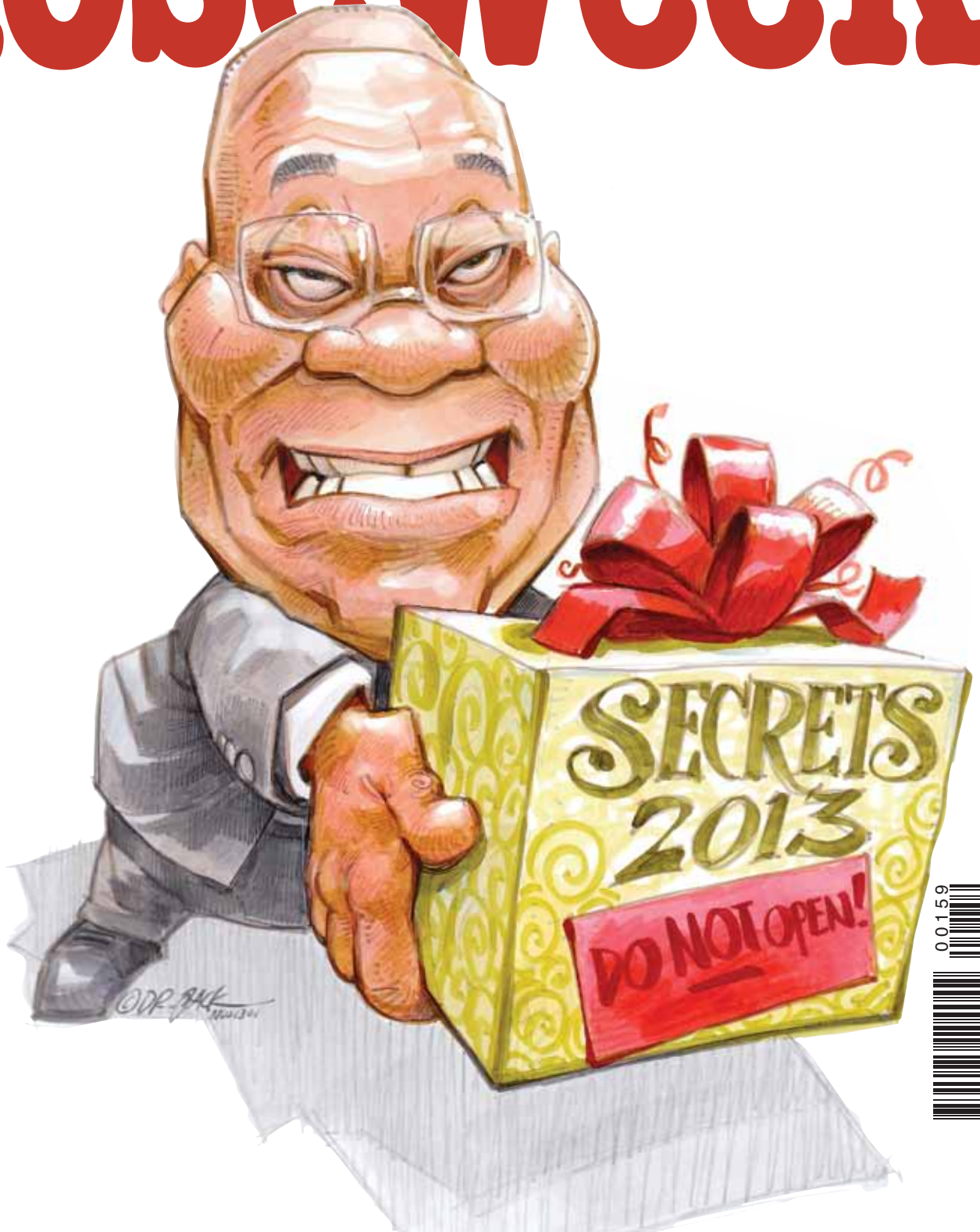


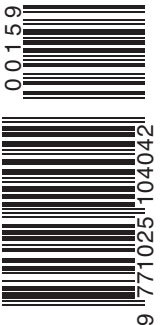
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# noseweek



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# Letters

## Seasonal merriment

THANK YOU! THAT FRONT-COVER CARTOON (*nose158*) not only made my day but my year (at least year-end)! It certainly aims to push the Lady Justice one off Place 1 among all Zuma cartoons.

**Birga**  
Capricorn Square

## Jobs for Africa first

I HAVE FOLLOWED NOSEWEEK FOR SOME time and have found your research to be impeccable. Some of the facts and figures quoted in *Noseweek's* report on the wave of new Chinese retailers in South Africa (*nose157*) are astounding. Taking these figures on face value leaves us with major issues.

The story is of particular concern to me as the Project Leader of TurboCASH Accounting, where we run the systems of 30,000 SMEs in South Africa, most of them diligent taxpayers. Over 100,000 of these businesses, due to economic circumstances, have become inactive in VAT in the last four years.

It also concerns me as a strategist for the Pan Africanist Congress of Azania, where our constituency, the Youth of Africa, are encouraged to enter the economic system as formal participants,

but find themselves excluded from employment in a key industry like retail, because we allow new participants to avoid the formal taxation system.

If the *Noseweek* numbers are to be believed, 6,000 immigrant traders with an estimated turnover of R6 billion are evading taxation of about R600 million in VAT alone.

I hope to meet with senior SARS officials to suggest a solution that does not prompt a xenophobic response, but helps formalise the sector and benefits the youth of Africa.

**Philip Copeman**  
A member of Coding for Democracy  
Cape Town

## A misleading impression

NOSEWEEK'S "YELLOW PERIL" EDITION WAS a low point in an otherwise strong record of investigative journalism. The article, *Howzit China...?* drew on an outdated academic source, ignoring the now-extensive and well-researched recent literature on the Chinese presence in South Africa.

The authors made the extraordinary claim of having checked "every suburb, village and town in South Africa". Did they really? On what basis did they arrive at the conspiratorial allegation that the extensive network of Chinese shops across the country was "well researched, well planned, well organised and well financed". The serious research of recent years points to a very different story – one of thousands of small entrepreneurs leaving the economically stressed and over competitive Fujian province in China independently in search of livelihoods in many parts of the world, including South Africa. Even the selection of image on the magazine cover was disturbing. To take a poster image from the heyday

of the Cultural Revolution to represent contemporary China is akin to using images from the Verwoerdian era to represent contemporary South Africa.

It is true that the Chinese presence in South Africa is significant and growing, with consequences that need to be properly debated, but we should do so without prejudice and on the basis of careful investigation.

As a research unit at Wits University we have undertaken detailed research on the Chinese presence in Johannesburg and challenge *Noseweek* to collaborate with us in rectifying the impressions created by *Howzit China...?*

**Professor Philip Harrison**  
**Dr Yan Yang**  
**Khangelani Moyo**  
University of the Witwatersrand

● Professor Harrison holds the South African Research Chair in Development Planning and Modelling, in the School of Architecture and Planning at Wits. He is also a member of the National Planning Commission.

*My, my, Noseweek has upset the passengers on the Chinese-in-Africa bandwagon! Professor Harrison admits he has taken his cue from his fellow passengers from Maverick, which, I suppose, is what bandwagon riders do. His first few sentences are a paraphrase of their crude, abusive and self-aggrandising piece in that magazine.*

*Sadly, then, this letter undoubtedly represents a low point in an otherwise strong record of academic excellence at Wits.*

*He appears not actually to have read the Noseweek piece which, far from ignoring the "extensive and well-researched recent literature on the Chinese presence" quoted extensively from it. We fail to understand how he can dismiss a recent (November 2011) study report by well-qualified and experienced colleagues from another academic institution as an "outdated academic source". By doing so, he simply displays stupid arrogance and a lack of good manners.*

*As it happens we did check, near as dammit, every "white" South African town, village and suburb to find that, with very, very rare exceptions (such as*

GUS





**Chinese whispers:** A misleading impression (facing page)

the desert landmark, Riemvasmaak – know where that is?), since 2006/7 there's been a – stereotypical – Chinese shop in all of them. We found it as incredible as our critics clearly now find it, which is why we did the story.

We also pointed out that this new wave of Chinese shopkeepers has, as a rule, followed in Pep Store's tracks and avoided black townships and black trading areas.

As has been pointed out to us, the very few who deviated from this rule, have suffered the awful consequences.

Our Maoist poster cover: their banner proclaims their creed to be the R5 Happy Store.

Like so many South Africans, Prof Harrison and his team do not understand irony or appreciate satire – a great pity. If you had been a regular Noseweek reader, you'd have known it was a send-up, Professor. – Ed.

## Play the ball, not the man

I THOUGHT THAT THE TONE OF THE ARTICLE criticising Ivo Vegter (*nose157*) was unfortunate. I accept that he seeks to be controversial and I frequently disagree with the positions that he takes. To challenge those positions is, I think, totally acceptable, but I suggest that playing the ball rather than the man is a better way to do it.

**Mike Young**  
Sedgefield

*The tone simply mimicked his own. An amusing parody. An important part of*

the exercise was to identify the pattern and persistent bias of his opinions: the character of the man. – Ed.

## Creative calculations at FNB

WE ALL KNOW FNB IS NOT NOSEWEEK'S favourite bank; well, I must agree with you there. I was recently lured back to being an FNB client by the promise of an iPad at a ridiculously low cost. Now I'm beginning to regret having been so gullible.

When my car was stolen recently, I had to hire one. I wanted to pay with my FNB credit card so that I could earn eBucks, but my card was declined. It shouldn't have been, because I had paid R2,000 into my card account on the 23rd – and FNB had deducted that R2,000 from my cheque account four days later on the 27th. The minimum payment on my credit card is R940, so I was way into credit

Eventually, after being put on hold

while the call-centre guy used a calculator to try to figure it out, the answer I got (which still makes no sense to me) was: "The transaction was declined because the second payment of R2,000 (the debit order from FNB to FNB) was only cleared at midnight on the 30th, so it hadn't gone through when you tried to use the card."

What a crock! Looking at my current account statement, the R2,000 was deducted on the 27th and on my credit card statement it was credited on the 27th, so where the \*&#! does midnight on the 30th come into it? I haven't a clue.

And when I complained about the R6.50 "declined authority fee" that I was charged, the response was, "It's only R6.50".

Add up all those R6.50s and that's why FNB is getting rich and I am getting poorer.

**A Non eMouse**  
Pinelands



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## Editorial

# The trial of J Arthur Brown

**A**T THE TRIAL ON CRIMINAL CHARGES OF Fidentia Group chairman Arthur Brown finally commenced in the Western Cape High Court before Judge Anton Veldhuizen and two expert assessors on 26 November. Brown pleaded not guilty to all nine charges, ranging from fraud and theft to corruption. But within days, the state's case was threatening to fall apart due to its persistent failure to produce the financial services group's financial and client records – or its yet-to-be-explained reluctance to do so.

While *Noseweek* would not presume to anticipate the trial court's findings, already there are indications that Brown will be vindicated on at least two scores: Fidentia was put under curatorship on the basis of a trumped-up report prepared by the Financial Services Board (FSB); and the curators appointed by the court on the FSB's recommendation, in February 2007, have repeatedly perjured themselves since then and have defrauded the companies under their curatorship of many millions.

The FSB applied to have Fidentia placed under curatorship in February 2007 on the basis of an FSB inspector's report in which it was claimed that the company had no proper financial or investor records.

Politically well-connected Cape attorney Dines Gihwala (currently under investigation by the Hawks) and the controversial forensic accountant George Papadakis were appointed joint curators.

Maintaining the myth, in their March 2007 report, the Fidentia curators declared under oath that "Due to almost non-existent record-keeping and inadequate books and accounts maintained by the group, coupled with limited time since the curators have taken control, it is impossible to confirm the amount of the [financial] shortfall in the group."

In October 2011 they reported: "We continue to make progress with the writing up of the accounting records. We had initially aimed to finalise the process by the end of July 2010, but due to the state of the record-keeping prior to curatorship, this task could only be completed during 2011."

The only evidence to support the alleged magnitude of the task was to be found in the curators' fee account.

In their report dated 31 May 2012, the curators record that forensic accounting fees amounting to close on R8 million, for "reconstructing accounting system", were paid to George Papadakis's accounting firm. This was in addition to their general curators' fees, which by then amounted to just short of R16 million – and the spectacular R41m in legal fees paid to Gihwala's law firm, Cliffe Dekker Hofmeyr.

In the months leading up to the trial, Brown's lawyers had repeatedly applied for sight of the group's books and records in order to prepare his defence. All these requests were simply ignored by the state.

The prosecution's first witness was



Brown's original accountant and auditor and, later, Fidentia financial manager, Graham Maddock. Maddock has already served a prison sentence, after concluding a plea bargain with the state on charges where Brown was his alleged accomplice. Before commencing his evidence, he was warned that if he did not give honest, accurate evidence he could find himself returned to jail.

On his first day on the witness stand, Maddock testified to the existence of Fidentia's elaborate and up-to-date accounting and financial record-keeping system.

"We had quite a fancy system put in,

called Great Plains, which took a lot of time to instal but it was a very extensive accountancy program. It allowed for the integration of all the various companies; it allowed you to have loan accounts in various companies and update them all, and that kind of thing.

"I was happy with the accounting... happy that all the transactions were accounted for. I am not aware of any transactions that might have slipped out of the books, if I put it that way. We did a lot of work getting all the accounts right."

The prosecution's own first witness having established that Fidentia had an elaborate accounting system that was kept accurately and up to date, it was not difficult to persuade the court that Brown was entitled to access those records. The judge went further and informed the prosecutor, Advocate Jannie van Vuuren, that without the financial records, Brown would not have a fair trial.

Judge: Mr Van Vuuren, can you call the curators and find out about these records?

Prosecutor: Yes, they must have the records...

Judge: No, Mr Van Vuuren, just listen to me: what I want to know; all I am asking is, do you know, or don't you know that all the financial records that were there, are in the possession of the curators? The curators should hand them over to the accused.

