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the Chinese  
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157 NOVEMBER 2012



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# noseweek

ISSUE 157 • NOVEMBER 2012



Chinese-owned shops have opened throughout SA – even in the smallest dorps

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**Carlyle:** see Moonshine (below)

## Recovering Arms Deal cash futile

CORRUPTION SOAKS UP LOTS OF MONEY. So did the Arms Deal, the World Cup stadiums and a host of other things – money that could have gone to upliftment of housing, health and education. Even with all the wastage, the government still has billions to spend on housing, health and education, yet what is achieved? Poorly built houses, and health and education systems that are a disgrace. Therefore, it's not the amount of money that counts, it's how effectively you spend it.

There is thus no point in recovering the Arms Deal money if it is simply going to be returned to the same people who misspent it in the first place. Regardless of how much money becomes available, ostriches won't fly, apples won't fall upwards, and governments without the right qualifications and attitude won't ever be able to uplift their citizens.

**Ron McGregor**  
Cape Town

## GUS



*"Why don't you worry about Noakes and I'll worry about the statins!"*

## Moonshine's magic

THE SHUTTING DOWN OF KATE CARLYLE'S Mustardseed and Moonshine pottery (nose156) has to be Cape Town's saddest tragedy of 2012. Kate's heart and soul have been poured into her creations for 25 years. One can hardly imagine the utter disappointment she has endured. And her staff of 40 also took a hard knock when retrenched.

Take heart, nobody can take your knowledge away from you. One day soon, the sun will shine on your creations again.

**Rob Atkinson**  
Welgemoed

## Bar Council: Land Time Forgot

AS REPORTED IN NOSE153, IN JANUARY last year I lodged a complaint with the Johannesburg Bar Council concerning the alleged misconduct of both the advocate that appeared for me as the plaintiff, Advocate Nigel Riley, and the advocate who represented the defendant, Advocate G D Wickens, in a case heard in the South Gauteng High Court. (Both advocates claimed to have acted on the advice of senior colleagues at the Bar.) More than a year-and-a-half later, I sent the Bar Council a note asking about the outcome of their enquiry. This is their response:

*"A letter has been addressed to the Chairperson of the panel from the Secretary of the Professional sub-committee, requesting certain information. Once this comes to hand I am sure that you will be notified of the outcome. I will forward this email to the Secretary.*

*Kind regards  
Pam Irvine  
Johannesburg Bar Council"*

What do I do now?

**J Tobias**  
Highlands North

*The game's called pass-the-parcel. Played by lawyers, it can go on for years. We'll be counting down the*

*months as a barometer of just how lax the Johannesburg Bar is when it comes to professional ethics. – Ed.*

## Stranded by Transnet gravy train

I AM A PENSIONER MEMBER OF THE Transnet Second Defined Benefit Fund. The real value of my current monthly pension is just 22% of the real value of my pension in 1996.

**S A van der Spuy**  
Observatory

*In December 2006 Noseweek reported that in her first 29 months as CEO of Transnet, Maria Ramos's earnings were R12.2 million. A 53% salary increase that year, plus a performance bonus of R2.9m, took her annual earnings to R6.9m. That fat bonus had a great deal to do with her skill at helping Transnet slither out of its debt to its pensioners. Lest we forget. – Ed.*

## For the record

LAST MONTH KAREN LOSEBY OF RONDEBOSCH asked *Noseweek* to follow up on pension fund administrator Aubrey Wynne-Jones who, she believed, had defrauded the Catholic Pension Fund. She was mistaken. Although the SA Catholic Schools Pension Fund was once administered by Wynne-Jones, it was a "defined contribution" scheme and could not, therefore, have had a surplus which might have been "stolen".

Peter Ross, principal of Christian Brothers College, Pretoria and a trustee of the fund, confirms there was no fraud and that Loseby receives the full pension to which she is entitled.

Wynne-Jones is among those who were arrested in 2006 on charges related to the alleged misappropriation of "surpluses" from various pension funds. Since then, the regulators and prosecutors involved in the cases have been as surrounded by scandal as the accused. His trial is set to commence only in July 2013. He has denied culpability on all charges. – Ed.

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# Editorial

## The tale behind the Marikana tale

**T**HE CURRENT DOINGS OF XSTRATA CEO Mick Davis provide an interesting sideshow to the Lonmin Marikana debacle. (Readers may recall that Xstrata helped facilitate ANC heavyweight Cyril Ramaphosa's recruitment as Lonmin's BEE partner, a situation that today places any number of question marks over the government and party leadership's reaction to the Marikana strike.)

Although Xstrata still owns a significant slice of Lonmin, Davis has had even more pressing problems on his hands in recent weeks: the Marikana crisis coincided with a huge \$33-billion takeover battle between international trading company Glencore and his London-listed company.

Davis first came to prominence 20 years ago as Eskom's finance director. In that capacity, in the early 1990s he signed the secret – and increasingly controversial – contract between Eskom and (the local) Gencor (today's BHP Billiton) in which Eskom guaranteed the company a huge electricity allocation for its Richard's Bay aluminium smelters – at a staggering discount. For several years that deal has been causing Eskom (and its other, less-privileged, customers) enormous financial headaches.

In 1993, after signing the deal, Davis resigned from Eskom only to re-emerge a short while later as director of Gencor. Today many suspect it was a thank-you for signing the deal, but at the time, it was considered a win-win for both Eskom and Gencor since it absorbed some of Eskom's then surplus-generating capacity and expanded a new South African industry.

Clearly, Gencor CEO Brian Gilbertson saw something he liked in Davis, and the duo expanded Gencor, changed its name to Billiton and listed the company on the London Stock Exchange in 1998. (See "Rich man, poor man, beggar man, thief" in *nose22*.) Shortly afterwards, the duo merged Billiton with Australian mining giant BHP to form the largest mining company in the world, a status it has retained.

But the merger was not without

controversy. As part of it, Gilbertson and Davis were granted huge bonuses and were allowed to cash in the share options they had built up within Billiton. This is not an uncommon procedure when companies get taken over; existing share options, even if due to vest only years later, are usually paid out immediately.

However, the situation was different in this case, since both Gilbertson and Davis were slated to take senior positions in the merged company and did not lose status in the merger, as often happens when a small company gets taken over by a bigger one. This situation was criticised at the time, but to no avail.

The current Glencore/Xstrata takeover is a distinct case of *déjà vu* – with a twist.

Once again, Davis was in the position of being an executive of the smaller company, Xstrata, being taken over by a larger company, the Swiss-based Glencore. Executives clearly thought they could again take advantage of the takeover situation to grab a big chunk of cash for themselves.

As part of the deal, the Xstrata executives were to be granted fabulous "retention bonuses" – in Davis' case, an egregious \$45 million (R364m).

Technically, it was a decision of the independent directors of Xstrata, but only the irrevocably naïve could believe the executives played no part in that decision, particularly given their history.

This time, however, the atmosphere in the recession-hit London financial district was totally different, and the criticism was swift and vociferous.

Glencore struggled to get shareholders to accept the deal, and what was supposed to be a "friendly merger" turned into a takeover. One of the changes was that Davis would not get such a huge payout, and that instead of becoming the CEO of the new, merged, company, he would leave within six months.

Finally, it seems, his greed has become intolerable. A bit late to make much difference to him – but just in time to give some perspective to the Marikana miners' demand for a minimum wage of R12,500 per month. ■

# Will Madam call the cops?

**T**HE SAGA OF THE FINANCIAL VANDALISM perpetrated by the rapacious (if not criminally minded) liquidators of Asch Professional Services (noses 152,154,155) is far from over.

In June *Noseweek* sent a list of questions to the Master herself (Zureena Agulhas) about the blind eye her office had turned to theft by the liquidation trio of Christopher van Zyl, Natasha Sansom and Rene-Lynne Barry-Kleinhans. Van Zyl runs liquidators Progressive Administration.

*Noseweek* had suggested Agulhas consult her husband, Commercial Crimes Court prosecutor, Advocate Juan Agulhas, for some advice on getting to grips with the Asch matter.

Three months later a response came from Justice Department spokesman Mthunzi Mhaga: "The Master is of the view that the Liquidators have misled

him [*sic*] to believe they have collected debts, and therefore were entitled to 10% of the total debts collected. It now appears they were only entitled to 1% of the monies found in the estate.

"The Master has requested the Liquidators for an explanation [*sic*] why they misled him [*sic*] and for reasons why they should be entrusted with more liquidation matters, when they are in breach of the fiduciary relationship."

Fighting talk and a big step in the right direction, but hasn't Madam the Master missed the obvious – reporting the matter to the police or the Hawks?

The trio each, individually, (yes, each before a different Commissioner of Oaths) declared under oath that, "the [Liquidation and Distribution] Account hereunto annexed reflects a full and true account of my administration of the Company..."

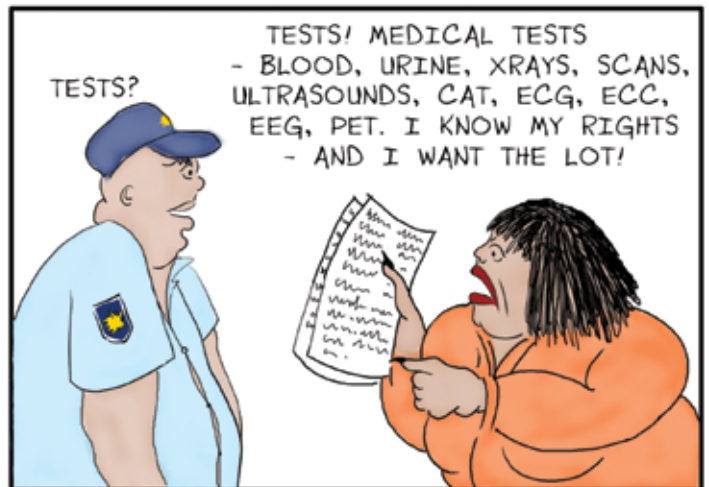
It is plain that the account was neither a full account nor a true one. There is little chance the trio did not know they were lying under oath. Their "error" was nicely pointed out to them but their response looks like they fibbed "with knowledge aforethought".

One such (sworn) disingenuity: "Absa Bank: Pre-Liquidation Current Account: R1,500,000.00". The relevant bank statement reflects a credit of R14,337,513.67. The "missing" R12,837,513.67 was reflected as "assets realised", a category for which they can and did charge a 10% fee. If and when the trio is prosecuted, presumably perjury will be added.

And what of the huge fee charged by attorneys ENS, for which no invoice was attached? Maybe Madam-Master can call for an invoice of services rendered and the scale of fees charged?

