

NEWS YOU'RE NOT SUPPOSED TO KNOW

R39<sup>60</sup>  
(including VAT)

# noseweek

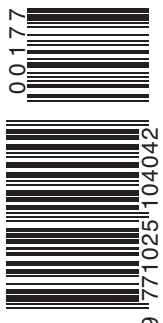
**Malema's female  
followers**

**Bobroff bobs  
and weaves**

**FSB bigwig  
allegedly extorted  
R12m from top  
businessman**

177 JULY 2014

# The man who stole justice



# futuretech 2014

Popular Mechanics

Brought to you by  AUTODESK

## Altered Realities – Embrace your future!

POPULAR MECHANICS cordially invites you to sign up for its second **FutureTech** conference, an exciting one-day event that forms part of the official World Design Capital Cape Town 2014 programme.

Attracting clever, information-hungry people from all over South Africa, the conference aims to demystify our world and introduce us to concepts and breakthroughs that will restore our faith in the future. This year's theme is "Altered Realities", a neat catch-all for an initiative that's destined to become an institution.

As PM editor Alan Duggan explains it: "To survive and flourish, we need to embrace certain realities, some of them deeply exciting and others a little scary. We set the bar quite high in 2012 with a line-up of presenters at the top of their game, ranging from a social media entrepreneur to a wireless communications expert, from a cyber-forensics specialist to a green-energy guru, from a world-renowned cosmologist to an A-rated scientist who shook up our ideas on nutrition – and this year's offering promises to be just as good."

Integral to PM's 2014 plans is a series of smaller-scale initiatives under the banner of "Altered Realities", all of them happening in Cape Town and designed to be affordable. Be prepared to be entertained and impressed, and perhaps have some of your preconceptions challenged.

Autodesk, the multinational 3D CAD software company, is underwriting the conference and PM's annual **Inventor of the Year** competition.

Meanwhile, POPULAR MECHANICS is calling for submissions from technology leaders, scientists and innovators to fill presenter slots. Synopses should be sent to [popular\\_mechanics@ramsaymedia.co.za](mailto:popular_mechanics@ramsaymedia.co.za), with "FutureTech submission" in the subject line, before 31 July.

### GO ON, BOOK IT NOW!

The **FutureTech** conference happens in Cape Town on 10 October (venue to be announced later). For updates, and to book your place at the all-inclusive Early Bird rate of R500 a head, please visit [www.popularmechanics.co.za/futuretech](http://www.popularmechanics.co.za/futuretech)

 AUTODESK



# noseweek

ISSUE 177 • JULY 2014



Rxisky business *page 33*

## FEATURES

### 9 The man who stole justice

Are judges too weak to defend the law against Lennie the Liquidator?

### 12 Boxes of cash in the parking lot

Exposed: Behind FSB bigwig's resignation

### 13 Bishops Old Boys call for meeting

Unhappiness over handling of abuse allegations

### 14 Resilient's BEE black hole

Shareholders claim they were cheated

### 16 Bobbing and weaving

Complaints about ambulance-chasing supreme lawyer Ronald Bobroff suffer mysterious delays

### 19 Bruce Winship gets sorted

Business as usual at Grid headquarters

### 20 More heat than light

A local inventor claims his solar jar is being undercut by cheap Chinese knock-offs

### 22 Darling, be mine

Swartland businessman claims exclusive use of town's name

### 24 When is a house an eyesore?

City officials order owner to clean up his act

### 27 Women in red

Malema's female followers

### 31 Spray goes astray

National health officials accused of bungling

Your favourite magazine is now available on your **iPad** and **PC**



**NOW  
AVAILABLE  
ON YOUR  
TABLET**

Download your digital edition today

both single issues and subscriptions available

**PLUS** never miss a copy with back issues available to download and store

DOWNLOAD YOUR DIGITAL EDITION AT  
[www.noseweek.co.za](http://www.noseweek.co.za)  
or ☎ 021 686 0570

4 Letters

8 Editorial

42 Smalls

## COLUMNS

35 Africa

37 Books

39 Down and out

40 Letter from Umjindi

41 Last Word

# Letters

## Will Bishops pass this test?

I FOUND YOUR ARTICLE ABOUT WHAT IS going on at Bishops at the moment most distressing. To start with I would like to convey my sympathy to the man you call Keith, who had to endure such humiliating experiences in his initiation year. I sincerely hope the culprit gets the punishment he deserves.

Bishops chairman Mike Bosman says that “as housemaster you are *in loco parentis* – in the place of the parent – and any good parent would have asked the question, why?” Is he suggesting that, because the question wasn’t asked, Tim Hamilton-Smith failed as “*in loco*” parent? That is ridiculous.

I must agree with the cautionary note in the *Noseweek* report: in the context of a school where a then 39-year-old housemaster who, in addition to his own family responsibilities, had to deal with the daily chores of teaching, running a boarding school, sporting activities, staff meetings, checking homework, probably dealing with endless requests from parents and with the general issues of more than 70 teenage boys, all in the framework of the school rules of the time, is that realistic?

I only have two children, not 70, and erred from time to time. I can only hope I always knew when something was really wrong and got to the bottom of the problem.

Before you send your child to any place out of your direct influence, you should have taught him/her the difference between right and wrong, how to say “no” and to speak out if something isn’t the way it should be. In the case presented, if the younger boy did not feel he could talk to his father about it, or the housemaster, there was always the headmaster, then Mr Gardener, who I remember as particularly kind and sensitive, or the chaplain. All would have put a stop to it, if they had been made aware of what was going on. I can say this with confidence, as I knew them personally. As far as I am aware, there was always an open door for my son as well.

Bishops is a wonderful school, with proud traditions and great teachers providing an environment where boys become fully rounded individuals well equipped to contribute to society wherever they go in the world. I was proud when my son was accepted at the school, and he was lucky enough to have been taught and moulded by such gifted teachers and principled human beings such as Tim Hamilton-Smith.

