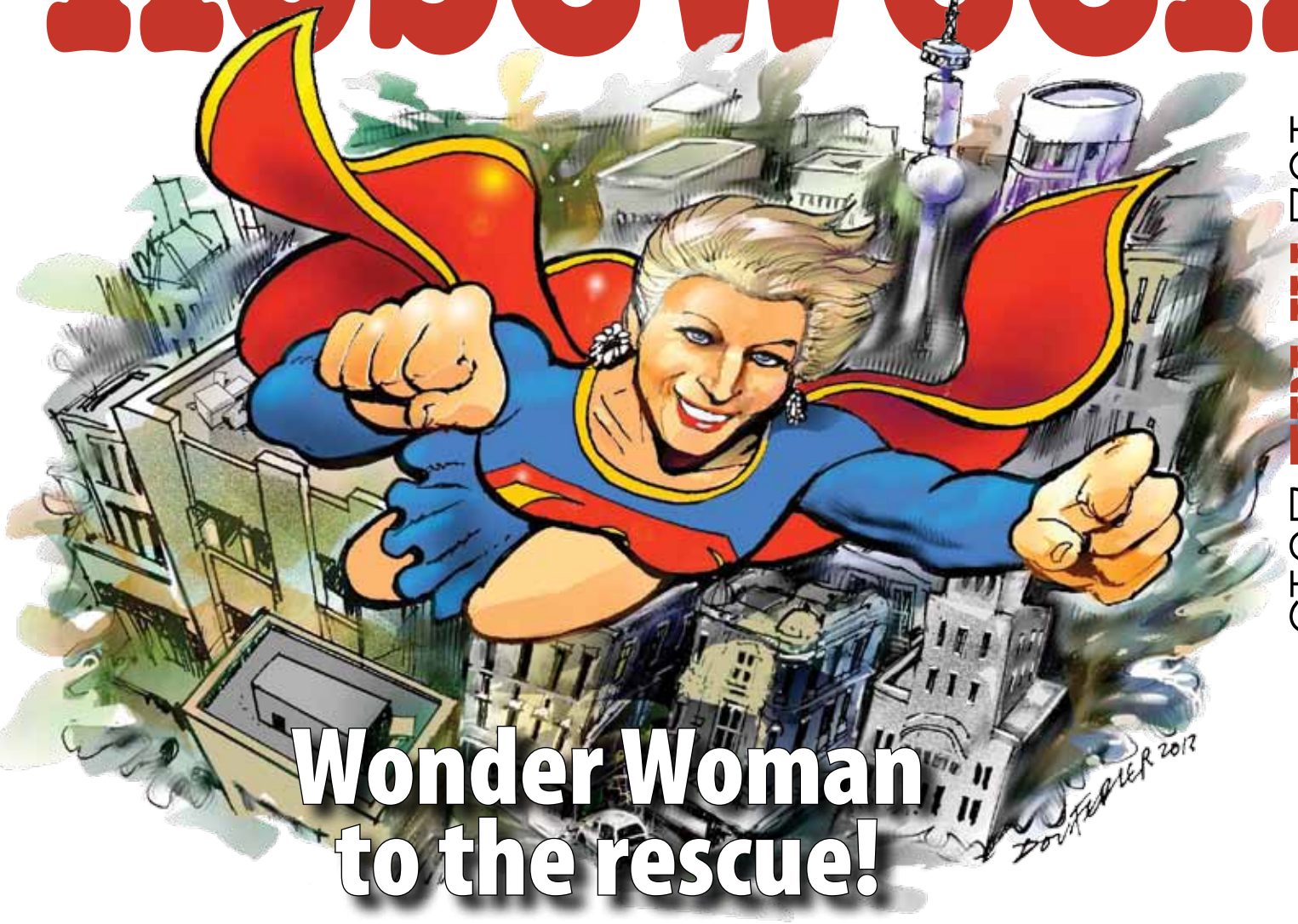


NEWS YOU'RE NOT SUPPOSED TO KNOW

R38⁶⁰
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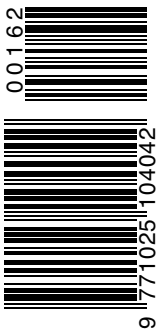
noseweek

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Wonder Woman
to the rescue!

SAVING JOBURG FROM THE POISON FLOOD



Now top KZN sportsman goes off the rails ● ADT sets alarm
bells ringing ● Criminal doctor practises with impunity
Tender touch for Malema's pal



Eurolab can extend your cancer medical Aid benefits.

Illustration of Eurolab Marketed Product Price Saving per Patient per Treatment Plan

Molecule Description	Average Molecule Price (Incl. VAT)	Eurolab Marketed Product Price (Incl. VAT)	Rand savings	Percentage savings	Patient Savings per Average Treatment Plan	Dosage used for Comparison
Product A	R 12,982.32	R 8,530.97	R 4,451.35	34%	R 52,347.84	14 700mg
Product B	R 1,756.52	R 1,098.87	R 657.65	37%	R 28,410.68	4 320mg
Product C	R 3,290.07	R 2,223.01	R 1,067.06	32%	R 25,609.51	2 400mg
Product D	R 1,015.85	R 621.30	R 394.55	39%	R 23,673.24	60 cycles
Product E	R 884.57	R 558.60	R 325.97	37%	R 19,558.30	60 cycles
Product F	R 1,233.69	R 957.60	R 276.09	22%	R 16,565.11	60 cycles
Product G	R 1,385.78	R 1,048.80	R 336.98	24%	R 13,748.95	4 080mg
Product H	R 1,938.79	R 1,721.39	R 217.40	11%	R 6,261.06	28 800mg

Source: South African Medicines Price Registry, Database of Medicine Prices. www.mpr.gov.za

The table illustrates the saving you would achieve if you used a Eurolab marketed product against the average competitor molecular price.

By using a Eurolab Marketed product you will be able to have your medication covered on your medical aid for a longer period of time before your limit is reached.

Using a Eurolab marketed product could also limit or nullify any co-pay from your medical benefit, or enable your Medical Aid to approve an innovative drug that otherwise might have been unaffordable.

Ask your pharmacist for a Eurolab marketed product.





Driving
down the
price of
cancer
medicine.

With just 8 products, Eurolab can save South African cancer patients up to R60,9 Million per year.

In line with Government Policy, Eurolab is committed to reducing the price of cancer drugs to the South African Private Sector.

Since its launch in July 2011, Eurolab has succeeded in driving down the price of cancer medicines by an average of 26% in the molecules it markets.

Ask your pharmacist for a Eurolab marketed drug for major cost savings.

Prices compared: average molecule price versus Eurolab marketed product price based on annual private market usage

eurolab 



1st World quality cancer drugs at the most cost effective price.

The following restrictive criteria is used to ensure Eurolab markets drugs that meet the highest international standards:

The medicine must be registered and marketed internationally i.e. USA and EU.

The manufacturer must produce for 1st world Pharmaceutical companies.

The product must be part of an International Pharmacovigilance system.

The medicine must be registered in RSA (MCC).

Current international use
of Eurolab marketed
medicines for the USA and EU
is 1.855 billion treatment doses.

Ask your pharmacist for a Eurolab marketed drug.

eurolab 



The radioactive stew that's bubbling away under the Witwatersrand [page 10](#)

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Letters & Editorial

Sasol Plus

Noseweek has received a letter of complaint from Sasol, which provides us with the perfect opportunity to play journalism off against corporate PR-speak. I hope you enjoy reading it as much as I have enjoyed writing my editorial comments.

YOUR ARTICLE "SASOL'S PLAN TO FEED you toxic waste" (*nose161*) is premised on a number of factual errors and misrepresentations, from which your reporter has drawn sensationalist and inaccurate conclusions.

Firstly, the article incorrectly claims the project is in feasibility, when, as we indicated to the reporter, it is in pre-feasibility. It is standard practice that industrial projects are run on project management principles and at Sasol that involves a seven "gate" process. Once a concept has been assessed and meets set criteria, it proceeds through gate 1, into pre-feasibility. At this stage the vast majority of the development work is still to be conducted.

The Sola Fidei proposal was commissioned to consider the potential of composting biosludge, which involved undertaking tests of biosludge [*in their report, paragraph 4.1 they state: "A feasibility study was initiated to evaluate the validity of manufacturing organic compost from biosludge."* Similar references appear elsewhere. – Ed.] while the company, Multidisciplinary Plant and Soil Consultants, was contracted to independently verify the results of the composting trial.

[*How could they "independently verify" the results of the trial, when they could not even, by their own admission to Noseweek, verify where the samples they were testing came from? Our story also pointed out that Sola Fidei, when tendering for the composting project, identified the same scientists as being members of their "team."*]

This information [Multidisciplinary's "verification"] is contained in the final report of this phase, which is not in *Noseweek's* possession. [*Sasol refused to give us access to this report when requested to do so on 5 February; however, Professor Andries Claassens, the main author and a director of Multidisciplinary Plant and Soil Consultants, informed us that his firm did not test for any elements other than those asked for by their client, and that Sasol had only required them to test for*

Selenium and a few heavy metals. He also told us, again for the record, that it was not their responsibility to authenticate the source of the samples they were testing. – Ed]

As we explained in our correspondence with the reporter, the final report contains the full spectrum of elements and analysis, including all the hazardous elements that are routinely traced in biosludge, as is also listed in the article.

[*Not true, as stated above by Professor Claassens. – Ed.*]

However, your report misleads *Noseweek's* readers in the article by claiming "Sasol executives who had commissioned the analysis did not ask the scientists to test for these elements".

[*Now who's misleading whom? – Ed.*]

Furthermore, Mills and Otten, an independent specialist environmental consulting firm, was also commissioned to guide on the testing processes and the relevant legislative guidelines that Sasol would follow in managing this project. [*They are listed in Sola Fidei's report as part of their team, in which case they could not possibly be independent consultants to Sasol. – Ed.*]

A second grave error relates to the business case for this project. In support of Government's objectives to investigate new options for effective waste management and air quality management, Sasol is reviewing its waste management processes, investing in research and development in this field.

[*Not true. A Sasol document headed "Seconda Biosludge Management: Evaluation of the land application options, considering potential impacts and regulatory requirements", and dated 2 August 2011, states in its introduction: "The biosludge from Sasol Synfuels is currently incinerated at four incinerators. Due to problems experienced to meet current permit conditions and future atmospheric emissions standards, the incineration of the biosludge is not sustainable. Hence alternative biosludge management options are being considered." [So, little to do with the Government's objectives, and a lot to do with the unsustainability of Sasol's incinerators. – Ed.]*

The biosludge composting project is just that – research, with no specific commercial directive.

[*Sasol is interested in investigating the feasibility of composting their "sludge" as a*

cheaper way of getting rid of their toxic waste, not as a fun exercise in esoteric science. That's enough bullshit from Sasol's "communications department" for today.]

To make the leap from a research project to claims of dumping "...deadly waste into the food chain" is not informed by fact and appears to be driven by nothing more than hyperbole.

[On the contrary, several Sasol documents suggest composting has been their preferred option from the start for disposing of toxic waste. Sasol has confirmed in a separate letter that, despite what their research has already revealed – or has been precluded from revealing – at this early stage, they are proceeding to the next stage of the project. Our story refers throughout to Sasol's plans for "dumping". Of special concern to us is their interest in having the compost manufactured and distributed by an independent third party – perhaps to shift liability for any damages claims that might arise to that third party who, when things get too nasty, can simply declare bankruptcy – at no risk to Sasol? – Ed.]

Another completely false claim is that Sasol is moving its headquarters to the United States. [We note this for future reference. –Ed.]

A further incorrect claim is that Sasol is "the country's biggest emitter of greenhouse gases (21%)". The Carbon Disclosure Project Climate Change Report for South Africa is publicly available and would have provided the correct information to the reporter. [Our quote came from the JSE 100's Carbon Disclosure Project's report for 2011, released at COP17. Our slip: the JSE report listed Sasol as SA's second-largest emitter.]

In the context of the research project, the word "organic" is used in line with

If you choose to withhold information which is clearly in the public interest, you must not complain about the outcome

scientific reporting and refers to the biological treatment process. This is different to the commonly used term of organic, as in organic produce, which is grown without synthetic inputs.

[Compost is usually understood to be an organic fertiliser. Your point? – Ed]

Regarding the sidebar article "Sasol's black ops against Greenpeace", more honest reporting would have noted that the claims were made against the Condea Vista Company. The alleged espionage took place more than 10 years ago and, at that time, Sasol had not yet bought the company. Sasol is in contact with the previous owner regarding these allegations and is assessing its legal options.

[When Sasol bought the US company in March 2001, it acquired both its assets and its liabilities, which included the espionage and dirty tricks campaigns which were still running in 2000. Sasol has been vigorously defending all the actions instituted by the victims of the "black ops" ever since, even as we speak. We reckon your legal options are nil. – Ed]

Reporting on the [smoke] stack emis-

sions also requires comment. When it became clear that our processes were no longer compliant, the matter was reported to the relevant provincial and national authorities, in line with our commitment to compliance, through consistent and ongoing monitoring of air quality. Work was initiated to upgrade the process. Due to the subsequent operational improvements we are compliant with our air quality permit.

While the biosludge emissions did deviate from the permitted levels, during the upgrade process, these deviations were monitored and reported upon. The deviations were certainly of concern to Sasol, however, they did not pose a risk to public health and did not affect ambient air quality, which is monitored by both Sasol and the Department of Environmental Affairs.

Sasol continues to monitor its processes on an ongoing basis to ensure the emissions are maintained within the legislated parameters.

[On 5 February we asked Sasol for copies of all test reports of stack sampling at various incinerators since their current permit was issued in 1999, to date. After repeatedly requesting extensions of time to reply, Sasol responded as follows: "The reports you are requesting are proprietary and remain the property of Sasol and will not be provided." If you choose to withhold information that is clearly in the public interest, you must not complain about the outcome. To put it bluntly, we don't believe you. Show us the figures. – Ed.]