The insolvency and liquidations industry is rotten to the core. It might yet take a river to clean out those Augean stables. ■

## Stent





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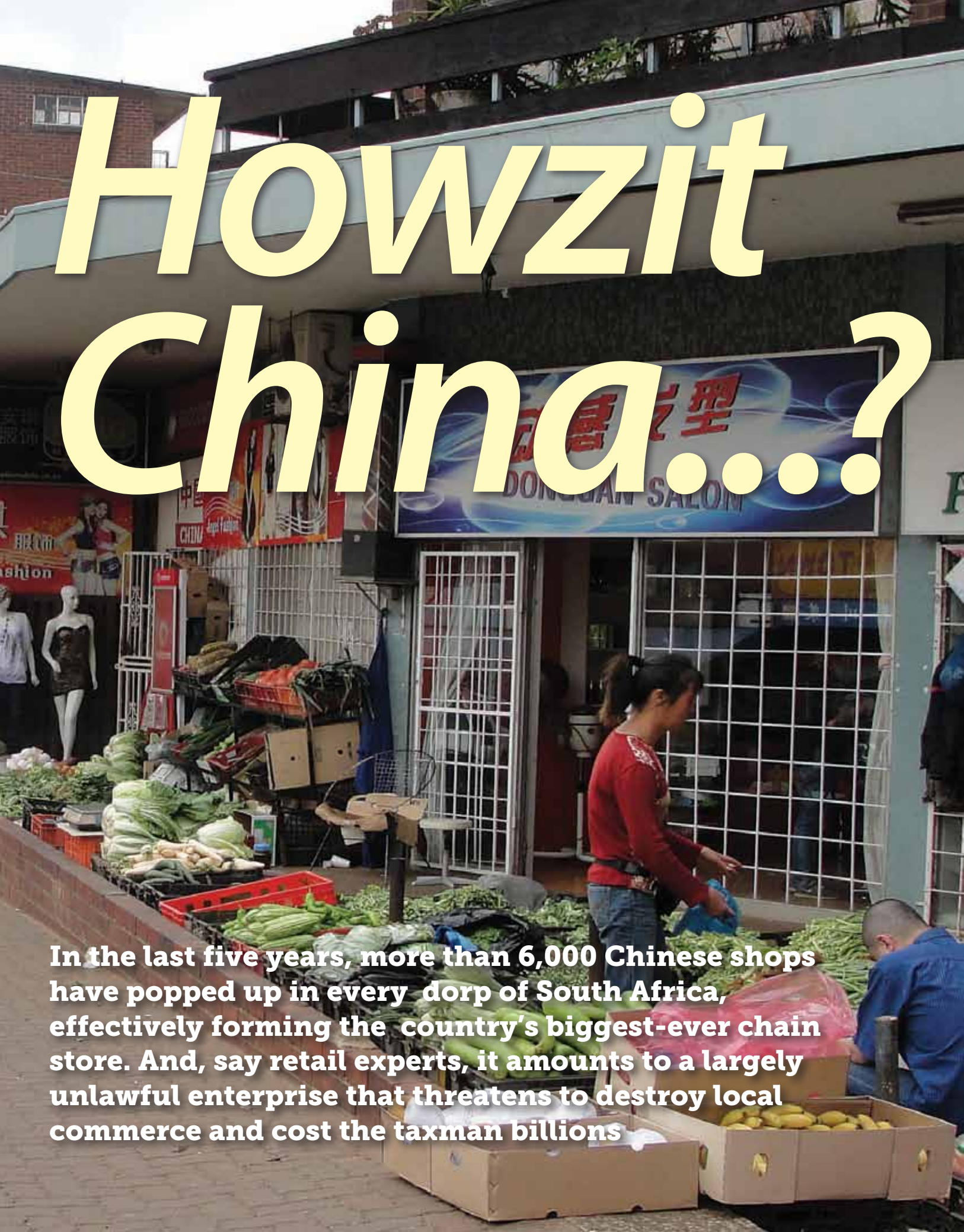
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# Howzit China...?

A photograph of a busy outdoor market stall in South Africa. The stall is filled with various fresh vegetables, including cabbages, carrots, and green beans, displayed in crates and baskets. A woman in a red sweater is standing in the middle of the stall, looking at the produce. A man in a blue shirt is crouching down on the right side, possibly handling a box of yellow fruit. In the background, there are signs for a 'DONGGAN SALON' and a clothing store with mannequins. The overall scene depicts a typical street market environment.

**In the last five years, more than 6,000 Chinese shops have popped up in every dorp of South Africa, effectively forming the country's biggest-ever chain store. And, say retail experts, it amounts to a largely unlawful enterprise that threatens to destroy local commerce and cost the taxman billions**





**S**UDDENLY THERE'S A CHINESE shop (maybe three) in every suburb, village and town in South Africa. Every single one. *Noseweek* has checked. In a matter of five years, no matter how small the dorp, there it is, generally signposted simply as "China Shop" or "R5 Shop", sometimes endearingly called something like The Happy Store. Very occasionally just a door in a wall, heralded only by that tell-tale display of brightly coloured dresses on the pavement.

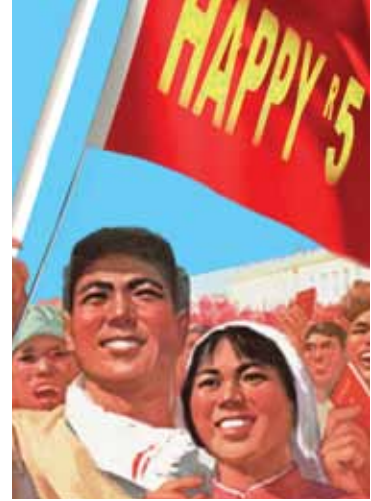
In some larger towns there are up to 10 of them; across South Africa anything between 6,000 and 12,000 "China" shops, each selling cheap imported Chinese goods and bravely manned by a very young couple, of humble origin, so fresh from China that they scarcely speak ten words of English.

Visualise it: 12,000 couples equals 24,000 young, start-up Chinese shopkeepers who have managed to enter, settle and work in South Africa, most of them in 2006. That's 240 Boeing-loads of would-be Chinese shopkeepers. Add to those, the hundreds of new internet cafe and Chinese restaurant operators in evidence, and then you ask yourself: How did they manage to get into the country and get residence and work permits – or continue operating for years without them – when immigrants from other countries with superior skills are famously refused residence and work permits?

It all happened, virtually unremarked-upon, in just five or six years. In that time growth in imports – much of it illegal – from China have rocketed.

Exports of clothing from China to South Africa have risen from R4 billion in 2005, when the shopkeeper migration got under way, to R8.5bn in 2006, and to R11.3bn in 2010. The growth in trade is matched only by the increase in fraud associated with it. As our graph illustrates, while the Chinese government in 2010 recorded R11.3bn in clothing exports to SA, SARS recorded only R6.7bn-worth entering through SA customs. The missing balance was either under-valued ("under invoiced") or smuggled past customs to avoid the 45% duty payable on clothing.

Besides the loss to SARS, it also gave the importer an unlawful competitive advantage.



Their low prices and the vast variety of fun "junk" crammed on the shelves of these myriad stores are aimed to make customers smile. Unlike the shops set up by Somali immigrants, the Chinese shops appear to have elicited little hostility from their host communities.

Most South Africans, perhaps ignorant of the scale of the phenomenon, appear to have accepted them as just the umpteenth bunch of brave, eager immigrants to reach our shores who will further enrich our multicultural, multi-ethnic society.

But researchers have found that the phenomenon is not nearly as benign as it looks. To quote a recent confidential report prepared by Stellenbosch research company, Econex: "The conspicuous growth of the community of foreign, mostly Chinese, traders operating in South Africa in an unregulated fashion would seem to indicate an absence of concerted efforts by government to address the issue. They have the guise of formal traders, renting premises in the formal business areas of towns and cities, while deliberately avoiding tax and business registration, as well as the requirements contained in labour legislation. They cannot be romanticised as informal traders simply trying to make a living; they entered the country with the explicit intention of operating under the radar of domestic law. Effectively, they are criminals who cannot even plead ignorance of the law."

Says Professor Colin McCarthy, retired professor of economics at Stellenbosch University and former chairman of the International Trade Commission of South Africa: "I am not a conspiracist. All the empirical evidence indicates that the project to set up such an extensive network of Chinese shops, all following the same pattern and targeting the same market-segment, was well researched, well planned, well organised, and well



financed. It effectively now constitutes the biggest retail chain in South Africa – bigger than Pick n Pay, Pep Stores, Woolworths, Edgars, Mr Price – any you can name.

“And there we were, wasting our time worrying about Walmart! In simple terms, this growing activity forms part of the criminal economy.”

So, how did this burgeoning of Chinese shops come about? Who made it possible? Who planned it? Who has financed it? And why has the South African government gone soft on Chinese immigration – or, rather, turned a blind eye to the mass of illegal immigrants from China who have quietly settled in as if nothing was the matter? This, in the context of South Africa’s concerted efforts to force hundreds of thousands of well-adapted refugees from neighbouring countries to return to their countries of origin.

And what of the mass of non-essential imports flooding the South African market and those of neighbouring states, at the expense of local manufacturers, wholesalers, retailers and our own unemployed workers?

“Government’s current industrial policy supposedly regards the textile,

clothing and footwear manufacturers as a specific cluster worthy of support, but the conspicuous growth of the community of foreign traders – most, of Chinese origin – operating in South Africa would seem to indicate the absence of coordinated government action (or success) in addressing the problem,” is the conclusion drawn by the authors of the Econex report.

“It’s not the Chinese who are the problem, it’s a law-enforcement problem. We either don’t have the policing capacity or the political will to enforce the law,” said another researcher in the field who asked not to be identified.

“The governing party – for some mysterious reason – feels the need to go softly-softly when it comes to China,” the researcher added.

The impact of the unchecked growth of the black-market economy is huge. The government has lost vast sums in tax revenue due to under-invoiced and undeclared imports, and the non-payment of VAT and various

labour-related levies. (It is estimated that SARS last year lost more than R2bn in customs revenue as a result of under-invoiced or undeclared clothing imports from China.)

Imports that are cheaper due to non-payment of tariffs and China’s manipulation of currency exchange rates – China’s currency is deliberately undervalued by 30%, effectively ensuring that all goods exported from China come at a 30% discount – make it impossible for local manufacturers to compete. As they shrink and go out of business, local job opportunities are lost. In addition, the Econex survey found that the unregulated Chinese shops invariably pay their few local employees significantly less than the minimum wage.

Also, some tariff protection on cheap imports was removed soon after 1994 – as the local clothing industry knows only too well. China badly needs South Africa’s raw materials such as iron ore, coal and chrome, so, many believe, South Africa made unnecessary concessions

in its trade and tariff negotiations with China.

Why? The negative impact of Chinese immigration and trade is not unique to South Africa. Only the reaction to it here has been different. In several African countries, there is popular resentment of it, mostly directed at Chinese small traders.

Zambia’s presidential election last year was won by Michael Sata, riding on anti-Chinese rhetoric, which resonated with many Zambians claiming Zambia was becoming a “dumping

“It is amazing how  
so many people  
can enter a  
country seemingly  
unnoticed

– Janet Wilhelm

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# Three waves and you're in

THERE HAVE BEEN THREE MAIN WAVES OF CHINESE migration to South Africa. The earliest influx, in 1870, was from the southern province of Guangdong – mostly Cantonese and Hakka speaking people.

According to the HSRC's "State of the Nation 2005-2006" report by Janet Wilhelm, "the face of the Chinese community changed" after South Africa forged ties with the Republic of China (Taiwan) in the late 1970s – when there was a second wave of Chinese immigrants from Taiwan.

The children of these original communities went from running shops to becoming doctors, lawyers and accountants, many of whom left South Africa for Canada, Australia and the US.

But, not long after South Africa cut diplomatic ties with Taiwan in 1998, in order to recognise the People's Republic of China, a third wave of immigrants from mainland China commenced, eventually "swamping" the original communities.

The period between 2003 and 2008

saw the biggest influx, says Patrick Chong, the Chairman of the Chinese Association of South Africa. He estimates that there are at least 300,000 to 400,000 Chinese immigrants in South Africa.

But it's difficult to pin down a number. According to Wilhelm, there were an estimated 20,000 Chinese people in South Africa in 1994, which climbed to between 100,000 and 200,000 around 2005 – a drop in the ocean compared to the estimated 10-million illegal immigrants living in South Africa.

Home Affairs media spokesperson Ronnie Mamoepa told *Noseweek* it was not in the department's mandate to conduct a census. Their mandate was to facilitate legal entry into South Africa's ports of entry, he said.