We considered boarding school to be a good experience for him and his friends, but I never considered this the moment when my function as a mother was on hold.

What is distressing is the conclusion reached by the school’s governing body and ODU chairman. This decision is in stark contrast to what I believed the values of the school to be, which places Fairness to all, Honour, Loyalty and Trust on top of the list.

The treatment of Tim Hamilton-Smith, who embodied all of the above qualities, is most distressing. After giving 40 years of his and his family’s lives to Bishops, without blemish, this humble man deserved much better.

I sincerely hope that the ODs I got to know and admire over the years, and who have a clear understanding of the ethos of the school and what

it stands for, will rectify this terrible injustice.

It is always distressing to learn when something negative has occurred at a place you love and admire. But the world is what it is, and the grain of a good man shows when he stands up, deals with this honorably and not secretly, and comes out stronger at the end of the road. Bishops now has to prove again to its admirers what it’s made of.

**Ursula Ehrentraut**  
Sea Point

■ AFTER READING THE SHOCKING ARTICLE about Bishops, I began to wonder whether other readers had noticed that the alleged victim did not share the abuse story with his own father. How is it that the father expects his son to have shared this with his housemaster, when he could not even share it with his own father?

The father is surely the one who let the boy down by not encouraging his son to confide in him. If that had been the case it could all have been resolved at the time.

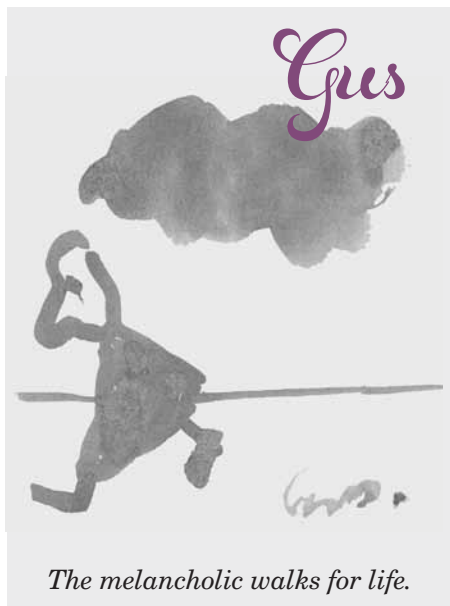
This disgraceful treatment of Mr Hamilton-Smith reflects very badly on the school management.

**Y Leslie**  
Constantia

■ I HAVE READ YOUR REPORT ABOUT SEXUAL abuse at Bishops and was – in some ways that you probably wouldn’t suspect – disturbed by it. I was not sure what you meant by “abuse”. In the two cases reported, the victim was indeed unwilling, and I think you are right to be concerned about this.

What worries me is a sexual witch-hunt. It is quite normal for boys of that age to experiment with their sexuality and they should not be interfered with. A draconian moral severity would be damaging to the psyche and I think it often was. When I attended Bishops there was a lot of this going on, such as mutual masturbation.

I was a little puritan in that period and when boys got into my bed at night, I threw them out, but I’m not sure I would have done so if the boys





**Over the rainbow...** Will Bishops pass this test?

had been more attractive to me.

I was a budding gay, but most of the others turned into regular heterosexuals when they grew up.

I think all sermonising lectures about sexual contact between boys would be counter-productive. They should be left to find out about life on their own. Explicit cases of abuse should be dealt with as they occur and in one of the cases, the school did nothing for years, indeed did nothing at all.

What I find much more serious is that the Bishops I attended allowed the fag system, boys to be beaten at prefects' meetings and a housemaster, Mr Hunt, who lashed his boys and left blood marks on their behinds and backs. I was determined not to mention this man's name, but since you tell us we should report cases of abuse, I have done so.

In my first year we were all collected in a large lecture room and told we were the scum of the school. The fagging system was practised with cruel despotism. You were given punishments for not knowing the latest rugby scores. After three punishments you had a prefects' meeting at which you were first terrorised psychologically and then lashed. I was lucky, as after an informal prefects' meeting in the study of one of these prefects, I was so angry that I decided not to cooperate in any way with this system, refused to watch any rugby matches at all or to obey the prefects. I wrote to my parents who wrote to the school. The school was nervous, as someone before me had run away.

From then on I was left alone to cultivate my passions for music and poetry. As a result my last years at Bishops with its beautiful grounds were happy.

**Felix de Villiers (Bishops 1953-59)**  
Verona, Italy

■ HAVING READ THE ARTICLE ABOUT the alleged goings on at Bishops, I can only concur with what Seneca (c.5BC-65 AD) wrote so many centuries ago: "It is when the gods hate a man with uncommon abhorrence that they drive him into the profession of a schoolmaster."

**G Heath**  
Kloof

■ I FOUND THE ARTICLE ON BISHOPS (*nose176*) most interesting. However, you are incorrect when you state that Bishops is "South Africa's oldest private school". Founded in 1848 – one year before Bishops – St George's Grammar School is thus the country's oldest independent school – see *Cross of Gold: a history of St George's Grammar School* by Patrick Coyne (Ampersand Press, 1997).

And I'm sure the world and his wife have already pointed out that in your article, Leonard Kaplan undergoes a name-change and becomes Katz!

**Paul Cannon**  
(OD, and Headmaster of St George's Grammar School 1984 to 1997)

*Right on both scores! We ourselves noticed the unfortunate name change in our story – a mental slip of the*

*clutch – shortly after all print copies had been trucked off or mailed and there was nothing to be done about it. Fortunately all online versions and our archive could be corrected before publication. But thank you to all those hundreds of readers who thought to point out the error. It reassured us that the error was obvious. – Ed.*

■ YOUR STORY ON BISHOPS COMES AS NO surprise. My sons attended the school 35-odd years ago. The younger was so persistently and brutally whipped by his teacher Paul Dobson that he suffered psychological harm and was removed from the school on medical advice. However, my elder son was happy there, but recalls that Leonard Kaplan regularly showed him and another kid some porn.