Based on the many concerns noted above, I would appreciate you running this response, in full.

Jacqui O'Sullivan

Sasol GM: Group communication

[So, there you have it: in full – plus some . – Ed] ■

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Another top sportsman loses it

Sean Wisedale, first mountaineer from Africa to have reached the summit of the highest mountain on each of the seven continents, has for the past year had his entire neighbourhood terrorised by his aggressive, "psychotic" behaviour

IN THE CORPORATE WORLD, HE IS known as one of the few who've conquered Everest and an inspiring motivational speaker well worth his high fee, but to his anxious neighbours in the Durban suburb of Glenwood, Sean Wisedale is known as the monster who periodically keeps them awake all night, manically yelling threats and abuse at them from behind his high boundary walls.

On and on, for five hours at a stretch. That is, when he is not actually hurling rocks, wine bottles and anything else that comes to hand across the wall, on to their roofs. On an occasion he threw a rock that was so large, it crashed through the tiles and landed

in the room below.

Neighbours as far as four houses away have been woken by Wisedale's manic yelling in the early hours. They have told *Noseweek* of how they had rushed out, guns in hand, thinking someone was being murdered. (Readers may listen to a recording of one such event by going to the story on our website.)

Alienated from his neighbours and, allegedly, terrified of intruders, Wisedale lives behind the high walls and locked gate of No 7



Sean Wisedale

Haraldene Road, Glenwood.

Neighbours say they have yet to meet or exchange a word with his timid wife – his third – who has live there for three years. Some were not even aware the Wisedales have an 18-month-old child.

The police have on several occasions responded to neighbours' late-night calls for assistance, but on each occasion Wisedale's father-in-law, senior advocate and occasional acting Judge Peter Rowan, has arrived

Stent



at the scene and persuaded the police that he has the situation in hand and that they need take no action.

A neighbour recalls the scene: "While advocate Rowan is assuring the police that all is under control, his son-in-law is silent – manically doing a hundred push-ups on the lawn. It's crazy!"

And, say the neighbours, the minute Rowan and the police leave, Wisedale invariably starts up again.

Finally, fearing for their own sanity and safety – and that of their children, to whom he makes threatening, throat-slitting gestures when he encounters them in the street – the neighbours, after several secretive meetings, unanimously decided in November to lay formal complaints at the Umbilo police station.

Noseweek has spoken to several of the Glenwood residents. All are professionals: they include doctors, advocates, attorneys, architects, psychologists, and a lecturer in photography. All were desperate not to be named in this report, for fear of how Wisedale might respond. We have been persuaded by the circumstances to respect their wishes. Amongst their concerns are the death threats he has hurled at some of them.

In addition to Wisedale's motivational talks, he has written a best-selling book (edited by his friend Mike Greenaway, who has since joined the ranks of his ex-friends because of his violent, threatening behaviour), and produced a series of eight broadcast documentaries. He also personally guides expeditions up Mount Kilimanjaro, Mount Aconcagua and Mount Kenya – and to Mount Everest base camp.

On his website Wisedale is described as a surfer, yachtsman, adventure specialist and international filmmaker. "His corporate presentation shows audiences what it takes for an 'ordinary individual' to stand head-and-shoulders above the rest – and why it is totally possible for you to reach the summit of your own Everest," it declares.

But his neighbours have come to the conclusion that he is a binge drinker and that alcohol triggers his psychotic behaviour. One former friend confirms witnessing him involved in bar brawls "after a drink or two". Another recalls how, in the surf, he angrily ran over a friend with his surfboard, yelling "next time I'll fuckin' slit your throat!"

A medical doctor who happened to witness one of his night-yelling episodes, tells *Noseweek*: "I have no doubt he was psychotic. He had lost it completely and was literally raving mad. If I had known he has a small child in that house, I would have been obliged by law to summon the police and demand that they break down the gate, remove him and hold him until he comes to, or receives the necessary psychiatric help."

Detectives at the Umbilo police sta-

tion have confirmed that they have investigated charges against Sean Wisedale by various of his neighbours, and that the docket has been referred to the NPA for a decision on whether to prosecute or not.

In one of the affidavits in the police docket, a neighbour states: "Wisedale's ...midnight disturbances never come with an apology or remorse. As a community, we are exhausted by his intimidation, and spiteful and toxic behaviour. He thinks he is above the law." ■

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2013

Here comes the poison

By October, the acidic, radioactive liquid lurking under central Johannesburg is expected to pass a critical point. After decades of inaction, a mad scramble is underway to save the city and its neighbours

IN JANUARY, SITE CLEARING BEGAN FOR a pumping and treatment station aimed at preventing a tide of radioactive acid mine drainage (AMD) from flooding the streets of Johannesburg. At least until a more permanent solution can be found.

The contractors, Group Five, have been given ten-and-a-half months and R319 million to complete the project that would normally take two years and cost a lot less. Even in the unlikely event of nothing going wrong, that's cutting it fine. The plan is to start pumping in October, the very month in which the deadly liquid is expected to reach the Environmentally Critical Level (ECL) of 186m below the surface.

The new plant, at a disused shaft in Germiston, will have to remove and treat 57 million litres of AMD daily just to prevent it topping that mark. Any higher and it will drown Gold Reef City, eat away at Joburg's subterranean infrastructure, contaminate its dol-

omitic aquifers and start percolating upwards to seep out of the ground in the CBD and Boksburg. The rising water is also expected to increase seismic activity and promote the development of sinkholes.

It's unthinkable. Unless you live a few kilometres to the west, where the unthinkable has already happened. In 2002, the first underground AMD water reached the surface of the Witwatersrand and decanted into the heavily populated Western Basin, which includes the towns of Krugersdorp/Mogale City, Randfontein, Kagiso and Potchefstroom as well as a mosaic of informal settlements.

The mining companies, political authorities and the nuclear regulator were taken by surprise since they'd only known about the coming catastrophe for six years. There were no contingency plans, so the highly corrosive, radioactive and poisonous water, decanting at a rate of 20 million

litres a day, was either allowed to flow uncontrolled into watercourses and wetlands, or was pumped into nearby dams and lakes. The flow has barely slackened since.

In the wet year of 2010 the decant spiked at 60 million litres a day. The state-owned Trans-Caledon Tunnel Authority is now pumping as fast as it can to keep the AMD one metre below the surface. The pumped water is partially neutralised before being piped into the north-flowing Tweelopiespruit, but it is still acidic and radioactive and after treatment, also highly saline.

The upper Tweelopies is now designated a Class 5 river, meaning "acutely toxic". Further downstream, it has been blamed for contaminating dams in the Krugersdorp Game Reserve, leading to the deaths of hippos and many smaller creatures. This poisoned stream then enters the Blaauwbankspruit which flows through the Cradle of Humankind before adding its taint to the Croc-

Beware low-level radiation

odile River which transports it all the way to the Hartbeespoort Dam.

On the other side of the watershed, the decant has added a massive extra burden to the Wonderfontein spruit catchment, a river system already overloaded with acid mine drainage from surface sources.

With regard to the hasty installation of pumps in Germiston, knowledgeable sources point out that pumping deals with only half the problem: "totally inadequate provision has been made for plant to clean up the pumped out water before it is released into local

**The Witwatersrand
ores were rich in
gold, but 10 times
richer in uranium than
was discarded with
the rest of the mine
residue**

watercourses, just creating a different problem.

From the time mining began, more than 125 years ago, heavily polluted water has been leaking from the hundreds of uncovered, crumbling, unlined dumps and dams that line the catchment's rivers and streams. That's aside from the radon gas and the uranium dust spread far and wide whenever the wind blows.

The Witwatersrand ores may have been rich in gold, but they were 10 times richer in uranium. And until a use was found for the stuff, it was discarded with the rest of the mine residue, along with significant amounts of polonium, cadmium, arsenic and lead.

Across the entire Reef, mine dumps occupy a footprint of 400km² and contain an estimated 600 tons of uranium at a concentration of 100 parts per million – higher than the tailings of many

UP UNTIL 2003, THE WORLD HEALTH Organisation regarded water with a uranium concentration of anything higher than 2 micrograms per litre (2µg/l) as unsafe for drinking. But with the nuclear renaissance, that limit was increased in 2004 by a staggering 750% to 15µg/l.

The South African Bureau of Standards (SABS) has adopted the same figure. The Department of Water Affairs considers 80µg/l safe – higher than the limit in any other country. (Before 1996, South Africa's water ministry regarded 1,000µg/l as safe, and even 8,000 as only "low risk".)

By comparison, the global freshwater average is 0.4µg/l, the average for unpolluted rivers near the Wonderfontein spruit catchment is 0.8µg/l, acidic water decanting from the flooded mines of the West Rand initially contained some 16,000µg/l and the current outflow of the Wonderfontein spruit, the least contaminated part of that polluted river, is 79µg/l, 100 times the regional background, but still within the Department of Water Affairs' liberal limits.

That's just the water. The hundreds of thousands of vulnerable, malnourished, immunity-compromised people who live in shacks among the abandoned mines of the Far West Rand are exposed to radioactive poisoning from every possible source. Uranium contaminates the food they grow, the fish they catch and the air they breathe. And what they don't ingest bombards them from the outside with electron-stripping waves of ionising radiation. Not to mention the deadly radon gas.

Worldwide, the safe limit for external radiation has been set at 1 milli-Sievert (mSv) a year. The National Nuclear Regulator's own Brenk Report found half the sites they measured in the Wonderfontein spruit catchment exceeded that by a factor of up to 100.

Internationally respected radiation epidemiologist Chris Busby measured

specialised uranium mines.

Like the exposed rock faces of the underground shafts, the dumps are also rich in iron pyrite which forms sulphuric acid when exposed to water and oxygen. The acid liberates the heavy metals and other chemicals from the

a dose amounting to 9.72 mSv a year inside a shack at the Tudor Shaft settlement near the heavily polluted headwaters of the Waterfontein spruit.

How much damage this is doing to the people living there, we do not know. For all the counting of uranium levels in the water, soil, plants and animals over the past two decades, no-one has bothered to do any epidemiological studies on the people.

The growing body of international research on the effects of prolonged exposure to low-level radiation indicates that it's more dangerous than current safety limits would suggest.

What has also become clear is that uranium is chemo-toxic as well as radioactive. Even a tiny amount, if ingested, chemically attacks the kidneys and the brain, disrupts the endocrine system, compromises the immune system and damages the DNA.

The desperately poor people living among the mine dumps have more pressing concerns that invisible particles and waves that could make them sick years down the line.

But the threat is now becoming evident among communities under less existential pressure. Like the people of Potchefstroom, who get most of their drinking water from the Boskop Dam, which receives 15% of its water from the Waterfontein spruit. The uranium levels in the town's tap water have shown a drastic rise recently, from less than 0.2µg/l to over 5µg/l and the people have lost faith in their leaders' bland assurances.

Even further east, in the Johannesburg suburb of Riverlea, the residents have recently begun complaining about breathing difficulties and skin lesions, which they blame on the dust kicked up by the re-mining of their neighbourhood mine dump by DRDGold.

Soon, like the AMD, their voices will reach a critical level. And, as with acid mine drainage, the authorities will act too late. ■

tailings and waste rock so they can be washed away by the rain, blown away by the wind, or leached through the unprotected, porous dolomitic ground to enrich the AMD flooding the voids beneath.

In 1934 the water in Lancaster Dam

outside Krugersdorp was considered so pure it was counted among South Africa's seven natural wonders. But as the piles of detritus around it have grown, so has its toxic load. Recent measurements indicate that the uranium concentration is up to 4,000 times higher than the regional natural background for water. As you would expect, the dam is completely sterile.

From this poisoned source, the Wonderfonteinsspruit (its name long a cruel joke) winds its way among abandoned mines, working farms, towns and sprawling shanty-towns, dispersing and collecting radioactive and other toxic chemicals for almost 100km before it drains into the Mooi River (a tributary of the Vaal) near Potchefstroom.

It took a while before the effects of this pollution began to be felt in the lower reaches of the catchment, but by the 1960s, the farmers were beginning to complain. Their concerns were ignored for more than 30 years until the first official survey of pollution in the area was conducted by the Institute of Water Quality Studies (IWQS), a research unit of the then Department of Water and Forestry.

The results of the two-year study confirmed what had been long-suspected: parts of the Wonderfonteinsspruit catchment were contaminated with potentially harmful levels of radioactive chemicals as a result of the careless habits of the mining industry. (And this was well before the decant.)

The water quality report was followed by a flurry of other studies by a range of parties including government agencies, universities, international experts and NGOs, most of which agreed that something ought to be done, especially after 2002.

But the one that caught the public's imagination was carried out by a team from the Water Research Council, led by geoscientist Dr Henk Coetzee, which in 2006 said bluntly that the level of radioactive contamination throughout the catchment posed a significant threat to the health of all who lived there or consumed its produce.

The National Nuclear Regulator (NNR) which is supposed to protect the public from just such contamination, instead managed to have the report suppressed after a mining company complained that it reflected badly on the industry.



Only after two years of relentless pressure from environmental justice campaigner Mariette Liefferink was the report published. It caused a sensation. Wonderfonteinsspruit became an international *cause célèbre*. The media was scandalised, the public was shocked, politicians promised to do something and sales of bottled water soared in the posher parts of Potch.

But South Africa's nuclear protector refused to accept the results. Instead, it commissioned new research from a German firm. Embarrassingly for the NNR, the so-called Brenk Report's conclusions were even starker than those of Coetzee et al. There was renewed outrage, further promises of immediate action, and more reports.

In his 2013 budget speech, Pravin Gordhan specifically mentioned both derelict mines and acid mine drainage. Then he tossed R150 million at the problem which the Auditor General calculates will take more than R30 billion to fix.

But the toxic flood continues unabated. A recent series of studies by Professor Frank Winde of the North-West University indicates that an estimated 2,200 tons of uranium is lying in the sediments of the Wonderfonteinsspruit. Every year another 6 tons are added, along with a further 3.5 tons suspended

in the water.

