandla's engineers and certified ship commanders and mariners.

When it came to top management level, Sekunjalo submitted no names and details as required by the rules; instead it told the evaluation team it planned to hire Smit Amandla's qualified crew when the time came. The rules said this should have disqualified Sekunjalo's bid, but the DAFF

evaluation team saw no problem with the plan – quite apart from the fact they had no guarantee those personnel would agree to work for Sekunjalo.

A closer look at the final voting by the evaluation team reveals incontrovertible evidence of bias and, very possibly corruption. Some examples:

- In his scoring, Mr Sebola, qualifications unknown, gave Smit Amandla – the company with all the qualified personnel and 10 years of experience of running the fleet without mishap – the lowest score – 1 out of 5 – on every one of the five evaluation criteria. Sekunjalo, with all its collusion and conflict-of-interest, no qualified crew and no experience at ship-management of the level required, he gave full marks: 5 out of 5 on all counts.
- Mr Thabethe, the chairman, gave Smit Amandla only 1 for its ability to deliver the services required, when it had done so successfully for more than 10 years.
- Three members, Sebola, Thabethe and Dr Mashaba scored Smit Amandla lower than Sekunjalo on the experience

and qualifications of its personnel – when Smit Amandla's crews were the personnel that Sekunjalo proposed hiring!

This extraordinary vote, which resulted in Sekunjalo being the preferred bidder, took place on 17 July.

On 15 July last year, the Stock Exchange News Service (SENS) reported that Sekunjalo Investments' CEO Khalid Abdulla and chairman Iqbal Survé had acquired an additional 75 million Sekunjalo shares from Absa for nearly R28m. There were fairly obvious reasons why Absa would want to sell these shares (see Absa box), but why would the Sekunjalo executives want to buy them?

Did they perhaps already have reason to believe their bid would be successful?

On 4 November, commenting (in online newsletter *Smallcaps*) on the company's year-end 2011 accounts, share analyst Keith McLachlan referred to Sekunjalo as "the awkwardly constructed investment holding company that consistently puts through wonderfully positive once-offs into its income statement". The 2011 accounts were no exception, showing revenue from "continuing operations" rising by 9% – but that was only because the group had included a "fair value gain" (effectively a revaluation upwards of its existing assets) in its income statement of R42m.

"Once this is excluded," noted McLachlan, "the group is actually reporting a loss per share [and] an income statement that is bleeding."

A look at Sekunjalo's cash-flow statement reinforced that view: its cash-base had dropped from R10m in the bank to an overdraft of R7.5m.

As though on cue, scarcely a fortnight later, friend Tina had jumped to Sekunjalo's rescue. On 24 November she issued a press statement announcing that a consortium led by Sekunjalo had been awarded a five-year contract worth an estimated R1bn by DAFF to provide technical maintenance, infrastructure and personnel support for eight state-owned research and fishing patrol vessels.

Moneyweb reported Pettersson saying: "I am confident Sekunjalo has the skills and capabilities to fulfil this contract based on its fleet management experience and experience in managing maintenance projects on international vessels."

Tina gets a French kiss

IN TYPICALLY erratic style, out of the blue on June 11 the Ministry of Agriculture, Forestry and Fisheries issued a press statement announcing that Minister Tina Joemat-Pettersson had been awarded a French knighthood – on 29 February. (Why we were only being told this three-and-a-half months after the event, we can't guess.) For those who haven't heard, she is now a Chevalier de l'Ordre du Mérite Agricole.

When we asked the French Embassy in Pretoria why one of our quirkier ministers had been blessed with such a rare honour by France, she was stumped. She'd have to ask Paris. Three months later, she still hasn't been able to come up with the reason: "There's a problem," she told *Noseweek*. "France's Minister of Agriculture in January, M. Bruno le Maire, isn't a minister any more. His successor knows nothing about it and we're trying to find someone who remembers. Our Agriculture Attaché is on to it."

Back in June, our own Department of Agriculture appears to have had a view on why Joemat-Pettersson deserved to have been so honoured by France: their press statement noted that "The Minister's achievements have been visible in the agriculture sector, following an 8.8% employment growth. Additionally, the Statistics South Africa's Quarterly Labour Force Survey

(Quarter 1, 2012) recorded the creation of 656,000 employment opportunities in the agriculture sector in the last two quarters of 2011 and first quarter of 2012."

But that clearly wasn't what the French had in mind in February – the statistics for the first quarter of 2012 weren't in by then. In any event, those statistics are all a farce, calculated according to a recipe that's designed to fool the public, says DA MP Pieter van Dalen. According to that recipe, a single day of work is now equal to one "employment opportunity". If you regard a job as at least one year's employment (220 working days), that's barely 2,981 old-fashioned jobs.

Van Dalen has another theory on why the French were keen to butter up Terrible Tina: she is on President Jacob Zuma's Infrastructure Development team (a programme announced in his State of the Nation Address) who, inter alia, decides on little things like the nuclear energy programme – in which France is hugely interested.

So *Noseweek* put that to the French Embassy in Pretoria as a possible explanation for the sword and gong, in case they can't think of another.

They say they'll be getting back to us on that, too.

Moneyweb also quoted Sekunjalo CEO Khalid Abdulla as saying the contract was significant for Sekunjalo and would create value for the group's current business operations."

In December, Smit Amandla Marine successfully applied to the high court to have the award set aside.

After bungling everything on a grand scale, Pettersson transferred the functions of her department's marine fleet to the SA Navy, leaving it's vessels tied up in Simon's Town.

In July this year, with nothing resolved and her department sinking deeper into chaos, the SA Marine Safety Authority (Samsa) warned that the navy would not be able to respond effectively to any oil spill off the coast. The warning came after Samsa revealed it was unable to audit the department's marine patrol vessels while being managed by the navy.

Parliament's Portfolio Committee on Agriculture, Forestry and Fisheries was scheduled to be briefed by the Minister of Fisheries on the short, medium and long-term plans for the management of Fisheries including the transfer of functions from the Department of Environmental Affairs to her department, on 11 September.

"We can't help but note that the minister will be briefing the portfolio committee on the transfer of functions from DEA to her department only two years after the fact!" noted marine management expert Shaheen Moola in his regular blog.

Absa keeps Sekunjalo executives happy

ABSA bought a "strategic" 9% stake in Sekunjalo in May 2007. What made the shareholding strategic escapes *Noseweek*, but why the bank bought a further 16% stake in early 2009 was because it was forced to buy these shares from clients defaulting on Single Stock Futures (SSFs), part of a bigger SSF gamble that cost Absa well over R1 billion.

In December 2009, the *Sunday Times* reported that Absa's by-then 25% stake in Sekunjalo, was still reflected as being worth R71m on the bank's balance sheet, whereas Absa's shareholding was then worth only R39m.

It is these latter shares that Absa happily sold to the Sekunjalo executives in July 2011.

She simply didn't pitch up, and the parliamentarians were left high and dry – or was it at sea?

Furious, COPE MP Nqaba Bhanga declared he would not accept Pettersson's apology. "She thinks she's better than this committee!" he raged. DA MP Pieter van Dalen agreed: "She simply doesn't care."

Even her ANC colleagues on the committee were outraged, but nevertheless insisted the committee proceed "with or without her".


Which was probably just as well,

because even when she's there, she appears out of it most of the time.

Over the past two months Shaheen Moola has noted in his blog that the department needs to amend the Marine Living Resources Act (MLRA) if it is to even contemplate implementation of the government's Small Scale Fishing Policy (even though they admit they do not have any idea as to how this policy can be implemented in the real world).

- Long-term fishing rights must be allocated to a host of small scale fisheries next year (traditional line fish, oysters, mussels, trek nets and KZN beach seine), but it is inconceivable that all the processes to effect the required amendment to an Act of Parliament involved, can be undertaken in less than 12 months.

- Pettersson has refused to meet any one of the 22 commercial fishery sectors or one of the 14 recognised industry bodies that represent right holders since her 2009 appointment.

With 12 months left before 1,000 fishing rights must be allocated, no one knows what Pettersson's thoughts are on the subject – other than her bizarre statements about moving fisheries management from Cape Town to Pretoria, and her farcical pronouncements on "equitably spreading fish across the country" – as though fish were susceptible to ANC social engineering. (*Like coloured people, fish are apparently over-concentrated on the Western Cape coast.* – Ed.) 

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Judges urged to become activists

A SOBERING “call to arms” has been delivered by Judge Dunstan Mlambo, President of the Labour Appeal Court and Judge President-designate of the North and South Gauteng High Courts, at a conference on poverty and inequality, Carnegie III, sponsored by the University of Cape Town.

Noting that South Africa still struggles from huge economic inequalities, he said the country did not “have to wait for an uprising similar to the Arab Spring revolt, which was both bloody and deadly, before we wake up to the challenge of addressing poverty and inequality.

“Armed with the Constitution as our guide, we are under an obligation to lead the country and its people into a peaceful era where the rights enshrined in the Bill of Rights are protected, promoted and fulfilled for all. There is no reason whatsoever to resort to violent protest to ensure that all the people in this country have the opportunity to develop into upright citizens concerned with the welfare of others.

“The sudden surge in violent protest against poor service delivery across the length and breadth of the country, the xenophobic violence directed at the businesses of foreign nationals, the rampant and unpunished vigilantism against those suspected of crime, all point to a breakdown in the rule of law and a loss of confidence in the courts.