At this stage Brown interjected: "For the past three years they have denied that these records exist. Eventually they were forced to admit, on 20 February this year, that they have the records. But they have yet to hand them over."

Brown explained that he did not require paper copies of the many thousands of pages of documents; he was happy to download them from a computer on to his own flash drive under the curators' attorney's supervision.

The prosecutor was instructed to call Papadakis and report back to court the following day.

Next day Van Vuuren reported that Papadakis "did not have the time" to get all that information and might have to employ several people to assist him.

The judge: Do you want me to issue a court order?

Prosecutor: Yes.

The court formally ordered the cu-

rators to produce a range of records held on Fidentia's elaborate computer systems, together with contracts and investor mandates from its compliance office.

Papadakis then let it be known that his fee for producing these records would be R2 million. As *Noseweek* was going to press, the prosecution was said to be seeking the Justice Ministry's approval to make the payment.

● Four months after the curators were installed at Fidentia, the massive computer on which the Great Plains

software operated, disappeared from its special fireproof safe in the basement of Fidentia head office. Staff said it had been removed on Gihwala's instructions but in a letter written to Brown's attorney in July 2007, he claimed it had been stolen.

Mysteriously, earlier this year it reappeared, together with odd items of second-hand office furniture on the vendu roll of an obscure auctioneer in Parow. On enquiry, it emerged that the curators had instructed Auction Alliance to arrange for their disposal "out of town". ■

---

## FirstRand wrestling genie into bottle

**N**OSEWEEK FIRST REPORTED THE discovery of evidence indicating that FirstRand discriminated between bond clients on the basis of race, in March (nose149).

That emerged from a forensic accountant's analysis of 2,000 cases located in a limited number of neighbourhoods. It was immediately dismissed by a morally outraged FirstRand on the grounds that the sample was too small and not representative of its client base.

To no avail. Now a well-known firm of actuaries has just completed a complex statistical analysis of the entire bond "book" – 76,000 home loan accounts – that FirstRand took over from Saambou in 2002. It has found that "for all loan sizes, there exist highly significant differences between the interest rates charged to blacks and to whites".

Also, when it came to comparing product types (the different branded loan packages marketed by the bank), the actuaries found that black and coloured clients are consistently charged a higher interest rate than white clients.

Even on "high cost" home loans in posh suburbs, the difference in the interest rate charged to black and white clients was found to be "highly significant".

In a report, marked "final draft" and dated 19 November 2012, Munro Consulting Actuaries state that, even after loan size, product type, loan amount and suburb are taken into account as possible determinants of the interest rate charged, the bank's black clients were (and still are) consistently charged higher rates than the bank's white clients.

"A logical conclusion would be that Saambou has used race to determine what interest rate to charge its clients," they say.

The FirstRand's response has been pathetically predictable: within a week the bank's Sandton attorneys, Norton Rose (formerly Deneys Reitz) had addressed a blustering, petulant (and, for us, laugh-a-minute) letter to the actuaries in which they are informed that "the information on which the report is based is confidential to our clients and their customers. You have no right to be in possession of this information. It is unclear how and where you obtained the information".

Which, of course is very reassuring, since now we all know for certain that the data which the actuaries have used is genuine and accurate.

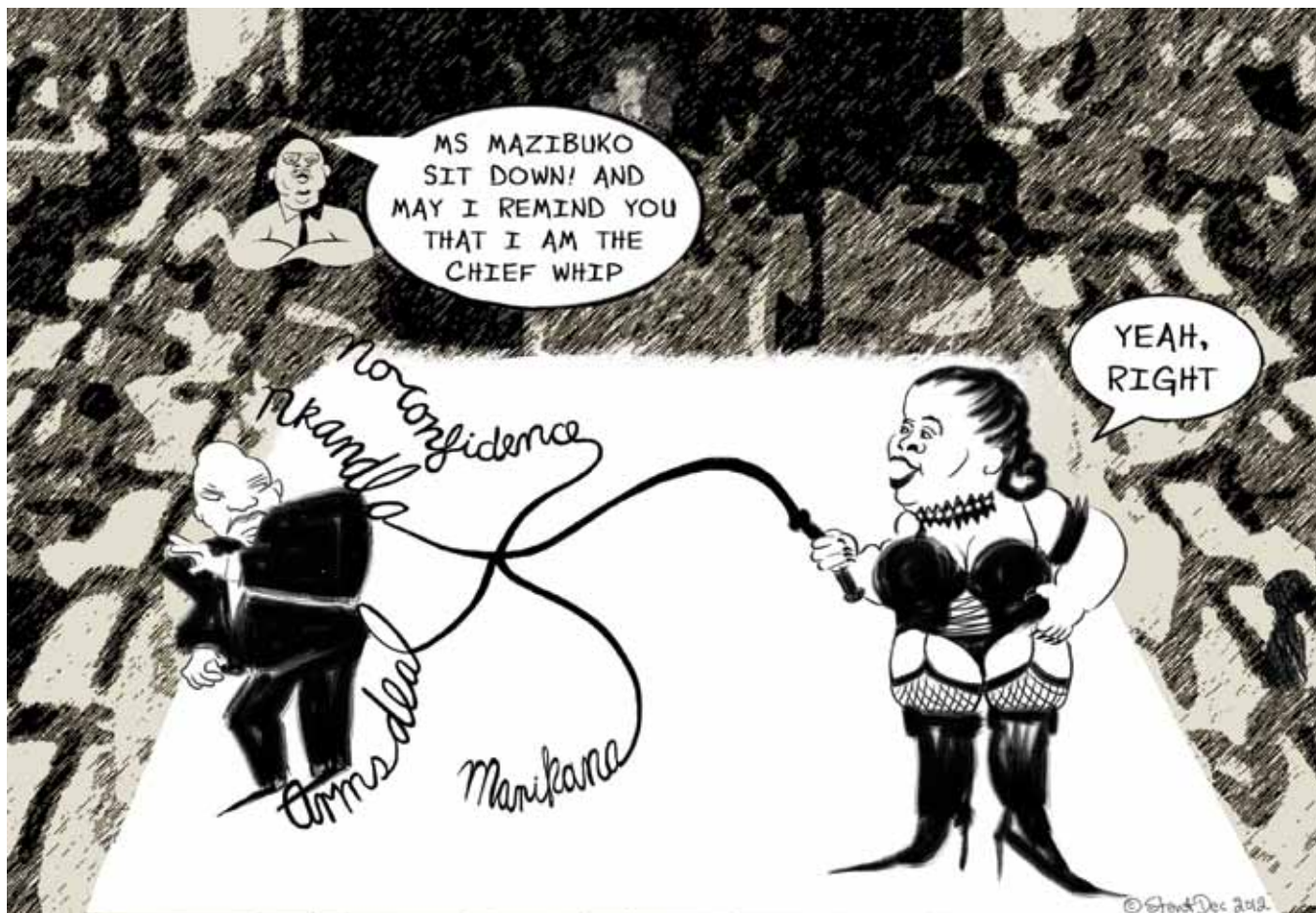
Needless to say, their clients wish it to be placed on record that they regard the report as defamatory and dispute its contents.

Apparently oblivious to the futility (absurdity?) of the exercise, the unfortunate attorney (Andrew Strachan) has a go at forcing the genie back in the bottle: "Under the circumstances, we require you to advise us of the source of the information and make immediate arrangements for the return of the information to our clients.

"We will provide you with the contact details of the relevant person to arrange for this to be done," he says. "We await to hear from you urgently."

*Noseweek* is happy to return him to the real world.

The sadness continues. ■



## Well, I suppose that's all right then

JUDGES EBERHARD BERTELSMANN AND Neil Tuchten of the High Court, Pretoria, in February struck light-fingered lawyer Naas Le Roux from the Roll of Attorneys (*nose153*).

The judges were clearly unimpressed with the lack of action by the Law Society of the Northern Provinces and demanded that its director, Thinus Grobler, answer some probing questions:

- How many pending complaints of misconduct are there against attorneys?;
- How many complaints still need to be investigated?
- How many indefinite suspension and striking-off applications were pending before the High Court?
- Did the society have the capacity to deal with these matters?

The judges noted that Grobler's answers "cast a very sorry reflection upon the state of affairs in the legal profession."

There are four regional Law Societies in South Africa, so *Noseweek* addressed the same questions (twice) to the others, hoping they had a grip on things. There has been no response, leading to the conclusion that the law societies have a grip on absolutely

everything – apart from answering emails from *Noseweek*.

In the time it has taken you to read this, we guess that another R8,333.24 has been pilfered from attorneys' trust accounts – some of it, perhaps, belonging to you. ■

## *Pfizer shafted by limp lawyers*

**LAWYERS FOR Pfizer, Canada, have made a monumental cock-up and as result have lost their Viagra patent. The Canadian Supreme Court recently ruled the patent void due to insufficient disclosure in the patent specification.**

The thrust of Justice LeBel's ruling was: "Although the patent includes the statement that 'one of the especially preferred com-

pounds induces penile erection in impotent males', the patent application does not disclose that the compound that works is Sildenafil, that it is found in Claim 7, or that the remaining compounds had not been found to be effective in treating erectile dysfunction."

It just goes to show how crucial preparation can be. This one was not hard to understand. ■



# Notes & updates

## They call the windbag Maria

**S**INCE DISCOVERY HEALTH SPONSORED a court bid to have attorney Ronald Bobroff struck off the roll of attorneys (nose157), Talk Radio 702 and 567 CapeTalk issued a statement “to clarify recent media reports that have linked the stations with personal injury and medical negligence attorney, Ronald Bobroff”.

“Bobroff was a regular contributor to the Monday night legal programme that we run on our stations,” said Talk Radio 702 station manager, Pheladi Gwangwa.

“When we learnt of the dispute... we agreed with Bobroff that he should step down, as we did not want him to be dispensing legal advice to our listeners when there was a cloud hanging over him. We will review this agreement upon finalisation of the matter with the relevant authorities.”

In the social media, for a good while things cooked on the Bobroff front. Particularly notable were the efforts on FaceBook, of a certain “Maria” to discredit the whistleblower who had brought the alleged misdeeds of the Bobroff law firm to the attention of the authorities – and to attack Discovery Health. But “Maria” quickly withdrew from the battle.

“Rudi” enquired of her: “Do you work for the Bobroff firm, married to a family member, got a CV in there? Shew, you are very defensive...”

The answer came not from Maria, but from another participant in the Facebookbattleground, Kevin Suttner:

“Bobroff and his son are really not that smart. ‘Maria’ is really Darren Bobroff [Ronald’s attorney son]. I have seen his Facebook page, where he writes the same rubbish.”

Within hours, all Maria’s contributions were deleted.

Then Bobroff’s loyal wife, Elaine, entered the fray. On the evening of 31 October she made a telephone call to the whistleblower, Bernadine van Wyk. An extract:

**Elaine Bobroff (EB):** *I really can’t believe that a legal bookkeeper could be so dishonest... to go and send in affidavits that are lies – how could you do that?*

**Bernadine van Wyk (BvW):** It’s not lies – the proof is there

**EB:** *Oh come on Bernadine – sorry, it is lies*

**BvW:** Oh, okay, if you say so.

**EB:** *Most of it is lies – there may be one or two things that you said, but most of it is lies – I mean how could you try and destroy my whole family?*

**BvW:** Oh okay

**EB:** *No really – if you ...*

**BvW:** I don’t care

**EB:** *...I know lots of people who have done what they have done and have gotten away with it. People who are trying to do it...*

**BvW:** Umm okay – alright.

**EB:** *Ja, but you see, because people who are... when they’ve got money, they get away with everything*

**BvW:** Mmm.

**EB:** *Anyway, what goes around comes around – anyone who .... I am gather-*



**Shaken** Ronald Bobroff (right) and friend

*ing lots of information – gathering on lots of people – they must not sit back and think everything’s wonderful, they are going to get it*

**BvW:** Oh okay.

**EB:** *Please don’t send a letter to Ronnie or Darren [Bobroff], because they don’t know that I’ve spoken to you and I will be in big trouble.*

**BvW:** Oh okay – alright

**EB:** *I hope you sleep well and I hope...*

**BvW:** Ja, I do.

**EB:** *...and I hope you have a healthy year with your family and nothing ever happens to you, Bernadine – I hope so.*

**BvW:** Okay.

**EB:** *I hope nothing ever happens to you.*

**BvW:** Alright – why, ...are you threatening me?

**EB:** *No of course I’m not threatening you – what would I accomplish? I’m saying that I hope you don’t have to go through what I have had to go through in the last two years. ■*



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# Banking with sharks

When a client had R30,000 skimmed off his account, Standard Bank claimed he'd taken it himself – despite his proving that two transactions had taken place 100km apart at precisely the same time

**“W**ELCOME TO STANDARD Bank’s Security and Safety Centre. Your security and the privacy of your personal information are our priority. Our most important asset is your trust...”

Banks ask customers for their trust yet offer none in return; even pens at the tellers are chained down. Try complaining about a legitimate money-related issue and all you get is meaningless babble from the call-centre manual and an insolent reminder that the customer is directly and personally responsible for whatever the issue.

Sample Anthony Lange’s story: as a man of means, the 53-year-old Ladismith businessman has at least four accounts, all linked, with Standard Bank. Recently he happened to notice on his statements that there had been regular ATM withdrawals of R1,000 – two, three or four times a month – adding up to about R30,000.

When Lange reported this to the bank, he was told to destroy his debit card immediately, which he did – destroying possible evidence in the process. Standard then insisted there was nothing to indicate that his bank card could have been cloned or stolen. Case closed.

Lange is not your ordinary bank client. He admits that, because of his robust bank balance, these mysterious debits did not immediately jump out at him. The theft seemed to have gone on for several months, but since his online profile could only allow him access to statements going back six months, he cannot work out when they began.

He asked the bank to provide him with the entire transactional history on that account with that particular card. However, his request was met with another idiotic explanation: since the card was destroyed, it no longer be-



longed to Lange, so he had no right to the information.