**MS**  
Somerset West

## The Tshake family needs support

I HAVE BEEN AN AVID NOSEWEEK READER for many years. I was shocked and saddened to read the article "The Sounds of Silence" in *nose176*, on the murder of Moses Tshake. To add fuel to the fire I also learned that President Jacob Zuma's friends, the Guptas, are also alleged to be involved in the corrupt situation he was investigating.

It is sad for the Tshake family that they cannot get the police to investigate the death of Moses thoroughly.

Would it be possible for *Noseweek* to set up a fund to follow-up and endeavour to force the police to carry

## WHY ARE LEADING LAW FIRMS SWITCHING TO LEGALSUITE?

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

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

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



"MAKING COMPUTERS WORK FOR YOU"

**+0861 711150**

FOR A FREE DEMONSTRATION.

[www.legalsuite.co.za](http://www.legalsuite.co.za)



out a thorough investigation into such deserving cases? The fund should be financed by public donations. I will happily contribute.

**Bill O'Reilly**  
Port Owen

## Right about Aussie bigotry

I LIVE IN QUEENSLAND, AUSTRALIA AND would like to say that the Andrea Durbach profile "What the Aussies can learn from us" (*nose174*) is brilliantly accurate to a word, and should be required reading for every Australian, if only to press the point that we are not living in isolation and things that happen here are observed and commented on from outside.

Australia's treatment of its indigenous people has been and is still appalling. At least white South Africans recognise the faults of the past; but here, we just pretend it never happened and are quite often encouraged to maintain this attitude by our members of parliament.

A recent conservative prime minister went so far as to describe certain academics as having a "black armband" view of history when they were bold enough to discuss and write about the "stolen generation", thereby putting a lid on any further discourse. This is the same bloke who vehemently refused to make any form of apology to the indigenous population.

Now, we are saddled with an even more conservative government who will shortly be tabling an amendment to a crucial section of the Racial Discrimination Act which makes it unlawful for someone to do an act that is reasonably likely to "offend, insult, humiliate or intimidate" someone because of their race or ethnicity. Our Attorney General made the following statement whilst addressing the Senate: "People do have a right to be bigots, you know. In a free country, people have rights to say things that other people find offensive, insulting or bigoted."

Warren Mindine, the Indigenous Advisory Council chairman responded with "We all know from history that when you let people off the chain in regard to bigotry, you start having problems."

The 2014 budget sees 150 Indigenous Programme areas cut to five.

Funding for indigenous languages has been cut too – approved by a prime minister who, prior to the election, stated that he would be "a prime minister for indigenous affairs".

It seems that since white settlement 226 years ago, white Australians are still wishing that those pesky indigenous people would just go away.

So, thank you Andrea Durbach for your article, but don't expect much response from this speck in the Pacific.

**Sandra Devine**  
Buderim, Queensland

## According to the Word...

YOUR MAGAZINE RECENTLY FEATURED AN article (*nose174*) with a photograph of a high-profile Christian leader [Angus Buchan] with the allegations that he had [associated with] a businessman alleged to have acted unethically [Bruce Winship] and had vague associations with various other high-profile leaders against which there were further allegations, and who had vague associations with another...

Using this approach of guilt by unproven allegation and association you can smear anybody. When you do so against a high-profile Christian leader, this by implication smears the reputation of the whole church.

It is no business of a Christian leader to judge a dispute between parties over whom he has no jurisdiction. Such disputes must be settled in a properly constituted court, whether church, civil, organisational or professional body, or arbitrator, or by common-cause admission. Jesus himself refused to judge cases outside his jurisdiction (*Luke 12:14*).

Buchan was right to give no comment. Once an allegation is proven or admitted to and not resolved, it is the responsibility of others to act on it (*1 Corinthians 5:11*).

The correct process to bring an allegation of serious ethical misconduct or teaching against a Christian is prescribed in *Matthew 18*. Jurisdiction is with the local church leadership – not the most visible associated leader. Allegations must first be brought to the person concerned; then with one or two witnesses, to the person accused; then the local church eldership; then the local church as a whole.

If the accused is found guilty, is un-

repentant and excommunicated, the matter is public and the local church bears no responsibility for that person and no Christian should associate with them (*1 Corinthians 5:11*). The media would be well within their rights to call out anyone for having such an association prohibited by scripture. If a person found guilty in a church court is repentant, the matter is confidential and closed, unless that person is an elder (or pastor) and must be rebuked publicly (*1 Timothy 5:20*).

Where a local church eldership protects scandalous behaviour or false teaching, other churches may, after investigation, disassociate with it. An allegation or appeal against an elder should not be entertained without two witnesses (*1 Timothy 5:19*). An aggrieved person may also appeal an unjust situation directly to God in prayer who may judge directly.

There are some persons posing as Christian leaders who are vocal in the media but accountable to no local church. They are illegitimate and should not be given any credibility.

I trust the above will be helpful to readers and the media in dealing with such allegations in future.

**Philip Rosenthal**  
ChristianView Network, Cape Town

■ I READ THE ARTICLE "FENCING WITH THE truth" (*nose176*) then read it again – then the astounding rubbish of it hit me. Angus Buchan let Bruce Winship represent him but had nothing to do with his business. Why is he involved with this article? How is Buchan "fencing with the truth"?

I am astounded this irresponsible mud-slinging was published. What responsibility does Buchan have for Winship and how could he be aware of this stuff? You mock his Christian activity without any evidence that it is incorrect.

There is plenty of evidence of the incredibly coincidental rain that has fallen in drought-stricken areas when he has arrived to pray.

Was there any checking the testimony of witnesses on the Muslim event? Are his views on the USA unacceptable? I suggest you review the article and the cynical rubbish written in it.