The Chinese Embassy did not respond to *Noseweek's* request for information but, according to many sources, they do not have the official number of Chinese immigrants either.

the prospect of saving enough to one day own their own businesses. Most hope to return home eventually.

Nine out of 10 of the new Chinese immigrants in South Africa are from the Fujian province in south-eastern China, according to a Chinese-speaking researcher who travelled from Joburg to North West, to the Botswana border, Limpopo, Free State, Karoo, Transkei and to Eastern Cape interviewing Chinese shopkeepers. *Noseweek's* own research across the Southern and Western Cape confirms this.

In China, Fujian is known as a place from which people migrate, says Isabella Fang, a trader in Sea Point, Cape Town. Mr Bu, a Fujian trader who has lived in South Africa for 22 years, says the reason people migrate from Fujian is "it is very poor with too many people who cannot all find work".

"Fujianese people often make a lot of trouble... and when it comes, they use the natural way to fix the problem," says one Chinese trader, confirming that she meant "money". However, she hailed from another province in China.

According to the Brenthurst study, "Fujian has been extremely successful in facilitating migration to Africa, both legally and illegally. But Fujianese traders are often viewed in a negative light by other Chinese communities. 'FJ' traders have a reputation for hard work but also ruthlessness and, in some cases, criminality."

According to an HSRC "State of the Nation 2005-2006" report by Janet Wilhelm, "...the attitude of South Africa's original Chinese community (who settled here more than a century

ground" for Chinese traders.

And in Malawi, the government passed a law in July which resulted in Chinese retailers being evicted from small towns and rural areas and restricted to the country's four city centres. The move has been branded as xenophobic by civil rights groups.

Curiously, the Chinese Ambassador to Malawi, Pan Hejun, raised eyebrows when he said China did not support the small Chinese vendors. "They are capitalising on government's failure to screen foreign traders," he told a press briefing on July 23. This seems at odds with China's desire to create new markets for its manufacturers. Perhaps when Chinese small traders were first recruited to set up in African countries, no-one had anticipated the xenophobic attacks on Somali traders who had set up spaza shops in SA's black townships.

They had clearly learned from that precedent when it came to setting up small traders in South Africa. Here none have gone into competition with township spaza shops or with pavement and bus-terminus stall operators. Instead, all the evidence suggests they followed in the footsteps of Pep Stores, invariably setting up shop within 150 metres of a Pep Store in former white town centres or on the fringes of typically coloured residential areas – where

they were least likely to antagonise local, usually black, informal traders, while enjoying maximum exposure to their lower-income target market.

Africa attracts the poorest and least-educated of the Chinese migrants. Amongst the interviewees in a study of Chinese traders in Southern Africa by the Brenthurst Foundation, Africa was rated the least desirable choice of location and for most, not their end destination – after Canada, Australia, London or the US. The only reason Chinese traders are here is because of unemployment, stiff competition at home and



ago) towards the new arrivals from mainland China is... at times quite hostile. In this instance, there is a class difference... exacerbated by the negative media coverage, which has focused mainly on the criminal activities of the Chinese triads and, more recently, on job losses that are being blamed on cheap Chinese imports”.

Most of the Chinese migrants since 1994 are believed to be in South Africa illegally. “It is not as if they do not have papers. Many would enter on tourist or student visas then simply stay, forfeiting the deposits they paid at the SA Embassy in Beijing,” says Patrick Chong, chairman of the Chinese Association of South Africa

South Africa’s Department of Home Affairs was asked how many unclaimed deposits are held at the embassy in Beijing, but did not respond.

As Wilhelm observes: “...it is amazing how so many people can enter a country seemingly unnoticed.”

Many blame the endemic corruption at the Department of Home Affairs.

Wilhelm quotes the SAPS’s Aliens Investigation Unit as saying “many immigrants travel to South Africa via Johannesburg to Mbabane, Maputo and Maseru where they buy false identity documents which they use to enter South Africa by road.

“More often than not, in the case of traders, migration is facilitated with the help of illegal or unlicensed employment agencies or even human smugglers known as ‘snakeheads’.”

The Brenthurst Report relates a case where one family member serves as the

pioneer, establishing him/herself as an informal trader in one location before moving upward to become a business owner or wholesaler – in the process, drawing other members of their extended family or hometown to the same location, a phenomenon known as chain migration. (From one pioneer in the ‘Chen’ family, there are today 172 members of the same family scattered across Lesotho doing various types of trading.)

But this is not typical of the recent migration of Chinese shopkeepers. None of those interviewed by *Noseweek* in their shops in the little Karoo and the South and Western Cape had relatives in South Africa. They did not even know the Chinese couple trading in the next suburb or town; in country towns they appear to lead a lonely life in the shop. All slept in a cubicle in the back of the shop. For company, they all had a TV set in sight of the till, tuned to a mainland Chinese channel. The young Fujianese woman who minds the till in the Chinese shop in Prince Albert told *Noseweek* she had not left the shop for the past four years and did not know nor had she met any other Chinese shopkeepers. In broken English she said her husband occasionally travels to collect stock, so he might have met other Chinese traders. Her two small children, left in China in the care of her in-laws, she only ever sees and speaks to on “Chinese Facebook”. She was not prepared to answer any further questions.

Several of the young couples encountered by *Noseweek* have started a family since their arrival in South Africa and it is common to find a toddler scooting in the aisles while mother minds the till.

A SARS official who spoke off the record, estimated that “40-50%” “of traders are not registered for tax. Most deal in cash to avoid registration. The official recounted a story about a small rural shop that was raided where R1.2m was found under the counter. But she quickly added that not all Chinese traders operate illegally.

It is uncertain how much of what is sold in these shops bypasses customs, or



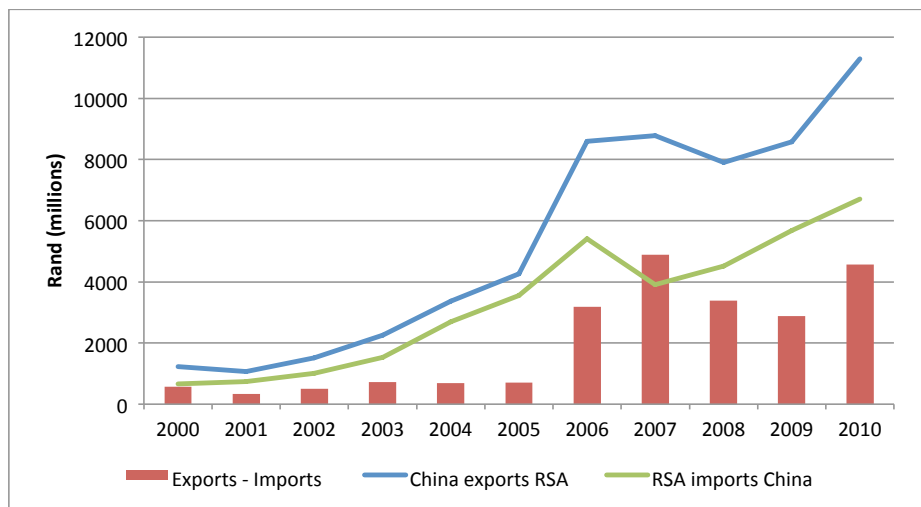
is counterfeit.

*Noseweek*’s SARS contact says that in the past, containers that arrived at Durban would be inspected by a handful of customs officials who would do a spot-check – an almost impossible task, she said, when you could be talking about 40 containers and 20,000 bags being unloaded at a time. Often the first half of a container would be fine, but the other half that was not checked could contain illegal goods.

SARS recently computerised its system to try to cut out any corrupt officials at the port of entry. The new system works according to a “risk profile”. “With a high profile, your goods will be searched all the time,” she said. If not, they simply pass through because – according to the new system – they would already have been electronically declared in China. The new system is not flawless but, says *Noseweek*’s source, it’s a “slight improvement”.

The official said containers with counterfeit goods are trucked to Joburg in the middle of the night and offloaded





Source: Import data – Quantec. Export data – The Global Trade Atlas.

**Recorded Chinese apparel exports to SA versus recorded SA apparel imports from China, in rands (ZAR). The bars show undeclared imports.**

toys; clothes worth R300,000; CDs and DVDs to the value of R156,500; toothbrushes worth R7,3m; wallets and bags to the value of R264,000; shoes valued at R3m; cellphones worth R2,5m; accessories to the value of R2,2m; Doom coils worth R40,960; light bulbs worth R279,650; bags worth R200,000; electronics to the value of R129,900 – and R700,000 worth of rugby jerseys.” (Which makes one wonder: is there any perfume on sale in South Africa that isn’t counterfeit? – Ed.)

“The clearing agents are the poison” said *Noseweek’s* SARS contact.

The Brenthurst study quotes one clothing trader in Joburg as saying customs was so corrupt that everyone had to participate in the game in order to compete.

And then there are the police. Wilhelm quotes Peter Sapire, a lawyer: “Small stall owners at China City [Ellis Park, Joburg] say police wait to be paid off in the streets outside the centre on Sundays when Chinese shop owners from small towns come in for supplies.

“Chinese people never want any trouble,” says Shwu Ing Liou, an ex-ship’s captain turned businessman and “father” of the three China Towns in Cape Town (in Ottery, Sable Square and Parow). “The government tells us: don’t make trouble, sort it out. Even if you have to pay a little money, you finish it.”

Chinese traders will sacrifice a lot to provide a better future for their children. This will often mean sleeping and eating in their shop.

“In South Africa the unions are too

strong, which means labour is too expensive,” says Liou. “In China, people work 24 hours while here, people only work eight hours a day, five days a week. This is why Chinese people can sell cheaper,” he claims.

That’s of course quite apart from the goods probably being counterfeit, with no taxes having been paid – factors he might be forgiven for not having mentioned.

“In South Africa today there is a need for cheap goods,” says Sea Point trader Isabella Fang. She is amazed at how expensive food and everyday items like toilet paper are in a country like South Africa, where the majority live in poverty. She produces a page torn out of a Chinese newspaper advertising supermarket food prices.

“How can ordinary people here afford to buy at local prices?” she asks.

Fang runs an “upmarket” boutique in Sea Point. She imports more-expensive and good-quality stock from China, but says she might be forced to close soon because she cannot cover her expenses.

“People are reluctant to pay more for better-quality Chinese goods” she says. “When people see Chinese goods they do not want to pay much.”

In the course of *Noseweek’s* interview, only one customer enters her “more-upmarket” shop. In contrast, the R5 store across the road bustles with a constant stream of local customers. The woman behind the counter there is reluctant to disclose what their biggest selling items are. I am told by another trader that it’s most likely counterfeit cigarettes. ■

at warehouses run by Nigerians. “The Nigerians are big in this and the Chinese importer does not dirty his hands with this stuff.”

After sorting, most of the counterfeits go to African street traders. Chinese traders from small towns arrive in small delivery trucks at the warehouses to pick up stock. “They buy with cash and there are never invoices” said *Noseweek’s* contact. A new trend is to use local courier companies because they are not inspected or searched, the official added. Last year R10bn in counterfeit goods was seized by police at Durban harbour.

Police spokesman Colonel Vincent Mdunge was quoted as saying in an IOL report in January that, besides the Chinese traders, several ostensibly reputable stores are also being investigated for selling these illegal goods.

The IOL report said the goods seized included “perfume valued at R1,05 billion; cigarettes worth R8m; R8m worth of Lion matches; R2,8m worth of branded clothing; R1,5 worth of

# Discovery plots downfall of radio lawyer Bobroff

**V**ETERAN ATTORNEY RONALD Bobroff, head of South Africa's largest personal injury and medical negligence practice and past president of the Law Society of the Northern Provinces, faces an unprecedented private application to have him struck off the roll.