Left in the lurch by a bank he had trusted for most of his life, Lange turned to *Noseweek*. But before we laughed him off as having got what he deserved – after all, who fails to notice that kind of money being siphoned from their account? *Noseweek* suggested he check the hours of withdrawal

against his diary.

“Can’t do that,” he responded, “I don’t keep a diary.” Neither does he have a personal assistant.

“How about your cellphone?” we asked. “Could you check the hours of withdrawals against your cellphone records?” The logic was that if he’d been on the phone to someone else, it might be possible to establish his physical lo-

cation, thereby proving he was not at the ATM where the withdrawal took place. No good. Lange admits to being a bit of a miser thus had opted out of itemised billing because his cellphone provider charges extra for it.

This was shaping up to be a tough investigation.

Next, *Noseweek* suggested that, since Lange had said he mainly used his debit card for point-of-sale purchases, perhaps he could check those bank



statements to which he was allowed access, in case he could spot any transaction that put him somewhere other than the ATM where the thief was looting his account.

Bingo! It didn't take long to find the transaction of July 9, 2012. As someone was raiding his account from an ATM in Ladismith (R1,000) at 12:21pm, Lange was using the same bank card

nearly 100km away in Oudtshoorn, at 12:32pm, to fill his car at Een Stop (R317.10). Then half an hour later he was paying for his lunch (R290) at Cafe Brulé, also in Oudtshoorn.

At last, the sleuthing paid off: he had good grounds to question Standard Bank's security system, which they'd insisted was flawless and blameless.

Tellingly, no sooner had he reported the mystery withdrawals – and been instructed to destroy his bank card – than they stopped.

“You see Mr Lange, the fact that the withdrawals stopped with the destruction of your card is an indication that there was no second card in circulation.” The bank's fraud investigators insinuated that it was in fact Lange himself who had been regularly visiting the isolated Ladismith ATM machine – the only one in the town without a CCTV camera – and who was now trying to double his money by demanding a refund.

At Standard Bank head office, senior manager Joop Dekker promised to review the matter and provide a response in “due course”. *Noseweek's* queries included the number of similar complaints that his bank received on a monthly basis and had the bank's investigators ever considered the possibility that bank employees were involved in such scams.

The response came from Kershia Singh of the bank's communication department and it read like it had come straight from the fob-them-off manual and as though none of Lange's sleuthing had taken place: “Access to the ATM network can only be gained with a valid card and PIN. Records show that the disputed withdrawals from Mr Lange's account happened with both the card and PIN. There is no evidence of a duplicate card.”

Whenever a client files a complaint with their bank, they are automatically treated not even as suspects, but as thieves and scamsters who are just out to rip off their banks, making it the client's responsibility to prove their innocence. Could there be anybody out there whose complaint to their bank has ever been met with an apology and a statement like, “Yes this certainly looks like an inside job. We'll investigate straight away and refund you”?

Lange has given Standard Bank notice that he's closing all his accounts

and taking his business elsewhere.

“So essentially what you are saying is that I am the thief who is trying to enrich himself at Standard Bank's expense. I can assure you that this is not the case and I will be doing everything in my power to recover my money from your institution. In the interim I am closing all my accounts with Standard Bank in disgust.”

Left to brood, Lange again searched through his statements and found other examples that were proof he'd been in a different spot to the ATM when a withdrawal was made. He got on to the bank straight away and Joop Dekker brazenly dismissed him, saying that his discovery was “out of the scope of the initial complaint”. ■

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# New deputy protector

Some say he's an apologist for the ANC – others contend he's a clever choice

**I**N 2009, WITS LAW ACADEMIC SIFISO Malunga was quoted in *The Citizen* newspaper as saying there was “nothing untoward about a new administration making political appointments that are in sync with its political objectives and ambitions”. Why, he said, President Barack Obama had done it in appointing, for example, Eric Holder as his Attorney General, as had (former British Prime Minister) Gordon Brown, by appointing David Milliband as his Foreign Secretary!

His point: “The media storm surrounding the appointment of new commissioners to the JSC is really a storm in a teacup. To throw mud at lawyers who are essentially doing their job is opportunistic and is doing even more damage to race relations in the legal fraternity. In fact, in their bid to do battle with (Western Cape Judge President) John Hlophe, the critics of these fine lawyers have resorted to what may be seen as being close to gutter racism...”

In November 2010, the same man, writing an opinion piece in *The Witness* newspaper, hit out at the Democratic Alliance for having brought a court application to have the appointment of the National Director of Public Prosecutions (NDPP) Menzi Simelane declared invalid. He slammed the “litany of court actions” by the DA, Cope, IFP and the ANC Youth League, who, he said, were attempting to settle in the courts what were “really political disputes in need of robust political jostling and/or solutions”.

He said the constant abuse of the courts for political battles made one wonder whether an untransformed bench could help the DA politically.

Though he held no brief for Simelane, he said, he had to laud him “for his prosecutorial work against former KZN head of Treasury and Ithala Bank CEO Siphoshe Shabalala and his ‘amigos’ along with Intaka Group head Gaston Savoie and John Block in the Free State” – all

the subject of “disgusting allegations”. “How do people in the public service amass that kind of wealth other than by fleecing taxpayers...?”

“If Simelane, against the odds of the bookmakers, is doing his job, who are we to begrudge that?”

Quite apart from the fact that those prosecutions haven't gone very far, the author of these words would have taken note when, in October the Constitutional Court – in a scathing judgment – set aside President Jacob Zuma's decision to appoint Simelane as prosecutions boss.

Malunga, 38, spokesman and state law advisor to the Marikana Judicial Commission of Inquiry and newly appointed to the post of deputy to Public Protector Thuli Madonsela. He will replace the bitter and beleaguered Mami Shai, whose term of office, characterised by endless strife and office politics with Madonsela, expired at the end of November.

In March Malunga accused the DA of using “every available opportunity” to score political points, following the ruling by the Supreme Court of Appeal that the decision not to prosecute President Jacob Zuma could, indeed, be

reviewed by the courts. This followed the DA's challenge of the decision (in April 2009) by then acting NPA head, Mokotedi Mpshe to withdraw corruption charges against Zuma.

Malunga said the DA's court application was merely a strategy to obtain political mileage – and added that he did not believe the NPA would reopen the charges against Zuma.

Malunga, who says he is “humbled” by his appointment “and raring to go”, strongly defended his right to make “controversial” comments when grilled by Parliament's respected Justice Portfolio Committee when it was interviewing candidates for the post.

When DA Justice spokesman Dene Smuts pressed him on the NPA matter, reminding him it had been at her instigation that the party took the matter to court, Malunga responded that he'd been an academic at the time and that academics had more “latitude” to write such opinion pieces. However, he added, he had respected the decision of the court and had come to realise that “we cannot completely separate politics and law”. But he still believed that courts should not be abused as a political forum.

He said he did not belong to any political party and stressed that the ANC had not been spared his criticism in opinion pieces.

But some of Malunga's comments – the fact that he has been an advisor to Justice Minister Jeff Radebe on the highly contentious Traditional Courts Bill, among others – have raised a few eyebrows.

“He's a yes-man,” said one KwaZulu-Natal academic. “He's seen as safe.”

One person for whom alarm bells are ringing is the Institute for Accountability's Paul Hoffman, who told *Nosweek* Malunga had track record as “an apologist for the ANC” which “should be deeply worrying to those who have embraced constitutionalism rather than the national democratic revolution

**Opinion is sharply divided on the appointment of Malunga as Madonsela's second-in-command**

# relishes controversy



Kevin Sifiso Malunga

as the appropriate value system for South Africa”.

Referring to Malunga’s 2009 comments, Hoffman said: “It would seem that Advocate Malunga is ignorant of the provisions of Section 195 (1) of the Constitution, which expressly require good human resource management practices and objectivity in public administration.

“That requirement is the antithesis of cadre deployment. Nor does he appear to deal with the inherent conflict of interest which arises when cadres are deployed to be servants of the public and yet have an overarching loyalty to the political party that has appointed them. That is the recipe for the disaster that we have in our public administration in South Africa.

“On the JSC account, Malunga ought to be aware by now that the chief justice has said the JSC operates without fear, favour or prejudice. What the chief justice means by this is that it is an independent body which brings independent judgment to bear on who should and should not be appointed to the judiciary. This is as it should be.

“Malunga does not seem to appreciate that checks and balances on the exercise of power are the essence of constitutionalism and yet he has been promoted to a position where he is meant to uphold constitutionalism.”

Hoffman believes Malunga’s com-

ments on Simelane bring his judgment into question.

“Anybody who bothered to acquaint themselves with the facts about what he describes as unwarranted criticism ought to have been able to divine that Menzi Simelane is best known for his mendacity – and to appoint such a person with such a serious character flaw as the chief prosecutor of the land – and the only public servant with the power to make policy, unlike any other civil servant, was as wrong-headed as the Supreme Court of Appeal and the Constitutional Court have held it to be. His defence of Simelane calls his powers of observation and his judgment into question.

“To the extent that he criticised political parties for running to court, as a qualified lawyer he ought to know that all and any conduct inconsistent with the Constitution falls to be struck down by the courts. The only way this can be done is if an aggrieved political party, or anybody else, seeks the protection and assistance of the courts – so once again, wrong-headedness is in evidence and he is going to have to show greater commitment to the values and principles of the Constitution than his track record reveals ...if he is to be a success as the deputy public protector.”

Hoffman’s conclusion: “If Malunga is not himself a cadre of the revolu-



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tion who hasn't found a proper deployment, then he certainly seems to be an apologist for the national democratic revolution and it is inappropriate that anybody with national democratic revolutionary tendencies should be placed in an institution that is meant to promote constitutional democracy. I don't care if he is aligned to a political party or not. He ought to be upholding the constitution. He says he can see nothing wrong with cadre deployment. Our constitution proscribes cadre deployment and this then raises a huge question mark around his suitability for the high office to which he has now been appointed."

The reservations expressed by Hoffman were raised during the committee's interview process but afterwards, opposition parties represented on the committee joined the ANC in hailing

Malunga as the best man for the job.

"The guy is excellent... like Thuli Madonsela, he is a rare find. It is an absolutely excellent appointment," said the DA's Smuts who, after "some background checks" on Malunga, was "entirely satisfied".

"He meets all the criteria. We now have in the Public Protector's office, two people who are not politically aligned. And that is an achievement. The only issue we had with him related to some of the articles he wrote... He thought the DA action on Simelane was misguided, but I assured him it was sincerely undertaken and successful.

"There is nothing intrinsically wrong in suggesting that politicians should not too often approach the court in regard to political matters. Judge Dennis Davis made a similar point in Lindiwe Mazibuko's application in relation to

the vote-of-no-confidence debate relating to President Zuma. There is nothing untoward about him making the argument... while an academic and it is a perfectly debatable point."

Cope's Luzelle Adams agreed with Smuts. "He met all the basic requirements for the job and stood out head and shoulders above the rest. He's always been a little bit upstream when everybody else is going downstream... and during the interviews, I told him that, given his outspokenness on politics and the law, once he was in the position, he would really have to keep his mouth shut," Adams said.

"I did wonder whether he was just another political appointment and that is why we questioned him. He assured us he is not... but that doesn't mean he is not one. It's difficult to say if somebody is a political appointee or not. It

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won't be written on their face. We will have to see how he works with the Public Protector."

The ACDP's Steve Swart agreed with Smuts. "We accepted that he wrote those articles as an academic who had the liberty to express those views. Clearly when he takes up his role at the chapter nine institution, he will have to be more careful. But the fact is, he was head and shoulders above the other candidates.

"Bear in mind that the Public Protector and the Deputy Public Protector are accountable to us. So, just as we have done in the past, while still respecting their independence, we will be keeping a close watch on how Advocate Malunga manages as Deputy Public Protector, particularly in view of the issues that surrounded his predecessor, Ms Shai.

"We, as a committee, will play a very important role in ensuring the independence of the office. Rest assured, we will be watching very closely."

The Joburg advocate struck a confident figure at the interview, kicking off with a statement that, as a keen follower of chapter nine institutions, he was "boggled" at the brilliant idea that they are there to protect the constitution. He had been deeply concerned, he told the committee, by the extent of "undermining of the public purse" and of public functions by people who are "supposed to be public servants".

He described how, having been a manager "since I was a teen" (he was head boy of the Mzingwane High School outside Bulawayo), he had been head-hunted regularly for his skills.

The son of two "freedom fighters", and raised in Zimbabwe and Swaziland, he said it was in his DNA to despise corruption and maladministration.

The other candidates interviewed for the position were Zwelethu Madikizela, an attorney from Flagstaff, Road Accident Fund board member Motlatjo Ralefatane and former MTN legal and regulatory adviser Lahlang Somo.

Malunga, an LLB graduate from the University of Natal in 2000 and LLM graduate from the Georgetown University Law Centre in Washington DC, he spent seven years lecturing in law at the universities of Natal and the Witwatersrand, and also worked as an advocate for seven years whilst lecturing. He spent time in the private sector as

an ethics manager.

Before being appointed to the Marikana Commission, he worked as state law advisor on policy co-ordination and monitoring in the national office of the Justice and Constitutional Development department, tasked with managing projects such as the Traditional Courts Bill, Language policy and the discussion document on the transformation of the judiciary, as well as speech-writing, research, legislative drafting and policy formulation.

Before that he was a senior researcher and legal advisor in the office of former Chief Justice Sandile Ngcobo. His background includes working on an ANC policy document that advocated a mixed electoral model.

Malunga is a Doctor of Juridical Science candidate at the University of Wisconsin-Madison Law School in the US. He is also a member of the Ntsebeza Legal Team for Reparations against Multinational companies in the US – a multi-billion-dollar class action lawsuit against some of SA's top international firms for their alleged role in aiding apartheid.

During the interview, Smuts voiced her distaste for Malunga's involvement in the Ntsebeza case, saying it had the "whiff of venality".