**Martin Giles**  
Cape Town

**Editor**

Martin Welz  
editor@noseweek.co.za

**Managing Editor**

Donwald Pressly

**Designer**

Tony Pinchuck

**Consultant**

Len Ashton

**Sub-editor**

Fiona Harrison

**Contributors**

Len Ashton, Chris Bateman, Tony Beamish, Gavin Foster, Bheki Mashile, Sue Segar, Harold Strachan, Anne Susskind, Hilary Venables

**Cartoons**

Gus Ferguson, Stacey Stent

**Accounts**

Nicci van Doesburgh  
accounts@noseweek.co.za

**Subscriptions**

Maud Petersen  
subs@noseweek.co.za

**Advertising sales executive**

Godfrey Lancellas  
godfrey@madhattermedia.co.za

**Advertising co-ordinator**

Adrienne de Jongh  
ads@noseweek.co.za

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

**SUBSCRIPTION RATES****Print**

SA only	R374
Neighbouring states (airmail)	R546
Europe, Americas and Australasia	R673

**Internet edition**

1 year	R298
--------	------

**Combined**

Print+Internet (SA only)	R474
--------------------------	------

**To subscribe**

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

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

**Email** subs@noseweek.co.za

**Further information**

**Call** (021) 686 0570; **fax** 021 686 0573 or  
**email** info@noseweek.co.za

# Lennie the Liquidator makes mockery of the law

**F**ROM DAY ONE, *NOSEWEEK* READERS have known about the culture of impunity and shameful disregard for justice that reigns at what is now Africa's largest law firm, ENS (Edward Nathan Sonnenbergs).

In the very first issue of *Noseweek*, which appeared in June 1993, the lead story implicated Sonnenbergs (then still Sonnenberg, Hoffman and Galombik) in a serious currency and tax fraud that ended up costing their client, Sea Point property speculator Norman Benjamin, many millions.

The deal, to sell the Blue Downs township development to a German company, was prepared and negotiated by a Dr Schlosser of attorneys Webbers in Johannesburg and by Norm's own attorneys, Sonnenbergs, in Cape Town. The sale was to be contained in two separate agreements: one, which declared his profit to be only R300,000, was for the South African authorities to see. It stated that he was grateful to be "relieved of the Burden" of Blue Downs, no doubt to explain the low price. The other agreement, by means of which he was to receive a further R1.8 million ("the majority of his compensation for the services he had already performed") offshore in America, was definitely not for the South African authorities to see. His name would not even appear in it.

Norm had discussed the matter with his attorney, David Zackon, and his partners at Sonnenbergs to see if they thought the deal was legally kosher. He could not imagine that Sonnenbergs would allow him to get involved in anything untoward. Norm recalled that at Sonnenbergs he was also referred to another of the partners, Jeffrey Flax, who, he understood from Zackon, "was supposed to know quite a bit more about these things". Flax dealt with "trusts

and all that funny kind of thing – a bright young fellow".

In Europe, Norm met up again with Zackon, who informed him that he had the go-ahead for the scheme from his partners in Cape Town.

Ironically, years later when Norman tried to claim damages from the Germans who ended up defrauding him of every last cent that he was due to collect offshore, the judge dismissed his case on the grounds that he (Norman) had to have known from day one that the scheme designed by Sonnenbergs was illegal. But what then of the lawyers at Sonnenbergs?

While the fraud – and Sonnenbergs' role in devising it – was exposed in open court – and in *Noseweek* – neither the Western Cape High Court judge who heard the matter, nor the law society, nor the police appear to have thought

anything of it. The lawyers got not so much as a reprimand.

Are we surprised that in the subsequent 21 years little has changed at Sonnenbergs, except that today it is known as ENS and has grown to be the largest, most expensive and, when called upon, most ruthlessly dishonest law firm in Africa?

And that its frauds on both the public and the courts have become ever larger and more brazen, all the while further undermining respect for the law and the standing and credibility of all those

institutions entrusted by the constitution and the public with upholding the law and serving justice?

In our cover story, we sketch the history of some of the most notable frauds perpetrated by members of the firm in recent years.

While several ENS directors have actively helped design the fraudulent schemes, and all the ENS directors and senior partners have knowingly and



ENS director Leonard Katz

happily shared in the spoils and must therefore share responsibility, one director stands out above the rest in his aggressive fee charging and disregard for his victims and the law.

He is Leonard Katz, director and “specialist” in charge of the insolvency and liquidations department at ENS, and better known in the trade as “Lennie the Liquidator”.

One after the other, this law firm’s victims report how they have tried protesting the frauds to judges, to masters of the high court, to the law society, to the police, to the public protector, to government leaders. All to no avail.

All these institutions are by now, it seems, either too corrupt themselves, or morally too weak and cowardly to take them on.

More than a year ago, serious allegations of fraudulent manipulation of court proceedings (including the

use of a fake court order) by Katz and other members of ENS were formally brought to the attention of the Judge President of the KwaZulu-Natal High Court and the Chief Justice of South Africa. Seemingly by the same tradition that saw Sonnenbergs emerge

continue to practise as officers of the court, despite the damning evidence against them having been public knowledge for years? By now his impunity knows no bounds.

You want what can’t legally be done? Agree to pay Lennie an extra

## Evidence against the likes of Katz is damning

from the Western Cape High Court 20 years ago unscathed, both senior judges appear to be helpless in the face of this ongoing outrage, since both have yet to take any action.

Is that what it’s come to?