The ongoing contamination is not only a passive process. Ever since nuclear power came back into fashion and the uranium price shot up, mining companies (with much encouragement from the government) have been keen to salvage this abandoned treasure. New technology and a higher price has also made re-mining the waste for gold a profitable venture.

Old dumps and dams are crawling with heavy machinery, stirring up the dust, remobilising the toxic and radioactive elements and speeding their dispersal. Containment walls have been breached, releasing torrents of radioactive slurry into the environment. Pipes carrying hazardous sludge for kilometres to new (and unlined) "superdumps" close to the Vaal have broken, spewing tons of the stuff on to fields and into watercourses.

In its 2009 Remediation Action Plan, the Department of Water Affairs fingered waste-remining companies like Mintails, Mine Waste Solutions (owned by AngloGold Ashanti) and DRDGold for making a bad situation worse.

But the miners don't seem to care and the nuclear regulator is clearly unwilling to apply the law.

So while certain government agencies work frantically to stem the ra-



Mariette Liefferink with a reporter from China Central Television examining radioactive spillages on farmland in the Stilfontein area. The toxic spillages came from AngloGold Ashanti's Mine Waste Solutions operations. The story was broadcast by the Chinese television service

radioactive tide threatening the entire Witwatersrand, the so-called "independent" regulator has proved incapable even of reducing the flow from traceable sources over which it has jurisdiction.

As usual, the job of policing the industry has been left to unpaid mem-

As usual, the job of policing the industry has been left to unpaid members of the public, underfunded NGOs and academics

bers of the public, underfunded NGOs and academics.

In March 2011, Mariette Liefferink's Federation for a Sustainable Environment (FSE), reported Mine Waste Solutions to both the Nuclear Regulator and Water Affairs after the wall of a dam it was reworking at Stilfontein collapsed, flooding large areas of private and public land with radioactive slurry.

The regulator inspected, wrote a report and took no action.

Nine more spills were recorded before July 2012, when AngloGold Ashanti bought the company and the dumps.

Things didn't change much. The leaks from broken pipes, unlined trenches and failed containment walls continued; Liefferink's Federation for a Sustainable Environment reported them to the nuclear regulator; the regulator did nothing – that is, apart from issuing a directive to AngloGold Ashanti and then withdrawing it. In December, the federation lodged an appeal with the Gauteng High Court against that decision.

In January, Liefferink laid criminal charges against AngloGold Ashanti with the SAPS in Klerksdorp. In her affidavit, she says the mining company and its individual directors are in breach of both the South African Constitution and the National Environment Management Act and should be prosecuted.

"It has become overwhelmingly evident that the organs of state whose duty and mandate it is to regulate the mining industry and to enforce environmental contraventions, have failed," says Liefferink.

"[This] failure... necessitates that I now lay these charges and request that justice be done."

AngloGold Ashanti spokesperson Alan Fine, reassured *Noseweek* that the company "duly reported all incidents of (waste) water spillages... to the relevant regulators" and took "full responsibility for any environmental incident resulting from its mining operations".

He said they would "co-operate with the authorities in any investigation they may carry out in that connection".

Noseweek's latest appeal for a response from the Nuclear Regulator was still unanswered after three weeks. ■

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A DECADE. THAT'S HOW LONG Mariette Liefferink has known about the radioactive water under Johannesburg and its neighbouring mining towns – and how long she has been lobbying to have something done about it.

“I have left no stone unturned. Since 2003 I've tried to have this addressed, week after week, month after month.

“I've been from the very top in government to the humblest of communities, to all the DGs of departments to the Public Protector and the Human Rights Commission,” she says. “We've raised it ad nauseum at Water Affairs forum meetings, I've taken Parliamentarians on tours, I've done workshops with 30,000 people, if not more. I've been to the national and international news media, addressed hundreds of conferences, spoken about it at district municipalities, the Gauteng legislature, all the different parties. I've engaged with Num, Cosatu, Satawu, Nehawu...

“And every time I've done the presentation... people have been shocked and committed to support this campaign... then they've gone on with their lives again. It's my perception that this issue is too great to handle.”

Liefferink is speaking to *Noseweek* in between working fervently on a multitude of environmental issues. Besides monitoring Joburg's toxic timebomb ahead of the October “explosion” – although, she says, “it's actually going to happen in September” – her NGO, Federation for a Sustainable Environment, recently laid criminal charges against mining group Platmin for operating an open cast mine on the doorstep of the Pilanesberg Nature Reserve without a water licence.

The environmental activist who loves



WONDER

GAUTENG'S LAST HOPE

fashion and refuses “to look like a hippie or a greenie” – she's never worn a flat shoe in her life – is so devoted to her cause that she has not had a holiday in 10 years. “I work every weekend and I have no social life. This is my whole life. It makes me a very dull person but I find great fulfilment in what I am doing,” she says.

She visits the mines in high heels, dressed to kill, but unlikely activist Mariette Liefferink – South Africa's authority on acid mine drainage – is the only person who can save the country's economic hub from a rising tide of toxic waste.

Sue Segar reports



ER WOMAN



And on the clothes: “When I was married, I could buy designer clothes. I don’t have the financial means any more but I am determined to look professional and well groomed.”

The online newsletter *Miningmx* features a 2013 “Guide to the 100 Most Influential People in Africa’s Mining Industry”, called Potstirrers and Rainmakers – amongst whom is Liefferink. It says she has been campaigning over many years for a solution to acid mine drainage, especially in the Witwatersrand Basin... “The mother-of-four and grandmother-of-two... has won numerous awards for her struggle for environmental issues. Her campaigns led to the Department of Water Affairs issuing a directive to three gold-mining companies in the Western Basin of the Witwatersrand to find a solution for acid mine drainage in the region.”

Liefferink describes how she recently accessed a ream of documents on Platmin’s impact management. “They gave me seven documents of about 7,000 pages. They thought I would never read it. I read every page.”

She has the relentless habit of communicating in impeccably polite language, often tinged with lawyer jargon.

“I append hereto”; “I hope that I may, without impeachment or forfeiture of modesty, subjoin hereunder...” she says in one email. This careful, courteous tongue, combined with her youthful voice and groomed appearance, has the effect of disarming all those she encounters.

Liefferink insists that her environmental activism actually began with “narrow self-interest”. “In 1998, I lived in Bryanston, in a beautiful home with a wonderful garden which was often featured in magazines. Shell wanted to build their two flagship highway petrol stations close to my home, and I joined my community in opposing it. But they got what is known as objectors’ fatigue and, in the end, I was the only one objecting to this petrol station.”

Realising she was a lone remaining activist opposing their application, Shell offered to fly Liefferink and her family to Cape Town for a holiday so that they could discuss “a proposal”.

“I said yes, I would gladly accept if they made the same offer to the thousands of residents also affected. They said they could not do that.”

There followed “a very moving” Pow-

erPoint presentation by the company in which they demonstrated how they would ensure that her neighbours took most of the flak from their proposed development.

“There would be a gorgeous terraced garden in front of my house, along with an enclosed pool, a squash court and a gym... I said to them, ‘I regret I am going to have to report you to the Department of Environmental Affairs. You have just transgressed section 31 of the National Environment Act by offering me benefits.’”

Having earned a name for herself during the Shell saga, Liefferink was approached by 53 members of the extended family who owned the land on which the country’s richest gold and uranium reserves were being extracted by Gold Fields.

“They asked me to intervene and get damages for them as they could no longer farm the land (on Wes Driefontein’s Three Fountains) as the fountains had dried up because of the mining and they could no longer irrigate their land.”

During her research into this case, Liefferink got hold of a number of Gold Fields documents “and I realised it was not just Gold Fields but a legacy issue arising from more than 120 years of irresponsible mining”. It was then that she encountered evidence of the huge injustices that accompany mining – and found there was no turning back.

Coming from a family with “a lot of involvement in legal aspects”, Liefferink has a strong sense of justice. She was raised in the Karoo, where her father was a senior magistrate who worked in Steytlerville, Middelberg and Graaff Reinet and subsequently in the circuit court in Queenstown.

At the age of 16, mainly out of rebelliousness, Liefferink became involved with the Jehovah’s Witnesses.

“I finished matric, married a Jehovah’s Witness and, for the next 30 years, that was my life. I became totally involved with them... Some of these things are a little painful to discuss. I became an ordained full-time minister and I would walk every day from house to house with my four children...”

“We preached strongly against apartheid. During those years we were discriminated against, my children were expelled from school and I was incarcerated.

Looking ahead: Mariette Liefferink with granddaughter Isabella



Persistently perspicacious and polite

MARIETTE LIEFFERINK MADE THE mistake of assuming that, because she was “civil society representative” on the board of the National Nuclear Regulator (NNR), her job was to represent the interests and concerns of civil society – but her fellow board members did not take kindly to that idea: all they wanted was for her to “follow procedure” – shut up and toe the nuclear line.

In their non-responses to her representations, they have made it absolutely clear that they do not regard themselves as accountable to the public.

The ever-tactful Liefferink resigned from her position in April 2012 saying she was “perplexed” about her role and felt she could achieve more from “outside that particular forum”.

Some extracts from Liefferink’s correspondence with the National Nuclear Regulator’s former CEO Boyce Mkhize, and its chairperson Dr Tracy Cohen, during her tenure as the board’s civil society representative:

● 17 July 2010, To Boyce Mkhize, Tracy Cohen and others: On radioactive contamination in the Reef’s goldfields:

“I have become painfully aware that my oral and written submissions... are viewed with disapprobation.”

● 23 November 2010, To Boyce Mkhize, Tracy Cohen and others: On the removal of radioactive scrap metal from unfenced mining sites:

“I apologise for the fragmented emails and repeated requests for intervention. If my approach is not according to protocol or procedure, I kindly request you

to please advise me which protocol or process I should follow. I do not wish to offend.”

● 22 August 2011, To Tracy Cohen: On the Contamination of Wonderfontein-spruit Catchment by Mine Waste Solutions:

“I am cognisant of your reproof, kindly bestowed, in your recent correspondence, regarding my prolixity. I can unfortunately, because of ongoing environmental incidents, not forbear from once more encumbering you with my correspondence.”

● 31 October 2011, To Tracy Cohen and Boyce Mkhize: On the resettlement of the Tudor Shaft community away from radioactive land.

“I may be rightfully censured for having made an honest mistake about my rights and duties as Member of the Board but I can affirm that I had no intention, thought, or desire to intentionally and maliciously infringe upon the rights of the CEO of the NNR or members of the Board in proposing a Register of Complaints and Procedure, and a Record of Requests for Information as well as a request pertaining to security clearance.”

● 21 January 2012: To: A member of the public, in answer to a request about the rehabilitation the Wonderfontein-spruit catchment area.

“Since I am nervously apprehensive of sliding into procedural incorrectness, I take the liberty to forward your request to Adv. Boyce Mkhize... and to Dr Tracy Cohen.” ■

“I developed a sense of a courage as I spoke out against orthodox religion and other issues.”

But, 10 years ago, Liefferink withdrew from the movement because “I lost my faith completely. It’s not that I am an atheist. I do believe there is intelligent design, but I have become convinced that God has lost interest in man. There is just too much wickedness and injustice with impunity. I am no longer a Jehovah’s Witness. At round about the same time, I also got divorced.

“The Jehovah’s Witnesses make up a whole social structure – they only associate with and marry fellow JWs. It is a very close-knit community, almost like

the Mormons. You share ideals, including the hope that, very soon, God will destroy society as it is and restore the earth into a paradise.”

Thus disillusioned, Liefferink has spent the past decade fighting for communities affected by gold mining.

“I’ve changed from walking from home to home proselytising, to going-from shack to shack informing people of the issues and helping them to find a voice. My motive is to see environmental and social justice being done in the Witwatersrand’s gold mining sector.

“My focus is people. The mining companies move on and leave communities disrupted and un-enriched, with gaping

holes in the ground and polluted rivers. That is of great concern to me.

“It is deeply perplexing to see how the poorest communities, living adjacent to the richest mines, have inherited thousands of hectares of degraded land, the wastelands... And to know that it is even worse – the soil is contaminated.”

A regular reader of the work of the British environmental journalist George Monbiot and inspired by *Silent Spring* author Rachel Carson, she has “no idols, only people I admire”. These include a number of South African academics and “honest scientists” with whom she associates closely.

A devoted mother and grandmother, Liefferink has four children, two of whom are married and all of whom support her work. Huge family dinners take place regularly in her home and she is a hands-on grandmother to her two grandchildren.

“My two youngest children are involved in environmental issues and my one son sponsors all my photocopying,” she says.

“The fact that *Miningmx* humanises me by referring to me as a mother and grandmother is very gracious (and heartening) especially since *Miningmx* promotes mining and may consider my activities (and me) as obnoxious.”

Liefferink insists the blame for the Reef’s acid mine drainage crisis cannot fall on “the last man standing”.

“We cannot only blame the current mining companies. This is largely the responsibility of the major historical mining companies like Anglo American, who maximised their profits and unbundled. And the government – not just the current one but the apartheid government which enriched itself handsomely by de-watering the mining compartments, leaving the current government with this legacy that is so overwhelming they don’t seem to know how to handle it.”

Liefferink wants to bequeath a heritage of “having done my utmost to bring about change... not in the sense of creating a new earth but in ensuring that this earth becomes a better place for future generations, particularly with regard to the extractive industry.

“Sometimes I lie awake and think of what I’m going to do when the day dawns. I feel energised as I’ve already seen rewards for my labours. I am an eternal optimist.” ■

A spoonful of sugar helps the medicine go down

A drug company is dispensing a range of incentives, including fees, bonuses – and even safaris – to induce doctors to prescribe its products

IS THE MEDICINE YOU'RE TAKING THE medicine your doctor thinks is best for you? Or is it simply the medicine that your doctor has been persuaded to prescribe, or your pharmacist has been encouraged to dispense? By a drugs company that's willing to splash the cash.

The issue was highlighted by Dr Anban Pillay of the Department of Health in a *Business Day* article last year, headed "Plan to end incentives in medicine sales". In it Pillay says his department would close loopholes that "have enabled pharmaceutical companies to inappropriately influence which medicines are prescribed to patients".