“If we are to avoid [events like] the painful tragedy of Marikana, which is a reflection of our country seen on

No need for an Arab Spring in South Africa before we address poverty and inequality: the Constitution empowers our courts to defuse such situations by making justice accessible to all, says leading judge Dunstan Mlambo

TV screens across the world, we as the judiciary must take up the challenge of social activism...”

A model already existed for this, he said, in the India of the 1980s where, “due largely to the collective philosophy of a group of radical judges who formed the majority view of the court at the time, a primary function of the Supreme Court of India became ‘the liberation of the poor and oppressed through judicial initiatives.’”



Judge Dunstan Mlambo

South Africa’s judiciary should follow their example, he said. India’s Chief Justice Bhagwati had asked at the time: “Can judges really escape addressing themselves to substantial questions of social justice? Can they simply say no to litigants who come to them for justice? And to the general public that accords them power, status and respect, that they simply follow the legal text – when they are aware that their actions will perpetuate inequality and injustice? Can they restrict their enquiry into law and life within the narrow confines of a narrowly defined rule of law?”

The short history of litigation in our courts under our constitutional democracy, said Judge Mlambo, “has

demonstrated that the answer to all of the above rhetorical questions has been a clear and unambiguous no. The requirement of constitutionalism makes greater demands on the judicial function”.

Judge Mlambo went on: “Has the time not come for the judiciary in South Africa [also] to become judicial activists in the fight to alleviate poverty and inequality as demanded by the Constitution?”

In India at the time, Judge Mlambo said, “the Indian Supreme Court Justices deliberately adopted a style of interpretation that, they argued, ‘showed the passion of the Constitution for social change’. It was their conviction that in developing societies, judicial activism was essential for participative justice... ‘Justices are the constitutional vigilators and reformers who bring the rule of law closer to the rule of life’


“The Indian Supreme Court had argued that it had the social responsibility of imaginatively interpreting Constitutional Rights to reflect social justice, and to operate neither narrowly nor statically. Rights are dynamic and should be treated as such. [The then Chief] Justice Bhagwati’s philosophy still holds true for South Africa and other developing countries when he said: ‘Civil and political rights... do not exist for the large masses of people in the developing countries who are suffering from poverty, want and destitution... It is only if social and economic rights are ensured to these large masses of people that they will be able to enjoy civil and political rights and become equal participants in the democratic process’.”

Coming back to South Africa today, Judge Mlambo added: “We must make the Constitution a living document in the lives of all people, regardless of race, gender and class. The Constitution and the welfare of the people it serves are bigger than all of us put together. Let us therefore join hands across the racial divide, between the haves and the have nots, to root out the cancer of corruption, greed and self-aggrandisement that has crippled our democracy.

“Let us focus on the income disparities we have in this country. Our preoccupation with paying obscenely huge salaries and bonuses to executives and starvation wages to the lowly workers must come to an end. We must realise that the first step towards addressing our problem is agreeing and paying

decent wages that will enable lowly paid workers to provide appropriate shelter for their families, afford basic commodities of life like food, transport, education and health care, to name a few.

“Paying decent wages will also give reprieve to workers from the debt trap which results in their red-lining by credit grantors and exploitation by unscrupulous labour brokers, for example.

“We are collectively responsible to ensure that no child goes to bed on an empty stomach. In this way we will take forward the fight against poverty and inequality that has consigned the homeless and the unemployed to the fringes of society so that at the end of it all we can proudly say that we are an indivisible nation, in one country, under one flag committed to eradicating poverty and inequality.” – The Judge’s speech has been edited. 

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WHAT OTHER JUDGES HAD TO SAY

JUDGE Dennis Davis (Judge of the Western Cape High Court and Judge President of the Competition Appeal Court):

“Back in the 1980s, those of us in the labour movement saw labour law as a substitute for politics. We are back there: but activism and protest at the workplace are now aimed at acquiring full economic citizenship, not just the vote.

“The violence of the current conflict should come as no surprise, when people have to put up with a hugely inadequate educational system provided by a government which has consistently been held by the courts to be in breach of its Constitutional obligations; where the places that they live are an utter disgrace and where the medical care for them and their families certainly doesn’t pass constitutional muster.”

He predicted being “back here in five years’ time talking about the same problems. Nothing will change unless we are able to address these profound social needs. The problem, as always, is that ... we have lots of plans but very little implementation of plans.”

Justice Kate O’Regan
(Constitutional Court Judge): She

had difficulty, she said, with the title of her address, Poverty and the Constitution, as the two “seem to occupy different worlds in South Africa”.

“Poverty occupies the hard, real world of informal settlements, flooding, devastating fires, the absence of proper toilets, a lack of food, poor schooling, cold, ill health, unemployment” while the Constitution “seems to occupy the world of ideas – and beautiful ideas at that – far removed from the hard, real world of poverty”.



Judge Dennis Davis

The hip bone ^{not} connected to the... [^]

Patients who've had hip-replacement problems with metal-on-metal DePuy implants are being urged to join a mass legal action against makers Johnson & Johnson. But J&J has already offered to replace any faulty implants free of charge. Is their litigation for fair compensation justified or are the lawyers stirring a honeypot?

SOUTH AFRICAN patients who received faulty hip-replacement implants are hoping to collect at least R2.5 million apiece from US medical products conglomerate Johnson & Johnson.

Two controversial metal-on-metal hip implants, known as the ASR XL Acetabular and the DePuy Hip Resurfacing System, were recalled and taken off the market in September 2010 because of a recorded 12% failure rate within five years. They were made by DePuy, a Johnson & Johnson subsidiary. Worldwide, 93,000 patients received the implants – 3,300 of them in South Africa.

The class action by local claimants is being prepared by Pretoria law firm CP van Zyl. DePuy's distribution centre is in Leeds, UK, so the case is expected to be fought in the British courts although jurisdiction has yet to be resolved and no summons is likely to be issued before next year.

Eleven months ago attorney Stoffel van Zyl's firm had only seven claimants. Press releases by his PR consultancy boosted the number to 62 by September and the latest, on September 4, picked up by *Die Burger* and *Beeld*, bumped the total to 69.

Back in the 1940s, hip replacements were all metal-on-metal: a

metal head fitting a metal socket. But friction resulted in a high wear-rate with replacement "revision" necessary after 10-or-so years.

In the 1970s an implant pioneered by Sir John Charnley, comprising a stainless-steel stem with a 22mm head fitting a polymer socket, produced

a smoothly moving joint and became the gold standard of joint replacement, with a failure rate of just 4%.

By the mid 90s, however, research revealed that many patients who had had hips replaced with metal-on-metal in the 40s were still doing well, so the traditional method swung back into favour.

Now, the DePuy scare – put down to a design flaw, with replacements necessary after just five-or-so years – has almost

wiped out metal-on-metal implants worldwide, though one well-regarded survivor, called the BHR (Birmingham Hip Resurfacing) is still marketed by Smith & Nephew.

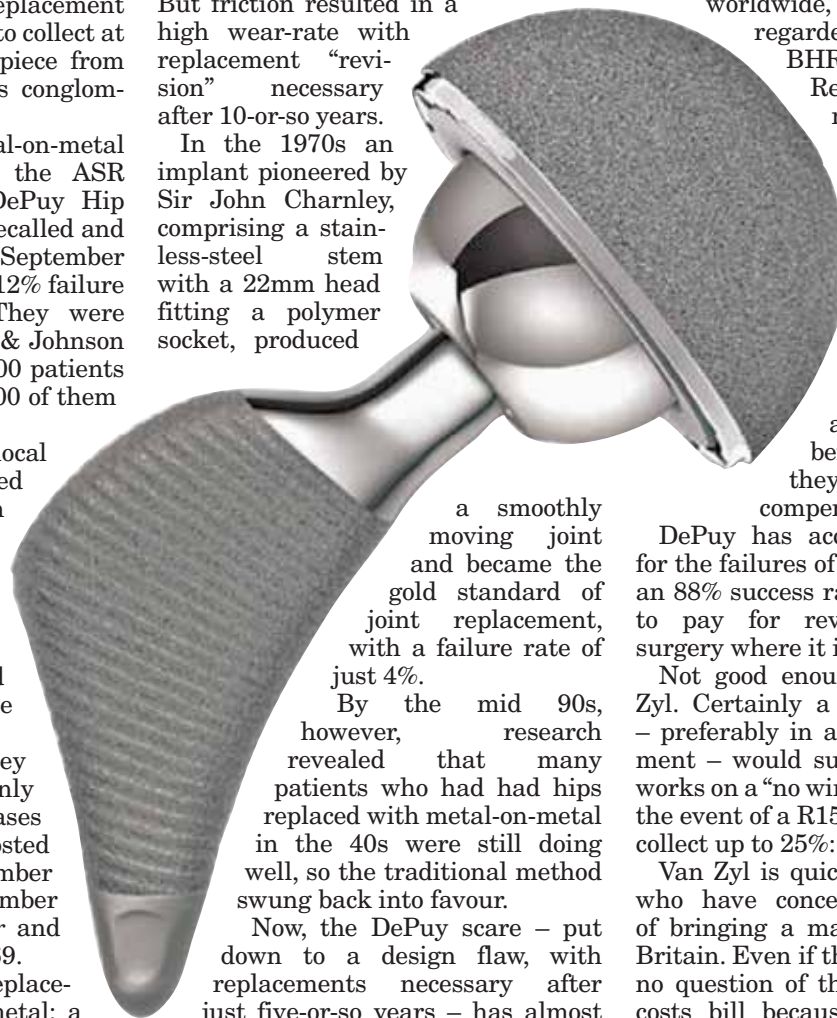
Between July 2003 and August 2010 3,300 South Africans received their DePuy implants.