How is it possible that judges tolerate that the likes of Katz

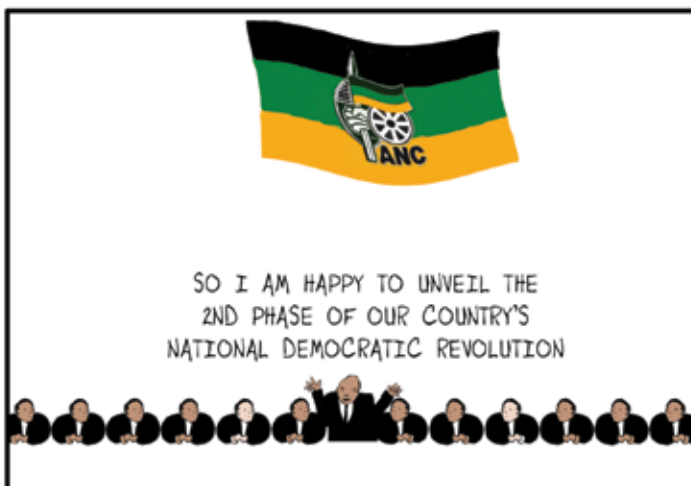
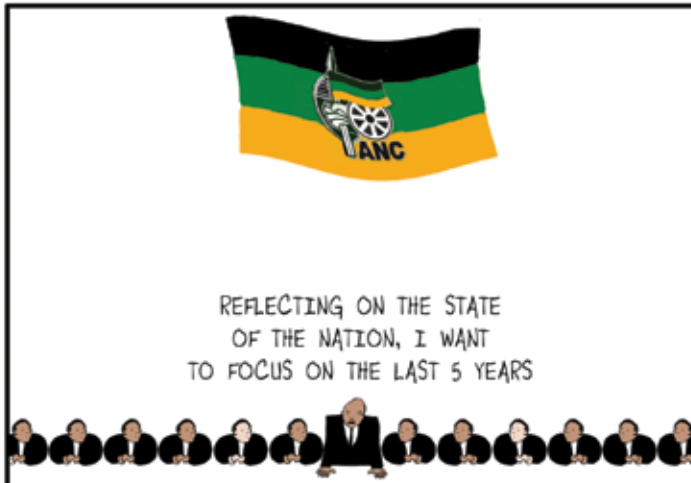
million-or-three and he’ll pull it off, by hook or by crook.

All South Africa’s banks and many of the very rich know it, and are happy to hire the likes of Lennie when the law gets in their way.

And so the rot spreads.

The Editor

Stent







# Katz and mice

## One Investec victim fought back vigorously

**I**N 1998 SENIOR STAFF IN INVESTEC'S R1-billion Cape Property Finance division – in a mess after the acquisition of Metboard's property division – were suspended, fired or took sudden "early retirement". Every effort was made to cover it all up, but, behind the scenes, allegations of fraud, and summonses, were flying. Investec had called in "Lenny the Liquidator" Katz from Sonnenbergs.

Katz's solution appeared bizarre, if not downright reckless: he was liquidating the division's clients – in bulk. More than 30 of them within weeks. All the while, according to the sworn evidence of those employed to do the job, he and Investec were illegally having the phones of a variety of their victims and the victims' attorneys tapped and their private bank records accessed.

Was the idea simply to generate fat fees for Sonnenbergs or to keep the bank's insurers happy, or both?

We know it generated many millions of rands in fees and that it was dangerously close to being – if not actually – a fraud on Investec's insurers, Lloyds. It was certainly used to justify claims approaching R100m against the insurers. After that, there were bargains to be had at the sale of all their victims' assets.

The story of one of the victims of the slaughter is worth recalling here.

Leonard Katz assisted Investec in liquidating Justin Lewis's company, Midtown Building Systems, by fraud. Then, presumably thinking he had "slammed the till drawer shut" on Lewis, he proceeded to apply for Lewis's personal sequestration in order to legally disable him – or "cut him off at the knees" – before Lewis could take any action against either Investec or its

lawyers, should he discover the fraud. "Cut him off at the knees" is a standard Katz stratagem.

At each crucial stage, a judge is persuaded to endorse or enable the fraud with a court order, creating the outward appearance of legality.

But Katz and his friends at Investec underestimated Lewis – at least temporarily. He had an unexpected source of funding and, unlike most Katz victims, was able to employ some of the best advocates money can buy not only to oppose his sequestration, but also to get a high court injunction forcing Investec to produce the incriminating accounts it had withheld for more than a year.

Once reluctantly produced ("without prejudice!"), Investec's accounts for Midtown contained phantom charges totalling hundreds of thousands

investigated another curious aspect of the case: why Investec's rush, as sole creditor, to sell the assets of Midtown immediately it had a liquidation order?

The only reason why a stressed and confused Lewis – pressured by Katz and still ignorant of the frauds – agreed at the last minute to the provisional liquidation of his company, was that he had been assured by Investec director Robert Gottlieb that he would have the opportunity to buy its assets out of liquidation. Lewis was confident that Midtown's assets were worth far more than the R12m Investec (falsely) claimed they were owed and, he thought, surely a bank's only interest is to recover its money. Wrong.

Shortly after the liquidation, and just as Lewis appeared to be raising the necessary funds, Investec rushed to

## Katz applied for Lewis's personal sequestration to 'cut him off at the knees'

of rands: an unjustified transfer – described as "profit" – to Investec itself of over R1m (which was straight theft) and overstated interest and bank charges totalling several million rands more. All to create a false claim with which to liquidate a company and misappropriate its assets. All either on Katz's advice or with his connivance.

In November 2002 *Noseweek*

court, urgently seeking authorisation to sell the assets – to Investec's own property company, IPG. (Another example where Katz used the courts to endorse a fraud.)

The reason for the urgency? In an affidavit drawn up by Katz, the bank claimed it had a buyer whose offer would soon expire. At the court hearing, all four parties – Investec, the liquidator,



# And then there's Brakspear

**I**N THE CASE OF IAN BRAKSPEAR, Leonard Katz outdid himself. Brakspear's wine farming project in the Franschhoek valley had generated only trouble and losses for the Durban futures and options trader, so he decided to call it day. He had bought the farm in the name of a company, Westdunes Property 5, funded with a R13-million bond from Rand Merchant Bank and backed by a guarantee from the Jersey-registered Wesley Trust.