He says it is quite clear that wholesalers and pharmacies are being bribed, and that "players in the generics industry" are the biggest culprits, with the likely reason: "Consumers are often unaware that there may be several generics to choose from and that the one offered by their pharmacy may not be the cheapest."

(As any regular pill-popper knows, pharmacies may be obliged to offer generics but they often dispense generics without asking the customer whether they actually want a generic and, if they do, which one).

Pillay explains in the article that generics companies have devised a variety of schemes for influencing prescriptions, the most famous being "the data fee – the sales data that is stored in a pharmacy computer is purchased by a third party, which is actually a front for the manufacturer". And that's what this story is all about.

An oncologist who's in private practice and who insists on anonymity told *Noseweek* that in 2012 he received a



delegation from Eurolab, a newly-established generics company that's making waves through its aggressive marketing and undercutting. Three people arrived, including Gabriel Simaan and Lynne du Toit. Simaan led the meeting and he drew all sorts of diagrams for the doctor, showing how Eurolab worked with a data-collection company, and how there was much money to be made by installing certain data collection software and prescribing Eurolab's drugs.

It's kosher said Simaan; look as these legal opinions I've got from top law firms. And, whilst on the topic of things legal, here's a Non-Disclosure Agreement we'd like you to sign.

The doctor, who's of the old school and therefore believes that a doctor should have unfettered discretion when it comes to prescriptions (and that if a

salesman starts his pitch by whipping out a legal opinion, he's probably dodgy) decided he wanted no part of it. So the matter went no further. And because of that, the doctor couldn't tell us exactly what the software was supposed to do. He could, however, tell us that he would be paid a fee of R2,500 per month if he installed it, as well as very generous bonuses linked to his prescription of Eurolab's drugs.

Another source, who also insists on anonymity, had more detail for *Noseweek*. She said that oncology was unusual because most oncologists run one-stop cancer shops with their own dispensaries.

She said a company called Procyon Data Solutions provides software that ostensibly monitors prescribing patterns (and sells the information to drug companies which use it for market-

ing purposes), but in fact ensures that when a doctor prescribes a drug by its generic name, it automatically inserts the code of the relevant Eurolab drug.

That doctor showed *Noseweek* a blank 'Service Level Agreement' oncology practices were being asked to sign. One clause reads: "The practice grants the service provider the exclusive right to install the oncology medicine substitution module and the software system on the computer system of the practice and to promote the rational use of generic oncology medicines by lawfully substituting it in the same category and class as the oncology medicines prescribed for the patient."

The source confirmed that the oncologist gets a monthly fee for using the software and bonuses for Eurolab prescriptions. A popular inducement, was a trip to a game farm owned by Simaan, Thornybush Waterside Lodge.

Enquiry time.

Procyon and Eurolab started by insisting that they were separate and unrelated companies, the one collecting and selling data, the other buying data and selling generics.

Simaan said: "I respond on behalf of Procyon Data Solutions to your e-mail with regard to incentives allegedly offered by one of our customers, Eurolab. Procyon is one of a number of medicine data supply companies in this country. We purchase data from doctors and pharmacies, collate and convert the data into intelligent commercial market reports, which we sell to pharmaceutical companies."

Eurolab CEO Lynne Du Toit stressed that Eurolab was cutting the cost of cancer care. "Eurolab offers no 'software package' to any doctor, and no 'bonus' has ever been offered to any doctor by Eurolab; we do not 'incentivise/reward' doctors who dispense/prescribe and we do not do this through any other entity; Eurolab does purchase anonymous market data (i.e. data that does not identify any patient) on a commercial basis, as do all other pharmaceutical companies, from various data vendors in the market on their standard terms & conditions; your claim that employees are offered inducements to prescribe Eurolab products is also entirely false."

Eurolab's next move was to place a three-page colour ad in *Noseweek* (thanks for that!).

Are we misguided in detecting a tone

Payments are made to doctors based on the amount of data they provide

of disappointment in the follow-up letter *Noseweek* received from Simaan a few days later?: "It has come to my attention that you are still enquiring from some of my clients about a software program that we are alleged to make available to oncologists. This is entirely untrue... In amplification of the above [*clearly a lawyer involved in the drafting*]: ...The payments made to doctors are based on the amount of anonymised data provided. The amount paid for the anonymised data and the methodology of its calculation has been disclosed to the Department of Health, accompanied by a table of the monthly payments to all doctors contracted to Procyon. The contract that doctors have entered into with Procyon has been drafted by respected lawyers and based on advice by counsel. We comply with all relevant laws... The claims made of what the software does, borders on fantasy."

So Procyon is Gabriel Simaan and Eurolab is Lynne Du Toit and they're totally separate companies. Tedious!

For starters, the oncologist who spoke to us was adamant that Simaan and Du Toit did the sales pitch together. And basic enquiries show that, although Procyon has one director (Simaan) and Eurolab three (Lynne Du Toit and two others, not Simaan), the companies' registration numbers are very close and they have the same auditor, the same registered address, and the same business address – 7 Stirrup Lane, Woodmead Office Park.

Cipc (Companies and Intellectual Property Commission) enquiries show that Simaan has a long history in pharmaceuticals including Scriptpharm, Gabina Health and Beauty and Trinity

Pharma. He is listed as the contact for an import/export licence issued by the Medicines Control Council to a company called Pharmascript Pharmaceuticals Ltd, also of 7 Stirrup Lane. And, oh yes, one of the legal opinions that gets flashed around to show how legal this all is, is from Werksmans, and it's addressed to Eurolab, attention Gabriel Simaan.

(Yes readers, they always slip up somewhere!)

Noseweek asked several oncologists whether they knew anything of a data collection/software company which was linked to a generic drugs company (we didn't mention the companies' names), and what the legal and ethical issues were here. Most of them kept schtum, although they did apparently go running off to paymaster Simaan. Even Dr Anban Pillay of the Department of Health didn't respond. But we did receive a few answers.

Dr Leon Gouws of the GVI (a national oncology practice) said that they were "not involved in this matter... I have heard of this arrangement but am not privy to the actual arrangement". Dr Keith Maart, also of GVI said: "I have heard talk but I have not been approached in my capacity as practising oncologist or as a member of the GVI board of trustees and I am hence not able to comment either on or off the record." And Dr Coenraad Slabber, Pretoria, said: "There are a number of companies that provide software to oncologists, but I am not aware of any that pay oncologists to use the software. These programs are either free or we pay to use them.

"In addition, I do not think that any doctor would be so unwise as to accept payment for prescribing a specific company's products, or would accept payment for using a software program... We are well aware of the cut-throat battles for market share in the generics world, and view this as very beneficial to patients' medical aids, and doctors in general, as the price of drugs has dropped dramatically and is continuing to drop.

"Personally I find it very interesting how drops of more than 50% in drug prices are possible overnight when a bit of competition arises, and am only too pleased to do my bit to encourage competition. Accepting 'bribes' in any form is however not part of 'doing my bit', and I am not aware of any oncologist feeling any different."

The most interesting response, however, came from Dr Wayne van Niekerk of Gauteng Oncology: “We have no software package in place that we have to use and get paid for – especially not one that pre-selects which drugs we prescribe. What does regularly happen is that pharmaceutical companies offer us trips to various locations for various management or academic reasons. I suppose this is a form of bartering for our prescriptive power... We are certainly not paid anything to prescribe any one particular drug. However, what we do get on a nauseatingly regular basis is data collection companies that do interviews in an attempt to find out the trend of prescribing doctors and they then sell this to the drug companies. We obviously do get paid for our time for this – as it is really my time that I am selling whenever I practice.

“We do have a contract in place with Procyon to generate this data for us, to ensure that we no longer have to waste our time with the so-called interviews.

“We as oncologists are being forced to prescribe the cheapest possible drug in all aspects of our practice by both the medical funders and Icon (the Independent Clinical Oncology Network – an organisation that works to ensure lowering cost to medical aids by ensuring that we are only allowed to prescribe the cheapest, and sometimes inadequate, treatment to our patients. Maybe you should check them out??).

“This has led us to start using certain generic companies more than others based on price. There are many generic drug companies out there and they all want a piece of the cake. We choose the drugs we use both on price, service we get from the company, efficacy data and the corporate behaviour of the company and/or its reps... we have narrowed down the majority of the generic drugs into a formulary. There are at least 10 different generic companies on the list... so, as you can see, we do not only use 1 or 2 ‘selected’ companies – we use the drugs based largely on price.

“We have also chosen Procyon and the various generic drug companies based on their commitment to keeping costs as affordable as possible.

“However... more often than not, the pharmacy that a patient goes to merely substitutes the drug at will (despite us not wanting to use that particular drug for whatever reason). This actually

means we don’t have a lot of say about which generic the patient ends up ingesting – so every individual pharmacist is actually the person that is probably getting paid for fulfilling the ‘right’ prescription.”

Interesting for a number of reasons: An oncology practice that actually admits to doing business with Procyon and to being paid for the information it supplies, although no admission that there’s software that selects the drugs. A practice which says it has chosen “Procyon and the various generic drug companies” because of their commitment to keeping prices down – Procyon has nothing to do with cheaper drugs, Eurolab does, but the companies are clearly seen as one and the same. And interesting on a broader level, in that pharmaceutical companies do arrange jollies for doctors, doctors do feel that they have to prescribe “inadequate” treatments because they have to keep costs down, and doctors don’t have any say over what pharmacists eventually give to their patients.

There’s another aspect to the story. Dis-Chem has apparently designated Eurolab as a preferential supplier of oncology drugs in terms of a “formulary”.

We asked Dis-Chem’s Ivan Saltzman for comment on claims that this

was due to his friendship with Gabriel Simaan rather than for reasons of cost – we pointed out that, whereas Eurolab’s Stradexa oncology product retails for R986.10, Sandoz’s equivalent, Anastrozole, sells for R570 – a difference of over R400 a month, something likely to be significant for the average breast cancer sufferer using a product like this for five years.

Noseweek asked Saltzman whether what Dis-Chem was doing was illegal, because, as Lynne du Toit said in her email: “All pharmacies, including Dis-Chem, have a statutory obligation to dispense the cheapest generic medicine to patients.”

Saltzman’s response was careful. He ignored the question of his friendship with Simaan, saying: “My dealing with Eurolab is with Mrs L du Toit not Mr G Simaan”. He went on to say: “We use Eurolab drugs because of their ongoing commitment to be the least expensive and also because of their reliable stock availability...”

“Our drug list contains all generic companies whose prices to the public are the cheapest, not only Eurolab.”

On the issue of the Sandoz drug he said: “Eurolab has always been the least expensive in this molecule. For a period of 2 months over December and January, Sandoz lowered the price... I was advised that Eurolab responded and made an application to the Department of Health for a lower price... All pharmacies have a statutory obligation to dispense the cheapest generics only if it is available. In our experience, Sandoz Oncology products are either not available or erratic in their availability.”

And there our story ends. It’s a murky world this and we still don’t know exactly how the Procyon/Eurolab deal works, but we do know that the two companies work hand in glove, and that money is being dished out to oncologists.

Like Dr Slabber, we also find it interesting that prices of drugs can plummet when there’s some real competition. But then we all know that as prices plummet, the temptation becomes ever greater for competitors to find reasons (or offer financial incentives) for prescribers and dispensers to ignore price – or to “kill” their competitors by cutting off their access to the market (e.g. by persuading dispensers, including a major pharmacy chain, to prefer one brand above all others). ■

**As prices plummet,
the temptation
becomes greater
for competitors
to ignore price
by cutting off
competitors’ access
to the market**

How to print your own money

Lucrative copier sales to bribery-ridden Polokwane made Malema's mate a very rich man and ripped off the taxpayers

THE MD OF A WELL-KNOWN SUPPLIER of office printers in Polokwane, Limpopo, received a call at his office in July. "You are speaking to Phasha from the Thulamela Municipality," said a voice. It had been three months since the municipality in the former Venda homeland had called for tenders for the lease and maintenance of 23 multi-function printers, for which his company had put in a bid.

Phasha aroused no suspicion when he said his colleagues wanted to do a site inspection because the company had been shortlisted for the contract. But then the caller suddenly became furtive, asking the MD to phone him back on a certain cellphone number.

"Maybe we can work something out," he told the MD.

He immediately understood the phrase to be a euphemism for what has become common practice within municipalities and government departments in Limpopo when officials wish to negotiate a bribe or kickback.

Many a recipient of such a call would prefer to keep quiet about it, fearing retribution, while some businesses budget for the predictable bribe when submitting a bid for a tender, expecting at some point that they will be asked to "work something out".

Millions of taxpayers' rands are regularly forked out to pay for inflated tenders in this way.

When the MD phoned Phasha on his cellphone the next day, Phasha told him that his office phone lines were "wired". But wasted no time in making his intentions clear – unaware that this company recorded all calls.

"What can you offer because I want to give you this contract?" Phasha asked and then lamented the fact that the current supplier had betrayed them by not paying the full bribe.

A few days later when the two met

in the MD's office – an encounter that was also recorded – Phasha again mentioned the errant non-bribe-paying supplier whom he referred to as Jack. He said Jack had not paid the second instalment (of the bribe) to his colleague, a Mr Chauke... "So the problem came where Jack was supposed to give

him [Chauke] the other half after the contract, [but] he didn't give him [the money].

"He [Jack] started coming to work and telling [Chauke] 'You know what, if you keep on calling me, I'll tell them what you did'.

"And then he was given a contract



O happy day: Jacques Nell with his vintage Merc and ANC national treasurer Mathews Phosa

and then he started to threaten Mr Chauke, you understand?”

Back in 2011, the supplier of office printers to the Thulamela Municipality was Data Master Office Automation cc in Polokwane and “Jack” – as he was known amongst ANC cadres – was Jacques Nell, the company’s CEO who was exposed on the television programme *Carte Blanche* in November of that year.