The claimants among them believe they have a high chance of being awarded what they consider to be fair compensation.

DePuy has accepted responsibility for the failures of its product – against an 88% success rate – and has offered to pay for revision (replacement) surgery where it is required.

Not good enough, says Stoffel van Zyl. Certainly a R150-million award – preferably in an out-of-court settlement – would suit Van Zyl. His firm works on a "no win no fee" basis. And in the event of a R150m payout, he would collect up to 25%: R37.5 million.

Van Zyl is quick to reassure clients who have concerns about the cost of bringing a massive civil action in Britain. Even if they lose, there will be no question of their facing the usual costs bill because his UK solicitors



have taken out ATE insurance. After The Event insurance – little known in South Africa – indemnifies clients from all costs in a legal action should it be unsuccessful.

With nothing to lose, and up to R2.5m payouts apiece in the event of success, are South Africa’s hobbling hip brigade simply lining up in the hope of cracking open the champagne?

How does Van Zyl justify such a substantial claim?

“The initial metal-on-metal hip replacement procedure costs between R300,000 and R500,000,” he says.

“General damages for pain and suffering will be R400,000 or R500,000. Another R400,000-R500,000 for revision (hip replacement). Then there’s loss of income and future medical expenses. It goes to more than R2m.”



Are SA’s hobbling hip brigade simply lining up in the hope of cracking open champagne?

But at least one orthopaedic surgeon specialising in hip replacements considers these amounts excessive. Dr Jan de Vos of the Wilgers Medical Consortium in Pretoria and treasurer of the South African Orthopaedic Association, official group of the Medical Association of South Africa, says the total cost of a metal-on-metal prosthesis in a private hospital is no more than R120,000 (and that includes the R50,000 cost of the prosthesis).

A revision, depending on the severity of the failure, would come to around R180,000. That’s a total of R300,000 – a fraction of Van Zyl’s R700,000-R1m for the two procedures.

De Vos points out that, while

metal-on-metal hip-implant suppliers such as Biomet, Finsbury and Corin have quietly withdrawn from the metal-on-metal market, Johnson & Johnson has faced up to the problem: “They’ve brought out guidelines and protocols and have said they will foot the bill for revision replacement.”

Although the surgeon believes that patients with “a real metal-on-metal problem” should be reimbursed and helped along the way by Johnson & Johnson, he considers that those looking for R2.5m in compensation are “chancers, who think they’re going to make a quick buck out of this”.

Says forensic scientist Dr David Klatzow, who himself recently had a

hip replacement but is not, he trusts, a candidate for revision surgery: “I don’t know about having nothing to lose... And to suggest they’re simply lining up for the champagne is to trivialise a very serious issue.

“Having a hip replacement is hardly an undertaking without serious risk, and certainly not one you want to undergo a second time, when the risks are even greater.

“You risk sepsis, even untreatable sepsis these days, permanent damage to the muscular structure of the hip, and pseudotumor formation. And then you’ll be out of work for at least two months. The exact cost can be debated, but it’s no fun party,” says Klatzow.

TIMES HAVE CHANGED, SO HAS DEBT COLLECTION



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The secretaries' REVOLT

WARREN Beech enjoys the reputation as one of the pre-eminent corporate mining attorneys in Southern Africa. Within blue chip law firm Webber Wentzel, his ability to pull in new clients and generate millions in fee income won him the unofficial legal accolade of rainmaker. His reward was an equity partnership. Most partners in a law firm work for a (handsome) salary; it is only a highly valued few who make equity partner, to enjoy a mega-bucks share of the annual profits divvy.

Webber Wentzel was recently voted South Africa's Law Firm of the Year for the second year running by *Who's Who Legal*, research partner of the International Bar Association. Beech headed the mining, construction and industry solution practice group within the prestigious mining department.

His impressive client list included Anglo American's Anglo Platinum, Anglo Coal and Kumba, plus BHP Billiton, Coal of Africa and Impala Platinum. To these, and everyone else, he billed his services at R4,800 an hour (excluding VAT).

But, at 46, Warren Beech was destined for bigger things. So it was unsurprising within the legal community to read a glowing account in the August 19 edition of the *Sunday Times* of his upward move to rival law firm Eversheds, to head its entire developing mining department. The *Sunday Times*' Trading Places column, ever obsequious to the big law firms in the quest for lucrative legal ads, dutifully chronicled the move, with a rundown of the great man's career, plus a photo.

Little do Beech's new colleagues at Eversheds know of the torrid circumstances that led to their new boss's departure from Webber Wentzel. Behind the apparent career move lies a racy saga of fast living adorned with

Why has top mining attorney Warren Beech quit as an equity partner in South Africa's leading law firm Webber Wentzel for rivals Eversheds? A career move, as he has told the press, or a nasty ultimatum from senior partner David Lancaster? Beech's move, *Noseweek* has discovered, had a great deal to do with the unhappiness of a band of legal secretaries that he disparagingly referred to as his "bunnies".

Jack Lundin reports

secretarial bums and boobs, all-night drinking sessions and frolics with big-name clients at strip clubs. A dizzy round, which led to Warren Beech facing a battery of disciplinary charges following complaints by no fewer than four legal secretaries; serious charges that threatened his expulsion from the partnership – and professional disgrace, should the Law Society have caught wind of it.

It will come as little surprise to readers to hear that these unsavoury goings-on were swept adroitly under the carpet for the all-important priority, "to preserve client relationships".

As is usual in these bloated self-important law firms, it's the abused, downtrodden legal secretaries, muzzled by confidentiality agreements, who are the losers, while their privileged persecutor makes a triumphant exit to pastures new. After completing his articles at Deneys Reitz, Beech was a legal adviser at Gold Fields for several years. In 2007, with fellow attorney Fiona Leppan, he founded Leppan Beech Inc (LBI), specialising in the mining sector. As the firm's chief executive officer, Beech set its sometimes controversial tone.

An ill-timed friendship with the wife of a co-partner left a nasty taste, and by 2010, Leppan Beech was foundering. So Warren Beech was delighted when about half the 30-strong staff was absorbed into the embryo mining department of Webber Wentzel. The LBI team was given a warm welcome and a whole wing of Webber Wentzel's building in Joburg's Illovo Boulevard was cleared to accommodate them.

Beech reported to the mining department's joint heads Manus Booysen and Peter Leon. But as head of the solution practice group, he exercised real power at Webber Wentzel. A workaholic and no stranger to "all nighters" he was a top fee generator who frequently

After a hard day, toil would continue for the secretaries – in Beech’s hotel room, his orders fuelled by glasses of red wine

referred work to other fee-earners in the firm. His dictum was crystal clear: a true professional delivers no matter what; the interests of the client always come first.

Much of Beech’s time was spent outside the office, visiting clients. On these trips he would be accompanied by “travelling” legal secretaries, young attractive women who at Webber Wentzel earn around R25,000 and as much as R32,000/month.

After a hard day’s work out of town, toil would continue for the legal secretaries – typing, attending to emails,

calling clients – in Beech’s hotel room, where his streams of orders would be fuelled by glasses of red wine.

Clients weren’t forgotten. A typical client evening was dinner at an expensive restaurant or drinks at his usual Rustenburg abode, the four-star Château de Nates. Around 10pm at either, after copious amounts of alcohol, Beech would announce that the party was moving on to the exclusive Langbome strip club at the Roadside Country Lodge outside town. Clients such as Alistair Collier, senior legal manager at Anglo Platinum, were

among the recipients of Beech’s entertainment there.

A Webber Wentzel legal secretary recalls: “At a strip club in Witbank the operations general manager of Total Coal, Alan Mabbett, was with us. We were made to sit at a table while dancing ladies stripped in front of us. I was so sick and tired of having to put up with this sort of thing that I insisted on leaving. Warren was not interested so I was forced to go and sleep in the car until the early hours of the morning.

“Warren is a charmer. He likes to party with people. He likes to take

people out for expensive dinners and get them drunk on the firm's account."

The incident that eventually led to this year's secretaries' revolt took place much earlier, in October 2010. After work one evening at the Illovo head office Beech and members of his team took a new secretary for drinks in the firm's elegant waiter-serviced bar.

Thoroughly lubricated, Beech and the secretary returned to the practice group's first floor office, where Beech prevailed on the newcomer to have her boobs and bum immortalised with colour copies run off on a Webber Wentzel photocopier.

Beech placed the photocopies in a drawer of his desk, where the following morning another legal secretary – who we'll call Sue – heard about the boozy photoshoot and in turn photographed the stack of colour copies on her cellphone. When Beech arrived for work,

to anyone, handed over what she said were the only copies and assured him that she had deleted the cellphone snaps. (*Noseweek* has a set.)

A fortnight later, however, Beech placed her on immediate suspension pending an internal investigation into alleged misconduct which had "resulted in a breach of trust and confidence in the employment relationship". No mention of the photocopy incident, of course.