He had set up the trust on the advice of his bankers, Nedbank, whose Jersey subsidiary, Fairbairn Trust, acted as their trustee. (For more about that read "Swimming with Sharks" in *nose128*.)

A local estate agent produced a buyer, Johannesburg businessman Zunaid Moti (see *noses118,119,120,126,128,138,139 & 143*) who offered R37.75m for the farm, planning to develop a luxury winelands hotel and country housing estate. He paid a R1m deposit.

A relieved Brakspear kept the Jersey trustee, Fairbairn MD Justin Thomas informed of negotiations. Thomas was encouraging but, he reminded Brakspear, "it is important the sale is progressed as soon as possible, as the Bank will not provide a further extension and will seek full repayment on 28 February 2008".

Thomas somehow managed to copy the email to Moti's legal adviser, who immediately realised it was a distressed sale and that, if Moti withdrew his offer and waited, he could probably buy the farm at auction for a lot less. Which is what happened. RMB foreclosed on their bond and Moti's R18m bid at auction was accepted.

The Fairbairn Trust's negligence – for which Thomas apologised profusely – had just cost Brakspear R19m and exposed Nedbank's subsidiary to a damages claim for at least that amount.

At about this time, the owners of the neighbouring Rupert-Rothschild's farm L'Ormarins, decided that they desperately wanted the farm and were prepared to pay a few million more, say, R25m. But Brakspear was already bound to give transfer to Moti for R18m. And, since Moti had himself valued the farm at nearly R38m, he was not likely to accept the offer of R25m from the Rupert company, Applemint.

Nedbank had a seemingly insurmountable problem: its Jersey subsidiary faced a financially and reputationally ruinous damages claim. Applemint-L'Ormarins too, had a problem: they faced the prospect of a Moti township on their doorstep, and no legal way of undoing the sale to him. Transfer was imminent. What to do?

Call in Lenny the Liquidator.

Katz immediately negotiated his R1m bonus fee, then set about applying his old recipe, but this time with some salad on the side. The plan was to fraudulently manufacture a debt with which to liquidate Brakspear's Westdunes Property 5. And then to appoint a friendly liquidator who would not dream of suing Nedbank's Fairbairn Trust. That might "slam the till drawer shut" and deprive Brakspear of the funds he would certainly need in order to institute a court action against a major bank. The salad: it would provide an apparently legal tool with which to undo the farm sale to Moti, and sell to Applemint. (In insolvency, a liquidator can undo a sale to accept a better offer.)

Only days before Christmas in 2008, when his victim and most better-class lawyers could safely be assumed to be on holiday, Katz filed notice of an urgent application for the provisional liquidation of Westdunes, to be heard in the KwaZulu-Natal High Court, Durban, at 9.30am on 23 December. The applicant was named as Fairbairn Trust of Jersey, trustee of the Wesley Trust; the stated cause of the action: an alleged R7m loan, said to have been made by the trust in June that year to Westdunes Property 5, which had not been repaid.

Brakspear knew there had been no such loan, and that he owed the trust nothing. Incredulous, he rushed home from his holiday and found a one-woman law practice and an advocate to represent him. They filed an opposing affidavit in which he categorically denied the debt and the validity of the application, and accused them of abusing the legal process.

Brakspear's efforts were of no avail, apparently. On 23 December an order of the court – or what superficially appeared to be such – was delivered to the Master of the High Court, placing Westdunes Property 5 in provisional liquidation.

From then on everything went as

IPG, and the on-buyer – were all represented by Sonnenbergs. Investec had gone to great lengths to discourage other bidders. Its court application was unopposed and was granted.

The assets of Midtown were immediately sold to IPG for R8.5m – a far lower price than Lewis and other investors were prepared to pay. IPG on-sold the assets to their arranged buyer for R10.3m, making a quick profit for themselves of R1.8m.

Thanks to the last-minute disclosure of Investec's dodgy accounting, Lewis successfully opposed the application for his sequestration.

Subsequently, the forensic division of PricewaterhouseCoopers analysed the accounts on which Investec had based its applications to have Midtown, first, then Lewis, declared bankrupt. The auditors found that Investec had contrived to overstate Lewis's debt to the bank by over R4m.

*[And that was dealing with only half the list of Investec's misdemeanours in the case. – Ed.]*

Had Investec not cooked the books, Midtown could not have been forced into liquidation – a damning indictment of Investec's accounting standards and dishonest management style.

A state of chaos in the property division of Investec may have explained how problems first arose with the Midtown account.

Chaos cannot, however, explain events after Gottlieb and his advisor, Leonard Katz, took over the division: the surreptitious transfer of a massive debit between accounts; Investec's appropriation of R1m in "net profit" from Midtown when, allegedly there was no profit; and Investec's determination to prevent Lewis's seeing the accounts.

Katz had planned. He urgently applied for and was given the court's permission to cancel the sale to Moti, sell the farm to Applemint for R25m – and charge the company in liquidation his outrageous-ly extravagant fee.

But here's the problem: the court order delivered to the Master effectively putting Westdunes Property 5 into liquidation is not typed on the high court's typewriters or in the court's standard format. It is unsigned by the high court registrar and does not bear the court's date stamp or seal. It is, on closer inspection not a valid court document and by all counts, a fake. The Master should never have acted on it. Two more copies are known to exist. Both do bear a signature that purports to be the signature of the court registrar, but the signatures are a bad forgery and the registrar in question, Bovani Chetty,

court roll. The entire day's court proceedings were tape-recorded by the court stenographer. Every other case can be heard being called – except the Westdunes case. There is no mention of this case on the recording.

The judge has no recollection of having heard such a case in her chambers, and it is not recorded in her bench diary, as regulation would require.

Making it still more unlikely that a provisional liquidation order was granted, as alleged by Katz, is the fact that the case was clearly not urgent and the case presented to the court did not justify a liquidation order: there was no documentary proof of the loan, the person who alleged it had no personal knowledge of it.