At the time Data Master boasted on their website that they were the largest distributor of Xerox copiers in all of Africa. It was not mentioned that most of the 434 copiers they sold in 2010 had found their way to government departments and rural municipalities at hugely inflated prices.

Making up to R1 million profit in

Limpopo on a printer that retails for just R245,000 in Gauteng had become standard practice at Data Master.

According to *Carte Blanche*, the Capricorn District Municipality paid R7m over three years for Xerox printers – a hefty sum for a municipality with fewer than 300 households and with 25% of residents lacking formal education.

Data Master’s contract with the Limpopo Roads and Transport Department was financed for three years at around R14m – R400,000 per month more than the amount bid by Data Master’s competitors.

The University of Limpopo was always one of Data Master’s best clients: on one occasion the company made R3m profit on two copiers sold to the university. A cheque for R100,000 found its way from Data Master to the university’s trust fund. The university called it a generous donation from a service provider.

To help make sense of it all, a bit of history: Jacques Nell stood as a ward councillor for the ANC in the 2011 local government elections. He may have lost to the DA but that didn’t affect his close friendship with the then leader of the ANCYL, Julius Malema, who, with his cronies, was often seen at Data Master’s offices. (At the same time, Nell was also the chairperson of the Polokwane branch of the Afrikaanse Handelsinstituut, a onetime Broederbond front!)

Asked for comment after the *Carte Blanche* exposé, the flashy businessman and lay preacher who owns a flotilla of expensive cars, told a Polokwane newspaper that he “...only accounts to God”.

Back to the MD’s encounter with Phasha. Phasha told the businessman that his company was the preferred bidder to supply office printers but that Mr Chauke had said they must “get something”.

“... that is why I’m saying, how much can you offer, so we must know what we’re expecting from you, you know what to expect from us, you want a contract from us, at the same time we’re saying, how much can you offer?”

The MD refused to pay and wrote to the municipal manager at the Thulamela Municipality asking him to investigate the matter and to delay the awarding of the contract until such time as the investigation was completed. He did not receive a reply.

In the end, no official came to the company’s office to do an inspection and, needless to say, they didn’t get the contract. Instead it went to a company based in Mokopane, the former Potgietersrus.

The Thulamela Municipality officials told *Noseweek* they have no record of an employee called Phasha. They do have a Mr Chauke who is a clerk in Supply Chain Management. The cell phone number that Phasha supplied is 076 016 9450 but it is not Rica-registered, which is compulsory for everyone, as it is one of the government’s key crime prevention initiatives.

The cell number has “not been available” most of the time but phone records show that the SIM card is periodically used in different phones that are registered to other names and addresses in Polokwane.

Within 24 hours of *Noseweek*’s enquiry, Moses Tshiila, the communications manager at Thulamela Municipality, called to report that a suspect associated with “Phasha” has been identified and that action was likely to be taken against this person and Chauke “within days”.

For Jacques Nell, things started going pear-shaped in Limpopo last year. His friend, Julius Malema, fell from grace and the Hawks began an investigation into two of Data Master’s contracts with the Limpopo government. The DA’s provincial leader, Desiree van der Walt, filed charges. She read out an email in the provincial legislature, allegedly written by Nell to the ANC in Limpopo, advising them not to award tenders to certain companies because they work with the DA to discredit the ANC in the media.

Just before Christmas, staff arrived at Data Master’s Office to be told that the company was in liquidation. The 50 employees were told that the office would be closed with immediate effect and that salaries would not be paid for December – this, while Nell was enjoying a skiing holiday in France and a shopping spree at Harrods in London.

Rumours are rife in Polokwane that the former copier mogul has skipped the country as his wife apparently has a foreign passport. But his lawyer, Benno de Klerk, told *Noseweek* that Nell has moved to Pretoria where he is in the process of starting a consulting business. ■



Picture: Polokwane Observer

Cause for alarm

When they sign you up, security firm ADT say they will take under five-and-a-half minutes to respond to a call. Promises, promises...

By Helen Grange

IF HARRIET SHAPIRO OF CAPE TOWN HAD not been on a Skype call to her friend Ari Oliver, he wouldn't have known to call ADT Security when he heard a scream in the background. Their call was suddenly cut off.

As it turned out, Oliver's quick thinking, and the fact that Shapiro herself is a subscriber to ADT, made no difference at all. She still ended up becoming a victim of an armed robbery and asking herself afterwards, what the point was of having ADT Security?

The incident occurred on a Tuesday in February, shortly after 5pm. Shapiro lives with her elderly mother, who was the first to encounter three men, one armed with a gun, as they entered their home. Hers was the scream Oliver heard at the other end of the Skype call.

The men forced Shapiro's mother at gunpoint into the TV room, where they surprised Shapiro, busy on her laptop.

"They ripped off all our jewellery and threw us to the floor. They took the laptop and all the electronic equipment. We were then bound," says Shapiro.

During this time, an ADT guard had arrived at the scene, but did nothing to intervene.

"After the call cut off, I phoned the ADT call centre to alert them to something happening at my friend's home. The operator said he'd send a car. I called 15 minutes later to check, and was told a car had been sent but the guard couldn't get on to the property, so he was just standing around outside," says Oliver.

The situation got even worse. While the robbery was in progress, Shapiro's sister arrived to visit and, with the ADT guard watching – but failing to alert her to any danger – she walked straight into an ambush. "My sister got no warning of anything wrong. She walked right into the robbery, and was also tied up," says Shapiro.

Once the robbers had left, Shapiro managed to untie her arms and press the panic button. Within minutes, the Flying Squad arrived.

"An ADT guard was still there, but he refused to come into the house to help as we untied ourselves," says Harriet.

In trying to understand what arguably amounts to criminal negligence on ADT's part, resulting in an ordeal which could have been averted – for Shapiro's sister at least – Oliver, Shapiro and her insurance company have been trying to piece together what unfolded, and why the security firm's guard took no action.

Oliver's first call, it transpires, was regarded as "a possible hoax".

"Afterwards the officer told me they get a number of hoax calls, and they thought mine might be one of them," says Oliver. Nonetheless, a patrol car was dispatched, though it seems the guard was not informed of a possible armed robbery in progress.

A customer service officer at the ADT

**The ADT
waiting game
is complained
about endlessly on
hellowpeter.com**



call centre has since admitted to the negligence, and apologised to Shapiro, she says.

Asked by *Noseweek* to comment on this incident, ADT declined. Rob Dale, MD for ADT Security Western Cape, cited "privacy policies" that restrain ADT from shedding light on the incident.

Yet the question remains: what is the point of subscribing to ADT, or any other security service, if their guards won't intervene in crime situations, even when the alarm has been raised?

One complainant on *www.pissed-consumer.com* wrote on April 26, 2012: "ADT allows alarms to go off for hours on end and does nothing. It started at 3pm and it's now 1am. I've phoned them three times because the alarm goes off every 15 to 20 minutes.

"Apparently, if someone's alarm goes off, the only thing that they can do is phone the owner. That's it. I know this is a bit harsh, but imagine if the owner was tied up or dead inside the house? Do you think that they would be able to turn their alarm off?"

The consumer website *www.hellowpeter.com* also has a slew of complaints against the company. One subscriber from Northcliff, Johannesburg, whose house was burgled on February 27, says: "The alarm system was activated at 11:15 as the burglars broke through the front door. ADT's call centre phoned me and I asked them to dispatch a

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How ADT would like you to see them

guard to my house. They only phoned me back at 11:40 to inform me that the guard is on site and that the house was burgled. I trusted ADT to react quickly when my alarm was activated, yet their poor response times gave sufficient time for the burglars to take nearly all the valuable electronic equipment from my house, and get away with it.”

Gerdus Jacobs, from Sophiatown in Johannesburg, writes: “This afternoon at 2pm I was called by a neighbour and told that there was a burglary in progress at a house close by. I called ADT and asked them for a vehicle to be dispatched to my house to check, as I was not at home.

“I then rushed home only to find that ADT never pitched. I waited for 30 minutes and still there was no one there. It is now 6:58pm and up until now there has still not been anyone from ADT at my house, nor have I got any calls back from them. What do I pay ADT for?”

There seems to be no improvement in the follow-up service. For an insurance claim to be settled, the insurers want an incident report from ADT reflecting how they responded from the first alert.

Over a month later, Shapiro and her insurance company are still waiting for the report. Perhaps understandably so in this case, given the less-than-glowing account it will have to produce.

The ADT waiting game is complained

about again and again on *helloworld.com*, particularly in respect of administration matters, like terminating debit orders or following up on alarm installation or repair requests.

“I am always put through to technical assistants who cannot rectify the problem, or I’m put on hold indefinitely until my call drops,” writes Kate from Cape Town.

“Ironically, to each *helloworld.com* complaint, ADT submits a stock response with the undertaking that the complaint has been “communicated to our Management Team, and you will be contacted by someone today”.

Disgruntled customers also complain that guards will no longer jump over the wall of the property if they’re called out, with one complainant charging that this passive approach is now ADT policy in the Durban area.

In Shapiro’s case, she heard the phone ringing and assumed it was ADT, but being tied up, she couldn’t answer it.

Attempts to get ADT to elucidate on its modus operandi also drew a blank.

“We believe that the disclosure of operational procedures presents a safety risk to our staff members in the field and could possibly also jeopardise the security of our clients.

In this regard we respectfully decline to provide information,” comments Roy Rawlins, MD of residential and small business for ADT.

What is known is that ADT has been bedevilled lately with staff problems, and Shapiro said that the customer service officer she dealt with had confirmed there was an “issue” with the guards at the Cape Town unit that “needed to be sorted out”.

In October, about 50 ADT guards went on a wildcat strike in protest at video cameras being installed in their patrol vehicles.

“Those guards on strike are against cameras being installed in their cars. The crazy thing is that the cameras are there to protect them and assist them, rather than monitoring their work performance,” said Kirstenhof Community Police Forum chairman Geoffrey Fox at the time.

The problem with weak links in this particular industry is that it ultimately means subscribers’ lives are being compromised. And preventing that is precisely what they’re paying for. ■

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Historic club threatened by membership row

THE MONEY'S RUN OUT AND THE LIGHTS are flickering at the Cape Town Club, one of the Mother City's oldest institutions. All this has emerged after the membership of former chairman Donwald Pressly and corporate governance expert Martin Hess were suspended after they asked some robust questions about the club's financial state – and, sin of all sins, telling some non-members about it.

The Cape Town Club is situated behind the equally historic Mount Nelson Hotel, in a 19th century manor house originally owned by the Hofmeyr family. It came into being as the result of the merger in 1976 of the City Club, founded in 1878, and the much older Civil Service Club, founded in 1858.

These clubs were where the wealthy, and politically connected of a previous age met in an atmosphere of all-male conviviality; where a gentleman's word was his bond; and where a certain decorum was upheld – that is, if you ignored the fact that women and “other races” were not welcome.

While the bar to females and “other races” has long since been lifted, in reality, little has changed on that front.

Strife boils as rival groups battle over finances and survival plans for preservation of national treasures collection

But, recent events suggest that the old conviviality and decorum have gone, together with the cigars and the red leather weighing chair.

It all began when, last year, a group led by Pressly and Hess began questioning the business model adopted by the club (which had long been running at a loss) and proposed a membership recruitment drive – a move that the “old school” board found just too shocking and vulgar.

At a special meeting in September, the board countered by proposing a 30% increase in membership fees, from around R8,000 a year for “town members” to R12,132. Finance board member James Sedgwick argued that he had no alternative; the club already owed creditors R1.5 million. Either members accepted the massive hikes, or the club would close.

But the doubling in fees in 2012 had already seen town membership – the most expensive membership category – plummet from about 100 to 68.

Those opposing the increase pointed out that the club provided little other than a bar and a restaurant which was often empty, and that there were frequently more staff in attendance than



Facade: Classical Edwardian elegance masks furious dissent

members or their guests.

When the club moved to Leinster Hall in 2002 it had reserves of several million – the profits from the sale of its old property on Queen Victoria Street – but these had been used in the intervening years to cover the annual shortfall in membership fees. By last year there was nothing left.

When their proposal to increase fees was voted down by 22 votes to 17, the board went ahead and imposed the highest increase it could in terms of the rules of the club: a 20% hike.

This was greeted with outrage as the board appeared to be achieving by decree what the members had voted down.

Hess and Pressly – who happens also to be current chairman of the Cape Town Press Club – signed a letter to members calling for good governance, transparency and respect for the wishes of the members of the club. It was emailed to an address list that happened to include not only members but also a group of non-members who regularly use the club's facilities.

A fatal slip: they had “communicated club affairs to non-members”.

The board took action against the dissident group – known as “The First Club Table” – by targeting its leaders, Pressly and Hess, for suspension and disciplinary action.

There was no doubt about the club's dire financial state: by December it was running at a loss of R100,000 a month and club manager Eugene van der Westhuizen had not been paid his salary for two months.

At the last minute, former club chairman Graham Choice came to the rescue with a R500,000 loan, secured with a lien over the club's property at Leinster Hall – a smart move because Sedgwick had told assembled members in November that the club would be “corporatised”: ultimately it would sell off its land and building, which is believed to be worth at least R12 million, to a property company owned by shareholders.

The club would rent the premises from the property company.

The row continued with board member (and attorney) Reynhard Carelse calling Pressly “deviant” for refusing to accept his barring from the premises and attempting to attend the November report-back meeting.

Hess and Pressly subsequently resigned from the club, as did 20 of the 68 town members, largely in protest at their treatment by the club management, but also because of the massive fee hikes. This year's fees were supposed to have been lodged by February.

The future of the club looks precarious at best. But the more crafty among the remaining members may just end up with control of a fine and valuable property – after they switch off the lights of the club forever.

● As *Noseweek* went to press, members received notice of a Special General Meeting of the Cape Town Club to be held at the Clubhouse on 25 March at 6pm. Amongst the proposals on the agenda is one dealing with the manner in which the dissolution of the club is to be effected.