Sue's "misconduct" was for things like saying she was going to see her doctor when she had not done so; and indicating to two staff members that she had visited the doctor and was in such a bad way she might require admission to hospital.

But before her disciplinary hearing could take place, there was a settlement. Sue took two months' salary and a year-end bonus – around R75,000 in

abuse of his power to be that Warren consistently subjected me to his sexual advances. He would make comments to me about my breasts, bum and body, as well as physically smacking or squeezing my bum. Warren's harassment became a major problem in my personal life and I told him to stop his sexual advances. Unfortunately his behaviour continued and our relationship became very tense and volatile. If I rebutted his advances he would treat me badly at work by shouting at me in front of my colleagues, or threatening to fire me."

● "He would make me work if I was sick. On one occasion in the Rustenburg office he made me continue typing a document for him while I continually threw up from food poisoning.

"On another occasion while being seconded to Standard Bank my IUD [contraceptive device] had dislodged

Thoroughly lubricated, Beech and the secretary returned to the practice

a colleague told him what was going on and a furious Beech called Sue and two other secretaries into his office and interrogated them. To whom had they shown the photocopies etc?

Warren Beech had been dissatisfied with Sue for some time. An extract from a 2010 SMS message to her reads: "You should not be surprised at my response re your being off sick at all. It has been twice in 6 weeks and on both occasions it has been during a critical inquiry, firstly Paarl Print and now the last day of Khusuleka. The last occasion was also during the time that you were then off on study leave. The difference is about being professional, delivering on our promise to clients no matter what and showing exceptional levels of dedication and commitment. You have been in my practice long enough to know that that is the way I work."

Sue claims that within days of the photocopy incident, Beech told her she didn't have a job, was unwelcome in his team and should not come back to work. But this was never made official, after a subdued Sue promised not to show the photographs she had taken

total – and resigned.

"I believe that Warren's discovery that I had these incriminating photographs led him to suspend me from the firm," says Sue. "He saw me as a high risk to his position."

Sue left Webber Wentzel in November 2010, to embark on many months of job-hunting and psychological therapy "due to the manipulation, brainwashing and abuse that I was put through on a daily basis by Warren".

In May this year she was called back to Webber Wentzel following a deluge of new complaints against Warren Beech. Sue, by now 29 and working as a candidate attorney – she hopes to qualify next year – received a call from Ronel Grobler, head of HR at Webber Wentzel. Four legal secretaries had filed complaints against Warren Beech, said Grobler. Would she be prepared to make a statement about her experiences with him?

Certainly, said Sue. Some high points of her statement:

● "Besides the daily and consistent threats, manipulation, emotional and verbal abuse I was put through by Warren, I found the most stressful

and I was bleeding and in a lot of pain and he refused to let me leave work to see my doctor."

● "I was studying for my LLB degree as well at the time and was struggling to cope with my studies and the work load that was required of me. Despite my pleadings to Warren, no assistance was given to me, only a promise that if I carry on working hard I would be given a position as a paralegal."

Sue's statement was received by Webber Wentzel on May 28. The following day, in an email to practice group leaders, senior partner David Lancaster wrote:

"I have asked Warren to resign and I am waiting for his response. At the same time finalisation of the charge sheet continues and he will be given a copy this afternoon.

"Our external lawyers will be taking statements from all complainants and witnesses from lunchtime today for use in the event that we have to hold a disciplinary hearing and/or go to the partnership for a vote.

"In the circumstances I need you to talk to his team members first thing tomorrow morning (Wednesday) to

advise them that charges have been laid against Warren for misconduct, sexual harassment and breach of the partnership agreement. These charges will lead to a disciplinary hearing or partner vote, but that [sic] we need to protect our client relationships and assure his team that they have a home at WW in one of your practice groups in the event that Warren is found guilty and is dismissed or resigns or is removed as a PGL [practice group leader].”

The four complainants were interviewed by external attorney Michael Maeso, from the St Lucia law firm of Shepstone & Wylie. According to one of them, Maeso told her he had more than enough evidence of inappropriate behaviour to justify Beech’s dismissal.

The climax came amid high drama two days later, on May 31, when Warren Beech met David Lancaster, Webber’s senior partner since 2006. An emotional Beech told Lancaster that he wanted to stay at the firm. He had done nothing wrong and was seeking outside legal assistance. Lancaster gave him until 3pm to resign. Failing that, a partners’ meeting scheduled for 4.30pm would vote on his fate. The partners did not have to do so – with just minutes to go, Beech submitted his resignation.

Three of the 2012 complainants still work at Webber Wentzel and all fear reprisals by the firm. “With me it wasn’t about sexual harassment, it was inappropriate behaviour,” says one. “It was sexual behaviour in a way, like pinching the bum or making inappropriate comments about my cleavage or my bum. He would slap me on the backside on numerous occasions, and when we were out travelling he would take me and some of the other secretaries to this strip club in Rustenburg. If we didn’t want to be there he’d make us sleep in the car.

“He would make us go out with him until 4 or 5am, and we’d have to wake up at 6am, and he’d get a bit cross if we wanted to go home and go to bed and sleep. He just didn’t know when enough was enough. The main thing was the drunkenness. He was always, always drinking, every night. And it would just get out of hand. We couldn’t go back to the hotel and get some sleep until he was ready, which was 2, 3, 4am. At a bar, strip club, wherever. He would pay with his own card and claim it back from our accounts department as a client entertainment expense. One

of his stay-in secretaries handled that, but I know he did that. I saw it.”

Another of the four would only say: “The wind was taken out of my sails when he was accepted at Eversheds. I’m just disgusted with Eversheds.”

Warren Beech, plump, freckled, with ginger-blond hair, celebrated his 47th birthday on September 7. He drives flashy cars (Mercedes, BMWs and Land Rovers) which are traded in each year for a new model, runs marathons and has a fancy house in Aberfeldy

Wentzel’s clients to Eversheds with him? “Yes. I’d prefer not to give a list, but a significant number of clients came across.”

Wasn’t there some bother at Webber Wentzel with female staff members? Nonsense, absolute nonsense, Beech assured *Noseweek*. “There’s always rumours and nonsense about people. No, this is just a genuinely good opportunity to head up a mining team with another outlet. Eversheds did have one or two people in the mining depart-



Bewigged Warren Beech (lycra tights with beer can codpiece hidden from view) with uneasy-looking candidate attorneys at an LBI thrash

Avenue, Morningside, wherein is to be found his long-suffering wife Janet. For transport to school, Beech boasted, he bought his teenage son a Mini Cooper.


His new employer, Eversheds, is part of a London-based conglomerate with 45 offices in 28 countries. As Beech settles into his Sandton City office we asked him why he left Webber Wentzel. “It’s a position as head of mining here,” he replies. “At Webber Wentzel I wasn’t head of mining, I was a section head of one of the teams.

“This is an opportunity to build and grow a team in a different Mining space. Also to provide another option for the mining companies. There’re very few [legal] companies that do mining here and there are often conflicts with clients. So it’s another vehicle.”

Did he bring some of Webber

ment, but this is an opportunity to grow it and put it together very, very nicely.”

■ Warren Beech may find sympathetic ears at Eversheds. *Nose133* related the tale of how Peter Kemp, a senior director there, slapped his legal secretary during a 2010 tussle over a lever-arch file. The secretary was subsequently suspended and the full weight of the giant law firm descended on her when she complained to the CCMA that she had been “victimised, defamed, assaulted, harassed, subjected to unilateral changes to employment contract and unfair dismissal”.

Lavery Modise, now chairman of Eversheds, led the firm’s assault on her at the CCMA hearings. Peter Kemp no longer works there. 

DA'S CONSERVATION BLACK HOLE

"ON BEHALF of the DA, I would like to thank you for the email that you sent," was the prompt and polite response to questions put to Western Cape Premier Helen Zille. *Noseweek* had asked why her government had threatened to fire Dr Bool Smuts, respected employee of the provincial health department by day, super-critic of the DA's environmental policies the rest of the time.

But the reply didn't come from La Zille. It was from Enocent Nemuramba, Public Liaison Officer, DA/Leader's Office/Head Office. Nor did it contain any answers. Instead, Nemuramba said our "submissions" had been forwarded "to the Hon. Gerit [*sic*] van Rensburg, MEC for Agriculture in the Western Cape, who is best placed to attend to the issues raised".

Normally, the MEC for Agriculture would not be *Noseweek's* go-to guy for comment on a politically sensitive labour-relations issue concerning the department of health. But in this instance, his contribution would have been welcomed. For one thing, (Gerrit) Van Rensburg – along with Zille and the MEC for Environmental Affairs, Anton Bredell – has been a prime target of the sort of "negative/destructive remarks" Smuts has been officially warned against making. Smuts (speaking as director of the conservation NGO Landmark Foundation and not as the medical administrator of the Hassequa sub-district) has accused the three DA leaders of being jointly responsible for "the largest cull of biodiversity ever sanctioned by a government entity in the history of the African continent" in their efforts to secure the farmers' vote.

Smuts has also loudly and publicly

Farmers are baying for the blood of predators while conservationists and animal lovers fight tooth and nail to save them. As the battle for biodiversity rages in the Western Cape, it seems the political leaders who started all the trouble have gone to ground.

blamed Van Rensburg and Bredell for putting the screws on CapeNature to agree to the farmers' demands. But given the chance to respond to these slurs, Van Rensburg opted to bounce our email straight back to Nemuramba with the instruction: "Please send it to Min Bredell, he will answer it".