In an interview with *Noseweek*, Malunga scoffed at Hoffman's comments: "But he doesn't know me from a bar of soap. I criticise the ANC as well. It is in black and white. Look at my most recent column in *Business Day*." (Written during the ANC's policy conference in June, it made the case for the ruling party to make Parliament more accountable to the people and concluded: "The party would be wise to

note that it should not operate simply through its majority in Parliament but rather persuade the electorate that it is doing the right thing.")

"This is mischief making," Malunga said of Hoffman's comments. It could be because we have disagreed in the past on how to resolve the Hlophe matter."

Asked about his role in the Traditional Courts Bill, Malunga said: "We were formulating the policy to try and save the bill, literally. It is a very maligned piece of legislation. We were looking at the inputs and criticisms. It has been a tough one. This was an assignment given to me. I was told to work on it.

"I concede a lot of the criticism on the bill but... there are strong traditional communities... about 18 million people live by this law...it is not easy to wish it away by saying it is barbaric, ancient and archaic..."

"The people in those communities need a legal framework that meets their needs, but it must be done in line with the constitution."

Malunga is still officially employed in Radebe's office; he was seconded "at the last minute" to the Farlam Commission and he is waiting for the red tape to be concluded before taking up his new position.

He said he loved being on the commission – working with some of the country's greatest legal minds like George Bizos, Ntsebeza and Matthew Chaskalson. "By stroke of luck, I have worked for every single post-democracy chief justice, including Chaskalson and Pius Langa, two lovely old men.

"What I have learnt from them will stand me in good stead for my next challenge." ■



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# Going, going, gone ... for a song

A R10-million corruption and fraud case looms against a leading Joburg auction house which boasts the slogan: 'Trusted by banks, respected by buyers'. By Helen Grange

**N**EDBANK'S MOTOR FINANCE ARM HAS been driven down a rocky road by a former employee who – in cahoots with an alleged partner at Park Village Auctioneers – stands accused of running a racket in which they allegedly profit at the expense of bank clients who had had their cars repossessed.

Now a R102-million lawsuit looms for Clive Lazarus of Park Village Auctions – one of Johannesburg's most established auctioneers – together with a former Nedbank employee, Hendrik Broodryk. Along with Broodryk's wife Brenda, the three face charges of corruption, fraud, money laundering and racketeering. They are being sued for losses incurred due to "unlawful competition arising from the corrupt awarding of vehicles to Park Village Auctions".

The charges, laid by forensic consultants acting for a rival auction house, Auction Operation, are based on an alleged conspiracy – as described in a recent *Carte Blanche* exposé – between the head of Park Village, Clive Lazarus, and a former asset manager for Nedbank's Motor Finance Corporation, Hendrik Broodryk, who was in charge of allocating repossessed cars to auctioneers.

The allegations are that at least 10 of the cars sent to Park Village in good running order were re-labelled as non-runners, withdrawn from the sale, then sold to Broodryk's wife Brenda, alias Buyer 170, at a fraction of retail value.

Lazarus has emphatically denied the claims. In the *Carte Blanche* interview in November, he admitted having had a business relationship with Broodryk though, he said, he had never met Brenda and had not known she was Buyer 170. Broodryk "should have disclosed that", he ventured.

Former Park Village employee Fir-douz Bhyat, who blew the whistle, said she had "found it strange" that on a



**Doing a runner** Hendrik and Brenda Broodryk

weekly basis she'd be asked to alter vehicle details – from "withdrawn from auction", to "sold to Buyer 170/B Rother" (alias Brenda), then into the names of dealers such as Car Palace or Kilikor Motors. This would typically happen the day after the auction, she said.

This also meant that the car's original owner was left with a much bigger-than-anticipated debt to Nedbank.

When Auction Operation called in forensic consultants Paul O'Sullivan and Associates, investigator Kim Marriott said she found ample evidence to go after Broodryk, his wife and Lazarus.

A typical case was the BMW 320i that belonged to Mbulelo Dili, who had had his car repossessed by Nedbank in November 2011 after he was retrenched and could not longer afford the repayments. The car ended up on Park's auction floor and was bought by Brenda Broodryk, who had bid just over R36,000. That left Dili still owing Nedbank over R200,000.

Strangely, although the car had been

classified initially as a "runner", it was reclassified by Broodryk just before the auction sale as a "non-runner" on the basis that it had a "faulty gearbox". This brought down its minimum value from R45,000 to just R25,000. The vehicle was withdrawn from auction, then sold to Brenda Broodryk but registered under "Brenda Botes" (her name during her first marriage).

The Park Village Auctions invoice shows that the BMW was sold to "Four Motors, Hammer Road, Edenvale", – which turned out to be a fictitious company with a non-existent address. In September, Brenda Broodryk sold the BMW for R60,000 at the Centurion showroom of Subaru, and the BMW has since been bought by another dealer, and re-sold for R120,000.

In her sworn statement, Marriott says Broodryk's re-classifying of cars from "runners" to "non-runners" meant they could be sold at "ridiculously cheap prices", so that he could purchase, say, a Golf GTI that would have



fetched R80,000, for just R20,000. The fraud charges relate to name-altering – as in the case of the BMW sale – she says, while money-laundering charges relate to the “shadow operations” employing fake company names on invoices. “In its entirety, its racketeering,” says Marriott.

Former auction employee Bhyat said about five to six cars at a time would be involved, she says in an affidavit, adding that Buyer 170 was reflected on Park Village’s system as a permanent buyer, though none of this buyer’s FICA details were ever required. At auctions there is “always a representative from the bank, and Hendrik Broodryk was usually present as Nedbank’s representative”, she states.

Among the bargains, Broodryk picked up was an Opel Corsa bakkie, classified a “non-runner” at R15,000, then sold to Active Motors in Centurion for R69,000. According to Bhyat, Broodryk was often paid in cash, and she’d once gone with a Park Village colleague to fetch cash from a dealer to drop off and give to Broodryk’s domestic worker at his house.

Lazarus told *Carte Blanche* he had only established that Buyer 170 was Broodryk’s wife after Nedbank’s forensic investigation.

Lazarus alleged that the source of the allegations, Bhyat, had stolen from his company which was why he had accepted her resignation soon afterwards.

Bhyat, now employed by Auction Operation, described the incident to which he’d referred on *Carte Blanche*. She said she had advanced a colleague R500 from her own purse to give to a buyer. “When the buyer came back he handed me the R500 and that was it.”

She said if there had been substance to the allegation, Lazarus surely would have done something about it

Nedbank has written off the debt of more than R200,000 that Dili owed on his lost BMW. He was also refunded the R42,000 he had already paid towards the debt. It is an offer made out of “goodwill”, says Phillip Wessels, Nedbank’s group risk manager.

Wessels has called for any other bank clients whose vehicles were repossessed and who feel they may have been similarly prejudiced to come forward. “We’ll look at each case, as we did with Mr Dili”.

Wessels told *Carte Blanche* the bank was “perturbed” that a staff member – or his wife – had purchased any car on an unauthorised basis and without disclosing this.

When *Noseweek* contacted Brenda Broodryk and asked her to comment on the charges that had been laid, she said: “This is the first I’ve heard of it... Do what you like.”

Nedbank was asked for comment but had not responded by deadline. ■

## Silence is not golden

SENIOR NEDBANK OFFICIALS WERE alerted as far back as September 2011 to the questionable dealings of Hendrik Broodryk, yet it was more than a year later, in October, that he was suspended and resigned.

The director of Auction Operation, Belinda Bezuidenhout, had requested a meeting with Phillip Wessels, risk manager for the Nedbank group, on September 30 2011. She complained to him that she suspected “blatant cherry-picking of vehicles, resulting in manipulation of figures; unfair treatment and bias towards Auction Operation; and questionable behaviour by staff”.

The upshot was that she was summoned to a meeting by Nedbank’s divisional executive of Motor Finance’s collections and recoveries, Anton Kleynhans, along with Elise Nisbet, Nedbank’s head of asset management, collections and recoveries.

“At this meeting I was reprimanded by Kleynhans for going to his seniors and damaging his career by my actions. He was extremely angry with me for sending the email,” she said.

Bezuidenhout told the Nedbank pair that she could see by the condition and mileage of the vehicles being allocated to Park Village Auctions – as opposed to those that went to her Auction Operation – that Broodryk’s sorting was “to our detriment”.

“The meeting continued with Anton saying I would never get anywhere with my attitude – sending emails to his seniors.

“He said I’d made the situation worse and that I should also look at the way I do business,” she recalled.

Nisbet later emailed Bezuidenhout to discuss how they would proceed and saying “all allegations regarding staff receiving gifts etc have been cleared and no longer under question”.

Nisbet said “the biggest problem has been the negative feedback being shared with Auction Operation

by none other than our own Motor Finance Corporation staff, together with another auctioneer on our panel.

“These issues will be dealt with separately and in the appropriate manner,” said Nisbet.

Proving that the mistake Bezuidenhout made was not going high enough at Nedbank.

Since then, the allegations regarding Broodryk – bolstered by Marriott’s investigation – have been passed on to Gerda Ferreira, head of group forensic services at Nedbank and Ernst Herbst, Nedbank’s specialist investigator, but recently reverted to Wessels.

On June 7, Bezuidenhout asked for a meeting with Wessels, who responded: “...I am fully aware of your concerns and allegations about MFC (Nedbank’s motor finance arm) and their relationship with auctioneers, including Park Village and Auction Operation. I am also aware of your calls... These allegations are being attended to by a large team of independent forensic investigators... who will handle this... and brief me accordingly. You are welcome to bring any new evidence or concerns to the attention of Gerda or Ernst.”

It was, however, only when *Carte Blanche* began their investigation that Broodryk was given any sense that his days at Nedbank might be numbered.

Bezuidenhout had been stonewalled by senior Nedbank staff who told her: “all allegations regarding staff has (sic) been cleared” and that staff were “no longer under question”.

Recently Nedbank’s senior management pointedly referred Bezuidenhout to clause 11.3.3 of their service contract with her, which states: “Nedbank shall have the right to cancel this agreement if the service provider [*here, presumably, Auction Operation* – Ed.] has committed an act that is harmful to Nedbank or its image and reputation.”

Shut up – or we’ll shut you down. ■

# Down the pan

A Cape Town businessman invented an improved public toilet – only to have the manufacturers steal the idea and pass it off as their own

**G**YPSY IS THE ALTER-EGO OF FRITZ Schmidt, a man who has been in the plumbing game for many years. After despairing about the state of public conveniences (as one does!), Schmidt saw a gap in the market: the vandal-resistant public toilet – not the cold stainless-steel types but a more elegant model, one that is actually aesthetically pleasing. So in the early 2000s Schmidt got together with a mate who had a background in chemistry and devised a durable toilet made from a robust polymer composite material and named the company Gypsy.

Schmidt won many awards for his product, including an SABS Industrial Award in 2002, a World Inventor and Innovators Gold Medal in 2002, and a Great SA Inventions Award in 2005. In the process, he laid out a lot of money: R70,000 for a mould and he had to pay for a patent, as well as design registrations covering both the functional aspects and the aesthetics of the product.

The one downside of the product was its weight: 48kg as opposed to your bog standard 5kg. But he still managed to persuade government departments that his toilet was the way to go in places like prisons and courts.

Schmidt was helped in his quest for government tenders by one of those “only in South Africa” scenarios – his best mate in childhood had been classified coloured, whereas Schmidt was classified white. On leaving school Schmidt had gone into plumbing, but his mate took a wrong turn and spent most of his life in prison for serious offences. But when he was paroled in the late 1990s, he teamed up with Schmidt and his coloured status helped Schmidt secure the contracts he needed to make a success of his business. Government

contracts were followed by private-sector contracts, from factories to shopping centres to campgrounds. The story did not have a happy ending – Schmidt’s mate was murdered a few years after his release.

Schmidt’s business was never in a position to manufacture the toilets, so he farmed this out to a large company. PG Bison, a Steinhoff Group subsidiary, therefore became Gypsy’s manufacturing agent and the deal was simple: Gypsy gave PG Bison the mould; PG Bison manufactured as many toilets as Gypsy needed and charged an agreed price. PG Bison sent the finished products to Gypsy, who then branded and packaged them under the Gypsy name (it’s a registered trademark) and sold them to its customers. In time, Schmidt extended the product range, making basins and urinals, although the origi-

**Schmidt is appalled at the way he has been treated by a company he has paid more than R20m over the past decade**



nal toilet remained the star attraction. Business was good and the relationship was sound.

But over time Schmidt began to have doubts about PG Bison. At one stage Schmidt had devised a much lighter toilet for use on trains and submitted a drawing to Metrorail for consideration. Without telling Schmidt, Metrorail then put out a tender for toilets, using Schmidt’s drawing as an example of what the company was looking for.

PG Bison submitted a tender and started making prototypes. When Schmidt found out about this he told PG Bison that the company was infringing his rights – Schmidt had had the foresight to take out a further design registration on this new toilet.

PG Bison fobbed him off, denying that its train toilet infringed his later design.

Schmidt has never been able to establish whether or not PG Bison took the Metrorail toilet any further.

But there were other problems too. For one thing, PG Bison kept on jacking up the price of the original toilet, despite the fact that the Exclusive Manufacturing Agreement signed in 2006 had provided for inflation-linked



**Pissed off** Fritz Schmidt and his advanced public lavatory

increases. By 2012 the price per toilet was R3,000 – up from R600 in the early days.

And then PG Bison suddenly decided that Schmidt would not be allowed to access their manufacturing facilities. On top of that, the staff turnover at PG Bison was high, culminating in the appointment of Leigh Pollard, a man who Schmidt describes as “an arrogant Yank”. And when Gypsy started falling behind on its payments to PG Bison, the company really turned the screws.

To cope with the financial pressure, Schmidt tried to do a deal with Plumblink, in terms of which that company would get exclusive distribution rights to the Gypsy products.