The charges to be laid against Bobroff – whose weekly Monday night slot on the 702 and Cape Talk radio show, *A Word on Legal Matters*, attracts a wide audience – are supported by the findings of a forensic examination of two awards made by the Road Accident Fund (RAF) to accident victims represented by his firm.

The 17-page secret report is authored by top forensic accountant Vincent Faris, chairman of the South African Institute of Chartered Accountants' joint attorneys accountants committee. It details alleged irregularities in the accounting of the firm's trust account.

"There is a suggestion that the procedures followed in the two accounts are not isolated and that there are other instances of manipulation of records in other client accounts," writes Faris. He recommends access be obtained to Ronald Bobroff & Partners' audited financial statements and that the firm's auditors be asked to trace the irregular payments.

Faris believes there is "sufficient evidence of contravention of the Income Tax Act, the VAT Act, the Companies Act, the Attorneys Act and the Rules of the Law Society of the Northern Provinces". Under these circumstances, he says, "the possibility of contraventions of other legislation cannot be excluded".

Faris's report is only part of an arsenal of charges to be thrown at Ronald Bobroff and his 39-year-old son Darren in the pending high court battle to have them both struck off the roll of attorneys. It is believed to be the

Discovery Health launches unprecedented private court application to have veteran attorney struck off the roll for alleged excessive fees



**Radio active** Personal injury lawyer Ronald Bobroff

first private striking-off application in South Africa. Until now this most drastic action has been the preserve of the Law Society, which only goes to the high court for a striking-off order following a lengthy internal disciplinary process, with a final vote by its ruling council.

*Noseweek* has established that the ground-breaking private application, to be filed shortly in the North Gauteng High Court, is being bank-rolled by Discovery Health in the name of one of its member patients, brain-damaged accident victim Matthew Graham.

Heading Discovery's legal team is George van Niekerk, white-collar-crime director at leading corporate law firm ENS. In court, the application will be argued by the formidable advocate Jeremy Gauntlett SC. Van Niekerk has requested a media ban on all information relating to the application and has forbidden the name of Discovery to be linked to it.

For years Ronald Bobroff has been criticised for his firm's no-win no-fee contingency policies. The Contingency Fees Act stipulates that attorneys may take a maximum of 25% of any settlement awarded to their client, or double their usual fees – whichever is the lower. However, Ronald Bobroff claims that a common law directive issued by his own Law Society of the Northern Provinces allows attorneys to take up to 40% of a settlement to cover their fees and the costs of experts.

Since Bobroff's alleged excessive fees are a large part of the striking-off application, and seeing that Bobroff's justification for them is a directive from the Law Society where – as a long-standing member of its ruling council he holds demigod status – Discovery Health chief executive Dr Jonathan Broomberg saw a private striking-off application as the only course offering a chance of success.

There is also widespread discontent with the Law Society of the Northern Provinces for its apathy, reluctance to act and failure to protect the public against delinquent lawyers.

To add to Bobroff's problems, SARS recently sent a four-strong team into his firm's Rosebank, Joburg offices to conduct a VAT audit. They remained there for a fortnight and, at the conclusion, one of the SARS auditors is said to have asked Darren Bobroff for an explanation about R98m of apparently unaccounted-for income. There is no suggestion the Bobroffs have appropriated this sum, rather, disapproval about the way the firm does its books.

Ronald Bobroff was 65 on August 7 and is nearing retirement. His attorney son Darren, who is a co-director at the firm his father founded in 1974, is also admitted to practice in Australia. Which could be one reason why the Asset Forfeiture Unit is keeping an eye on unfolding events, should things go against the Bobroffs and tempt them to forsake their adjoining mansions in Johannesburg's Victory Park and head for distant climes.

Certainly, Ronald Bobroff realises the gravity of his position. He has retained two of South Africa's top criminal lawyers, advocate Mike Hellens SC and attorney Ian Small-Smith, to represent him.

The two cases examined by Faris in his forensic report are those of accident victims Matthew Graham and Juanne de la Guerre. In Discovery Health's private striking-off application, the focus is on its brain-damaged member Graham, who was awarded R1.9 million by the RAF. Bobroff's firm entered into several agreements with Graham's wife, Jennifer: that his firm would receive 30% of any award; would receive R1,500/hour for work done; and that Bobroff would guarantee the Grahams 60% of any award. Jennifer

Graham accepted the 60% deal.

Juanne de la Guerre is a beautician who received a R2.8m payout from the RAF after a 2005 car accident. Ronald Bobroff & Partners deducted R868,273 for legal fees and VAT. The firm deducted a further R195,432 for legal counsel and medical experts. De la Guerre, now represented by Norman Berger & Partners, is suing Ronald Bobroff & Partners for the return of her money and an account for work actually done.

In the Graham case, Jennifer Graham complained to the Law Society about Bobroff's "excessive fees" and of overreaching, in claiming for 394 hours when records showed fewer than 100 professional hours spent on the matter.

In February Ronald Bobroff was called before a Law Society investigating committee and asked to explain his side of the story. But he stormed out of the hearing, declaring he would answer only to a disciplinary inquiry. By the time this was held in July, Bobroff was facing 22 charges. Now he ranted that the disciplinary committee members had already read the papers in the case and were therefore biased against him. He stormed out again and won a high court interdict preventing the Law Society from proceeding against him, on the grounds of bias.

In April the Independent Newspapers' Personal Finance supplement revealed that the Graham complaint to the Law Society was being funded by Discovery Health. The newspaper quoted Discovery Health chief executive Dr Jonathan Broomberg: "We have an obligation to assist and protect our members, particularly those that find themselves in a vulnerable position."

Personal Finance reported that Discovery Health was also paying ENS to investigate the cases of four other of its members who had been represented by Bobroff & Partners.

Discovery Health claims its members are obliged to repay the scheme any medical expenses recovered from the RAF. In another case, Bobroff & Partners advised accident victim Mark Bellon not to pay Discovery R861,334 medical expenses he received from the RAF. Bellon followed this advice and Discovery terminated his membership.

On his website, Ronald Bobroff says he is standing by his client in taking on "the big corporate" and that Graham's complaint to the Law Society about his fees was "a smokescreen".

The website declares: "We always discuss and agree the fees with our clients and our 37 years of exemplary reputation is confirmation of our fair dealings with clients." All of which may have contributed to Discovery Health's decision now to bankroll what will be an extremely expensive high court action in an attempt to have Ronald Bobroff struck off.

What Discovery Health's 2.4m members will feel about their medical scheme's millions being utilised to fund a campaign to have two attorneys struck off is unpredictable.

*(I would say "predictable". - Ed).*

Already the Council for Medical Schemes is unhappy about the proportion of medical scheme funds being earmarked for non-healthcare expenditure. And Discovery Health's administration fees are the second-highest in the country, at R102 per average member per month.

● Last year Discovery Health produced an operating profit up 10% to R1.5bn. Despite this, members' contributions keep going up. Although most schemes have kept their 2013 premiums' increase within single figures (Momentum Health and FedHealth both 7.9%, Medshield 7.5%) Discovery Health last month announced whopping increases of between 9.8% and 11.8%. ■

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# Hush-hush outfit wages covert war

A mysterious 007-style operation has cheekily adopted the Ship Captain's medic training to outflank the rules and regs of government health body.

**Jack Lundin** reports

**D**OWN IN CAPE TOWN THERE'S A small, very discreet and most definitely low-profile outfit called Ronin. It operates from an undisclosed location and its trainees hail from all over the world – a good portion from the “special” echelons of the British army.

A ronin is a samurai warrior whose master has died and who has failed to follow the code of the samurai by committing *harakiri*. A ronin took up either a life of crime or hired himself out as a bodyguard to wealthy merchants. South Africa's Ronin trains bodyguards.

Ronin's “participants in training” arrive in 16-strong batches from all over the world – including Britain, the US, Denmark, Sweden, Italy, Germany and France – to take Ronin's five-week R59,000 course in close protection training. There are even a few South Africans. But it's the associated six-week Remote Medic course (R70,800) – an upgraded medical emergency first aid course – that has flushed Ronin out of the shadows to tell of its long-running war with government's regulators, the Health Professions Council of SA.

Ronin, with two ex-special forces instructors on its staff of eight, is headed by a 007-type named Timothy Irvine-Smith, or Advocate Timm Smith, as he's known (he added a second “m” to Tim to be “different”). There's a fuzzy framed photo on his office wall showing

him in bodyguard mode behind Queen Elizabeth during the British monarch's 1995 tour of South Africa. That year he also started Ronin, in partnership with the former SA cricket captain Kepler Wessels (who is no longer involved).

Smith, 42, a divorced father of two, was admitted to the Eastern Cape Bar in 1994 but practised as an advocate for only six months. He was trained in close protection overseas by the legendary Dennis Martin of Royal Protection fame. Martin, with various old pals from “the regiment” (Special Air Services) runs CQB Services (for Close Quarter Battle techniques). Smith survived the training and on his return to South Africa set up shop as a bodyguard. The “best client I ever had” was the late Sanlam chairman Marinus Daling.

In a way, Smith is the father of South Africa's flourishing close protection industry. In the early days of the new Rainbow Nation, the police recruited him to help integrate the close protection staff of the ANC with that of the old guard. Smith remains a reservist captain with SAPS, but says his dealings with government agencies are not for discussion. He wrote the national standards and authored the national certificates in close protection, laying down for intelligence, defence, police and in the private sector, the requirements for a professional bodyguard.

Ronin's first close protection course,



in 2001, was exclusively for soldiers leaving the British military. These Brits, including some Special Air Services (SAS) types, still form the backbone of Ronin trainees – their course fees paid by Britain's defence department as part of its military resettlement programme to ease soldiers into civilian life.

But the modern bodyguard needs to be more than a gung-ho James Bond. Smith explains: “You also need some sort of Florence Nightingale skill. However good your goon in a suit is, he must also be capable of defending a client from things like a heart attack, falling down the stairs, electrocution, choking on a chicken bone at a banquet. There is a legitimate expectation that a bodyguard can intervene in an effective and professional medical manner when a medical emergency erupts.”

Smith signed up and personally completed South Africa's three short courses for emergency care: Basic Ambulance Assistant (BAA); the Ambulance Emergency Assistant





▲ Ronin's free ambulance service attends a Mandela Park boy after he fell off a ladder while painting his mother's house. The Health Professions Council objects to Ronin providing para-med services without its full accreditation. Ronin's ambulance service has been operating for 11 years

◀ Left to right: Timm Smith, Queen Elizabeth and then-British Foreign Secretary Douglas Hurd

(AEA)/Intermediate Life Support (ILS) and advanced Critical Care Assistant (CAA)/Advanced Life Support (ALS) and registered as a paramedic with the Health Professions Council (HPCSA).

For Ronin's trainee bodyguards he wanted to add a Remote Medic course incorporating the basic and intermediate short courses. He hoped in vain. He sought health council accreditation in 2006. He's still seeking it. Why? Because the HPCSA is committed to ending all three of these short ambulance courses in favour of a two-year National Diploma in Emergency Care and a four-year Professional Bachelor's Degree in Emergency Medical Care. Both have already been introduced.

To many, the new training makes sense. The old Basic Ambulance course takes just under five weeks and, at a cost of around R6,000, has been offered by a wide range of adult education colleges. Over the years, it's been dangled before young job-hunters as the key for entry to ambulance service

careers. But the stark truth is that the HPCSA found itself – as at March 2012 – with no fewer than 49,771 BAA's on its register, most of them unemployed.