Within minutes, the commendably efficient Nemuramba had complied, and *Noseweek's* message had been sucked into the black hole that is the mailbox of the Minister of Local Government, Environmental Affairs and Development Planning. (We know all this because Nemuramba thoughtfully copied us on the progress of our questions during this brief game of pass-the-hot-potato.)

That was back in mid-August. By the time of going to press there had been no answer – nor a response to an email sent directly to Bredell's black hole on 11 June requesting information for our original story (*nose153*).

In the meantime, the *Noseweek* inbox has been inundated with correspondence from the other side – the growing band of wildlife conservationists, animal welfare groups and members of the public demanding a more humane, sustainable and effective approach to predator management. It is them we have to thank for forwarding *Noseweek* a new report, commissioned by CapeNature itself, into the control down the ages of black-backed jackals and caracal.

But it's a document which does rather support their position. Written by Prof Koos Bothma from the Centre for Wildlife Management at the University of Pretoria, it includes a detailed review of the scientific literature pertaining to these wily and successful predators. His conclusion:



“...that their indiscriminate killing has not succeeded in reducing the impact of black-backed jackals and caracal on small, domesticated livestock substantially and that all such efforts have failed to date”.

And further: “A carefully balanced approach that includes ecosystem-based husbandry and selected preventative measures appears to be the only viable alternative.”

Bool Smuts could hardly have put it better himself. It’s not surprising that the report was first delayed – and is now being contested – by the hunting, shooting and trapping lobby.

Bothma’s report found most lethal control methods to be ineffective, uneconomic, and non-specific, and should not be used “except in localised, short-term control attempts” like before the lambing season.

Instead of trying to reduce the population of problem animals, more effort should be spent on protecting flocks

Pressure points

Bool Smuts to CapeNature

12 Jan 2011

“Has any political pressure been brought to bear on ... CapeNature (regarding large scale predator eradication)?”

CapeNature CEO Kas Hamman to Bool Smuts

12 Jan 2011

“Yes, political pressure has certainly been brought to bear on us and in no uncertain way.”

Bool Smuts to Helen Zille

13 Jan 2011

“Re: appeal to the Western Cape Premier to intervene in undue pressure and allegedly irregular influence by MECs on CapeNature to issue extermination permits against indigenous wildlife.”

Helen Zille to Bool Smuts

26 January 2011

“I have discussed the matter with both Ministers and they deny that they have exerted pressure on the top management of CapeNature.”

Bredell to the press

27 November 2011

Bredell told Weekend Argus: “To find a solution, one sometimes has to exert pressure. What’s wrong with that?”

Bredell said he had placed pressure on CapeNature after “crying” farmers had approached him at a meeting in Worcester in November last year, which was also attended by Western Cape Premier Helen Zille and Agriculture MEC Gerrit van Rensburg.

using animal and human herders, protective collars, predator-proof fencing and better husbandry. At the same time, the health of the ecosystem needed maintaining to accommodate a balanced population of predators, their natural wild prey, as well as livestock.

Bothma recommended that CapeNature grant short-term hunting permits only to farmers who followed “an ecosystem-based approach to the husbandry of small, domesticated

livestock in combination with effective methods to prevent depredation”.

CapeNature would no doubt welcome such a measure, but then they’re not in charge.

Yet those who are in charge (the politicians named here) have left the defence of their discredited policies to CapeNature’s acting CEO, Dr Kas Hamman. In response to the “media interest generated by Dr Bool Smuts”, Hamman has published a “fact sheet”

explaining that the introduction of hunting permits in 2009 was intended to “reduce” the carnage inflicted on wildlife by formerly unregulated farmers. At the time, farmers were demanding “drastic measures” and calling for the black-backed jackal and caracal to be declared “a disaster” in the Western Cape. “This among others would have led to the large-scale hunting of these two species.”

CapeNature knew what the Bothma report confirms: that trying to exterminate these animals only accelerates reproduction and boosts populations.

According to the fact sheet, MEC Bredell and CapeNature agreed “that the responsible way to address this issue was to scientifically investigate the implementation of sustainable management options which are selective, humane, legal and ecologically sound as a long-term solution”.

A short term solution, it said, “is to offer farmers the legal and environmentally sustainable option of taking out CapeNature’s hunting permit”.

Except that the solution is not environmentally sustainable, does not comply with draft legislation and – after almost four years – can hardly be described as “short-term”.


Since 2009, permit lengths have been extended from three to six months, and could be stretched to a year and to include the use of dogs, gin traps and helicopters if farmers get their way.

Last year, CapeNature handed out 490* permits, each entitling the holder to kill five black-backed jackal and five caracal every day for six months.

That, as Bool Smuts is keen to point out, adds up to 894,250 animals. Kas Hamman has countered that the actual number of animals killed is nothing near that. His fact sheet says the 46 permit holders who’ve bothered to report their kills have bagged 190 caracal and 135 black-backed jackal.

But what about the promised research into less-bloody alternatives? In four years the only official scientific investigation has been Prof Bothma’s literature review, although Hamman says money has been put aside for studies on the ground.

Meanwhile, CapeNature has had to fall back on the repeated, and irrelevant argument that the Western Cape has the country’s strictest predator management policies in the country.

* The figure Hamman provided to Smuts in October last year. The new fact sheet says 400 permits were issued. That’s how clear things are. 

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SHATTERED

A New York agent's refusal to pay for a R450,000 consignment of handcrafted ceramics, in a bid to extract better terms from his SA supplier, has brought down one of this country's iconic creative businesses



Kate Carlyle and her pots

EIGHT YEARS ago, Kate Carlyle was a thriving Cape Town businesswoman. Her ceramics business, Mustardseed and Moonshine, was recognised as one of South Africa's design success stories.

The delicate, botanically accurate porcelain crockery, in a range of bright hues was selling in top shops in the United States and the capitals of Europe. They were featured as a must-buy in every fashion and décor magazine worth mentioning, from *Vogue* to Oprah Winfrey's *O* magazine.

The US market, in particular, was ticking. Carlyle's pieces were to be found in 200 stores in the US and Canada, including high-end shops like Saks Fifth Avenue and Lord & Taylor, and in numerous galleries.

The inspiration for her creations came when Carlyle – the daughter of a political-correspondent father and potter mother – went to live in the US for a year where her father was a Nieman Fellow at Harvard University. There, at the age of 10, she discovered the Harvard Museum and was transfixed by the Harvard Glass Flowers Collection, a showcase of about 3,000 crystalline flowers. They were to be the inspiration for her own botanically inspired ceramics – which are themselves collectors' items.

Carlyle's ceramics studio moved from its modest beginnings in a small house in Observatory, into a big studio in Woodstock, and from one small kiln to nine big trolley kilns.

Mustardseed and Moonshine would have turned 25 this year but Carlyle is in the final throes of winding up her business after her US agent, former Capetonian Ivan Seidle and his wife, Diane, failed to pay her nearly R1 million. She employed 40 members of staff who've all had to find other work.

In 2004, with business prospering, Carlyle had parted ways with her then-US agent and was looking for a new one. While working the floors at a trade show in New York, she walked straight into an agent who was representing the inimitable Carrol Boyes.

"It felt serendipitous," says Carlyle. Diane Seidle and her husband Ivan were in the agency





Diane and Ivan Seidle

business together. They were familiar with Carlyle's ceramics and immediately suggested a meeting to talk business.

Ivan, from South Africa, had been a US citizen for 20 years. His mother still lives in Sea Point. He'd met Diane, an American, in Cape Town, married her and moved to the US.

"I thought that, because they had links with Cape Town, they would visit the studio and become part of it – a stupid presumption. They never came," says Carlyle.

The couple, whose only client at the time was Carrol Boyes, were adamant that Carlyle should not tell Boyes they were going into business together.

"I remember walking away and feeling I don't trust these people."

Needless to say, the first thing Carlyle did when she returned to South Africa, was to contact Carrol Boyes.

"Carrol advised me to take them on but warned me to be careful... but she said Diane could sell snow to an eskimo."

Their business relationship did not take long to sour.

"They were soon criticising the quality of the product and the speed at which we were producing. They started saying we did not understand the American market. They didn't get that we were making a product by hand, that there would always be little differences in every item we made. We knew that our

quality was perfect and anything that did not pass one of our eight quality checks was destroyed.

"They seem to have forgotten that the ceramic industry is an ancient craft. Not much of it can be modernised. We still use earth, water and fire to make it. Our fire is now electric, but it still takes three days for a kiln to go up and come down and you are doing three or four firings of each item, depending on what you're making.

"I kept saying to them, 'you're not doing the marketing correctly if you're not explaining to people that you can't order something and get it shipped out next week'."

To hold sufficient stock on call in the US, Carlyle rented a warehouse in Niagara Falls and, initially, the couple sold what went to the warehouse and made their commission.

"Then Diane started demanding particular products – which to some extent was fine as she knew what her clients wanted. But I had to tell her: 'You can't expect me to keep making other stock. Please look at what's in the warehouse.' She was making up combination stories of colour and that sort of thing."

A year-or-so later, Carlyle and the Seidles agreed that the couple would

order from the factory in Cape Town and ship to the US at their own expense.