Schmidt hoped that this deal would put him in a better position to pay PG Bison's bills. But Plumblink insisted on being introduced to the people responsible for manufacturing the product at PG Bison, and on seeing a list of Gypsy's customers. No agreement was signed and, before long, Schmidt was being well and truly screwed.

How? Well, in 2012, PG Bison started selling the very toilets that it made for Gypsy directly to Plumblink. Although branded with the name Surrino, they

were exactly the same thing and even had the Gypsy code number on them. These toilets were also being sold to Gypsy's customers, and they were being presented as Gypsy equivalents.

When Schmidt demanded an explanation, PG Bison said that Gypsy owed it a great deal of money (R700,000), and that the company needed to use up raw materials that were coming to the end of their shelf life (unconvincing says Schmidt, because these materials could have been used for other PG Bison products).

Even more bizarrely, PG Bison claimed that it had done what it did to help out Plumblink, which was being threatened with legal action by customers who'd ordered and paid for Gypsy toilets, and who could not be supplied. What makes this bizarre, is that there was, ostensibly, no relationship between Plumblink and PG Bison, as Plumblink's supplier was Gypsy.

And PG Bison let Schmidt know they had established his patent had lapsed for non-payment and Bison was therefore entitled to make and sell the toilet without his consent (Schmidt has since applied to restore the patent).

Gypsy's patent attorneys wrote to

PG Bison in June, pointing out that the company was in breach of the manufacturing agreement which required six months' notice of any termination.

PG Bison's response was again odd: it agreed to pay Gypsy 20% of the value of its sales to Plumblink, but there was no explanation as to where this percentage came from. As a result, said PG Bison, Gypsy would be able to deduct the 20% from what it owed PG Bison, leaving Gypsy with a debt of R260,000. But Gypsy said no, because it suspected PG Bison was seriously understating its sales to Plumblink – this impression was strengthened by PG Bison's refusal to grant Gypsy access to its books.

PG Bison also undertook to stop manufacturing for Plumblink and to respect the six-month notice period by continuing to manufacture for Gypsy until the end of February 2013. Provided Gypsy paid its debt, of course. Which Gypsy refused to do, so – a stalemate.

Schmidt is appalled at the way he has been treated by a company which he reckons Gypsy has paid over R20m over the past decade. He finds it interesting that a major company that acts as a manufacturing agent sees fit to check out the status of its customers' patents. And he finds it interesting that PG Bison has never summonsed Gypsy for the outstanding money.

After many months, it did send a letter demanding payment, but it has never followed up with a summons, leading Schmidt to believe that letter was simply sent as a way of justifying what it had done.

Schmidt has no doubt there was collusion between PG Bison and Plumblink. He points to the fact that Plumblink filed papers to liquidate Gypsy just two days after Gypsy became liable to pay Plumblink an amount under a credit note. The liquidation application was opposed and withdrawn.

Schmidt's attorneys, Gillan & Veldhuizen, set out Schmidt's thinking in a letter they sent to PG Bison's lawyers, Werksmans, on 30 August 2012: “Your client (PG Bison) acting through Mr Pollard and others were acting in concert to remove my client from the marketplace, sell directly to Plumblink, and conduct itself unlawfully in the passing off of my client's (Gypsy's) product as if it was their own.”

PG Bison did not respond to our request for comment. ■

**S**HEER DRIVING PLEASURE MAY BE what you get when you're behind the wheel of a BMW. But try to sell them for a living and it's sheer hell, says one former licensed dealer.

Stuart Walker is a BMW veteran, having worked for BMW dealerships in Cape Town for many years. In 2002 BMW SA offered him a great opportunity – to take over the BMW dealership in Nelspruit. The deal cost R6 million; R3m for the stock and R3m for the goodwill. It was part-financed by the parent company and, of course, there was the obligatory BEE requirement. For that, BMW presented to Walker none other than ANC big-hitter, Mathews Phosa.

Mysteriously Phosa's 26% share in the business cost just R700,000 and when he failed to come up with the cash, BMW lent it to him, says Walker.

Walker named his dealership SJW Motors and he ran it with his wife, Angela, another BMW veteran. Initially they took over the premises of the former dealership but, in accordance with BMW's requirements, he bought land and built a brand new building in 2003, transforming the Nelspruit dealership from a "bulldozer" operation to a "flagship" dealership. This cost a whacking R35m – which was again financed by BMW.

Things went well. In the early years business was good – in a "wabenzi" district like Mpumalanga, the taxpayer is, of course, keen to buy sleek German automobiles for provincial government employees. Walker managed to take sales up from six a month to close to 100 a month. BMW gave him the go-ahead to expand to include motorcycles and a panel-beating service.

Walker soon got the impression that some at BMW were rattled by his success and he had to put up with acid comments to the effect that he and Angela had too many "toys". Apart from their nice house and the enviable smart cars, Angela had a plane which she'd inherited from her father.

The good times didn't last, of course. When the economic slowdown began to bite, SJW Motors started finding it difficult to do business with their parent company.

First, he complained, dealers had to use the credit facility known as a "floorplan" provided by BMW Financial Services for their purchases of

vehicles, even if they preferred to use another credit provider. What's more, dealers were incentivised to get customers who were buying vehicles to use the services of BMW Financial Services too, rather than those of Wes-

Bank or other finance houses.

Second, Walker objected to the fact that each BMW dealer was allocated certain vehicles by head office and that the dealer had to take those cars within 180 days whether it wanted them or



# Dealer driven down road to ruin

Securing a BMW dealership in Nelspruit was a dream come true for the Walkers, who soon took sales from six to 100 a month. But as times got tough, BMW imposed rules that dealers felt short-changed them and, when the couple decided to sell up, the parent company became vindictive



**Wheel deal** SJW Motorcycles dealership in Nelspruit (left); Mathews Phosa with Angela and Stuart Walker (above)

not. So a dealership in Mpumalanga might be compelled to take vehicles that simply do not sell in that area.

Third, Walker pointed out, dealer commissions are low, just 10% of the recommended retail price. In tough times buyers expect generous trade-ins and it is the dealer who unfairly has to take the hit.

Walker's final gripe was that BMW sets ambitious monthly sales targets for its dealerships and as a sweetener, grants dealers an extra 2% commission if the monthly target is reached. But there's a sting in the tail: if the dealer fails to reach the target for the entire quarter, then the 2% "prize" is withdrawn and has to be repaid. It's hard-ball all the way.

Incidentally, the whole "recommended retail price" thing is interesting – a few years back the Competition Commission ruled that the motor manufacturers were guilty of price fixing and imposed hefty fines. BMW, which had warned its dealers not to speak to the competition authorities, passed its fine on to the dealers, arguing that the price-fixing had benefited them. BMW dealers can no longer be prevented

from discounting vehicles, but they can be "discouraged".

By 2008 the Walkers were thinking of leaving Nelspruit and moving back to Cape Town, believing that they had a valuable asset to sell. They had discussions with a potential buyer, a woman by the name of Dr Veni Andrew, who represented a company called Black Pride Marketing.

At this point BMW started getting awkward. Walker was told that BMW was unhappy with SJW Motors' repayment in terms of the floorplan and accused SJW Motors of having been involved in "double-discounting" – getting the same deal financed by more than one finance house.

Walker, on the other hand, let it be known that he wanted permission to get a WesBank floorplan rather than a BMW floorplan, which he said had caused consternation as it would have set a precedent for other dealers to follow. One senior BMW staffer told Walker there wasn't really any financial issue – BMW had simply wanted Walker out because he was a troublemaker.

BMW told Walker they planned to cancel his distributorship licence but

would first give him a chance to sell his business. Walker submitted Veni Andrew's offer, which was R98.5m for both the business and the building. Not a bad offer for Walker, who had a bond of R38m and debts relating to stock of some R18m.

But BMW was unhappy with the offer, saying it was far too high because there was no goodwill in his business. BMW went so far as to describe the offer as "a joke", which is odd because it subsequently offered Veni Andrew other BMW dealerships, in Newcastle and Port Shepstone.

BMW asked Walker to consider two other offers, both of which came from parties who, unlike Veni Andrew, knew that BMW would be cancelling Walker's agreement. One was from a consortium that included Mathews Phosa, who had jumped ship, and the other was from Jon Chantler, the brother-in-law of a man who'd been party to BMW's acrimonious discussions with Walker – BMW's national sales director, Neil Fiorentinos.

The Phosa offer was a non-starter for Walker, but the Chantler offer wasn't much better – for R47m – so Walker turned it down.

BMW's response was to proceed with the cancellation of Walker's agreement and to sell the dealership to Chantler.

How did it all end? SJW Motors obviously stopped trading and Walker had to retrench his staff – of the 120 employees, he reckons no more than 20 were taken on by Chantler, who initially ran the dealership from different premises.

Walker was able to hold on to his building for a short while by renting it out to a Namibian businessman, but when that tenant did a runner, Walker could no longer make his bond payments so BMW Financial Services repossessed the building and let it to Chantler.

On legal advice, the Walkers liquidated SJW Motors and he and Angela went into voluntary sequestration – they had both signed surety for the company's liabilities.

Walker maintains that BMW did very little to mitigate the loss, and sold the cars which it took back from SJW Motors at knock-down prices. He also claims BMW did its best to blacken his name, making sure that the local press and all the BMW dealerships knew the story. He gets small measure of comfort from the fact that since Chantler took over the dealership in 2008, sales of BMWs in Mpumalanga have dropped significantly, with the brand now being outsold there by Mercedes Benz.

BMW, of course, tells a different story. It says that, although SJW Motors was successful in some aspects, it had major cash-flow difficulties over the past two years, repeatedly failing to pay accounts.

BMW admits that when the agreement was cancelled in 2008 it did send a convoy of trucks to collect the cars, and that, in the process, some which had actually already been paid for by customers were taken. BMW is adamant that Walker was guilty of double-counting and claims that it referred this matter to the police.

The company points out that a BMW dealership is not a franchise and therefore "is not something that you can sell to whomever you please". It denies that BMW dealers are obliged to use BMW Financial Services.

As for the sale to Chantler, BMW says Veni Andrew presented a very weak case, based on a massive over-valuation of the business. The company says that,

with business valuations, it applies the test of "Net Asset Value plus Goodwill, with goodwill being Net Profit After Tax X 3" so, no profit: no goodwill.

BMW vehemently denies there was anything untoward about its rejection of Veni Andrew's offer, or its acceptance of Chantler's offer. In a letter sent to Walker in 2008, BMW's legal head, JP Fegbeutel, said, "We categorically deny that the termination of your dealership was unlawful and unconstitutional. We also particularly reject the allegation that the appointment of a new dealer in Nelspruit was based on racism, sexism, and nepotism and unlawful reasons. Any publication of wrong and/or defamatory statements in the media will necessitate this company to consider appropriate actions in that regard".

This same hard edge came out in 2009 when, after having returned to the Cape, Angela Walker sought employment with Auric Auto in Claremont. BMW sent a letter to that dealership reminding them that their agreement states: "The Dealer will only make changes to the Key Personnel once such changes have been agreed to by BMW."

The letter goes on to say (it's tempting to do this in a silly German accent): "It has come to our attention that Auric Auto has entered into negotiations with Angela Walker in view of employing her as a Sales Executive... We hereby wish to inform you that we are not in favour of Angela Walker being employed as a Sales Executive by your dealership."

An embittered Walker wryly won-

**BMW vehemently denies there was anything untoward about its rejection of Veni Andrew's offer**

ders whether BMW pursued Mathews Phosa – who also signed surety for the debts of SJW Motors – and suggests the company could be waiting to see what happens at Manguang, to ascertain how useful the man will be.

He wonders whether other dealers realise that their investment in their dealership may be in jeopardy when they want to sell up – all because BMW may not approve a buyer, or may decide the business has been over-valued. Or that it has no goodwill.

Walker also wonders whether his story will ever be considered by a court – the liquidators of SJW Motors ceded a claim of R58m to a company that has sued BMW but, although the matter was due to be heard in the North Gauteng High Court in November, it was postponed, seemingly so that settlement discussions could be pursued.

Walker is scornful of the fact that BMW SA and BMW Financial Services try to portray themselves as separate, independent companies. Shortly before he was told BMW SA was unhappy with him, Walker received a letter from BMW Financial Services suggesting that everything was tickety-boo.

"We are pleased to advise" it said, "that we have concluded the annual review on your floorplan facility which is to remain at R25m for the forthcoming year... We would like to take this opportunity to thank you for the business concluded with BMW Financial Services and look forward to future business relationships."

Yet when Walker queried the apparent change of heart a few months later, BMW Financial Services wrote back: "We request that you kindly address any action taken by BMW SA with regards to the dealer agreement separately as we are two separate legal entities and accordingly we cannot influence their decision making."

BMW SA's MD, Bodo Donauer, also sits on the board of BMW Financial Services. He had these reassuring words for the good people of Nelspruit when the dealership crisis was going on: "BMW South Africa would like you to know that we are currently in the process of negotiating new ownership for your BMW dealership in Nelspruit... The ownership transition at SJW Motors will take place seamlessly... (and) will result in continued Sheer Driving Pleasure". ■

# The cost of predatory health cartels



**T**HE COSTS OF PRIVATE HEALTH CARE are horrific, the sector is rife with “destructive, unsustainable practices” and “uncontrolled commercialism”. That is the warning issued by Minister of Health Dr Aaron Motsoaledi as the Department of Health bravely tries to provide rudimentary health services for a population of 42 million on a budget of R42 billion.

The private sector, on the other hand, provides excellent service via private hospitals staffed by some of the best surgeons, doctors, nurses, paramedics and health-care clinicians, but at a hefty price: it serves a population group of 8m with a medical schemes contribution flow of R85bn.

As to the possible reasons for the high cost of private health care, much has been written by economists, journalists, the Hospital Association of SA (Hasa), the Board of Healthcare Funders (BHF), the SA Medical Association (Sama), the Health Professions Council of SA (HPCSA), the Council for Medical Schemes (CMS) and the many healthcare insurance companies.