The HPCSA tells *Noseweek* that over the past five years, an additional 28,940 jobless BAAs were de-registered because they couldn't afford the annual HPCSA registration fee (currently R526). The entire spectrum of South Africa's emergency medical services, public and private, consists of just over 13,500 personnel, of whom 9,720 are BAAs.

What hope for any newly-qualified BAA of getting a job, let alone the 40,000-odd jobless already on the register. (And what broken dreams for many of the additional 28,940, whose parents may have scrimped and saved to have their child graduate from the Basic Ambulance Assistant/Basic Life Support course, only to be kicked off

the HPCSA register for being unable to pay its annual fee.)

Smith agrees that the old practice of crewing ambulances with Basic-level employees who may have had just five weeks' training, is insufficient. But he still wants to include both the basic-level and the far more useful intermediate-level courses in his Remote Medic course. Trouble is, you need to have the Basic before you can take the "correct level" Intermediate.

"We don't want to contribute to the glut," he says. "We want to train complete bodyguards."

After three years of unsuccessful battling for accreditation with the HPCSA, Smith launched a flank attack on the health professions body. He introduced a Remote Medic course at Ronin, cutting out the health council entirely by bringing in an alternative – the Ship Captain's medic's course,

accredited by the SA Maritime Safety Authority (Samsa). All sea captains are required to take this training to give them some level of medical competence to meet crises at sea – putting up drips, suturing, giving injections... much the sort of basic, hands-on stuff that Ronin's bodyguards need to know. An added attraction was that Samsa's membership of the International Maritime Organisation opened up work opportunities in its 186 member countries.

Today the Ship Captain's course, together with the UK-accredited Ambulance Technician course, makes up Ronin's Remote Medic course.

"The HPCSA went ballistic," says Smith. "They said you can't let outside foreigners physically touch patients."

Smith's association with the hard men of Britain's SAS was clearly known to the HPCSA which sought police back-up before venturing on to

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Ronin turf for a surprise inspection. “They thought I was some kind of scary guy,” laughs Smith.

If Smith’s inclusion of the Ship Captain’s medic course infuriated the Health Professions Council, the SA Maritime Safety Authority (Samsa) was thrilled to see its nautical training adapted for Ronin’s bodyguards.

“I found it refreshingly different and decidedly challenging,” enthused Samsa’s Captain Dave Colley. So much so that Colley ordered a review of the accreditation of several other institutions that were offering Ships Captain’s training.

The HPCSA’s rage at the thought of Ronin’s trainees actually touching local patients is ironic. For 11 years, Ronin’s medics-in-training have been doing just that with Ronin’s advanced paramedic ambulance, which operates free of charge around Cape Town over weekends with the Metro Ambulance Service – and has been a lifesaver to some 5,500 mostly indigent patients.

In May last year a high court judge ordered the HPCSA to reconsider Ronin’s application for accreditation and apply its mind to the merits. It took them until August 31 this year, when Ronin’s latest letter of intent to apply was rejected, for being “non-compliant with accreditation criteria”.

Timm Smith maintains that Ronin complied totally. “But they still just refuse to let us apply. They’ve either failed to apply their minds or they have a hidden agenda. What value was the court order?”

He has now reapplied and says if he’s not allowed to proceed by the end of the year, he will take the council on review

and institute contempt of court proceedings.

The HPCSA doesn’t comment on its long-running battle with Ronin, but its senior PR manager Bertha Peters-Scheepers says: “The public has a right to receive quality health care from all health-care professionals falling under the ambit of the council.

“Since 2002 the HPCSA has been engaging various stakeholders, including the Department of Health, to align the emergency care profession to that of other health professionals.”

Peters-Scheepers says the 28,940 de-registered practitioners over the past five years was “a huge concern for the board.”

“It is also unacceptable that the bulk of EMS providers have just three to four weeks’ [sic] basic training to attend to critically ill and injured patients.

“The council needs to ensure that the public are in capable, properly qualified and well-trained hands in any emergency situation. The new diploma and bachelor’s degree qualifications have the essential clinical practice components, ensuring the graduate can deliver optimum patient care in any emergency situation,” says Peters-Scheepers.

In the meantime, the short course training remains in place, pending a

**“For 11 years, trainee medics have manned Ronin’s advanced para-medical ambulance, which operates free of charge over weekends**

decision by Health Minister Dr Aaron Motsoaledi on HPCSA draft regulations to end it. When it finally closes down, existing BAAs can however remain on the HPCSA register and continue to work at that level.

Comments Timm Smith: “They may be allowed to continue in work, but putting an end to vocational short-course training to Intermediate (AEA) and Advanced (CCA) levels will mean the end of the career path and professional development for 9,720 working BAAs and 7,539 working AEAs.” ■

## TIMES HAVE CHANGED, SO HAS DEBT COLLECTION



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# Manna from heaven – or the US at least

**M**ULTILEVEL MARKETING COMPANY Mannatech Inc has a divine plan for your health. For around R40 per day (four capsules of vegetable sugar-complex Ambratose) you will experience unbelievable levels of vitality and you'll remember where you left your car keys (the substance allegedly improves memory).

With health guru Tim Noakes suddenly in favour of nibbling on sheep-fat like our forefathers did, a little public confusion on dietary options for healthy living might well occur. But if you want the lowdown on health food supplements, Mannatech is probably not the best place to go, for the appeal of Ambratose surely lies a little beyond the real. As Texas-based Mannatech founder Sam L Caster puts it in his video, *A Destiny Unfolds*, his life and Mannatech have unfolded as a "single destiny" that reflects God's plan for the nations. According to Caster, he is on earth to give – and Ambratose is that gift. Indeed, a plant-sugar extract that sells itself as a "Real Food Technology Discovery" has to be a gift.

Mannatech also has a divine plan for your bank account. For around R5,000 you will be certificated to sell Ambratose and to persuade other people to sell it (who pay you for including them in the divine plan – this is how multilevel marketing works). If you'd got in on the plan early enough, you might be a little closer to the gods: Executive National Director, Bronze or Silver Executive National President, even Platinum National Presidential Director.

Of course if you can't afford Ambratose, you could just try fresh food, cut out what's clearly bad for you (you don't know?) and sell the other car. But that might spoil things, particularly if you want to Become Somebody. Go to [thelionpride.org](http://thelionpride.org) and check out the gallery there for pictures of a recent sales strategy conference held under the theme of "Become Somebody". Clearly Mannatech doesn't want to be

**Agents call the mixture Hope in a Bottle – but marketers have been preying on the sick and gullible. For a mere R5000 a month you can be certificated to sell Ambratose, and to persuade others to do likewise**

too closely identified with its multilevel marketing side, as it was in the US, leading to costly lawsuits. Its South African websites don't carry any of the tacky business of hunting down new clients: best leave that to The Lion Pride.

Ambrosia, to ancient Greece, was the food of the gods that conferred immortality, so Ambratose likely bubbles in the same science bracket as the manna of Mannatech. The ads identify Ambratose as a glyconutrient, declared tremendously important for the body's "inter-cellular communication". Sales associates in turn declare that the discovery of glyconutrients forms the

basis for a whole new science of life, pounding out that glyconutrients are a scientific breakthrough akin to the discovery of penicillin. Taking supplementary doses changes your life. A biology textbook might tell you that your body produces these sugars all the time: indeed your cells can't function without glyconutrients.

Mannatech, however, knows its flock, and we're well into the theology of cash flow here, where hope refigures the facts. Like its poor cousin, the science of cash flow, the theology of cash flow sports universal principles, so if divinely-hyped hoaxing in the US gets shut down by the courts, it's sure to fire enthusiasm "across the pond". Enter Mannatech SA.

Mannatech Inc got its first public drubbing in 2007 at the hands of US network ABC's *20/20*, which documented the multi-level machinations of its founders and sales associates. Although Mannatech's official product advertising called Ambratose a food or health supplement, the ABC team, using hidden cameras, exposed how its US sales associates (estimated at 500,000 in 2006) were strongly promoting the substance as a miracle cure for anything from multiple sclerosis to cancer. The ABC report – dubbed *Hope in a Bottle* and viewable on youtube – showed how the Nasdaq-listed company's behind-the-scenes marketing preyed cynically on the sick and the gullible.

A year later (March 2008) the company settled a class lawsuit for \$11.25m, brought against it in 2005 by investors who objected to Mannatech sales people making unfounded claims for the power of Ambratose. Then, in February 2009, in a "non-admission-of-guilt" settlement with the State of Texas, Mannatech and its non-profit wings, Manna Relief Ministries and The Fisher Institute, were ordered to desist from marketing food supplements as health products. Besides parting with \$7 million (which included \$4m in restitution to





**Somebody** Rhona Larsen, Lion Pride 'silver presidential director'

Mannatech investors), company executives Samuel L Caster and Reginald McDaniel also undertook not to engage in multilevel marketing for five years. The pair were permanently restrained from “representing, or assisting others in representing, directly or indirectly, that any food can cure, treat, mitigate, or prevent any disease”.

Hence their arrival on our shores. Mannatech SA was founded in 2007, shortly after the ABC drubbing. It's not clear how many sales associates the company has here, or what inroads it has made into the local health supplement market. The company has certainly learned from mistakes in the US: whereas in 2007 no scientific studies on the effects of ingesting glyconutrients had been published in peer-review journals, Mannatech has since funded several such studies, and lists them on its website to back up its claims to “scientific validation” for Ambratose.

Furthermore, none of its websites mentions multi-level marketing, and no claims are made for the

efficacy of its products: all is left to an evocative mix of science-flavoured jargon (“real-food technology”; “integrative wellness technology”) and theological suggestion (“destiny”; “giving”; “sharing”). And, presumably, to the hard-sell techniques of Mannatech sales associates, who sure know how to repeat the master's voice. Yet, despite a chorus ad nauseam about Ambratose's alleged super-benefits, *Noseweek* could not find a single testimony from anyone whose life has been improved by the substance. Instead, wildly enthusiastic testimonials abound on the “incredible wealth opportunities” Mannatech provides, and on the wonders of being part of a “miracle discovery”.

Capetonian JP Koster, for example, listed in 2009 on a Mannatech site as a Presidential Director, declares in a blog: “Eighteen years ago, scientists discovered that eight biological sugars were absolutely essential for health and longevity, and that six of the eight are totally missing from our diet because of soil depletion, genetically modifying our foods and picking fruits and vegetables green.”

Bona fide glycobologists studying how our bodies naturally produce these sugars might be a little surprised by these claims.

But it's exactly in that confusion of the scientific and the theological that Ambratose secures its power as a financial tool. ■

“**Noseweek could not find a single testimonial from anyone whose life has been improved by the substance**”

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# A Million Up goes a million down

**B**USINESS DAY RECENTLY CARRIED an advertisement placed by the Cape Town attorneys ENS offering a “prime property” for sale. It is described only as “a sectional title building with a five-star hotel and assets in Cape Town”.

The ad said interested parties could obtain the information document from ENS against payment of “a non-refundable fee of R5,000 (excluding VAT) and the signature of certain confidentiality undertakings”. The document would set out “the identity of ENS’s client and a description of the hotel and assets”.

*Noseweek* can save its readers both the R5,000 non-refundable fee and those embarrassing confidentiality undertakings by revealing that the seller is well-known liquidator Stephen Malcolm Gore of Sanek Trust Recovery Services, here acting in his capacity as liquidator of the once JSE-listed, since suspended, Quantum Property Group (QPG) and its subsidiary A Million Up Investments (AMU). Which, ironically, went into liquidation a few million down. The property

The major beneficiaries of a disastrous Cape Town hotel project are likely to be the liquidators who stand to pick up some very lucrative morsels

for sale is a five-star suite hotel – built on the site of Cape Town’s Huguenot Hall in time for the World Cup – called 15 on Orange. It is AMU’s only asset.