Another seeks to authorise the board to “instruct the trustees to offer for sale the club's interest in Leinster Hall (Pty) Ltd which owns the land and buildings on the basis that the property will be leased back to the club on mutually acceptable terms.”

The anonymous author, presumed to be Sedgwick, then appends a note, headed Private and Confidential, Information Strictly for Members Only, in which he gives his view of recent events:

“Members' subscriptions have always been too low. Instead of members reimbursing the club via a levy, one committee after the other, unprepared to deal with this truth, simply passed the problem to the next.

“Equally pitiful is that members either did not recognise its ultimate outcome, or they wilfully avoided objecting, while they used the facilities without paying for them in full.

“Perhaps this explains how such a subversive and disruptive group of people – who evidently neither understood the ethos of our club, nor were they loyal enough [*nor wealthy enough?* – Ed.] to sustain their membership in the face of a more apt level of subscription – could gain entry to the club in the first place. [*That's what comes of fraternising with the lower classes.* – Ed.]

“It is a sobering thought that for this club to continue to operate at a level of service that qualifies it for international reciprocity, it will in future be obliged to charge members a subscription to cover annual total expenses as more fully described below. It is the only way prestige clubs – such as this one is – can survive.”

Elsewhere in the memorandum he optimistically notes that the club might also be saved by a major benefactor – as the old City Club once was by Cecil John Rhodes.

(Oh, for the good old days!)

Last year the club had 244 paid-up members. But by 5 March this year, its paid-up membership had dropped to just 121. ■

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Trust me, I'm a doctor

Despite an avalanche of previous convictions for malpractice, an ex-con medic has been reinstated as a GP. By **Gavin Foster**

PERHAPS THE HEALTH PROFESSIONS Council of South Africa (HPCSA) took to heart too readily the old adage that justice should be tempered with mercy when, in July 2008, they reinstated Dr Ferdinandus Booyens as a general practitioner. Or maybe they just didn't bother to delve too deeply into what he'd been up to during his years in the wilderness.

Booyens didn't attend his 1994 South African Medical and Dental Council disciplinary hearing because he was practising medicine in Canada – under a bogus Certificate of Good Standing, supposedly issued by the SAMDC (forerunner of the HPCSA).

He had jumped bail and fled South Africa to escape trial for a long list of serious criminal offences. Interpol got involved, and while the good doctor was awaiting deportation to South Africa, the disciplinary hearing before his professional peers went ahead in his absence. (This was convenient for the council because, after Booyens was struck off for disgraceful conduct in 1994, the SAMDC could disown him and play as minor a part as possible in the subsequent criminal trial.)

Booyens lawyers at the SAMDC hearing intimated they would fight tooth and nail to defend him, but did a sudden U-turn when the police investigating officer arrived with a bulging briefcase relating to further pending criminal charges. They then changed the plea and on his behalf admitted guilt on all charges:

- Inaccurate and fraudulent accounts rendered;
- Performance of medical procedures for which inadequately qualified;
- Falsified certificate of status;
- Found guilty of fraud and interfering with a state witness;
- Possession of and dealing in illicit drugs and/or possession of or dealing in forbidden substances.

Booyens's criminal trial in 1995 dominated Durban headlines for months. Readers learned about a doctor who spent his free time hanging out with the low-life drug addicts whose habits he fed.

They heard how he performed illegal abortions and, much worse, sent two young girls to a Port Shepstone backstreet abortionist called Jimmy Watts. Both those girls survived but after the death of another patient, the abortionist was criminally charged.

Booyens once sent his thugs out to bring in one Adrian Anquetil, an ex-friend who had given evidence against him in a trial over a fraudulent car insurance claim. The thugs then severely beat and kicked Anquetil in Booyens's flat before trying to break his fingers to teach him "a lesson". Booyens then injected the man with Dormicum, a powerful sedative used in surgery that as a side-effect causes retrograde amnesia, which also makes it very useful as an agent for date rape. When Anquetil regained consciousness in a dockyard alley the next morning he believed he'd been mugged, and only heard the truth when Booyens' crew spilled the beans in the run-up to the criminal trial.

In the end Booyens pleaded guilty and was convicted on six counts: one of performing an abortion; two counts of procuring an abortion through Watts; one of assault with intent to do grievous bodily harm, relating to the An-

quetil incident; and two counts of sodomy with boys aged 16 and 17. At the time, the age of consent for homosexual acts was 19, so Booyens was lucky not to have faced more serious charges. He was sentenced to eight years' jail but, curiously, was released to finish his term under house arrest after serving just nine months in Westville prison.

Fast forward to 2002, when Booyens again appeared in court. "Guilty bogus doctor gets R10,000 fine for fraud" said East London's *Daily Dispatch*, in a story that revealed how Booyens was charged with fraud, forgery, unlawfully practising medicine and unlawfully treating a patient in contravention of the Health Professions Act. Booyens had taken up a position in Mthatha as a locum at Dr Toon Theron's practice under the assumed identity of a Durban doctor, Allan Busch, using bogus papers, including copies of the real doctor's degrees from Wits Medical School. Dr Theron was unimpressed by the newcomer's medical skills, so he tracked down the real Dr Busch and discovered he had hired an impostor.

Booyens was sentenced to four years' imprisonment or a R10,000 fine, of which R2,000 was suspended. In mitigation his lawyer, Arnold Immerman, stressed that Booyens was not a bogus doctor because he'd qualified at Stellenbosch in 1985. No mention of his previous criminal history was made during the trial and the investigating officer,

Booyens didn't attend his South African disciplinary hearing in 1994 because he was practising medicine in Canada – under a bogus certificate

Tollie le Roux, produced a letter from the HPCSA stating simply that Booyens had been struck off for performing illegal abortions. With abortion having been legalised after 1995 that was no longer a major issue. Procuring abortions was another matter but that and his various other criminal convictions were not raised.

A week after Booyens's Mthatha conviction, the *Daily Dispatch* ran another story on him. It claimed Booyens, working under another assumed identity, was linked to the disappearance of Pethidine from the Empangeni medical practice of Dr Hannes Naude a year earlier.

By the time the police called, Dr Naude had already fired his locum (who on that occasion had assumed the identity of a Dr Johan Botha) after the Pethidine stock started disappearing at an alarming rate. "I suspected him, and one of my receptionists sneaked out to check his car boot," Dr Naude told *Noseweek*.

"When she came back she told me that it was full of Pethidine and other Schedule 7 opiates. I told him to go away and get himself sorted out, and only later found out his name was actually Booyens and he'd been bust."

His brother, Thys Booyens of Queenstown, told the *Daily Dispatch* that Ferdinandus also faced charges for working as a doctor with a stolen identity in Middelburg.

"Why he did what he did I do not know," he told the newspaper, "since he was waiting to be reinstated by the Health Professions Council." Thys Booyens told the paper that his brother had other wealthy siblings who had "bailed him out" of the Middelburg pickle. We've checked: there's no evidence of a trial or a conviction in the latter case.

Booyens may be a menace to society, but he's not the real villain of this piece. That honour goes to the Health Professions Council of South Africa.

When *Noseweek* discovered in 2010 that Booyens had been reinstated as a doctor in May 2008, we asked whether the panel had been fully aware of his track record. There followed weeks of telephone calls and e-mails, with little in the way of a straight answer.

Their senior manager: public relations and service delivery, Bertha Peters-Scheepers initially confirmed that

Booyens had indeed been reinstated, but said he had been allowed to register for "non-clinical purposes" only and could thus not deal with patients. Despite repeated requests, she could not tell us what evidence the council had taken into account when reinstating Booyens.

Noseweek sent the HPCSA various links to online news stories about Booyens and provided them with the telephone number of Captain Kevin Gierke, the case investigator in Durban at the original trial, but still no response.

Noseweek asked whether the HPCSA was concerned about how easily Booyens had acquired a genuine Certificate of Good Standing prior to his flight to Canada, and whether they had ever investigated the source of all the other seemingly genuine documentation he'd used to set up shop under his various false names.

There was no response to that, but *Noseweek* did receive an email as follows from Bheki Mbhele, general manager: professional boards at the HPCSA: "There is a detailed application which was submitted to the board in 2005 for restoration, in which the doctor makes a case for the committee to consider his application positively. There is no evidence in the practitioner's file that new information (complaints, reports, etc) came to the council after 2002 about the doctor that warranted a new investigation."

Dr Ferdinandus Booyens' profile on LinkedIn reflects him as a Principal Medical Officer with the Department of Health in Bloemfontein, a post he held in 2010. *Medpages.co.za* today reflects him as a General Practitioner/Medical Officer in the paediatric section at Kimberley Provincial Hospital.

At the instigation of *Noseweek*, two women called the paediatrics department to ask about making appointments for their children to be seen by Dr Booyens. In the first instance, the woman at reception told her: "Sure, just bring him in."

A few days later the second caller rang to make an appointment with a doctor in the paediatric section. Asked which doctor she wished her child to see, she gave Booyens's name and was put straight through. When he began questioning her about her child's ailment, she hung up. ■



Dr Ferdinandus Booyens – about 15 years ago

Wind farms: great for banks, bad for birds and burghers

Overberg residents accuse developers of steamrolling objections to an energy generation project and failing to conduct proper consultation

MOST RIGHT-MINDED PEOPLE FEEL that renewable energy initiatives should be encouraged, yet in the case of wind farms, they come with all sorts of problems: they're bad for tourism – being both ugly as well as noisy – and bad for birdlife, because those massive turbine blades are lethal.

Wind farm projects tend to be motivated by profit rather than any desire to save the planet (see *nose142* which showed that banks like Investec see money to be made in wind farms and their carbon credits).

Wind farm developments seem to follow the same course as other property developments – although the developer needs to go through all sorts of hoops because of South Africa's comprehensive environmental legislation, the environmental approval thing is a farce, a case of form over substance.

On the farm Langhoogte in the picturesque Overberg between Bot Rivier and Caledon in the Western Cape, there are 45 towering wind turbines 160 metres high.

Other than the handful of people who registered as Interested and Affected Parties (I&APs), when notice of the development was first published in the local paper, few locals seem to know anything about it.

The I&APs were recently invited to an open day to hear about the final draft Environmental Impact Assessment report, prepared by a company called Gibb on behalf of the developer, Sagit Energy Ventures. The way the I&APs tell it, the message at the meeting was pretty clear: you have the right to object but you're wasting your time, because this thing is going to happen.

They were also told that they would have just one week to file their objections to the 1,600-page report.

Objections have been filed by certain people who live in the area, including bookshop owner Noel Hunt, Greyton resident Brian McMahon, and Dr Stuart Shearer. Some of the submissions are remarkably detailed – and probably pitched over the heads of those who are supposed to read them.

The objections touch on a range of issues and birds feature prominently, with concerns expressed that the giant blades and the necessary power lines will pose a serious threat to the national bird, the Blue Crane. Found almost exclusively in South Africa, half of that population (some 1,000) choose to make the Overberg their home.

The objectors say:

- It is unacceptable to submit an avifaunal report that is deficient and incomplete and simply blame this on "budget restrictions";

- It is unacceptable to admit that power-line collisions will be significant yet provide no solutions other than some unexplained "bird flight diverters";

- The report doesn't recognise that siting wind farms close to dams is particularly problematic for a bird that roosts in water bodies;

- On the issue of offsets – a term much loved by EIA types – the objectors are scathing: "It is difficult to imagine what possible offsets could be conceived to compensate for the probable population, regional and national level mortality of Blue Cranes."

The objectors have copied this aspect of their objections to BirdLife SA, but as *Noseweek's* earlier story pointed out,





that worthy organisation – which has Investec as a major sponsor – does not get too vexed about wind farms.

- Dealing with the issue of vegetation, the objectors say proper botanical studies should be done and that turbines ought not to be built in or near Renosterveld. They point out important inaccuracies in the report, for example the incorrect reference to Kogelberg Sandstone Fynbos as “least threatened” vegetation, when it is in fact on the “critically endangered” list.

The objectors have much to say about the likely impact on tourism.

- Says Hunt: “The integrity of the existing pristine landscape so eagerly sought after by overseas tourists will be severely compromised by the unsightly towers carving up the landscape.”

- McMahon is even more direct: “One would have to be brain dead, or attracted to wind energy for various other reasons, to seriously believe that the presence of a wind farm in an environmentally unsuitable area would not have an adverse impact on tourism. The expectation that enough tourists would visit wind farms out of curiosity or as followers of a “green” credo, to make a contribution to the economy is considered to be propaganda.”

- The objectors spend some time on noise pollution, referring to an editorial

The objectors criticise wind energy as unreliable, intermittent and variable

in the *BMJ (British Medical Journal)* which says: “a large body of evidence now exists to suggest that wind turbines disturb sleep and impair health”. They point out that various countries have now legislated a set-back of at least 2km.

- The objectors complain that all sorts of impacts haven’t even been considered, including traffic, turbine access roads, and fire hazards. They suggest that the development will create no new employment.

- And they’re critical of the fact that, although there is a suggestion of some sort of benefit to the local municipality, Theewaterskloof, in the form of a 25% shareholding in the project – entitling it to dividends – there is no detail on what this is all about and how the purchase of the shareholding will be financed.

- One thing that really irks the objectors is the lack of public education and participation. They point out that their comments made after the final Scoping report were ignored, despite the Guidelines on Public Participation saying that issues raised by I&APs must be addressed “in an objective manner and that, where they are not so addressed, reasons for this must be provided in the IRR”.

- McMahon says: “Considering how important this subject is going to be for at least 25 years to residents, visitors and tourists, it is deplorable that decisions are being made to locate wind farms in prime agricultural and rural areas with embryo tourist destinations nearby without a proper democratic public participation process.”

- Objectors also criticise wind energy itself, saying for example that it is unreliable, intermittent and variable; a means has yet to be devised to store wind-generated power, which means that backup from conventional sources is always required. They suggest that solar would be a better alternative.