Most of the reporting has focused on prescribed minimum benefits (PMBs), administrative charges, the rising incidence of chronic diseases, specialised medications and the fact that “technology drives pricing”.

Fees charged by specialists have been under the spotlight, as has the fact that all the major hospital groups are listed on the JSE, where they compete to reflect the highest possible profits. Adrian Gore claimed in a *Sunday Times* article that “the prime drivers of medical inflation in South Africa are the increase in costs of hospitalisation and the fees of medical specialists”.

But there has been very little empirical data from independent sources on the real reasons for the spiralling costs of private health care.

The suppliers of medical devices and

The introduction of National Health Insurance (NHI) has sparked robust debate about the spiralling cost of private health care. Among all the finger-pointing, some of the biggest culprits have so far escaped censure

pharmaceutical products, on the other hand, have been exceptionally quiet – one clue being a recent study by Stats SA which points out that medical devices and pharmaceutical products account for 35.56% of the country’s medical spend.

The sale of medical devices is not yet regulated in South Africa, apart from some equipment that must conform to electromagnetic radiation control requirements.

Medical devices are instruments, appliances, or material, machine, apparatus, implant or diagnostic reagent, or other article suitable for use in or on the human body. This definition includes a range of devices from syringes and needles to anaesthetic machines to coronary artery bypass surgery equipment – anything from a tongue depressor to an X-ray machine.

The SA Medical Devices Industry Association (Samed) is a properly constituted professional body that represents over 140 companies that import the majority of all medical devices, by value, supplied to the SA hospital market. All Samed members are bound by their code of business practice.

The pharmaceutical industry, on the other hand, is highly regulated. All ethical medicines require a licence issued by the Medicines Control Council. Pharmaceutical companies in South Africa are also represented by a number of professional bodies that have strict codes of business conduct. One example of the benefits of regulation is Single Exit Pricing, which has gone some way to slowing the rate of medical inflation.

These two stakeholders import over 90% of all of our surgical, medical and

pharmaceutical requirements.

In addition, the manufacturers of medical devices and pharmaceutical products are dominated by major multinational companies who boast strict adherence to international laws and regulations. They promote their values on their websites and frame their Codes of Business Conduct on their office walls, making claims about their core values of integrity and honesty and that “doing the right thing sometimes means choosing the difficult versus the easy wrong”. They are “embracing a culture of compliance”, have “ethical principles” and a “steadfast commitment to conducting business in a manner that is beyond reproach, is not something that we will compromise or negotiate”.

In trying to pinpoint the real cost-drivers in the private health care sector, consider some of the strategies and practices that have been common in the private medical industry for years.

### **No capital equipment acquisition**

This is a financial model whereby costly capital equipment is “placed” in hospitals by medical device companies at no charge, but subject to the hospital’s signing a three-to-five-year service contract specifying they purchase a defined quantity of dedicated consumable medical devices per annum.

Capital equipment includes very expensive devices such as high-frequency electro surgical units, intra-aortic balloon pumps, critical care syringe infusion pumps, ophthalmic/cataract surgical equipment, intensive care volumetric pumps, in vitro diagnostic (IVD) pathology equipment and enteral and parenteral feeding pumps are a few examples. Multinationals have dominated this space of “placed” capital equipment model for many years.

The private hospital groups and many of the independent hospitals have saved millions of rands on their balance sheets by using this method of acquiring capital equipment at no charge, via loan agreements from multinational device suppliers.

This loan agreement has serious financial implications, so the model comes at a high price. The cost of the capital equipment placed on loan is amortised into the price of the dedicated consumables used to treat patients. The consumables are dedicated and

## **Profit and greed and the quest to satisfy shareholders are major causes of medical inflation in South Africa**

can only be used on the loan equipment. A large price premium is placed on each of the dedicated consumables to offset the cost of the capital equipment – invariably 50% to 60% above the standard price.

Take NAPPI (National Pharmaceutical Product Interface) Code 711200000 for example. This is a standard IV infusion set for use in a volumetric infusion pump for the delivery of medication via intravenous route. The list price is R249 each. The discount to the hospital is R161.85 each, resulting in a Nett Price of R87.15 each. Who benefits from the discount?

The Healthcare Insurance Funders are billed for these at premium price when a patient is treated. This model also encourages potential over-servicing of the patient as the multinational’s service contract requires the hospital to meet strict quantity conditions. (*Legal opinion is that this may be a legal practice but ethically questionable.*)

### **Inflated Price of Consumables**

Common practice among multinational suppliers of medical devices in private health care, it began years ago when the Minister of Health removed the profit motive at private hospital pharmacies. Private hospital groups, together with the multinationals, devised an alternative model to generate profits from medicines and devices given to patients in their hospitals. Suppliers of medical devices simply inflated the price of their devices and

consumables to extreme levels and then gave the hospital group a massive discount (circa 90%-plus). To put this into perspective, a MediKredit study investigated the increase in pricing of medical devices between August 2007 and June 2008. The highest average price increase was seen in syringes (54.98%) and needles and lancets (21.91%).

Medical device suppliers are required to apply for a MediKredit (NAPPI) code for each product on their price lists. Each device may only have one price per product per NAPPI code. With no regulations for medical devices, suppliers can pitch the price at any level. Take NAPPI Code 628708\*001 for example – a simple 60ml disposable bulb syringe for irrigating wounds. The published list price is R51.84 each excl VAT. The discount to the hospital in rand value is R44.99 each excl VAT (an 87% discount) resulting in a Nett Price of R6.85 each excl VAT.

Who do you think benefits from the discount?

Another example is NAPPI Code 513626\*003, a disposable extension set used for delivery of drugs/medication via a syringe pump. The MediKredit list price is R76 each excl VAT. (An identical item is on government tender RT4-05-080ME at R25.61 each excl VAT.)

Why is there such a big difference in the price between the private and the public sector? These relatively low-priced items are claimed in high volumes so the price impact may be significant when weighted against claim volumes. Equally, while implantable products only had an 11% increase, on a very high-value item, this may have a significant impact on expenditure to schemes. Contracts and their respective discounts are negotiated and then the multinational is contracted as a so-called “preferred provider”.

*Carte Blanche* highlighted the practice in an August, 2007 exposé but there has been no follow-up. This practice also prevents any new entrant gaining access to the market. Quite often, newer, more cost-effective technologies fail to achieve private hospital acceptance due to the perverse relationship between the hospital group’s procurement department and their medical-device supplier. (*An illegal practice, corrupt and unethical.*)



### **Rebate/Discount System**

The method of confidential discounts or rebates, as exposed by *Carte Blanche* in 2007, continues to this day. Multinational medical device companies were urged to stop this undesirable business practice by their industry body (Samed) back in 2008 but less than 5% of companies complied. The confidential rebate model was simply replaced by a transparent model which shows the discount on the invoice. (*An illegal practice, corrupt and unethical.*)

### **Fee for Information**

This is another common practice among the pharmaceutical industry players; invariably a multinational, “pays” private hospital groups to provide them with market information on their own products and those of their competitors. Quite often the information is superfluous and unnecessary but there is a “reward” for obtaining “preferred provider” status which allows companies to sell goods or services on condition the buyer purchases separate, related and unrelated goods or services. (*Currently legal but ethically questionable.*)

### **Fee for Shelf Space**

Pharmaceutical companies pay a fee to major pharmacy wholesalers to secure shelf space in retail pharmacies to display their products. For this, these wholesalers charge in the order of 34% of the value of a product. Sometimes the multinational pharmaceutical company is forced to pay for the advertising campaigns of the wholesalers – often millions of rands per annum. (*Presently legal but ethically questionable.*)

Profit, greed and the quest to satisfy shareholders and their multinational masters are definite causes of medical inflation in South Africa. Hospitals, funders, suppliers and many that operate in the industry are well aware of the unethical practices. However, there are companies – if few and far between – that refuse to conduct business in an unethical or illegal way.

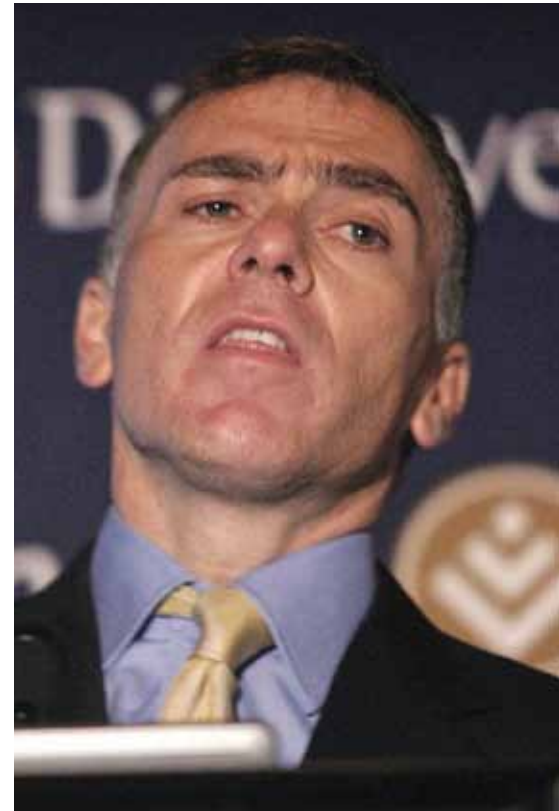
But there is hope on the horizon: “undesirable business practices” will soon be illegal in terms of the proposed amendments to the Medicines and

Related Substances Act 101 of 1965. The closing date for comment was 6 September. If passed, there will be significant implications for the medical device and pharmaceutical industry. Simply put, section 18A provides that “No person shall supply any medicine (or medical device) according to a bonus system, rebate system or any other incentive scheme”.

Despite all those boasts about being transparent, acting ethically, in the pa-

Few believe they are getting fair value from their healthcare insurance fund contributions. It’s time a proper, independent investigation established exactly who is responsible for the spiralling costs of health care in South Africa.

● In November, Health Minister Dr Aaron Motsoaledi announced a “health compact” between the public and private health care sectors whereby pri-



**Fingers on the pulse** Health Minister Aaron Motsoaledi (left) and Discovery Health chief Adrian Gore say spiralling health care costs are mainly caused by hospitalisation expenses and specialists’ fees

tient’s interest and insistence that “we can trust their expertise”, that “you’re in safe hands” and “making life better”, many industry insiders are afraid to speak on the record for fear of antagonising the hospital groups they rely on for their survival. Contracting prices are draped in secrecy. Prices are almost impossible to obtain because of “confidential agreements” aimed at preventing their mark-ups being exposed to public scrutiny.

vate companies will help fund the training of doctors and nurses and improve public services – making a fixed, annual contribution over a period of time. So far about 23 companies have come on board, including Aspen, Discovery, Mediclinic, Netcare, Clicks and Dis-Chem. Will these contributions simply serve to compromise those who should be demanding answers to more fundamental questions about South Africa’s health care? ■



# A spanner in the drilling works

For seven years, in defiance of public opinion, expert advice and even the law, a tenacious band of BEE speculators has steadfastly refused to abandon its dream of transforming the fruitful and peaceful farming district of Moutonshoek on the West Coast into a dirty great hole in the ground. But they've just been given a wake-up call

**T**HERE'S ONE THING YOU'VE GOT TO SAY for Bongani Minerals: they don't give up easily. But then, the up-start start-up does have some battle-hardened veterans of the BEE circus in its corner – like director Phemelo Sehunelo, Kimberley's former municipal manager better-known as the founder of the infamous Imperial Crown Trading<sup>1</sup>.

Bongani can also count on the backing of French minerals exploration company Batla Minerals SA, which owns a 49% share (Batla's frontman goes by the distinctly un-Gallic, non-BEE name of Johannes van der Walt).

In spite of their connections, it took Bongani seven years and five tries before managing to persuade the mining-friendly Department of Mineral Resources to issue the company with a prospecting permit for Moutonshoek, which is a reflection both of the shoddiness of its applications and the motivation and hard work of its opposition on the ground.

Most of that opposition falls under the umbrella of the Verlorenvlei Coalition, which counts among its members 1,596 individuals and 149 organisations representing landowners, farm workers, businesses and environmentalists from Moutonshoek in the mountains above Elands Bay. Coalition members have spent huge amounts of time and energy, and in some cases, millions of rands, contesting Bongani's applications from every possible angle: economic, scientific, social, legal and environmental (see *nose116*).



For starters, they dispute Bongani's unsupported claim that the so-called "Riviera deposit" contains 99,000 tonnes of tungsten and is "potentially the eleventh biggest in the world". They refer to the US Geological Survey's International Strategic Summary Report for Tungsten which ranks Riviera 140th out of 154 identified sites world-wide, containing only an estimated 46 tonnes of the metal.

Far from being a strategic resource, as claimed by Bongani, the deposit, even if mined optimally, would produce enough tungsten to satisfy local demand for just 15 months.

As for the suggestively named "rare earths" said to lie within the ore, apparently they are among the most

common of this group and occur only in tiny amounts.

Bongani claims the mine will attract initial direct capital investment of between R1.2 billion and R1.5 billion over the first five years of operations but provides no evidence in support of this. Expert opinion presented by the coalition suggests that the mine will run at a loss for six years and will only show a positive cashflow after 12 years.

Bongani says the mine will employ 405 male workers during a 17-year operational phase. The coalition says that's a huge exaggeration, and would anyway hardly offset the loss of sustainable, lifelong employment for more than 1,500 permanent and seasonal

farm workers, most of them women.

Bongani has itself admitted that the mine would destroy agriculture in the area for decades to come, and that's being super optimistic if past experience with mine rehabilitation is anything to go by.

The Moutonshoek Valley, 50km northwest of Piketberg has produced food, including fruit, vegetables, grains and meat, for almost 300 years. It contributes R100 million a year to the local economy, including valuable foreign exchange it earns from the export of table grapes, citrus and racehorses – and where horse breeders Mary Slack (née Oppenheimer) and Wendy Applebaum have both chosen to site their studs.