The three-year rise-to-demise history of QPG/AMU was well-documented in September by the *Financial Mail’s* Marc

Hasenfuss, who said there was a heated debate among stakeholders over how the company went bust.

He noted that two investigations were under way, one through a complaint to the JSE and another, a section 417 inquiry, demanded for by a shareholder.

He recorded that the 15 on Orange was built with “an initial” R400-million loan from Absa Bank and noted: “A former CEO alleges inappropriate interference by its creditor, Absa, and operating partner, Protea Hotels.”

Hasenfuss made the fair observation: “The liquidation has brought to the fore several potential corporate-governance breaches. It has also highlighted how shareholders are often left in the dark until it is too late.”

Now we learn Absa wants to buy in the asset quietly, hence no public auction and instead a very confidential private tender, described by one who has seen the document as “suspiciously

vague”. That would support the view that things have been set up to enable Absa to buy it with little fuss.

Which prompts the question: Why is Gore/Sanek using ENS to handle the sale? After all, ENS is a law firm, not an auctioneer or property broker. An insider told *Noseweek*, “Gore has given it to ENS where he has ‘deployed’ his lawyer daughter, Taryn Solomon, so they all make a big fee and everyone laughs all the way to Absa Bank”.

And there we were, thinking Gore and Adam Harris of rival law firm Bowman Gilfillan were joined at the hip – it looked that way from the Tollgate Holdings days (*noses* 8, 9, 11 and 26).

It looks like a case of blood being thicker... After all, at one time, all Gore/Sanek’s auction work went to Auction Alliance, where Gore’s son Richard was employed. When Richard Gore moved to Aucor, so did Sanek’s auction contracts. More recently, Richard was redeployed

back to Dad’s business, Sanek. So it makes sense to redirect auctions and tenders to ENS, where Gore’s daughter, Taryn, is a “senior associate”.

To put it in perspective: liquidators and attorneys frequently work in close money-making “teams”: ENS liquidator, Leonard “Lennie” Katz, got hitched to Progressive Administration liquidator Chris van Zyl – after another insolvency company, St George’s Trustees, closed down. That was part-owned by ENS’s predecessor Sonnenbergs. Now Van Zyl (*also one of the liquidators of Asch: noses* 152, 154, 155 – Ed.) has unexpectedly announced his retirement.

Meantime, Taryn Solomon (née Gore) has joined ENS: perhaps a new mutually beneficial arrangement.

Just how beneficial will become clear once the accounts in Million Up’s liquidation are filed and ENS’s fee is revealed. *Noseweek* will be keeping an eye out. ■

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### For more information

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# Ve haff vays und means of making you talk



## Insurance claimants are getting the run-around from investigators with menacing manners

**A**MONG THE 30,000 SANTAM CLIENTS filing a claim this month? Good luck – and expect to have more than your patience tested when the claims investigators arrive, especially if they're from Santam subsidiary Censeo.

On its website, the almost century-old insurance company, founded in 1918, declares; “We’re in the business of things going wrong. And when they do, we at Santam say it’s ‘crunch-time’. Crunch-time is our call to arms, when we rally our staff to help you sort out your claim as fast as possible.”

A call-to-arms sounds about right in the face of recent stories of deception, intimidation and not-too-subtle threat on the part of claims investigators who work for Censeo (Pty) Ltd (37.5% owned by Santam according to the latest annual report). Censeo’s website declares, “We are experts in everything to do with insurance claims, prevention, detection and eradication

of crime, fraud and corruption”, but the behaviour of Censeo agents suggests tactics once deployed by the apartheid regime’s security apparatus.

Santam’s Ian Kirk says Censeo agents investigate less than 2% of the 30,000 claims submitted each month to Santam. But try telling that to clients who’ve been bullied and threatened. Among recent cases involving Censeo agents is that of Mr Sas Kloppers of Precision Engine Rebuilders.

According to independent forensic scientist Dr David Klatzow, after Kloppers lodged an insurance claim with Santam, Censeo investigator Petro Molnar began her interview with one of the witnesses, a Mr Chris Slabber, by saying Kloppers had defamed him. The tactic was clearly intended to lead Slabber to badmouth Kloppers in turn, which would likely lead to delay of settlement or even to outright repudiation. Kloppers’ claim was finally settled, after lengthy wrangling.

Molnar might have resembled a mere rogue agent, but Klatzow examined another case of suspect actions by Censeo investigators, this time by Johan Nel and Bianca Erasmus. The pair claimed to have obtained telephone records showing that sawmill owners Louis and Lizette Joubert had been lying about the case.

Uncertain as to how to disprove the authenticity of the claimed records, and lacking the finances to hire legal counsel, the Jouberts felt huge pressure to withdraw their claim. There, too, the case was finally settled, but at great psychological cost to the Jouberts.

Similar tactics were used on another Santam client Lynn Cock and her husband Ray. Censeo investigators first accused Mr Cock of lying, then somehow got police officers to pay him a visit at home. The officers informed him that he was to be arrested on fraud charges and should hand himself in at the local police station the next day. There, he found that charges had indeed been laid, but no evidence had been cited to back an arrest. Ray Cock spent a very frustrating day in the charge office wondering what Santam and its investigators thought they were up to.

In a letter to Santam’s Ian Kirk, Klatzow asked: “Who swore to the affidavit which resulted in the charges; on what basis were the police informed to come and arrest Mr Cock; and why was the case not properly investigated?”

Kirk was unable to clarify, but insisted that Censeo is not “incentivised to repudiate claims”, being paid on a fixed-fee basis.

While the parent company may not be accountable for Censeo’s actions, such behaviour does tarnish Santam’s reputation. Kirk’s claim that Santam regularly meets with Censeo to ensure their compliance with their claims policy, doesn’t help much when you’re facing investigators who aren’t shy of using strong-arm tactics.

Klatzow further questions Santam’s use of layered voice analysis (LVA) technology to examine stress patterns in the voices of clients making claims. It is claimed LVA helps determine whether a client’s word is reliable or not, but





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Klatzow believes its use is little more than another intimidation tactic.

Santam's Executive Head of Operations, Hennie Nortje, says LVA is merely one of several tools for determining a client's profile and that no claims are rejected on the basis of the results of an LVA.

Layered voice analysis, also known as voice-stress analysis, has been dismissed almost globally as unscientific (unlike the polygraph or lie-detection test). According to a San Francisco information and data security specialist (also consulted by *Noseweek* for a story in *nose153*), such systems are regularly used by intelligence agencies to analyse voice recordings when they have vast numbers to plough through.

But, he says, its unreliability is obvious. "Unless one has a control voice sample to evaluate against, it's difficult to conclusively state that someone is 'deceptively stressed' or naturally stressed. The system can't tell the real induction of the stress."

The specialist pointed out that someone reporting a claim to an insurance company – often shortly after an incident – would likely experience some degree of stress: "So for an insurance company to subject their clients to such systems is not just dubious, but highly questionable."

A recent study of LVA conducted at Washington University in the US undermined the notion that LVA technology has any use at all in determining whether someone is prone to being deceptive. Associate professor of psychology Mitchell S Sommers, who led the team making the study, says: "In our evaluation, voice-stress analysis detected some instances of deception, but its ability to do so was consistently less than chance – you could have gotten better results by flipping a coin."

He concludes: "Voice-stress analysis is fairly effective in identifying variations in stress levels in human speech, but levels of stress do not necessarily correlate with deception."

Inexplicably, Santam expends time and money on a tool that's not even admissible in our courts. ■

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# Sparks fly in electro family dispute

**F**ORMER EMPLOYEES OF CAPE TOWN millionaire Johnny Feinstein's Motor Electrodiesel business, the MED Group, accused of illegally setting up in competition with him, have struck back.

Feinstein's claims in *nose155* appeared together with a brief blanket-denial of wrongdoing by the ex-employees he referred to as "The Family". Now the clan – former operations director Lamees Ismail, her procurement manager and sister Benito Dodgen, and their sales-manager brother Jason Magnet – all represented by another brother, Kurt Magnet, spell out their version.

When Feinstein bought MED in 2004 he inherited the firm's long-serving family members. In *Noseweek's* article, Feinstein claimed that after he accepted Lamees Ismail's resignation last year, The Family set up their own competing Auto Magneto business – in defiance of restraints of trade.

Not so, says Family spokesman Kurt Magnet, a director of the new Auto

Magneto, who works for Old Mutual. Examination of the 2005 Shareholders' Agreement indeed shows no restraints of trade. Section 16 merely covers confidentiality, in which the members agree not to use for their benefit confidential information pertaining to MED.

Kurt Magnet counters now: "Auto Magneto was registered on 9 February 2012" (within a week of Dodgen and Magnet having submitted their resignations).

To support his claim of a much earlier registration date of 18 November 2011, Feinstein had produced two pages of selected Companies Intellectual Property Commission (Cipc) documentation that appeared to confirm this. However, the full record reveals that on 18 November 2011 a shelf company named K2011134169 (Pty) Ltd was registered by company formation agent Karen Oosthuizen.

Kurt Magnet explains they had subsequently purchased this "shelf" company from accountants Mazars and registered the new name of Auto Magneto (Pty) Ltd on 9 February 2012.

Feinstein had complained that in defiance of the Shareholders' Agreement and pledges in their letters of resignation, The Family had refused to resign from and part with their shares in his companies, MED and its Workshop CC, resulting in Auto Magneto directors holding 17% of the group with which they are now in competition.

Under the Shareholders' Agreement, in the event of minority shareholders leaving, they undertook to sell their shares to Feinstein at the fair market value of the equity as determined by the auditors (Grant Thornton).

Feinstein said in *nose155* that in February 2012 he had received a R40-million offer for the group from the WAI auto-electric company in Fort Lauderdale, US. He added that MED

would "soon" be worth R60m.

Yet the fair value that Grant Thornton came up with at 31 December 2011, using "a discounted cash flow approach," was only R8.46m for MED and nil for the Workshop CC.

Says Kurt Magnet now: "The valuation done by the same firm in 2009 using a different model, valued the company at R20m. Despite the phenomenal growth of the company as stated and proclaimed by Mr Feinstein, three years later the company is now valued – devalued – at R8.5m. It appears that Mr Feinstein wants to acquire the minority shares at a reduced price."

*Noseweek's* report in September stated that a condition of Feinstein's purchase of MED was that 10% of its shares

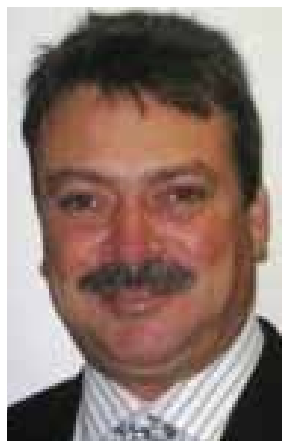
should be "given" to empower a group of long-serving employees. In all, *Noseweek* reported, Feinstein "dished out" 19% of the stock (17% of this to the present Auto Magneto directors).

Magnet says no stock was "given". In a four-page letter to its "associates and friends" – following publication of *nose155* – The Family stated that Feinstein had offered the initial 10% at R28,000 for each 1% (a total of R280,000). Later more shares were offered at the greatly increased price of R120,000 per 1%.

Feinstein's other big complaint – strongly denied by The Family – was that Lamees Ismail and Jason Magnet had been phoning MED's customers claiming Auto Magneto was an extension of MED and could assist with stock. In other words, poaching his customers.