In fact this person was an arbitrary director of BoE, another legal entity entirely, who could not commit and has

lations require all such transactions to be in writing.

Katz admits they have no written loan contract.

There is no evidence in any bank record of such a loan amount having been either paid or received at about the date of the alleged loan.

It emerges that what the fraudsters did was to try to mimic an earlier R7m payment received by Brakspear from another trust established long ago by his father: the Brakspear Trust in the Isle of Man. It was paid to him a year earlier to settle a debt to RMB, and is recorded in that trust's books, at the appropriate date, as a distribution to Brakspear, who is a beneficiary of the trust.

A significant concluding point to make with regard to Katz's credibility: on 31 March 2009 Katz submitted an

## Katz's plan was to fraudulently manufacture a debt to liquidate Brakspear's property

has denied under oath that she signed them.

The court file which should record the court order has disappeared.

Every one of the other court orders issued that day by Judge Sharmaine Balton, including a dozen similar urgent applications, was typed by the court typing pool in the usual format, signed and impressed with the court's seal by the registrar, and in the case of liquidation orders, was delivered by the court messenger in a bundle to the Master's office only the next morning.

At various times Katz has stated in writing: (1) the case was called and argued in open court; or (2) it was initially called in open court and then heard later in the judge's chambers at the end of the open court roll; or (3) it was heard entirely in the judge's chambers after she had completed the roll in court, ie after 11.10am

The trouble is: the copy of the court order delivered to the Master of the High Court was faxed while Judge Balton's motion court was still in session.

If it was heard that day at all, it was the only case out of 12 other urgent applications that was not added to the

no authority to speak for the Fairbairn Trust of Jersey. He claimed no authority to represent the Fairbairn Trust; merely stated he was the director of another Nedbank subsidiary which, in law gives him no such authority. The alleged loan was denied under oath by the alleged debtor.

The court file has disappeared.

In summary: no case for urgency; no legitimate applicant; no credible founding affidavit; no evidence presented of a debt, which was merely alleged by hearsay – and that hearsay allegation was denied by the alleged debtor under oath; no record of the case having been called before a judge; the typed orders have all the characteristics of a fake – two of them bear signatures that are clearly not genuine; the main actor, Katz, gives radically contradictory versions of what supposedly happened at the high court that December.

There is a great deal more evidence to support Brakspear's claim that the alleged R7m loan by the Wesley Trust is part of a deliberate fraud. For a start, the trust deed of the Wesley Trust does not empower the trustees to make loans and, in any event, Jersey laws and regu-

invoice to the liquidators of Westdunes in which he demanded payment of fees totalling R227,417.97 for services rendered by himself and his assistants at court in Durban on 5 and 6 February, 2009. It was paid.

On 28 May 2010 he submitted another invoice, with a different invoice number, but listing the identical services and hours and totalling the same R227,417.97. That also got paid, without question.

It is either grand larceny or a terribly fortunate error.

When are South Africa's judges going to stop buying second-hand cars from this fraud salesman? Until they do, they share the shame.

● In May 2013 Brakspear filed an application in the Durban high court for the order placing his company provisional liquidation on 23 December 2009 to declared a forgery and therefor to be declared invalid (null and void).

It is set down for hearing on 12 August 2014 – but Katz, acting for the Nedcor Group, has asked the court to once again postpone it to a later date as he claims too little time has been set aside for the case on that day. ■

# Money in the box

## FSB top dog resigns suddenly after allegedly receiving R2 million package in parking lot rendezvous

**T**HE FINANCIAL Services BOARD (FSB) announced on June 13 that its Chief Financial Officer (CFO), Dawood Seedat, had resigned suddenly after corruption allegations were levelled against him. FSB spokeswoman Tembisa Marele would not elaborate other than to say the allegations had not arisen in the course of Seedat's work, but "in his personal capacity".

The reason for the distinction is obvious, considering the implications for the FSB: the Minister of Finance delegates his responsibility to regulate the non-banking financial sector – ranging from life insurance, unit trusts and hedge funds to asset managers and the JSE – to the CEO of the FSB who, in turn, has delegated his inspection and enforcement duties to the inspectorate.

Dawood Seedat was appointed head

of the inspectorate in 2005 when Dube Tshidi was promoted to CEO and Seedat held the post until last year when he was appointed CFO. To be deemed "fit and proper", the holders of all these posts have to meet the FSB's high ethical and moral standards. For every licence application assessed, the FSB relies on a recommendation from the inspectorate. If a complaint is received, the inspectorate reports on it to the registrar of the relevant FSB division.