It is also the source of the Krom Antonies River which irrigates fruit and vegetable farms all the way to the coast where it flows into the 1,500-hectare Verlorenvlei Wetland, an internationally recognised biodiversity hotspot (a Ramsar site) with huge potential for tourism.

The economic argument shot to ribbons, you'd think it would be impossible to justify destroying land, livelihoods and water resources from mountain to coast for generations to come for the benefit of a few well-placed local fatcats and some remote Frenchmen.

But somehow the Department of Mineral Resources finally found a way, and in March 2011, awarded Bongani prospecting rights on four farms in Moutonshoek Valley. Inexplicably, it neglected to inform the objectors of its decision.

It was only when Cope MP, Phillip Dexter, asked a question in Parliament seven months later that the truth emerged.

The Verlorenvlei Coalition immediately lodged an official appeal with Mineral Resources, but, almost 18 months on, has yet to receive a response.

In the meantime, Bongani managed to bring round to its cause the owners of three of the four Moutonshoek properties beneath which it wants to prospect, and so finally gained access to the promised land, at least for a drilling crew.

But there was something they'd forgotten; something they needed that was not within even the gift of the mighty Department of Mineral Re-



**Beautiful Verlorenvlei is home to spectacular bird life**  
(Photographs: Vlei Rat Films)



sources: local planning permission.

In March 2012, in a similar case<sup>2</sup>, the Constitutional Court threw a spanner in the drilling works of many a daring digger by ruling that local planning regulations apply as much to miners as to ordinary folk. In other words, you can't just go and dig dirty great holes in the middle of land zoned for something else, like agriculture, not even if the Mineral Resources thinks its OK.

The ruling came in the nick of time for Moutonshoek and the Verlorenvlei Coalition.

The Bergrivier Local Municipality quickly applied for and got an interdict against the landowner on whose property Bongani was drilling. Realising the game was up (temporarily at least), Bongani withdrew its drill and quit the field. And there was much rejoicing.

But the diggers were not done.

Bongani, now holding Power of Attorney for the three consenting landowners, has applied to the municipality on their behalf for a departure from the Land Use Planning Ordinance to allow prospecting, if not mining. By the time objections closed in late November, the municipality had received 94 submissions from opposing individuals and organisations, including a lengthy one drafted by the Verlorenvlei Coalition's legal adviser Martin Coetzee.

Apart from all the arguments made previously, the latest objection deals of necessity with planning policy. It draws attention to the objectives of the National Framework for Sustainable Development, the Western Cape Provincial Spatial Development Framework, the West Coast District Municipality's Integrated Development Plan and Spatial Development Framework and the Bergrivier Local Municipality's own Integrated Development Plan and Spatial Development Framework.

And they all seem pretty intent on preserving agricultural land and biodiversity, and not at all big on mining which, if mentioned at all, is always in conjunction with calls for caution.

All in all, the case against seems impregnable.

But do the residents of Moutonshoek and supporters of Verlorenvlei feel confident of success?

Bennie van der Merwe, race-horse breeder, citrus farmer and local vet – and the only one of the four targeted



**Hole truth** A prospecting drill tears into ploughed land in Moutonshoek

land owners to shun Bongani's advances – remains cautious.

"All the facts are on our side, but there's always politics."

But Van der Merwe, whose lush, green lucerne pivot lies directly above the core of the Riviera deposit, says whatever the outcome, the fight will continue.

Martin Coetzee is more optimistic. The difference this time, he says, is that the political mood has changed. After the Maccsand case and the public outcry in 2010 over applications to mine some of the Cape's best-loved wine estates, Mineral Resources has been forced to soften its pro-mining stance, especially as concern has grown about the country's ability to feed its people.

Following the winelands debacle, the director-general of the Department of Mineral Resources, Sandile Nogxina, said the government would never approve mining on productive agricultural land, as it had to balance the exploitation of mineral resources with protecting food security. Well, duh.

"We are a responsible government after all," he is quoted as saying.

Even Minister Susan "God's gift" Shabangu was given pause for thought after Verlorenvlei Coalition spokesperson Malie Grutter challenged her at a Cape Town Press Club breakfast in

September 2011. Bongani's prospecting right was subsequently amended to exclude certain "intensive farming areas" although, from the looks of its drilling map, Bongani is unaware of or deliberately ignoring this admittedly meaningless restriction.

As things stand, Bongani will be given time to respond to the latest objections, after which the Bergrivier's Municipal Manager will submit a recommendation to the Mayoral Committee which will make a decision. But that could still be many months away.

If, against all good sense and public sentiment, the area's public representatives still decide to grant Bongani its wish, the Verlorenvlei Coalition will refer the matter to the province, which would be unlikely to make a decision for at least another 18 months.

And if by some miracle, Bongani's application survives that round, there are always the courts.

Bongani's Johannes van der Walt was given very little time to respond to our questions, but he did get back to us just before deadline to make a couple of points: he said the coalition had failed to provide him with the documentary evidence on which its objections were based so he couldn't comment on specific claims.

Since the company was only applying for permission to prospect, the arguments against mining were premature. He said Bongani had already spent R18m on the prospecting phase, including its numerous applications to the Department of Mineral Resources.

● Meanwhile on the opposite side of the country, just 100km south of the picturesque KwaZulu-Natal coastal town of Mtunzini, Tronox KZN Sands is excavating a massive open cast mineral sand mine, also without the right permissions. Save Our Sands (SOS) Mtunzini is trying to raise R300,000 to fight them. Watch this space. ■

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1. *He was also exposed as having been bonking regional DMR official Duduzile Kunene while she was considering Bongani's application.*

*At some point, one side or the other will run out of money, or hope. The question is, will the last one standing be the one most deserving of victory.*

2. *City of Cape Town v Maccsand (Pty) Ltd & others [2010]*

**“A dream you  
dream alone  
is only a dream.  
A dream you  
dream together  
is reality.”**

**- John Lennon**



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## The way we were

**H**ERMANN GILIOMEЕ'S SIGNIFICANT NEW BOOK is a brisk *regmaker*. The year 2013 being pregnant with alarming imponderables, Giliomee's clear historical perspective provides a welcome respite from the current debased and rancorous political debate.

Who would have thought that a tome on the leaders and policies of the apartheid state would provide comfort at a time like this? Well, it does. A disciplined mind presents the facts honestly and analytically, warts and all, viewed through a refreshingly non-PC lens.

While the racist policies of the previous regime had horrific consequences, it is fascinating, and chastening, to read of the intellectual origins of apartheid. Giliomee's gift is to place the leading individuals in the social context of their times. There are no excuses for the vicious excesses of the past, but calm appraisal is a relief from righteous complaint and sustained victimhood.

Giliomee shows that the Nationalists succeeded impressively in their policy of educating and improving the lot of the poor white Afrikaner. The current educational efforts of the ANC, he does not need to say, stand in woeful contrast.

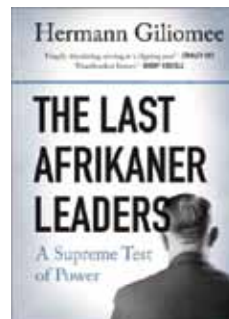
The book covers the period from 1958, when Hendrik Verwoerd took office, to June 1984, with PW Botha in his pomp. There is JB Vorster's lacklustre rule, and FW de Klerk's slow-motion epiphany, contrasted with the idealism of Fredrik van Zyl Slabbert.

Obviously of particular interest are the formative years of Verwoerd, apartheid's begetter, of Dutch missionary stock. He was bright. At 23 he attained a doctorate in psychology with distinction at Stellenbosch University. A subsequent post-doctoral study tour of the United States left him impressed by the work of American social scientists.



Hendrik and Betsie Verwoerd

**THE LAST AFRIKANER LEADERS**  
(Tafelberg)  
by Hermann Giliomee



Appointed Professor of Sociology at Stellenbosch in 1931, he began to focus on the "poor white" problem. A quarter of the Afrikaner population (250,000) was impoverished. He made his name nationally in a speech in Kimberley, in which he put a premium on the role of the state in targeted intervention, particularly in establishing a department of social work and providing for the professional training of social workers. He said the state should coordinate its work with local organisations founded to promote social welfare and health.

The ANC could profit from a study of his methodology.

The young Verwoerd dismissed the idea of biological differences among the "big races". Because there were no differences, "this was not really a factor in the development of a higher civilisation by the Caucasian race". He also rejected the notion of different innate abilities, observing that what appeared to be differences in skills in the case of Europeans and Africans were simply differences in culture due to historical experience.

In 1935 Verwoerd considered the problems of the white and coloured poor to be interrelated, and advocated a single department of social welfare to deal with these matters.

*Afrikaner Leaders* contains a photograph of a cheerful 28-year-old Verwoerd laughing with his bride Betsie as they pose beside a vintage car. It is difficult to reconcile that image with the destructive rigidity of his exclusionist views in later life.

Tellingly, the Dutch-born Verwoerd irritated his cabinet colleague Ben Schoeman by constantly invoking "our glorious past... It was as if he wanted to convince himself and his supporters of his *Afrikanerskap*".

When Verwoerd realised that his policy of racist division needed religious support, he seized on a Transvaal Dutch Reformed Church report that used the Tower of Babel and the Old Testament history of Israel as justifications for apartheid. It was in accordance with God's will that different races and *volke* should exist.

The clever young psychologist had warped into a bigot whose name would forever be a byword for hateful prejudice.

Giliomee has produced a dense, mature and dignified analysis of leaders who helped, often for the wrong reasons, to create a remarkable country. His cool, intelligent observations are a model of good sense.

And there are lessons for the current regime if they have the wisdom to drop demonisation in favour of gaining from the experience of their former oppressors. Even if only to learn what not to do. ■



## Belt up, Mr Price!

**B**Y THE TIME YOU READ THIS, I MIGHT be engaged in a legal tango with a corporate entity called the Mr Price Group. Yes! that same Mr Price whose shops sell clothing and other goods.

The reason is that, in my hard-hitting *Umjindi Guardian* community newspaper, I ran a front page story headlined “NO ho ho for Price’s Fong Kong”. (By the way I have decided to website the thing this year, so you’ll finally be able to see what the heck is my claim to fame.) Believe you me, I settled on that headline after lengthy deliberation over whether the shops that carry my little

fall apart, literally disintegrate around my waist. I looked at the label and it said Made in China. Ag! No surprise there. After all I bought it from a street vendor and you get what you pay for. I paid 40 bucks. From that experience, I swore I would never buy one of those “fong kongs” on the street again.

Now let us come to the present. A mere two months ago I decided to splurge on some clothing, just basic stuff, nothing like that over-priced labelled nonsense favoured by the likes of the ANCYL, tenderpreneurs and BEE players.

I waltzed over to my local Mr Price, a retailer I have grown to trust for their

I trusted Mr Price. I had no reason to think of checking the label on the belts. After all, this is a retailer that is a national brand that spends zillions on advertising. Never, never would I think they would sell such a shoddy product.

Well, I have warned my community to stay away from these so-called Pu/mock Suede fong kong leather belts.

As for my trust of Mr Price, in my book, they saved their butts and will retain me as a customer – at least one who shops with caution. This decision came about after checking labels on their Oakridge clothing line and I was pleased to see the label saying “Made in Swaziland”.

Here’s a suggestion for the Price man: get your belts made in Swaziland too. God knows, enough beef is eaten there, as it is here – then we just might get “real” leather belts. Unless of course King Mswati has shares in the factory. ■



*Guardian* would refuse to put it on the shelf or insist on a plastic wrapper with a sticker warning of explicit content.

So what does Mr Price have to do with the Chinese that has obviously pissed off this here normally gentle soul?

Well, sometime earlier this year I was doing what I do best, out and about in the field, fighting for the downtrodden, searching for the lowlifes – in other words, just gathering news, happily going about my Clarke Kent task. Hey, to the rural community I serve, I might as well be Superman: they have no other voice most of the time. Then my belt buckle broke, came off, and I faced the prospect of walking around looking like a wannabe gangsta rapper with my trousers halfway down my ass and exposing my boxers. Problem is, I wasn’t wearing any underwear... kidding!

Anyway I was compelled to buy a belt from one of our friendly “unwanted” foreign visitors from another part of this here Mother Africa. The belt carried me through. In fact it carried me through for roughly three months before it began to

basic, decently designed and affordable clothing. There I buy a few items including two of what I thought were leather belts. We always assume they are leather belts, pure leather for that matter. And boy! Talk about being reminded of the classic saying, “When you assume, you make an ass of you and me”.

A month into using the belts they began to resemble the one I had bought from the street vendor. I was like, “What the f\*\*\*\*\*?”.

I took a look at the label and to my surprise it said Made in China. And – my loyal and not-so-loyal readers – get this, the label described the contents as PU/MOCK SUEDE. What is this? Please somebody tell what bloody material is this, some Chinese invention?

But we have come to accept that from Chinese products. It is Mr Price who really makes me *gatvol*. Do they not have quality control of the products they purchase? Surely they are also aware of the reputation Chinese manufacturers have for mass-producing inferior and knock-off products?

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# Lies, damned lies, and sportswriters

In the end, they made me an offer I couldn't refuse

I HADN'T WANTED TO WRITE THIS. I'M NOT a columnist any more. You can picture the scene. The hardworking, God-fearing, law-abiding townsfolk of *Noseweek*, coming to me in the saloon where I sat slumped between a cheap showgirl and cheaper pianola, offering me their meagre savings; the little boys peeking out from behind Dad's coat to look at my shaking hands and wonder if they were the same hands that used to pick off columns at a hundred yards without breaking a sweat.

I threw my glass at them. Lee-meeloan, I slurred. Gedouda-here. Those days are past. Leave me here in this haze of paint-thinner perfume. Go find some other shot-up, burnt-out, passed-over gunslinger to save your goddamn town. Town, magazine, farmer's daughter; they all start looking the same when you've put as many columns in the ground as I have. And that's when they folded away their money and closed their prayerbooks, and made me that offer.