"Probably 10 customers have told me that in the past three months," Feinstein assured *Noseweek*.

"I can get an affidavit from two of them." However, no customers' letters or affidavits have been forthcoming. ■



Kurt Magnet

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# The Outsurance man only pays twice

**I**N JULY, BRIAN SAUER'S CHEVY Aveo – with automatic transmission – was stolen from outside his plumbing supplies store in a Midrand factory compound. He had bought it new just six months earlier for R140,000. His insurers, Outsurance, were brilliant.

“They sent me an email asking how I rated their service, I said sensational!” Sauer tells *Noseweek*.

Within two weeks, Outsurance had paid out and Sauer was able to buy another brand new nice, white Chevy Aveo from the Fury Motor Group dealership in Rivonia, from where he'd bought the first one.

Sauer took delivery on a Monday afternoon, by which time he'd already arranged for a technician from Cartrack to be at his office first thing on Tuesday to instal a tracking device in his new car – taking no chances this time around.

Come 9am on Tuesday, the tracker man was there with his toolbox. He asked Brian to park his car in a neighbouring side street, out of sight of curious eyes that might want to see just where the device was being installed. It sort of made sense.

At 10am Sauer took his son around the corner to show off his new car, and to check up on how the tracker man was doing. All seemed well – quite

jolly, in fact: as he worked, the tracker man was chatting away to a friend sitting in the front seat of the car. With his son duly impressed, Sauer returned to his office.

Imagine Sauer's shock and surprise when, 20 minutes later, the tracker man was howling in his office, telling him between sobs, that the “stranger”



that he'd seen chatting away to him in the front seat had just hijacked the car. And, that this terrible ordeal had happened just as he was about to activate the tracking device. Yes, it wasn't actually working yet.

Outsurance weren't quite as nice this time. “The tone of the questions

their investigator asked, made me feel like I'm the criminal,” says Sauer.

Never mind, within days they'd agreed to pay for the repairs. Brilliant! But then, not-so-nice turned to nasty. Sauer was told that Outsurance were “blacklisting” him and cancelling his insurance.

That means that from now on, he will be obliged to inform every insurer he approaches for insurance that he has been refused insurance by Outsurance. This will either result in his being refused insurance, or in his having to pay double, or more, than his previous premium.

“It simply isn't fair,” he says. “I'm 66 years old, and in all my life I've only claimed for two windscreens that were cracked because of the roadworks that have been going on around here for years. And then, by extreme bad luck, I get my car stolen twice within seven months. It's got nothing to do with risky behaviour on my part.”

*Noseweek* called the Outsurance call centre and spoke to Retention Team Manager Sharmini Gangee.

She informed us that Sauer had paid only R21,000 in premiums, while Outsurance had already had to pay out over R150,000 in claims in a short period. Not much of a deal from their point of view.

“Our actuary takes a business decision to terminate the policy.

Every insurer across the board is likely to have made that decision. Any insurer that takes you on will increase the premium and the excess payment required.”

Gangee tells *Noseweek* there'd be no point in our talking to Outsurance's risk department: “Once a decision has been made, we can't reverse it.” ■



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# Ivo gives some lurve to The Man

**H**E SURE HAS STAYING POWER, that Ivo Vegter, the *Daily Maverick's* go-to columnist on all things environmental. Since back in the days of the printed *Maverick* magazine, when he still called himself Igo, he's had it in for the blerrie greenies and the blerrie commies.

Ivo trades in controversy, as in, *jirre*, that oke only likes to cause *kak*, hey. He used to say that he'd like to invest in wind turbines and drive a Hummer just to piss off the greenies and everyone else equally. Nowadays the little blurb underneath his impassive visage just says "He is always right", which should piss off a few more.

Most of the controversial *okes* out there, shit-stirring columnists and journalists, are crusading for the little guy, sticking it to the billionaire bankers, the Zumas and suchlike. They dig nothing more than giving a huge transmoral corporation a sharp, verbally delivered *snotklap*.

Ivo is so *dik* controversial that he does fully the opposite. Find the biggest, gnarliest corporate interest you can think of and Ivo's gonna be out there on a long and perilous limb, agitating for it. He's like: "The little guy gets way too much airtime! I'm gonna give some lurve to The Man!"

Among Ivo's recent causes are mega agribusiness – genetically-modified foods, in particular – and fossil fuels like natural gas. Shell is leading the charge to frack in the Karoo. In other words, to use new, so-called "unconventional" drilling techniques to get at what they hope will be a bonanza of natural gas trapped in very deep shale. Ivo's new greenie-bashing book, *Extreme Environment*, has three chapters on it.

The most popular fracking technique at the moment is called "large volume, slick water, horizontal hydraulic fracturing".

Developed in the USA, fracking's homeland, it involves drilling deep down into the shale, turning your drill head 90 degrees to make a kilometres-long horizontal channel through it, and then, with a few truckloads of serious machinery, forcing millions of litres of "fracking fluid" and specially-selected sand down the whole shebang under massive pressure. Fracking fluid is

water with patented gas company chemical secret sauce added. When forced down a well and into the shale rock, it makes tiny cracks in the rock. These cracks are held open by the sand grains you've sent down the pipe in the mix.

Gas, held for millennia in the shale, diffuses into the cracks and up the well and, *voila*, you have fuel for your Cadac



*skottelbraai* – at least for a while, because gas wells normally have to be “stimulated”, or re-fracked every few years to keep the methane coming up.

Many Karoo-dwellers are worried about fracking because many gas company secret sauces contain known cancer-causing chemicals.

Since much of the Karoo is dependent on groundwater – that is, after all, what those iconic windmills pump – any cross-contamination between fracked wells and underground aquifers could be a disaster.

Gas wells in the Karoo could be over 5km deep – far deeper than most farmers’ boreholes – and might pass right through freshwater aquifers.

One crack in a well casing could be the end of the whole dorp.

There are also questions about where to source the water to frack the wells in this dry area. A single well stimulation can consume 20 to 24 million litres. And what to do with the contaminated “flowback” after the dirty deed is done? A lot of the frack fluid forced down the well flows back up with the first burst of gas, even more saturated with toxins than when it went down.

Ivo reckons the Karoo-ites are getting their *broekies* in a *koek* about nothing. (He’s due to address the Prince Albert *Leesfees* from November 9 to 11, which should get blood pressures up.)

“Even in Texas”, he says in a recent *Daily Maverick* column, “shale gas uses only 1.7% of the available water”. “To put ‘millions of litres’ into perspective,” he continues, “half a percent of

the capacity of the Vaal Dam is enough to frack 6,000 wells, which is around the upper limit of the number of wells the entire Karoo might eventually accommodate.”

First, it’s unclear what Texas has to do with the Karoo. Maybe Ivo’s watched too many *Road Runner* cartoons and thinks Texas is all sagebrush and cacti, as in dry like the Karoo. He’s obviously never been to the north-east Texas piney woods, where Spanish moss hangs thick from the trees and beavers splash around in the vast swamps of Caddo Lake. Houston has more than five times the average annual rainfall of Beaufort West.

Second, how he arrives at 6,000 as the maximum number of gas wells for the Karoo is a mystery. Gas well density varies enormously depending on the drilling strategy used and the nature of the gas resource, and South Africa’s gas resource estimates are almost purely theoretical, because comprehensive exploration drilling hasn’t been done yet.

The gas-containing rock could cover a larger area than what we call the Karoo, or it could be a dud for the drillers. We could hit 6,000 wells – or a helluva lot more.

Texas – since Ivo brought it up – has just more than half the land area of South Africa and over 76,000 gas-producing wells as of 2007, according to the US Department of Energy. Shell has been quoted as saying they could drill up to 115,000 gas wells in South Africa (this does not include other companies’ wells).

Even if fracking all the gas wells in South Africa were only to take a tiny percentage of the Vaal Dam’s capacity – which, don’t forget, is still billions of litres – how the heck do you get the water from there to the wellhead?

In the US, it’s done by truck – somewhere in the region of 800-plus truckloads of equipment, fresh water and flowback waste per well by various estimates, although this varies by location and well type.

Many people in the Karoo, mindful of the expensive mess trucks have already made of our roads, are worried at the prospect of hundreds of thousands of truck trips through their towns.

Ivo says, hey, no problem, “just impose



**Fractious** Drilling operations in Jonah Field, Wyoming, USA. Shell has said that it could drill up to 115,000 gas wells in South Africa (which does not include the wells of other companies)

Picture: Ecoflight

a usage fee". One wonders where he's been hiding during the e-tolling fracas, or how he thinks that corporations who are accustomed to using public roads, gratis, would agree to paying the real cost of the damage they cause.

As for the toxic flowback water and how to clean it, well, Ivo tells us that the industry "has developed mobile water treatment units designed especially to deal with fracking flowback".

What he doesn't say is that these units are expensive, not widely used, and merely clean the flowback enough to use it to frack another well, not to drinkable standards.

The supposedly regulated fracking industry in the US has a tendency to cut corners; in Pennsylvania, as the *New York Times* revealed, frackers routinely sent flowback laced with radioactive uranium to normal sewage plants that were not equipped to clean it. The uranium was then discharged into rivers that supplied drinking water to towns downstream.

Ivo pooh-poohs all this talk of water contamination. "A small risk of localised pollution is a manageable problem", he opines. He might be right, if the state was actually interested in managing the problem, which in today's South Africa is manifestly not the case.

In 2010, I filmed over 100 million litres a day of contaminated mine water being illegally discharged into the internationally-protected Marievale wetland from the Grootvlei mine, east of Joburg.

My footage was broadcast on *Carte Blanche*. Dozens of news stories reported the pollution. But it still went on for months. The government did nothing effective to stop it and no-one has yet been prosecuted for this blatant infringement of a suite of water, mining and environmental laws.

Does Ivo really think that they'll keep the fracking industry in line? Especially if – as has been claimed by the DA and which has not been refuted – the ANC has a stake in Shell via Thebe Investments?

As for concerns that the frackers will destroy tourism in the Karoo, Ivo assures his readers that "completed wellheads are no more conspicuous than a typical farm dam and windmill. A few thousand shale gas wells will all but vanish in the barren vastness that is the Great Karoo".

Horseshit.

Leaving aside that one cliché-bound writer's "barren vastness" is another dollar-spending tourist's amazing, naturally-diverse landscape, it seems to have slipped Ivo's mind that once a wellhead is completed, you have to take the gas somewhere, as in, you need a pipeline.

Pipelines need trenches, roads alongside them, compressor stations, powerlines and other infrastructure. Fly over a serious gas field someplace like west Texas or Pennsylvania, as I have, and you'll see that a fracked landscape is an industrialised landscape, ecologically fragmented and extraordinarily ugly.

The Great Karoo is big, but Shell has applied for gas exploration leases covering 9 million hectares – more than four times the area of the Kruger National Park. Other companies have applied for millions more. As they say in Texas, "go figure".

Ivo is a well-known climate-change

## “ No-one has yet been prosecuted for the blatant infringement of a suite of water, mining and environmental laws at Marievale

denialist. The language he uses and the ideas he spouts echo American right-wing, fossil fuel industry-funded websites and PR guidebooks.

He comes across like a contemporary shill, well acquainted with the idea that you don't have to win a debate, you just have to create the appearance of one. The cigarette lobbyists long ago figured out that they didn't have to prove that smoking didn't cause cancer, they just had to sustain a discussion about whether it did.

This significantly slowed the passage of laws to restrict smoking. "Facts", for this type of PR guy, aren't there to prove your point, they're merely there to slow the opposition down. Indeed, if your "facts" are wrong, so much the better, because your opposition wastes time correcting them instead of putting their own argument forward.