Carlyle did new ranges for them and they became one of her largest clients. However, it became a very difficult line to walk, says Carlyle.

"I would design products and Diane would be derogatory about a lot of the designs and want to change them. At one stage she was saying on LinkedIn that she was the designer and owner of Mustardseed and Moonshine.

"I always used to fight to do my own designs and I must say, I mostly won. I had moments of real satisfaction when my designs sold really well.

"That's not saying her suggestions of bringing in certain ranges didn't work. She knew the market. For example, Americans have an enormous Judaica market. We'd make seder sets, honey and apple plates – we sold a lot of those – and it was a huge market for us to break into. That was her innovation."

At that stage, Carlyle was paid "ex works" – as soon as the goods were in a container at the factory door, ready for shipment, the clients would pay.

"We got paid for the product, cash at the door; they paid the shipper."

Then about two-and-a-half years ago, the Seidles asked for 30 days' credit on the account.

"They said the economy was crashing and they needed time to get the product over there. My gut said, don't do it, but my head said, well they do most of your business and if we want to carry on, we have to give somebody a break..."

Their relationship remained acrimonious. "We were still being paid, but they'd regularly move the goalposts. There were a few crises – like the odd

kiln disaster, when we had to remake stuff, although

most of the time we were 100 percent with deadlines and we always went the extra mile. But there was an argument at every turn.

We spent months doing a catalogue for her and she trashed it; she told us our website was dreadful..."

At the time, the Seidles had got into more top shops like Nieman Marcus and Bergdorf Goodman and were constantly on at Carlyle to ramp up production.

"They wanted money. For them it wasn't about a creative business or about promoting South African art or



about the fact we had taken on people who were completely unskilled and had been working here for 18 years. They seemed to resent that we were the creator. They wanted to own us – move production to China or Portugal. We were just the factory in some backwater in Africa.”

About 18 months ago, under pressure to ramp up production, Carlyle went into a partnership with the Industrial Development Corporation, which provided the money to expand and employ more people. The IDC immediately told Carlyle to return to the COD method of payment, saying the business could not afford to give 30-days’ credit.

“The Seidles agreed, reluctantly. It was then that they started saying they were not making any money out of Mustardseed and Moonshine.”

Nevertheless, the factory did a couple of shipments for which the Seidles paid upfront.

Then, on 21 July last year the couple placed their last big order for Nieman Marcus for 2011, to be ready for collection for shipment on 12 September. But they said that if the goods went by sea, the goods might not arrive in time for Nieman’s deadline delivery date.

“On 31 August Diane sent us an email asking us to pack a container with priority items to be airfreighted, at their expense, on 12 September. We agreed and had it all ready as instructed – but then they didn’t pay us for the goods on that day, so I refused to hand over the container to the shipping agents.

“On Friday 19 September, Ivan phoned in a panic and pleaded with me to release the container to the shippers, promising to pay by the Monday. He was anxious that if it didn’t get on a plane that day, it wouldn’t make it into Nieman Marcus in time. When you deal with these huge department stores, there are enormous penalties if you don’t get the stuff in on time. He swore the payment would follow,” says Carlyle.

“The shipment was worth \$52,000 (about R400,000). Airfreighting it was going to cost \$11,000 – but that they paid for anyway.”

Long story short – and in a moment Carlyle would come to regret deeply – Mustardseed and Moonshine succumbed and the freight forwarders collected the stock.

Monday came, but the money didn’t. Not that Monday or any day since. Worse still: neither did they pay for the two containers packed with the remainder of the July order that still

had to be collected for shipment by sea. Says Carlyle: “I was not thinking this is the end of the business, so the staff had continued making items to complete the order.”

She told the Seidles she would not ship them until they paid for the first – to no avail – so she delivered the ultimatum: pay by 30 November or our relationship is over.

“Instead, they said they would only pay on condition that I agreed to hold my prices at the same level they’d been at for three years, something I simply couldn’t sustain, given the 150% increase in the cost of electricity – a huge input cost with all those kilns

– and given wage increases.

“Also, the cost of the red glaze had become prohibitive. But that’s the colour the US market wants most, insisted Diane – at the 2008 price.

“It seems they were constantly assuming I wasn’t telling them the truth; that if they held off with payment, I’d concede.

“Under pressure from the Seidles, I’d held off with the necessary increases for a whole year, but in June 2011, I informed them that, for all orders placed after 1 January 2012 we’d be charging at the higher prices. The subject was open for discussion – but not before they paid me what I was owed.”



Mustardseed and Moonshine ceramics at Saks 5th Avenue, New York

By the end of November, Mustardseed and Moonshine employees went on to “short time”.

“In January this year, I realised this was it: we had to close. I had to say goodbye to my staff – 40 people who’d been amazingly loyal – many for as long as 18 years. They were all devastated. We had to have a big sale to sell the stock they’d ordered.”

Carlyle is in litigation with the Seidles. “We have a lawyer in the US, who has taken on our case for the money. The Seidles are counter-suing me for hundreds of thousands – because I told people they hadn’t paid us.”

Carlyle, still recovering from the loss of the business which was her life-long passion, wonders aloud: “Did they know they were bringing down a business? A dream?”

“We were the only product they carried. Not only have they destroyed us, but they have shot the goose that laid the golden egg.”

For Carlyle, the past few months have been a dreadful process of grieving

for the “baby” she’d nurtured for 25 years. “It’s surprised me how long its taken to tie up the loose ends and to close the business – and to close your heart to something you have put all your passion into.

“But I’ve put my CV together, I’m taking one day at a time, slowly healing.”

Would Carlyle consider starting the business again?

No, she said emphatically.

“Some items I’d brought home to use held too many memories. I can’t have them around me at the moment, so I gathered them up and smashed the lot.”

● When *Noseweek* contacted the Seidles in New York for their side of the story, they referred us to their lawyer, Steven Wagner, for comment. Wagner was only prepared to give us an off-the-record “backgrounder”, while



cautioning that he had no first-hand knowledge of the facts and did not have his file in front of him.

We have taken his extensive backgrounder into account when writing this story. (As he himself had cautioned, much of what he told *Noseweek* did prove unreliable or wrong on inspection of the documentary evidence.)

For the record, all the New York attorney would say was that Mustardseed and Moonshine had sued his clients in New York, but that they had themselves now gone out of business and that “no recovery is likely”.

“At the moment they’re licking their wounds,” Wagner said, adding that, in a bid to settle the matter within the coming month, a “nominal” payment will be tendered by the Seidles. **N**

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The alluring fascination of wickedness in high places



LAURIE GRAHAM wouldn't have been a bit surprised at Prince Harry's flaunting the royal willie in Miami. Her novel is a keyhole view of mostly unseemly doings of the House of Hanover during Britain's Regency and, if Graham is to be believed, free willie would have been the least of their highnesses' concerns in the 1830s. It was the eve of dramatic social change in Europe.

She tells a wondrously gossipy tale, peppered by wry, lower-middle-class censure of aristocratic excesses. It is, of course, very naughty to be fascinated by wickedness in high places. But the hour is not yet come when humanity will abandon voyeurism for more worthy occupations. Not while the ghastly rites of celeb worship flourish, anyway.

The doings of the 15 offspring of George III and Snuffy Charlotte, his Queen, were certainly often decadent and peculiar, judging by these plausible revelations. Nevertheless, a degree of judgment is needed in assessing the whispers and weirdnesses, since fascination with the domestic details of celebrities is rarely conducive to understanding



Charlotte of Mecklenburg-Strelitz

A HUMBLE COMPANION (Quercus) by Laurie Graham



motive and the exigencies of high office.

Be that as it may, the depiction of lives withered by ceremonial constraints has its interest. Living luxuriously is all very well, but being constantly on display is clearly not much fun.

The novel presents a small army of princelings trying desperately to amuse themselves with horses, lust and gambling while the old king slides in and out of the delusionary states so dramatically depicted in the film *The Madness of King George*.

The princesses are kept in purdah, remaining unwed because protocol decrees that they must marry in order of seniority, but the eldest is a humiliated frump, scorned by eligible nobility. So all seven sisters while away the years, in surprisingly modest circumstances, till eventually the Princess Royal finds a husband and becomes Queen of Württemberg.

Laurie Graham's cunning device, in employing an individual from another world to comment on the curious lives of her betters, is effective. Particularly when the young companion Nellie, daughter of a royal steward, is first

introduced to Princess Sofy. The two girls, on the verge of womanhood, become friends. The Humble Companion, living mostly beyond the cloister walls, is aware of the looming crisis that became the French revolution, and of the excitements of the industrial revolution. In the chilly rooms of the palaces, the waiting princesses can have no comprehension of that changing world.

The stultifying court life of the period, stagnated by the king's mental instability, is appalling. There's no hint of the marital cosiness shown in the film. Instead, there is a fiercely protective old queen trundling her demented spouse from spa to spa in hopes of a cure, with enormous wagon trains of goods and attendants floundering behind.

Nellie who is summoned from time to time to cheer Sofy, grows to maturity with a shrewd idea of the world and its often cruel ways, while the princess fades into genteel isolation.

Laurie Graham depicts the Prince Regent as vain, selfish and unreliable. History says that he amassed an extraordinarily fine art collection. Poor old George III admired and supported the great architects of his time. **N**



George III

Oozing onto a shelf near you



NEVER MIND the sinister *Seli I* oil bleed fouling Cape beaches and birds – what about the tide of fraudulently labelled olive oil oozing on to supermarket shelves?