They said I could muse. I could philosophise. I could celebrate sport. I could go where my whim took me.

I hope you're feeling the drama of that offer. I put it in a separate paragraph to heighten the spectacle, the way Stephen King does when finally, after a long autumn at the lake, the amputated tongue creeps up on to the porch and strangles the elderly resident of Bangor, Maine, to death. It was that dramatic.

The truth was, I had just finished a 10,000-word essay on the life and times of Sachin Tendulkar, and while it had been easy to celebrate the Indian maestro and to philosophise about what his career has meant, anything vaguely resembling musing or whimsy had been crushed under a mountain of research about a man whose methodical, almost robotic, approach denies most flights of fancy. Celebration. Whim. Freedom. It was irresistible, like a jugular to a tick, and here I am.

This has been a roundabout way of saying, "Hello, I'll be your columnist today, would you like chicken, beef, received knowledge or my own slightly bastardised version?" But I wanted to try to help you understand just how liberating, how deliriously freeing it is, to be given an opportunity to



write, properly write, about sport. To indulge it, to stalk it, to poke it, to bounce it off the concrete to see if it breaks. And, sometimes, to ignore it: often, the best way to write about sport is to not write about sport.

The truth is, writers don't get many opportunities to play with sport in South Africa. Between deadlines, word-counts and the almost Teutonic seriousness with which we regard our sportsmen,

somehow the self-indulgent fun of it all gets lost. And that's assuming your editor is a literate mensch and not a gurning chimp. If the latter is the case, and you have been asked not to use words of more than two syllables, or to describe a tennis match in terms of the Battle of the Somme, then writerly pleasure is even further out of reach. Not that one can really blame the chimps, mind you. We simply don't have a

tradition of great sportswriting in South Africa, mainly because we don't have a tradition of great sports readers. Or any readers, for that matter. Local novelists have two choices: make peace with this fact, or have an aneurism midway through a dinnertime rant punctuated with references to swine and pearls. It's true. Imagine a tiny reading populace. Now halve it. Now halve that. That's the number of people in South Africa who've seen a book. Divide it by 10, and that's how many people read for fun.

Without literate readers, many editors and writers are forced to cast the net wider, to woo people who are proud of being non-readers and who bring a fierce anti-intellectualism to their views on sport.

In the green and leafy boulevards of mainstream journalism, it is easy to forget that for most sports fans analysis and opinion have their place, but that place is at a braai, where theories on strategy and team selection are illustrated with sausages and blobs of potato salad, and illuminated with

**Sport encourages  
an almost  
schizophrenic  
obsession with  
meaningless trivia**



boisterous homophobic and misogynist epithets.

And then of course there is the History, with a capital H. The job of a South African sports pundit in the second half of the last century was not to analyse or report on games. It was to persuade white South Africans that they were living in a normal society which, thanks to God's love ingested via Free State mielies, kept producing white boys who were physically superior to foreigners. I know a few of these veterans, and most are jolly old souls with a twinkle in their eye and a tumour in their lungs, who don't take themselves very seriously. None of them are goose-stepping ideologues. But the fact remains that they are saturated with careless prejudice, and that they were crucial in helping to fudge the moral priorities of their readers, so that otherwise-sensible people could be left cold by political prisoners being flung out of prison

The ideological importance of South African back pages has diminished somewhat, but the apartheid-era limitation of insight, intelligence and, above all, humanity, has become self-perpetuating. A feedback loop has been created, as children who grew up on a diet of journalistic stodge have moved into newsrooms to produce stodge for their own generation.

Maybe all of this is why I tell myself I am not a sportswriter. Rather, I am a writer who writes about sport, a bystander who brings literary tricks and a certain snobbish wordiness to the games



window, but lie awake at night fretting that Naas might have to sit on the bench on Saturday because he'd stubbed his toe.

To a certain extent, that denial of reality continues today. Nobody is suggesting that sport should not be an escape from the awfulness of everyday politics and finance, but we must concede that it encourages an almost schizophrenic obsession with meaningless trivia. In this psychological landscape of wildly skewed priorities, sportswriters become pimps and worst, enablers at best, selling low-grade fantasies to man-children refusing to engage with their lives.

he admires. A writer who hides a lack of red-blooded passion behind purple prose. I am not the chaw-spittin', brash-talkin', hell-raisin' pounder of typewriters and mixer of metaphors that, say, Dick Young was to American baseball in the golden era of sportswriting.

But of course, this is a false dichotomy. Sportswriting is broad church. The gung-ho Americans, winking out butch sound-bytes as they stand knee-deep in sputum in the dugout, are not the only scribes out there. Hell, even those ones are a cliché. The best Americans are nuanced and generous, powerful and evocative; writers who write about sport.

And as fans of cricket and rugby union know, the English have also produced legions of writers who balance parochialism and erudition, matching their eccentric charm with the charming eccentricities of their island's peculiar sports.

And what of South Africa? Who are these infinite-splitting hacks who continue to lower the tone of our national games?

I went into the press box ready to be appalled by oafs and neanderthals. Instead I found lost boys halfway through a geology degree, avuncular schoolteacher types, socially awkward pedants. The culture of the press box is bluff good humour, zinging with one-liners and arch innuendo. But this is all for show. In truth, our sportswriters are like the biographers of royalty: endlessly excited by tiny anomalies in protocol, and deeply proud to help burnish the reputations of people who don't know or care that they exist.

Oh, and they lie. All the time. They can't lie about provable facts, of course, but around the blurred edges of those facts – interpretations of events, the likelihood of future events – they suck truth out of their thumbs like shamans pulling rattlesnake poison. They predict, pronounce, prescribe; and never, ever get called on any of it.

They lie, endlessly and shamelessly, and that is why you must trust nothing they tell you. But here's the problem. They lie because they want you to love the games that they love. They lie because their lies make better stories than the truth. And because sport doesn't ultimately matter, you should listen to their lies, their stories, their fabrications, and believe them. They are coming from a place of almost childlike sincerity. They are telling a truth, a diffuse idea drawing together hope and youth and playfulness, which might be far more honest than any sworn statement about who did what, when. Their passion is real. Juvenile, perhaps, and perhaps tinged with a slightly pathetic over-eagerness; but as real as it was when they held their dad's hand on their very first trip to the big game, forty years ago. Believe their lies. You've got nothing to lose.

Oh look. I've managed to not write about sport. And that, ladies and gentlemen, is why you should never trust a sportswriter. He'll con you every time. Not that I'm a sportswriter, mind you... ■



## Agony and ecstasy

**H**ELL, I CAN'T BELIEVE I'M SO VREK old as to be called a frontiersman, some sort of voortrekker maybe, but here I have it in a thesis from the Sports Physiology Department up on the hill: I am a trailblazer of the Comrades Marathon. Somebody's becoming a doctor for saying so. I don't mean just my own personal self, I mean the whole couple of hundred gents who ran in the 1940s, and by gents I don't mean ladies, nor any male who was uncaucasian, nor even he who was pale of face but too curly of hair, flat of nose or thick of lip.

But ja, the trailblazing: the race was started only in 1926 and suspended for the six years of WW2, so by 1946 when it started up again it had been run only 13 times before. And there was no Two Oceans nor any other ultra-marathon, as far as I can make out, so I dare say we were pioneers. Sort of. Many sorts of – e.g. there was Dart Bousfield from Ladysmith, member of our very own Maritzburg Harriers club and my Comrades teammate, who brought a personal chiropractor along for the race. Each runner had his own support car containing driver, lemonade – flat because CO<sub>2</sub> bubbles cause the cramps – salt for the cramps, salt enough to pump up the blood pressure fit to burst through human skin, Elastoplast enough to bind up a broken body like an Egyptian mummy, also racehorse embrocation from the vet. He could bring the vet along too, if he liked. The driver of this car would drive up and down the course and bring back reports of where other competitors were so he could decide where strategically to set up a support and refreshment post for his runner.

Pounding my way over the Harrison Flats, five-eighths of the race behind me, I haven't seen anybody for ages and it's getting lonely without any-

body to talk to when what do I espy way ahead but Dart's Plymouth limousine and lo! there is Dart lying on a soft blanket smoking cigarettes whilst the chiropractor has his foot in Dart's crotch and Dart's foot under his, the chiropractor's armpit. The chiropractor gives a creaking wrench and Dart says to me Hey, have a look at this! His left leg is half an inch longer than his right. Dart's missus has got a neat little braai going so when both his legs are of equal length he can forge ahead with a nice piece of porterhouse for energy. Carbohydrates? Don't be silly, carbohydrates are what Zulus eat – *uphutu*, man. Strange to see a chiropractor as support-driver, say I. That's nothing, says he, a bloke from the Transvaal has brought his rabbi.

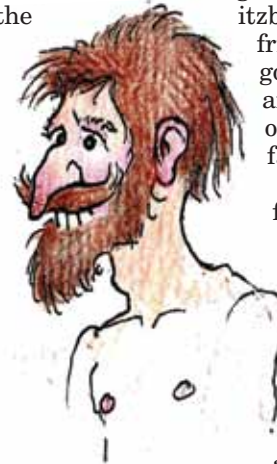


But all that was the jolly side of the Comrades. The suffering was in the training. We should all have died of renal failure for a start. I mean your training wasn't proper if you didn't suffer the most dreadful agonies of thirst, water would slosh around in your stomach and give you the cramps, see, so you just had to bite the bullet... well, okay... suck a small stone or something to keep the mouth moist and acquit yourself like a man for 30 miles, then you could start looking around for somebody watering their garden or a country shop with a handy tap or if you had brought sixpence along you could actually buy a bottle of lemonade and shake all the

bubbles out first.

And then again, people are so cruel. You didn't in those days see folks running all about city streets and country roads as is now common practice, people would stare at you if you did, but very unkind were those motorists out in the veld who would shout Hey, do you want a lift? and laugh like anything because they thought they were the first ever to say this witty thing when in fact they were the 20th of that very day. I had grown a trim guerrilla-type beard to go with my curly Air Force moustache and some idiots would shout Hey Father Christmas where's your reindeer? But you learn to stand on your dignity, concentrate on the job in hand. At the peak of training I phone Pam who is teaching at a school in Hillcrest, 40 miles along the Comrades course, and ask if I

might run down from Maritzburg on Friday for a friendly weekend with good companionship and run back up again on Monday. Aaah yes, fancy that!



I set off at first light for the cool of morning and hit Hillcrest at the full heat of day. Pam is still teaching but her housemaid is around, the place is unlocked and I let myself in and make myself at

home. The school day is over at lunch time on Friday, Pam knocks off and collects her dinky little daughter from the infant place and arrives home to find her house deathly silent with the doors open. She scouts around the garden and finds the housemaid huddled away in the bushes. What's up? says Pam. There's a man in the house, says maid. He arrived in his underclothes. Now he's lying in the bath drinking tea. Pam comes indoors, kid on hip and I climb out of the tub and put a towel round my waist to go and say hullo. The kid catches sight of me and goes hysterical and screams Yiiiii! NAUGHTY wow-wow! I mean she thought I was a bloody dog, man. ■

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**Observatory** Private Sale, 800m<sup>2</sup>, development rights, 6 rooms, mountain views and pond. R4.5mil SMS your details to 073 080 5787.  
**Dana Bay** 3 plots 2760m<sup>2</sup> adjoining house 433m<sup>2</sup>, centre plus ocean view. R4mil. Call Charlie 083 627 2579.  
**Somerset West** Relocating? Contact Moore Properties on 021 852 7699; [www.mooreproperties.co.za](http://www.mooreproperties.co.za)

#### PROPERTY SERVICES

**Cape Town's** leading commercial industrial property brokers. Remax Commercial. Call 021 448 8511 or [www.capetowncommercial.co.za](http://www.capetowncommercial.co.za)  
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**Durban,** Rasmussen Properties. To lease, buy, sell and develop industrial property; 031 563 1567.

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**Hearing tests and hearing aid fittings** of Niall Welch or Phonak in Somerset West; 021 851 1837.

#### FOR SALE

**Tinus & Gabriel de Jongh** paintings bought, sold and valued for estates and insurance; [dejongh@yebo.co.za](mailto:dejongh@yebo.co.za); [www.tinusdejongh.co.za](http://www.tinusdejongh.co.za); Call 021 686 4141.  
**Redundancy sale catalogue** Vases, candlesticks, basket décor; [www.partywarehouse.co.za](http://www.partywarehouse.co.za)  
**Tent Pro cc** sells new army (5x5m and 10x5m) and dome tents. Call Philip 082 537 2894; [www.tentpro.co.za](http://www.tentpro.co.za)

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**South African old masters** paintings and contemporary South African art. Pierneef, Irma Stern, Gregoire Boonzaaier, Conrad Theys, etc. Will give market-related value on paintings and free valuations for insurance purposes. Call 082 719 0907; [francois@walkerbayartgallery.co.za](mailto:francois@walkerbayartgallery.co.za)  
**Leather shotgun case** wanted. Call 083 273 2014.  
**Mercedes Benz** classics wanted by collector. Call 083 273 2014.

#### LEGAL, INSURANCE & FINANCIAL

**PPS Insurance.** Please tell about coin-toss decision making and other horrors. Member-victim [gabrie.jansen@gmail.com](mailto:gabrie.jansen@gmail.com) Call 082 387 3699.  
**Jurgens Bekker Attorneys,** Bedfordview Commercial and litigation. Call 011 622 5472; [jurgens@jurgensbekker.co.za](mailto:jurgens@jurgensbekker.co.za)  
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**Petra Visser Attorney,** Johannesburg for all family law and divorce matters. Call 011 646 9961; [pav@telkomsa.net](mailto:pav@telkomsa.net)  
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**The R716** road between Oranjeville and Deneysville has over a thousand potholes in 20km. **EB Don't let the \*?!#s** off the hook. Follow up to the bitter end. Good digging. PJZ  
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