The company behind the development, Sagit Energy Ventures (directors Mich Nieuwoudt and Philip Schabort) sent *Noseweek* a detailed and condescending response. Nieuwoudt suggested *Noseweek* would not be able to deal with a 1,600 page report in a few days – although he didn’t explain why potential objectors were expected to be able to do this. He said that national government policy was in favour of

wind farms and suggested those opposed to wind energy should debate the matter with government.

He gave a long explanation about the Renewable Energy Independent Power Producer Programme (REIPPP), government contracts with independent power producers and the achievement of Socio-Economic Development Goals... funding coming from banks and investors in a 70/30 ratio.

On the issue that troubles many people – that the Environmental Assessment Practitioner (EAP) who produces the report on which the government bases its decision, is employed by the developer – Nieuwoudt had this to say: “The EAP is not in the employ of the developer, nor is the developer the client of the EAP. The client of the EAP is ‘SA Inc’, although the developer must carry the cost.” Reassured?

Dealing with Langhoogte, Nieuwoudt said that Gibb appointed independent specialists in 11 areas: birds, bats, wetlands, agriculture, noise, ecology, heritage, visual, economic impact, social impact, and sustainability. And yes: “All the specialists produced positive recommendations for the wind farm.”

Dealing with the relationship between the developer and the local municipality, Nieuwoudt made no men-

US research suggests that the power capacity of large-scale wind farms may have been significantly overstated

tion of any shareholding, simply saying the relationship with Theewaterskloof District Municipality was “strictly professional”.

More particularly, on the issue of whether a certain municipal official may have been particularly keen to get the municipality onside, he said: “Mr Jan Visagie was a senior planning official in the municipality in the early years of the project and Sagit Energy Ventures (SEV) engaged with him at the time. He subsequently left the employ of the municipality and joined another wind developer who happened to be in competition with Langhoogte. There is currently no contact between SEV and Mr Visagie.”

As for what the owner of the farm stood to gain, Nieuwoudt said: “The financial arrangements between SEV and landowners are a contractual matter between the parties and as such SEV cannot reveal the details. Landowners will be able to continue with unfettered farming activities once the wind farm is in operation while enjoying improved physical security.”

Certainly a suggestion there that farming operations will be affected.

Nieuwoudt was vague about the socio-economic or community benefits. He said the BBEE partner for this development was a Treasury Trust which will own shares in the project:

“The beneficiaries of the Trust will be Organisations in the local previously disadvantaged local community. No cash will be distributed to individuals and all expenditure will be in terms of approved programmes and projects... The contributions to the community by the proposed wind farm over the life of the project is measured in the hundreds of millions of rands.”

The environmental assessment company, Gibb, had far less to say. Predictably it wasn't going to tell *Noseweek* what it stood to earn from this project. On the issue of independence, Gibb and the 11 sub-contractors, had signed “declarations of independence”.

In response to *Noseweek's* question on how much experience the company had in wind farms, and how often it issued negative reports: “GIBB is and has been involved with in excess of 10 wind farm projects... the vast majority of all EIA applications submitted result in positive authorisations, albeit with design modifications and mitigatory action...”

Theewaterskloof chose not to respond to *Noseweek*.

Business Day reported on a renewable energy conference on 20 February, and said the “sod has been turned” on eight wind power plants across South Africa “in recent weeks”; that investors were “clamouring” to get involved; and that South Africa was now benefitting from the importation of “very mature” technology from abroad.

Contrast this with recent US research, reported on 27 February, in www.health24.com, that suggests that “power capacity of large-scale wind farms may have been significantly overstated”. And British Prime Minister David Cameron has publicly stated that wind farms built across the British countryside have been “over subsidised and are “wasteful of public money”. Cape Town consulting engineer Terry McKenzie Hoy, writing in *Engineering News* has referred to “thousands of abandoned wind turbines littering the landscape of California’s ‘big three’ energy locations... “over 14,000 turbines are simply abandoned, spinning post-industrial junk which generates nothing but kills birds”.

Let's hope the rage for wind turbines is not another case of the developed world foisting what it has discarded on the gullible of South Africa. ■



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Nerds would notice the difference

THE CHAIR OF INTELLECTUAL Property Law at the University of Stellenbosch hosted a public lecture in March titled “Apple v Samsung: The Design Wars”. The speaker was Professor Charles Gielen, an academic and a practising lawyer from the Netherlands, and a man who was part of Samsung’s legal team in Apple v Samsung litigation in his country.

The tablet wars have been fought on many fronts (in the US, South Korea, Australia, much of Europe) and have gripped the public’s attention because they’re about something that we all have or want – the Apple iPad and the Samsung Galaxy.

The good professor did what all lawyers do so well: he made something simple sound immensely complicated. What he could have said was this:

Apple and Samsung have been at each other’s throats for some time because the money at stake is astronomical. Apple started the hostilities when the Galaxy started outselling the iPad, but Samsung fought back fiercely.

Some of the court cases have dealt with the technology behind the products (patents), whereas others have dealt with their appearance (design registrations).

The US case concerned a patent infringement, and it dealt with claims that Samsung had infringed certain technical features, for example, the so-called “bounce-back response” which makes lists jump back, the “pinch-to-zoom” feature which can be used to magnify images, and the feature that allows the user to zoom into text by tapping their finger. Apple won on these points and was famously awarded damages of US\$1 billion (since halved).

A number of the cases in Europe dealt with claims that Samsung had infringed EU design registrations relating to the appearance of the iPad. The professor concentrated on these cases. EU design law is all about a mythical person called “the informed user” and to get a valid design registra-



The Samsung-Apple tablet wars. The good professor did what all lawyers do so well: he made something simple sound immensely complicated

tion in the EU, you need to show that your design is new and that it has an individual character.

(A design has an individual character if the overall impression made by the design on an informed user differs from the overall impression made by other existing designs.)

Once you have a registration, you can stop a competitor making products that incorporate that design. A product incorporates a registered design if it makes the same overall impression on that same informed user.

Apple claimed there were several features of overlap which would result in the Galaxy’s making the same overall impression on an informed user as the iPad. But Apple lost more cases than it won. (It lost the case in the Netherlands, where the professor had his mo-

ment in the sun.)

The courts found that the Galaxy would not make the same overall impression for a number of reasons.

For starters, Apple’s rights weren’t that wide because there are many similar designs out there, leaving very little in the way of design freedom.

On top of that, the informed user (who’s basically a bit of a nerd) would compare the products very closely, side-by-side, noticing small differences.

Differences like the brand names, the fact that the Galaxy is thinner, and that the Galaxy has decorative features on the back.

And, in the memorable words of the UK court, because the Galaxy is not as “cool” as the iPad.

Clarity from complexity – it’s why you read *Noseweek!* ■ n



Directions. Another Biko points the way to a brave new South Africa

THE PUBLICATION OF HLUMELO BIKO'S BOOK must have been a marketing dream for his publishers. Just being the son of near-mythical Black Consciousness co-founders Steve Biko and Mamphela Ramphele was enough to attract attention. And publishing the book around the same time as his mother announced the launch of her organisation Agang ("Build") – whether coincidentally or otherwise – was bound to further raise interest in what he has to say.

The Great African Society does not disappoint. It is a thoughtful contribution on many key issues – from the collapse of the education system to growing poverty, to rampant corruption.

Says Biko (35), executive chairman of Spinneraker Growth Partners, an investment and advisory firm, "About three-and-a-half years ago, there was quite a lot of debate – about nationalisation; is BEE working?; what do we do about education? ...huge debates I was missing out on, so I started doing research to get my head around some of the issues. Out of that emerged a kind of mini-thesis in my head... I decided: Well, actually I don't just want to read; I want to write something."

Biko believes that the background of his parents placed a particular obligation on him to contribute to discussions on South Africa's future.

Steve Biko was, of course, the inspirational leader of the South African Students' Organisation (Saso) and the Black People's Convention (BPC). He died in September 1977 after being brutally assaulted by police while in detention.

Ramphele was also active in Saso, and became chairperson of the local branch while a student at the University of Natal's medical school. She became involved in the BPC as well and was subsequently banished to Tzaneen in April 1977. When Biko died, she was pregnant with Hlumelo.

The Great African Society is Biko's latest effort to make a contribution to South Africa. He sees "massive" social challenges and says "Marikana, De Doorns and other friction points in society have made it impossible to remain complacent."

He offers specific proposals. These include a social investment fund, which he calls a Re-Engineering South Africa Fund, to address some of the urgent socioeconomic problems. He suggests the private sector contribute R500 billion to this (about 10% of the market capitalisation of the JSE at the time he wrote the book), and proposes that it be invested in primary healthcare, school

education, urban housing, skills training and small and medium-sized businesses.

"The private sector is tired of being asked to give money to a fiscus that takes a long time to spend." Biko says the private sector wants to partner and he believes a re-engineering fund offers a viable mechanism. He points to the National Development Plan as an indication of a similar line of thinking in government.

Another proposal is what Biko refers to as a Silent Truth and Reconciliation Commission on Corruption. This entails declaring an amnesty period of 12 to 24 months for those employed in government who own up to being involved in corrupt activities and resign voluntarily. In return, he suggests they retain their employee benefits subject to conditions, including never again working in government. He says a degree of leniency is necessary considering the scale of the problem. Some estimate the figure lost to corruption in state procurement alone at R25-R30bn. After such an amnesty, he says, government must adopt a zero-tolerance approach to corruption.

Biko also emphasises the role of education in improving the quality of life and he advocates establishing what are known as charter schools which "are happening all over the world where there are huge backlogs in public sector schooling and a need for private sector individuals to participate in resolving some of those backlogs".

"We have a private sector that is energised and prepared to help. We have to create the proper environment that allows them [to do so]."

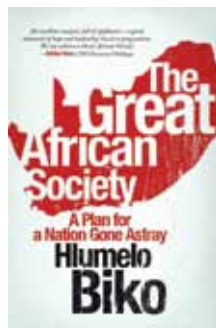
Biko blames South Africa's many economic and political problems on compromises made during negotiations before the 1994 elections: "It was a settlement driven by the elite on both sides. We have to re-engineer the way our society is run."

He believes the ANC must reinvent itself to become relevant – "to get closer to its constituency".

Refocusing attention on the need to restructure the economy is a central objective of the book.

Suggestions in *The Great African Society* about a way forward sometimes verge on being overly idealistic. Yet there can be no quibbling about the motives behind Biko's intervention: "I'd like the reader to have a clear idea of how we got to where we are; a clear view of the central perspectives held in business and government; and some excitement about the role they can play to get [South Africa] to the next stage." ■

**THE GREAT
AFRICAN SOCIETY:
A PLAN FOR A
NATION GONE
ASTRAY**
(Jonathan Ball)
by Hlumelo Biko





King takes queen. Anne Boleyn's fate makes for perfect holiday whodunnit

THOSE WHO READ OF HILARY MANTEL'S EXTRAORDINARY outburst against the Duchess of Cambridge recently could be forgiven for thinking that the celebrated author was a woman of a certain age gone barmy.

Ms Mantel sank her fangs into the pregnant young royal, describing her sneeringly as a "perfect" princess who appeared to have been designed by a committee. Odd behaviour from the writer who had just been declared winner of the Man Booker Prize, whom one would have thought might be wreathed in smiles and loving generosity as she luxuriated in glory and dosh. A cynical commentator remarked: "Remember, she's got books to sell." Very true.

And, oh boy, is she selling. It was impossible to find a copy of *Bring Up the Bodies* in vast tracts of South Africa during December and January. Which is a pity, because the dark tale of Henry VIII's wicked chopping of second wife Anne Boleyn is the perfect holiday whodunnit. Yes, "whodunnit" is the appropriate term, despite the official historical records.

Mantel points out that documentation of the events surrounding Queen Anne's ouster is remarkably rare and astonishingly uninformative. There has, clearly, been a cover-up. And a fascinating one at that.

So our royal-watcher makes the reader a "proposal": she offers her own profoundly intriguing theories as to what led to a bloodbath because the queen committed the crime of failing to provide a male heir to the throne.

How ironic that Mantel should lay into the duchess at precisely the time when Britain has decided to amend the ancient laws of succession and permit a first-born royal female to take precedence over subsequent male issue.

Henry must be raging in his tomb.

After all the bloody trouble he endured (well, his wives and kingdom endured, mostly) in failed efforts to father a boy, the descendants go and break the rules. Mantel's genius persuades the reader to sneak after her into creepy castles where dangerous power-plays and secret manoeuvring undermined Henry's reign.

Feminists today may be baffled by the male heir issue, but thus it was. No boy, no future for the Tudors. No male heir, and sinister foreign princes would try to force a new dynastic marriage on a female English heir. Next thing you

BRING UP THE BODIES
(Fourth Estate
-HarperCollins)
by Hilary Mantel



Jonathan Rhys Meyers as Henry and Natalie Dormer as Anne in the TV series *The Tudors*, an everyday tale of ordinary bloodthirsty royal folk



know, Portuguese nobles (or, horrors!, French ones) would buy up all the best property in the land and honest Brits would be overrun by folks who talked funny. Henry, thou shouldst be living at this hour.

Mantel gives you the smells, the textures, the warts-and-all of vivid 16th Century highlife. Her characterisation is eerily convincing. One would swear that the woman had actually eavesdropped on the murderous whispers of powerful courtiers.

The lower orders hardly figure. Even Henry's great *eminence grise*, Thomas Cromwell, astute narrator of the tale, and a power in the land, confuses the nobles because they are unsure how to address this commoner, who is not a servant or a peasant.

Cromwell, son of a blacksmith, rose to great heights through tough-minded perseverance, brilliant intelligence, and unswerving loyalty to his king. It is unnerving but fascinating to accompany him on his cunningly intricate political rounds. Just don't step in the blood. ■



Feet of clay. Get those poncy sports stars off their pedestals – give us real heroes

IN THE FIRST FEW WEEKS FOLLOWING the killing of Reeve Steenkamp there was plenty we didn't know, but two things had been proved beyond all reasonable doubt.