Ivo says he's independent, that he's not a member of any political organisation, advocacy group, or think tank.

I have no evidence that he's taken money or favours from the frackers, but, as they sometimes say in the bar at the Royal Hotel, "if it walks like a Haded and waa-waas like a Haded..." well, whatever.

I hope the gas companies reward him handsomely for his sophomoric emissions. It seems unfair for them not to. ■

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# A concatenation of miseries

**N**EVER MIND THE TITLE, THIS FASCINATING potted history of a wretched and neglected underclass just happens also to embody powerful insights into current riotous upheaval in poor black society. It is a frightening tale, logically and intelligently presented, and it bears a powerful message for South Africans of all persuasions.

As Bottomley says, black poverty was always much more serious and widespread. Today whites are neither more nor less poor than their black, coloured and Indian counterparts. It is only when they are ignored in favour of other poor that a moral problem arises.

Historically, whites have been depicted as never having been poor. But the “poor white problem” assumed enormous proportions during the early 20th century, influenced the outcome of elections and eventually resulted in the institution of apartheid. Their poverty arose out of a concatenation of miseries – the Anglo-Boer War, the 1920s drought and the Great Depression.

Just as poor blacks now stream to the cities in hopes of jobs and housing, so did the white poor at the beginning of the last century. The rapid growth of multiracial slums, especially in Johannesburg, alarmed colonial authorities intent on sustaining white prestige. In 1930, about 300,000, one third of all Afrikaners, were defined as “absolutely indigent”. Afrikaners were perceived as failed farmers and backyard dwellers.

The British government decreed that various commissions should examine the shameful problem of indigent whites living in the kind of poisonously destructive slums mostly inhabited now by poor blacks. Later, nationalist Afrikaner leaders also deployed the problem in the interests of racial superiority.

After World War II, the state more-or-less succeeded in solving the poor white problem – to the detriment of other races. The whites vanished into hidden enclaves of poverty, where church, state and dedicated cultural bodies taught proper “white” behaviour.

It was only after the 1994 election that poor whites were again perceived as thieves

**POOR WHITE**  
(Tafelberg)  
by Edward-John Bottomley

## The growth of multiracial slums alarmed colonial authorities



and beggars. As “white trash”. Bottomley rightly says it is impossible to understand the historical subordination of black, Indian and coloured South Africans without considering the story of their poor white counterparts.

“Yet, the poor whites and the poor white problem were part of the materials used to build South Africa, as much as gold and bricks, diamonds and coal.”

Before the seismic effects of the discovery of gold, the Anglo-Boer War sparked a miserable poor white problem. The British took to scorched earth tactics, poisoned wells, salted fields. More than 100,000 Boers and Africans were interned in disease-ridden concentration camps. Nobody knows how many black Africans lay down beside them.

“When it was quiet once more, the gold belonged to the British. The war impoverished an entire nation, shamed another and forgot a third, the black Africans. It tore a dark and furious chasm in the minds of those who became the Afrikaners, one that still glows late in the night.”

The enormous effort required to exploit mineral wealth dragged a mostly agricultural economy into the industrial age. Massive urbanisation brought pollution, desperate urban poverty and slum conditions where the poor of all races were squeezed breathless. Interracial prostitution flourished as the poor clawed for daily survival. Poor Afrikaner women worked in Asian laundries, children earned a crust selling newspapers. The slums were considered among the worst in the world. It took years before Afrikaner leaders, fiercely focused, developed the education and social policies which uplifted their people. The poor were absorbed into the railways, Iscor and other government enterprises.

But, fearful of black competition for scarce jobs, they neglected similarly afflicted blacks. This would have been a very different country had they been more generous to others. Will the present regime display more generosity to the forgotten white poor?

• *Bottomley is a South African. He holds degrees from Stellenbosch University in geography and journalism, and in geographical history from Cambridge.* ■

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## We need doctors who care, not new health insurance

**W**ELL, YOU'VE GOT TO GIVE IT TO our health services; at least they don't discriminate when they deny treatment or render a horrendous and insensitive service.

This point was driven home at the end of September, with news reports about an inquiry into claims that the murdered boxer, Corrie Sanders, was turned away from the Steve Biko Academic Hospital in central Pretoria after being shot, and referred to the "lower-level" Kalafong Hospital on the outskirts of the city. Steve Biko Academic is renowned for its specialist facilities.

And as we all know, Sanders succumbed to his gunshot wounds at Kalafong – where Gauteng Health Department spokesman Simon Zwane "believed" Sanders was given appropriate treatment. Presumably that is when he eventually got there.

This spin doctor should have just focused on first offering a word of condolence to the Sanders family before saying something like, "if in fact Mr Sanders was turned away at Steve Biko it raises great concern". Short and sweet without accepting or denying anything.

However, I must say the Hawks spokesperson, McIntosh Polela, knows his craft – whereas that poor fella, Mac Maharaj needs to get a real job.

OK, enough of that; because the Sanders hospital turn-away matter seems to

be quite a serious problem and I'm delighted it has received public exposure. Exactly how serious is it? Just looking at some of the complaints that have come to my attention – and I'm only a little guy in a little dorp – I would have to conclude that it is one of the biggest problems within our health care system.

When I heard the news about Sanders having been turned away, my reaction was, not again, it's happening all over the place! The latest story I've been working on is about how Sylvia Lukhele was turned away by Mpumalanga's specialist hospital, Rob Ferreira, yes the same Rob that you read about in *Noseweek's* last edition.

OK I'll keep this short and sweet because I am yet to get a response from the Mpumalanga Health Department's communications director, John Mlangeni.

Ms Lukhele was referred to Barberton Hospital to have her appendix removed after complaining of a lump in her stomach. Barberton Hospital operated and she spent two days there in recovery. On her release she was instructed by the hospital to go to a clinic to have the stitches removed. Now begins Ms Lukhele's nightmare. For, two months after the stitches were removed, the operation wound had still not healed.

Barberton Hospital then sent her to Rob's. There they did several tests (including a sonar scan to check whether any surgical instrument had been left inside her). Nothing was found and she was sent home.



**Sylvia Lukhele**

Not too long after she was tested by Rob's – a day or two, she says – her condition worsened: by now she had a bloated stomach, was vomiting and had diarrhoea. She was taken back to Rob's by ambulance.

There, she says in a statement corroborated by a relative who accompanied her, a doctor examined her and squeezed the operated area, which oozed with puss. Seeing this the doctor said, "You have to go back to Barberton so they can fix their mistake".

The only thing Barberton did was to fit Ms Lukhele with a waste bag (colostomy bag) – and this, only after the supporting relative raised holy hell with the department.

Back to Sanders: two statements were made as a result of his treatment; The Health Professions Council of SA (HPCSA) quickly reminded health care practitioners that they were obliged to stabilise patients in emergency situations.

"Section 27 of the Constitution, the National Health Act, as well as the HPCSA's ethical guidelines clearly state that a health care provider may not refuse a person emergency medical treatment," said CEO Dr Buyiswa Mjamba-Matshoba.

Do these stated obligations go far enough? What constitutes an emergency? Maybe a couple of bullets in you? Would a botched appendix operation qualify?

Try making sense of this: now that Rob's chucked Ms Lukhele back to Barberton Hospital, they need to tell us what they are doing about her condition. Instead, according to Ms Lukhele and her supportive relative, they are ducking and diving from their "mistake".

Our health care system needs more than the National Health Insurance (NHI) scheme. It needs medical practitioners who are caring and sensitive.

And get this: there is talk of putting a medical tertiary institution at Rob's which will be developed into a fully fledged medical school. How can that possibly be, when it is quite clear Rob's cannot handle what it already has? These politicians or planners, whatever, need to stay away from the hospital pharmacy. ■



## Mitt and the baboons

**W**HEN I WAS BUT A BOY IN Pretoria, just six years old-or-so, we had all sorts of mystical fables about the wisdom of mielieboere in their war with baboons. Always with the boer prevailing because the baboons were so *dof*. There was the one about getting a gourd and drilling a hole in it just big enough for a baboon's hand and tying this gourd to a stake in the mielie field, then putting in the gourd a whole lot of pumpkin pips which baboons favour. Next morning there'd be a baboon who had stuck in his hand to get the pips but couldn't get out his clenched fist and he'd been there all night too *dof* to let go, even now as the boer clubbed him to death. Also there was the one about baboons being able to count to four. Five boere with rifles hike up the koppie where the baboons live and after a bit, four of them hike down again. The baboons think that's the lot and when they come out of hiding the concealed boer shoots them all dead.

Years later, here I am back in Pretoria *se wêreld* with me ol' Air Force chum Biebie van Zyl who is now growing mielies out in the sticks and having terrible troubles with baboons. He also has a landing strip on his farm with a retired Air Force Tiger Moth in a barn. I'll tell you what we'll do, says he, we'll fly round the baboons' koppie and I'll sit in the back cockpit with my retired army .303 rifle and I'm sure they will think the Tiger is just a *bliksems* big vulture and I'll shoot the whole *vokken* lot stone dead.

So we do this thing, round and round the mulberry bush, and the baboons round and round the rocks opposite us, and eventually when we're running out of fuel *ou* Biebie says to me Man, I think they know about aviation. The moral of this fable is: Never bullshit yourself that the whole great family of primates out there is stupid except your own personal self.

Well I'm stricken with years now but wise, ah, wise, and I have this grandniece, Cookie, who when she was

but a girl, just six years old-or-so, said to me one day, You know, I can count numbers. Go on! said I. Let's hear it then! And off she went, and when she got to about 30-or-so she said, When do I come to the end? No, said I, there's no end. WAAAAH! she wept, I can't go on forever! Never to worry, said I, you can stop any time you like, it's just the numbers that don't ever come to an end. She fell silent, but I could see she was sore perplexed. I gave it some serious thought myself: if there was no time and no space and therefore no numbers before the Big Bang,



then after the expanding universe has reached maximum bounce, as it were, and started contracting, there will come a time when once more there is neither space nor time, nothing to have numbers of. A Big Counterbang.

Cookie has fretted about numbers clear through to matric. What's the biggest number you can visualise? says she. Hell, I don't know, say I; my father believed baboons can recognise four. I suppose by the same token I can recognise about 15,000, that's roughly the number of runners in the Comrades Marathon stretched over a few kays as seen from the TV choppers early on when the whole lot are together.

Says she, I'm trying to visualise 32 trillion by seeing a certain number of

perceivable things, like your runners.

I can visualise one metre on a measuring tape, says she. So to get a lot of them together I took the distance from Earth to the Moon, 384,400km, made it into metres, 384,400,000, which means a return trip to the Moon is 768,800,000m. I divided that into 32 trillion metres and the answer was 41,623,300 return trips to make the 32,000,000,000,000. How's that?

Spot on, say I, but why 32 trillion? Because the internet says that's the number of US dollars stowed away in secret havens in the Channel Isles and the Cayman Islands where somebody called Mitt has his stash, says she. Who's he? No he's another American who needs his Cayman money for a

rainy day, say I. He has an ordinary monthly pay-packet of \$1.21 million for domestic expenses. You know: food for the missus and the kids, gas for the car, cubes for the dog, ants' eggs for the goldfish. That sort of thing.

This person on the internet reckons these 32 are only the iceberg tip of the trillions, says Cookie, there are many more trillions out there and they're used to dominate the World's finances. But he says you should never deceive yourself the World's people are a stupid bunch of baboons and only the rich know about money. In his opinion we're pretty soon going to have to choose between capitalism and democracy. In his opinion capitalism is slowly dying.

Mine too, say I. Only quickly. ■

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