Dangers posed by the *Seli I* wreck are as nothing compared with threats posed by producers and marketers of adulterated oil, frequently sold as Extra Virgin. Ask Tom Mueller, author of *Extra Virginity – The Sublime and Scandalous World of Olive Oil* (Atlantic Books), who will soon visit South Africa.

The book is simultaneously a hymn to the qualities of the sacred oil throughout history, and a furious denunciation of Big Oil villains. The South African oil industry is crying hallelujah in fervent support of Mueller's exposure of the dangerous means and methods of doctoring oil, to the detriment of human health and teetering survival of artisanal producers.

Extra Virginity is a fluent and

**Extra Virginity:
The Sublime and Scandalous
World of Olive Oil**
(Atlantic Books)
By Tom Mueller

pleasingly informed work of praise and blame. The range of literary references is erudite and apposite. And often poetic.

Mueller, a Harvard and Oxford graduate, lives in Italy with his wife and children. He views olive oil obsession as an ancient condition, noting that Odysseus, haggard and salt-crusted after shipwreck, coats his body with oil and is suddenly transformed into a god.

The Bible records that the repentant Mary Magdalene anoints Christ's feet with fragrant oil. And "The Prophet Mohammed, peace be unto him, uses so much oil on his skin that his shawl is often drenched with it."

The pharaohs offered the finest olive oil to the sun god Ra; A meagre dash of lamp oil in the sacred Menorah lit the Temple at Jerusalem for eight days during its dedication, until more oil could be found.

Talk of covering all constituencies.

Speaking of lamp oil, Mueller reports that huge profits are being made out of adulterated and inferior oil which, according to the experts, is classed as *lampante* (lamp oil) and fit only for burning, not eating. One of the cognoscenti remarks of one nasty sample: "Extra virgin? What's this oil got to do with virginity? This is a whore."

It is alleged that deodorising equipment has been seen in Spanish mills, where it is apparently used to remove dodgy flavours and off-putting aromas of inferior oils before they are sold off as extra virgin. Heavily refined oils are often labelled "pure", even when processing has stripped them of health benefits.

Imaginative small-time crooks use colourants, including industrial chlorophyll and canola, the bottles patriotically adorned with Italian flags and false names of producers supposedly working in famous olive-growing regions.

Mueller is not alone in his pure oil campaign. He tells of the head of a food cooperative who makes oil, at enormous risk, from groves confiscated from the Mafia. There are still monks making respectable oil from 1,000-year-old trees.

Even villains who have grown rich making fake oil get sentimental about their childhood at the olive mill. But they have been getting away with their sins for years.


A dedicated Italian corruption fighter tells Mueller: "My fight is a civic responsibility."

His mission is to protect the honest oil-makers who can hardly make a living in this distorted market, and the millions of consumers who are being deprived of the therapeutic properties of quality oil.

Real extra virgin olive oil is said to contain powerful antioxidants and anti-inflammatories which help to prevent degenerative diseases like cancer. Mueller says bad oil is a crime against public health.

The author includes South African consultants in his international thanks list. He lauds Guido and Carlo Costa of Paarl for their authoritative view of the country's oil market, as well as for information on oil chemistry, the dangers of olive pomace oil, and the wiles of South African fraudsters.

And there are thanks for Andries Rabie at Willow Creek, who spoke of growing olives at the extreme southern tip of the African continent, and of the spiritual resonance of making olive oil, which Rabie, a serious Christian, first imagined in a dream.

Thoughtful *Noseweek* readers will doubtless be poring over olive oil labels with care in future. 





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A cure worse than the affliction



Wheelchair-bound Joyce Mthembu



BHEKI MASHILE

WORRIED about her swollen leg, 50-year-old Joyce Mthembu goes to the Barberton General Hospital to have it checked out. They give her an X-ray, tell her it is broken, and refer her to our regional hospital, the Rob Ferreira in Nelspruit. There she is put under the surgeon's knife – with a most unsatisfactory outcome.

When the government announced its plans to introduce the National Health Insurance (NHI) scheme, this writer – and I am sure countless other citizens – welcomed the initiative. After all, many of us cannot afford the enormous fees charged by medical aid schemes. And why not be excited about the NHI? It will mean improved hospital infrastructure and better medical care. Hey, bring it on.

Well, the government has brought it on with the first phases – infrastructure development and improvement

– already implemented, at least in my Barberton General Hospital and at the Rob Ferreira. And I must say, the make-overs and additions to these health facilities are quite impressive.

But before the Minister of Health raises a champagne glass and cuts a piece from a gigantic cake in celebration for all the poor masses to see on national television – à la the ANC's annoying habit – this writer is compelled to retract at least half the kudos. Reason being that, looking at Joyce Mthembu's situation, one has to question whether the right priorities were set with the NHI's implementation. The various reforms “will be phased in over 14 years”.

Instead of phase one being infrastructural development and improvement, maybe it should have been the strengthening of health care and, specifically, more and better-qualified health care professionals. This would certainly have gone a long way to preventing the nightmare that Mthembu has had to endure – in the opinion of at least one doctor consulted by this writer.

We'll get to Mthembu's dilemma in just a bit. First let us look at some of the specifics of what the NHI promises – “the various reforms will be phased in over 14 years” – and how, by comparison, Ms Mthembu has been horribly failed. It aims for better access to quality health services; for citizen access to district clinical specialist teams consisting of medical and nursing specialists who will be “an integral and permanent feature of health care delivery in South Africa”; and all health establishments (public and private) that render health services to the population will have to meet core quality, service, management systems, and performance standards.

Tragically it would appear that Ms Mthembu was not afforded any of the

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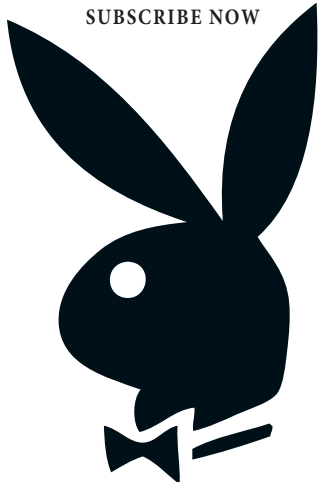


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above offerings by Nelspruit's Rob Ferreira Hospital. She says when she first went to Barberton General to have her left leg looked at she did not understand much of what the doctors said. However, she'd been surprised to learn that the X-ray revealed a broken leg as she could not recall having done anything that would have broken it.

Barberton General referred her to Nelspruit's Rob Ferreira, Mpumalanga's premier specialist hospital, where, she says, she was once again X-rayed and the diagnosis was the same.

While Mthembu does not remember specific dates of her hospital visits (no big problem there, they'll be in her file) she went under the surgeon's knife in June last year. After the surgery she was instructed not to walk or put pressure on the

given any such instructions.)

The follow-up, the doctors said, would have indicated whether or not proper fusion had taken or was taking place.

And here's the thing that makes one's blood boil at the seemingly unprofessional and insensitive medical staff: according to Ms Mthembu, when she went back to the hospital to point out the deformity, hospital staff only took down her phone number and told her they would call her. Don't call us we'll call you – imagine that! That was last year and she has not heard from anyone since!

In fact, what one of the doctors described as outright negligence in the treatment of Ms Mthembu, began after her initial visit to Barberton General at which she was only able to secure an appointment at Rob's two

Doctors warned that the problem had become 'clinically complicated'

leg for at least six weeks – that was the time she had spent recovering at Rob's. Upon her release the hospital once again X-rayed her leg but did not communicate the results to her.

A week after returning home, Mthembu tried to stand on her own – she had been hobbling along on crutches till then – and, to her astonishment, the leg buckled under her, just above the ankle, warping to the left. As a result she is, at least for now, wheelchair bound.

This writer showed photos of Mthembu's leg to two independent doctors for their expert opinions. It would appear that the bones at the point of the surgery did not fuse back together either properly or sufficiently. So, when she put her weight on it, "an anatomical defect" occurred.

The two doctors consulted – who asked not to be named for fear of being blacklisted by the Mpumalanga Department of Health – said that, first and foremost, Mthembu should have been instructed to return for a follow-up check-up before stepping on the foot. (Mthembu says she was not

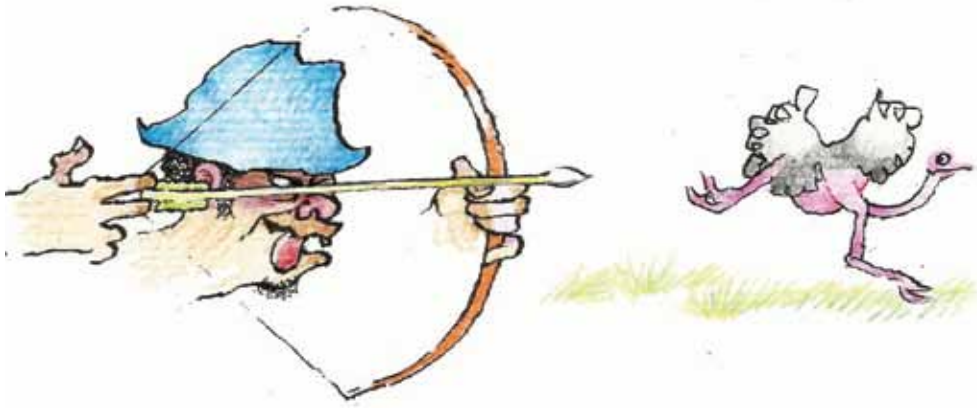
weeks later.