The first was that, when it comes to sociopathic scandal-mongering, certain sections of South Africa's media can compete with the foulest in the world. Whatever good Media24 does in the future, it will never be able to redeem an article titled "News24 trumps rivals on Oscar shooting", a gloating little press release about how Media24's voyeurs had beaten competing voyeurs in the race to publish salacious details of how someone's daughter was shot to death in a toilet. E.tv also covered itself in pig shit, piously reporting on a "media circus" while erecting the tent-pole with every fresh report.

The second thing proved once and for all that many, perhaps most, South Africans genuinely believe sports stars to be heroes. The evidence was everywhere. Those who believed Pistorius innocent were adamant he was "still a hero". Those who had decided that he had committed murder piously droned on about "fallen heroes", "heroes with feet of clay", and so on.

At first I assumed the endless references to heroes and heroism were simply the regurgitation of received knowledge. I can't speak for ten of South Africa's official languages, but in my experience, most local English-speakers use their mother tongue with less flair and elegance than those in, say, Britain or the United States, with the result that our national debates in English are fairly inarticulate, relying too much on cliché and received knowledge. I hoped that these pundits were talking about heroes in the same way that we call people "creatives" without knowing what it is they do or whether or not they really are creative.

But it soon became clear that the

emotion behind the words was real. For hundreds of thousands, perhaps millions, of South Africans, that part of our psyche once nourished, excited and inspired by demigods, warrior-kings, resistance fighters, all-sacrificing saviours, is filled by men and women who run around for a living and wear jock-straps to work.

I'm not suggesting that sports stars can't be heroes. Should Natalie du Toit ever lose her life trying to drag a mega-piranha away from a packed Clifton beach, we should erect monu-

For millions of South Africans, that part of our psyche once nourished, excited and inspired by demigods, warrior-kings, resistance fighters, all-sacrificing saviours, is filled by men and women who run around for a living and wear jock-straps to work



The Nintendo take on real heroism

ments to her heroism. But celebrate professional athletes for doing a highly lucrative job they themselves have chosen to do? I fear we've lost the plot.

Of course, it's not entirely our fault. The clear and crisp definitions of heroism have been eroded by modern gospels, from Oprah-bollocks to the tsunami of cant spewed by governments and salesmen. Until relatively recently a hero was someone who faced ad-

versity, and, through courage, self-sacrifice and physical or mental strength, saved something worth saving. Sometimes it was their own life, but more often it was lives or systems deemed to have more value than a single human life: the hero's children, community, or country. No longer. The altruistic and sacrificial element of heroism has been stripped away in the West and replaced with a vague hodgepodge of celebrity, personal achievement and mind-boggling wealth. The result is a confused world in which the front page tells us that New York firemen are heroes for running into a collapsing skyscraper while the back page tells us that Tiger Woods is a hero for hitting a golf ball.

However, I'd suggest the sportsman-as-hero myth has found particularly fertile soil in South Africa, a country with a knack for ignoring subtle merit while overestimating anyone who is exceptional in an accessible sort of way. Australians and Brits often complain of the Tall Poppy Syndrome in their countries, where achievers are dragged down by a grumbling and petty mob of malcontents. I suspect we have the opposite syndrome here, instead we push unremarkable shrubs – sometimes weeds – up into the sunlight. From Hendrik Verwoerd to Julius Malema, our history is full of big men pushed into power by small men who then begged to be trampled on.

Politicians are highly skilled at tapping deep into the heroic myth, piously claiming that they are sacrificing something in order to save their folk from a total onslaught. But why do we ascribe the same qualities to sports people? Despite what their managers and biographers might claim, top sportsmen sacrifice almost nothing: it's not as though Graeme Smith desperately wants to be a marine biologist, and goes to the nets biting back tears of frustration. Yes, some things are sacrificed in the creation of a great sporting icon (his or her education, and a few thousands rands of petrol in the parental taxi), but the most common claim – that he or she is sacrificing time with a partner or young family in order to put food on the table – is hardly anything unique in the modern world, where most migrant workers take a year to earn what a Springbok or Protea makes in a week.

To be fair, though, it's not the sports stars who are putting themselves on pedestals. It's us. And why we do it is a complex issue. For many English-speakers, it's the fag end of Victorian claptrap about playing up and playing the ball, about the playing fields of Eton being a proving ground for heroic deeds on foreign fields. For many Afrikaners, it forms part of an unthinking patriarchal ritual in which little boys are told that cowboys and Springboks don't cry. In a country in which nationalism and cultural identity are so often bound together with religion and manifest destiny, it is not surprising that sport has taken on an almost religious importance, and that its stars are given messianic powers in the public imagination.

This is a great pity, because a hero is a terrible thing to waste. Archetypal heroes inspire the mind as well as the heart. They provide hope, they hint at a larger life and a wider world. By limiting ourselves to sporting heroes, we ignore swathes of our human potential. (Imagine a country in which brain surgeons and mathematicians and symphony conductors were idolised alongside rugby players and footballers. Imagine a country in which little girls had heroes too.)

But perhaps the greatest problem with a sports-obsessed nation is that it believes its sporting heroes are superhuman and therefore infallible. We wilfully forget that athletes are people: ambitious, skilful, and focused, yes; but also confused, ignorant, repressed, unbalanced by money and pressure, human. If we are disappointed when they do something horrifying, then that's our problem, not theirs. Disillusionment requires an illusion in the first place.

Let the sportsmen and sportswomen run about and chase balls like the beautiful, overpaid golden retrievers they are. Let us cheer them as they show off their youth and power and potential. But then let us go home, and remember what true heroism is: that quiet force for good, working beyond the floodlit stadium; the honest policemen, the all-sacrificing teachers, the doctors, the rescuers, the carers; all who keep us safe, who keep our horizons wide, and who, without ever having met us, help keep our hearts full. ■





Painful facts. Courts, the only institution we still trust, must tackle police torture

TORTURE HAS BECOME ROUTINE within the Barberton police station and probably in the service as a whole.

In the early 2000s I wrote a story that landed me in the can – jail. This was a policeman’s revenge after I had published a story implicating him and a friend in the robbery and kidnapping of a sangoma.

But if this “good” officer thought he was teaching me a lesson, he was sadly mistaken.

After the cell door had clanked shut, instead of being given the expected bad treatment by the others in the cell – you know, “hey give us a cigarette...” – I was treated to a whole night of valuable information on the torture methods of the then Barberton CID members.

Naturally, when other cops heard I’d been incarcerated, they were not too happy with their colleague, as they knew the awaiting-trial suspects would surely have briefed me on their own experiences.

Ah! The power of being a well-known and respected journalist.

This incident came to mind recently with news that seven Barberton CID officers – yes seven – are to face assault charges after sharing their

torture tactics with an armed robbery suspect. They are scheduled to stand trial on May 3.

Calling these guys CIDs (Criminal Investigation Department) is a misnomer. Instead they should be called STDs, (Suspect Torture Department).

Every year in Barberton at least two police officers face charges of assaulting suspects. What is more disturbing is that invariably they are let off on some technicality; not surprising, since their colleagues are the ones who take the complainant’s statement.

Demonstrating just how brazen the cops have become, Melusi Mahlalela was being taken to court on the morning of September 22 (he’d been arrested the previous day on a charge of pointing a fire arm), when the detective escorting him to court, one Bheki Nkosi, was ordered by a colleague to bring Mahlalela upstairs instead – “so he can tell us the truth”.

The upstairs truth session began at 9:30am and lasted until 1:30pm. During that time, Mahlalela says, seven policemen took turns torturing “the truth” out of him.

Remember my friend Lieutenant-Colonel Dries Joubert? Yes, the one who denied that Barberton has a

drug problem. Well, Joubert is alleged to have said “moer him!” when he walked in to check how the interrogation was coming along!

After his four-hour truth session, Mahlalela was dumped back in his cell.

Downstairs, police officers, when alerted by other detainees to the “dying” man in their cell, said they’d call an ambulance, but it never came. Only when the evening shift came on duty was an ambulance summoned. A policeman was heard to remark: “There’s no way we’re having this guy die here on our shift!”

No doubt the cops will deny his story, but how can one not believe it? Maybe, for a start, the police should be asked to explain: how come Mahlalela did not appear before court on that September 22 morning – and instead ended up in hospital for a month-and-a-half?

So, what can be done about a situation where torture has apparently become routine within the Barberton police and probably in the service as a whole?

The only way this country can hope to put a stop to police torture, is for the judiciary to step up and start prosecuting these rogue elements. Continually letting them off on technicalities is clearly sending the wrong message.

The courts seem to be the only institution that we can still trust. God knows, all others are plagued with problems. Home Affairs stands out as another example.

The courts really need to look beyond the statements submitted as evidence by the police. After all, why would someone wake up one day and decide to charge seven police officers with assault?

Why should we be concerned about this matter? If the police are not brought to book for their torturers’ ways, tomorrow it could be you or me instead of just the “criminal class”. ■



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Spring. The great migration

SKOLLIE VAN SCHALKWYK, NOW HE was my room-mate in a manner of speaking, way back in Durban Central. Not the library, that is: the boep, the prison. A thick-walled dim old concrete cave, a colonial bastion sort of building, where the warders, *beampetes*, couldn't be bothered to make one's life miserable in our steamy climate, such unnecessary exercise only made them sweat and stink the more. Durbs C was thus known as a lekker boep, man, and here were Skollie and myself lolling about on the shiny black polished floor in our coastal heat. The floor is where the air is coolest, see? Not that we had much furniture to sit on anyway, it was just one felt mat each and an army blanket.

He had missed the spring migration, had Skollie, and was proper pissed off now. As the eland long, long ago would drift coastwards from the Drakensberg every autumn and back again every spring, so a certain community of hobos would drift from Joeys to Durbs and back. White hobos, these, walking. Outies, outdoorsmen, Road Inspectors, as they described themselves. No black hobos, hey, they just got arrested and "endorsed out", sent back to their Dreamtime Homelands. Arrived in Durbs, these white outies would now pee in public, some such disgusting thing, and get settled for six weeks in winter with food and shelter. But Skollie had got it all wrong and nicked clothes off a washline somewhere and got settled for six months. For theft, because theft is a scheduled crime, and if you continue to do it often enough you can end up with an indefinite sentence.

We weren't together long, Skollie and I, just a couple of weeks in midsummer. Last time I saw him he was pounding to death with a bare hand a certain body-builder type cockroach on the cell floor. Why do you need to pound to death that poor cockroach who has led a quiet life in this nice cool nooky place and done you no harm? I asked. Because he yus walk about anywhere he vokken laaik, man, laaik he own this vokken place an he work on a man's tits, laaik, said



Skollie is unlovely to behold and stinks like a Neanderthal's armpit and Prem won't let us sit down, but I say in that case I won't pay

Skollie. And just then suddenly the cell grille slammed open. *Trek aan jou baadjie, kom!* said the beampete, which I did and I went. To an edifice with even thicker walls at 5,000 feet altitude. Cool? There's enough coolth here to freeze your mug of drinking water at night, and there weren't enough spare nutrients for a starving bed-bug, never mind a full-on healthy bull cockroach. I mean Pretoria Central. Long-term boep, three years plus.

So whatthehell. Here I am up-to-date, today's news today, winter 2012, and I'm taking a short cut through Bulwer Park to Prem's Perfect Pie Palace. The park has become a nature reserve, you might say. Here the outies live wild and free as do the cannabis plants from the outies' winnowing their boom and chucking away the seeds. They claim it is indigenous according to the wisdom of Ras Tafar, their prophet. Also it is

Zen: let grow that which grows, don't interfere. They exist as the baboons exist on Table Mountain. And here suddenly before me is one of them: ou Skollie, thin, man, thin, and old, old, white haired and bearded My lieue God, ou Skollie, say I, is't jy? Ja iets me orrait, says he, and I am now a homeless person, just look how they cutting down all our nice plants and the grass where I sleep, now they going to build swings for kids and a bicycle track and a outdoor gym and things and put a big fence all round and lock the park up at night. See my nice piece of plastic here, it is my roof and my home and nowhere to put it down. All the rich people round the park say we vagrants and we shit in the park and we must move on. They bring their dogs to shit in the park but youman beans not allowed to.

Skollie, say I, you have become very skinny. Would you like something to eat? Jis I smaak a par! says he, and we're off to Prem's palace where I order pepper steak pies, one for me, two for Skollie, with chips and salad and two cokes. Skollie is unlovely to behold and stinks like a Neanderthal's armpit and Prem won't let us sit down, but I say in that case I won't pay and take note ou Skollie has taken the first bite of his pies, about half of #1. So Prem parks us in his darkest corner where after lunch I say to Skollie he should take his ID to that place in Umgeni Road and apply for the old age pension.

He doesn't have an ID, says Skollie. The law says you MUST have an ID, say I, so take your birth certificate and apply for one. But he doesn't have a birth certificate either.

Well tell them to make with their computers and find out when you were born and get you one, say I. Hell, man, says ou Skollie, I can't do all those things, I don't read so good. Then ask the police to help you, say I. Police? says he, they don't talk to me, they say I am skietso-that thing.

Ummm, say I... Maybe you could ask at one of the provincial hospitals how you could get to a social welfare clinic and ask how you go about seeing a psychiatrist and applying for a disability grant. I put some money in front of him. Silence. And after a bit I realise ou Skollie is quietly weeping. ■

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PERSONAL

Why is Noseweek still banking with FNB banksters? Art.

Thank you to Martin Welz and staff for your efforts on our behalf. Neels Brits. **To my children and grandchildren,** Mom and I are proud of you. Love you lots, Bruce.

Noseweek should be read with a glass of seriously good wine. www.winecellar.co.za
Happy Birthday Dad/Gramps All our love Michelle, Janet, Sasha, Cara, Scarlet and two boys.

FAREWELL

Louis Schachat

Louis Schachat passed away on Saturday, 16th February in Cape Town.

He was widely recognised as the doyen of art in South Africa and ran one of the leading galleries in the country Die Kunsamer for 42 years. He was also a previous chairman of the South African Antique Dealers' Association.

He will be sorely missed by his wife Charlotte and daughters Janine and Philippa and their families. His son Selwyn predeceased him in 2010.

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