The poor woman is diagnosed with a broken leg and has to wait two weeks to have it attended to. Excuse my French but once again this writer finds himself exclaiming, What the f****! Why didn't the staff at the Barberton Hospital insist that this was an emergency?

Furthermore, after Rob's had diagnosed the "anatomical defect", one would think that the hospital would supply her with a wheelchair. But that was not to be. The wheelchair came weeks later, courtesy of the Barberton Hospital. At least this time they did something right, albeit a little too late.

The doctors consulted said the only solution was for Rob's to provide Mthembu with immediate consultation by an orthopaedic specialist to see whether the damage can be repaired. However, they warned that the problem had become "clinically complicated".

Meanwhile, Mthembu has retained the services of a lawyer to pursue civil action. ■



Whiter shade of pale

THEN THERE was my second cousin Lettie van Tonder, you see, whose full name was Laetitia van Tonder MacGelligut Perlstein. This was because her mother Magnolia van Tonder had got married to a gent from Edinburgh name of MacGelligut whose mother was married to a Jewish gent name of Perlstein though his business was not in pearls but in diamonds. And diamonds were why all this marriage business happened in Namaqualand *se wêreld*, so naturally there should have been a bit of Khoi in there too, *ny weet mos*; her full name should actually have been Laetitia van Tonder MacGelligut Perlstein !!*°√°, this last meaning He who Hunts the Ostrich by Night. Ozzie for short. That was okay, because everybody thought that back in our ancestry we had some Australian gent in the family who gave us our merry Mandela-type smiling Irish eyes, and we didn't want them to know that in fact we had a touch of the tar brush, as the saying goes. Well, went.

Cousin Lettie would purse her lips like the navel on an orange. She would move her head like the spring-mounted pate on one of those small plastic dogs you put at the windscreen of your car. In the privacy of the home, with all doors and windows shut, and only within the family of course, and *sotto voce*, she would talk of this ancestral woman who had had something going with a native. Och tha's nothin', mon, husband Dougie would say, who came from Glasgow, I ken a wumman who got married on a bloody Scotchman.

Well anyway, we all got sort of nicely bleached out over the generations, as happens. Why, in Australia in 1970 they had to have a law to bleach people

out. Poor li'l Abbo kids were taken away from their folks forever and stuck in special places where they got education and introduction to paleface communities where they'd fall in love and marry and have babies who would get whiter and whiter with the passing generations until they looked proper Norwegian. Sort of.

Only there's something wrong with the Abboes, man, they seemed to enjoy marrying each other and having no money and eating kangaroos in the bush. The law had to be scrapped for ingratitude. Here we had no such problem, everybody wanted like anything to be white, so our family got nicely bleached out over the generations, and we were really quite proud of it. Och come ON, Dougie would say,

**Poor l'il kids
were taken
away from their
folks forever**

tha's not the furrst time ye buggers got bleached out, mon! If I was one o' yon Dutch passengers arrivin' i' Cape Toon i' seventeen hunderd A.D. after three minths at sea, the furrst thing I'd hae done after a good lunch is get oot theer and bleach white a couple o' they Khois.

So then, whatever, we did get nice and white. Even blonde now and then. But such are the vicissitudes of life upon this planet that we'd no sooner got nice and white and even blonde

than cousin Lettie's son Christiaan went off and married another Jew. Well okay, a Jewess as they were known in those days, along with lionesses and poetesses and potatoesses and things. But total, this one, on both sides of her family, unbleached, her mitochondrial DNA going clear back to Eve. Cousin Lettie would do her navel orange thing and wobble her head on its spring and say, but only within the goyische part of the family, of course, and with all windows shut, and doors, and *sotto voce*: It doesn't really matter too much, she would say, because Rochele is nice and white too. I mean at least she's... European, she would say, which is what one called white folks in those days. Och come ON, Dougie would say, Jews are no' European, they're no' even Caucasian, and cousin Lettie would scowl at him something horrid in a Christianly sort of gruesome way.

Come tae think on it, Dougie would say, I canna wait f'r a wee Levantine Chaimschemerrl tae boonce upon ma knee. But the babe when it came was no little boy, it was Elizabeth, dinky and bright so everybody had to chat her up in the supermarkets and give her a fizzpop on a stick at the checkout tills. Elizabeth had those true Ashkenasi Goldie Hawn Cupid's-bow Fizzpop lips, you see, indeed it was Elizabeth's smile that did the trick, that's how cousin Lettie came to terms with the ethnicity of us all. We all got along okay, just great. For many many years.

Until after these many years, that is, eventually cousin Lettie had accumulated enough personal money to buy herself a truly sleek little Korean motor car, a sort of menopausal prezzie, so to speak. There's no doubt about it, she would trill, the yellow races have overtaken the Europeans! In art, in science, in everything! There is new genius here, just look at the performance of my car, just look at the bodywork, designed in a wind tunnel by aeroplane engineers! In industry they are far ahead of the Germans. In intelligence they are miles ahead of the West. It is evolution at work, I tell you, survival of the fittest.

Och come ON, wumman, Dougie would say, I suppose ye'll want y'r nice Jewish granddaughter tae get married on a bloody Chinaman the noo? Ye'll hae a hell of a time bleachin' tha' lot oot, missus, they hae genes like a bloody crocodile, mon. **N**

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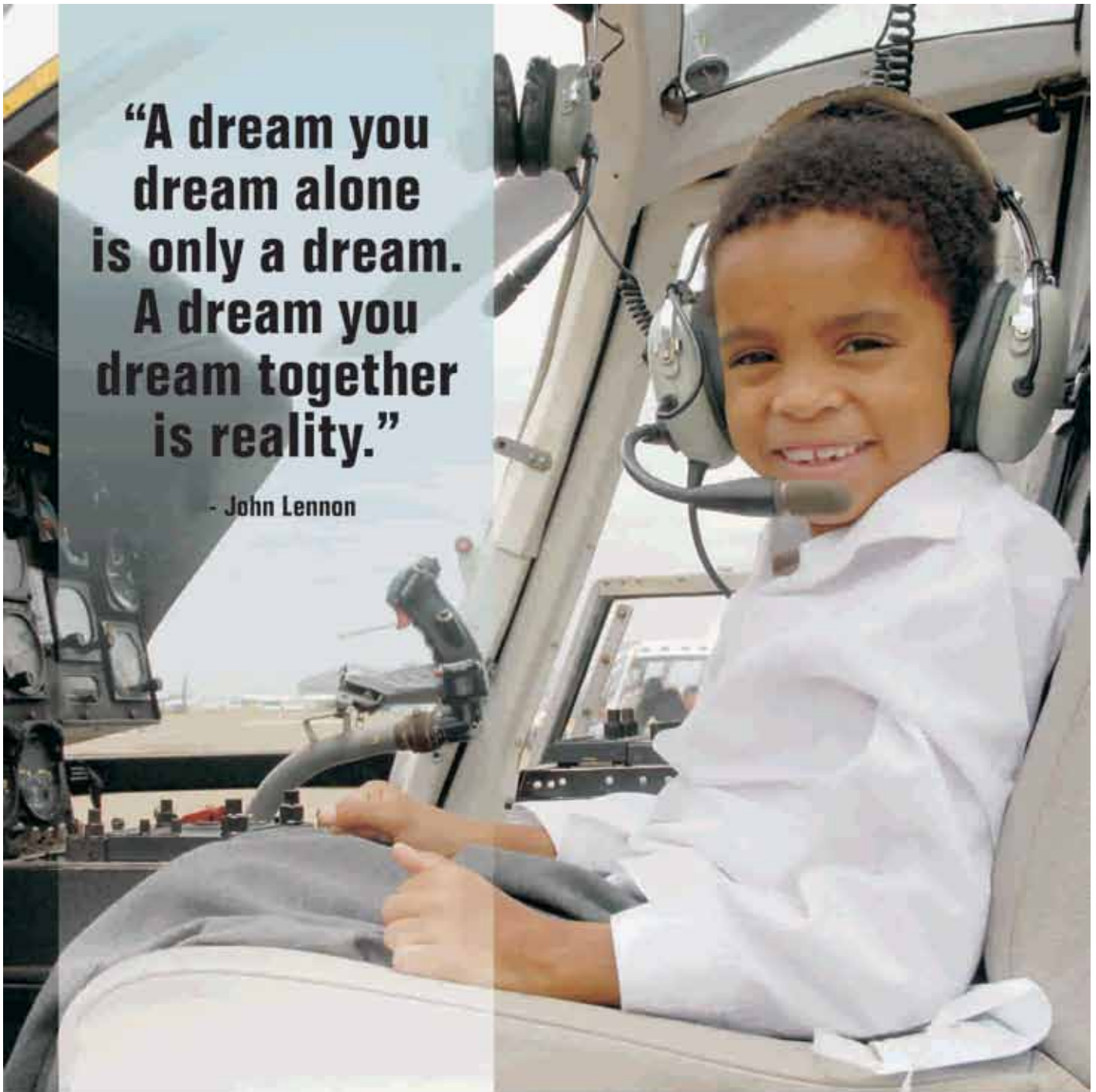
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