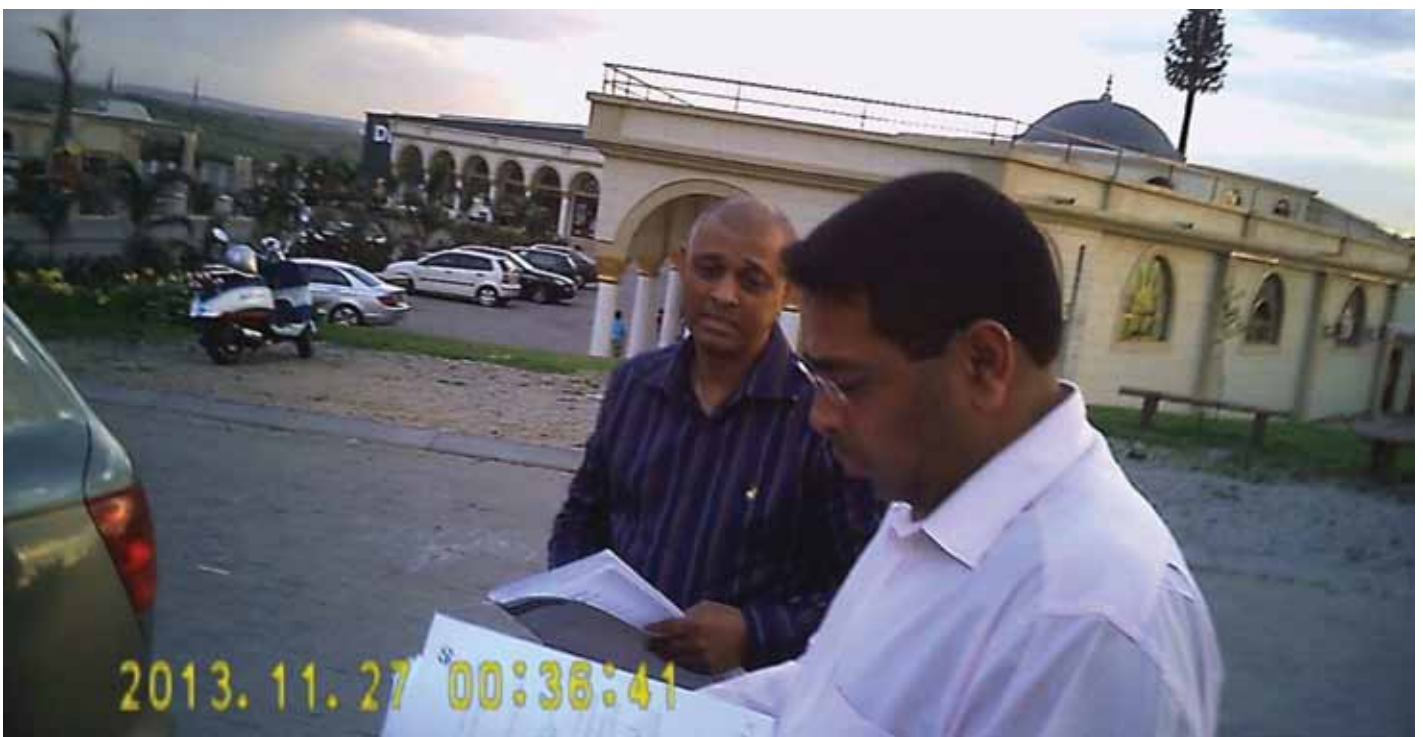
Should Seedat fail to meet "fit and proper" standards, every licence granted or refused between 2005 and 2013 could be challenged. Every one of the reports he signed that were used inter alia to place Fidentia and various of the "Ghavalas option" pension funds under curatorship are open to being set aside. These include reports about Arthur Brown of Fidentia, Sanlam, Price Forbes and Nash who, years ago, accused the FSB inspectorate of extortion, charges dismissed as mudslinging – by people who themselves were accused of financial misdemeanours.

Seedat's resignation relates to alleged extortion by Seedat and old colleagues at Sars of a wealthy Johannesburg businessman, Edrees Hathurani, owner of Africa Cash & Carry, a major retail chain. (A division was sold to Massmart last year.)

Prior to joining the FSB, Seedat was a special consultant to Sars's investigations division. He is known to be particularly close to forensic auditor George Papadakis (who is contracted to Sars) and to the head of the Sars investigations unit based in Alberton, Pretisha Khoosal. Seedat and Papadakis previously worked together for the forensic audit firm Gobodo on the East Rand. The FSB inspectorate subsequently appointed Papadakis to do several of the forensic audits relating to "Ghavalas Option" pension funds, and appointed him joint curator of Fidentia.

*Noseweek* has learnt that Papadakis was closely involved in a special Sars audit of Hathurani's taxes last year, which involved his making several visits to Hathurani's office. The audit

**Turkish delight: Dawood Seedat (right) meets Fayyaz Hathurani outside a Midrand mosque**



culminated in a special assessment for outstanding tax totalling R214 million, which Hathurani paid in full in March.

*Noseweek* has also learnt that when Hathurani was subsequently informed that he faced another special audit (this time of his business) and could expect a bill of up to R950m, Seedat could allegedly “help make go it away”. For a fee. He decided then to reveal to the police that Seedat and others had been extorting massive cash payments from him.

He alleged that between June and November, nine payments totalling R12m were delivered to Seedat in boxes of R100 and R200 notes. He also gave police a video of Seedat taking delivery of the last two boxes in the parking lot of the Turkish Mosque in Midrand. Seedat is clearly recognisable. After placing the boxes in Seedat’s car, the person can be heard assuring Seedat that one box contains R1.5m and the smaller one, R500,000. Seedat accepts them without question or comment.

The two delivery men are identified as Hathurani’s son, Fayyaz, and his old business associate Imraan Khan.

When contacted by *Noseweek*, Fayyaz confirmed having made the last two cash deliveries to Seedat. The previous deliveries were made by a go-between – well-known to both his father and Seedat – who is currently abroad. Khan was not taking calls from the press.

Hathurani Snr was abroad and could not be contacted. His attorney, Saleem Ebrahim, confirmed that a complaint had been lodged with the police by his client and that a criminal investigation was underway. He said he had been ordered by the police not to give any more information to the press, and referred *Noseweek* to a “Colonel Luel-la” of SAPS’s Gauteng anti-corruption unit.

Seedat referred *Noseweek* to his attorney, Darryl Ackerman, previously famous as defence attorney for mega-ponzi operator Barry Tannenbaum.

Ackerman told *Noseweek*: “We don’t want to anticipate the outcome of a very, very high-level investigation. There are side issues that do not involve my client. I can say that there was no corruption and my client committed no crime.”

● The video can be viewed on *Noseweek*’s website. ■

## Bishops Old Boys demand special meeting

**F**OLLOWING *NOSEWEEK*’S REPORT ON attempts by Bishops to cover up and contain the scandal about past sexual misconduct and abuse at the school, old boys are canvassing support for a Special General Meeting (SGM) of the Old Diocesan Union (ODU). They are particularly unhappy with the way the school chairman and its governing body have managed the situation and want greater transparency and fairness.

The purpose of the SGM is to discuss “the apparent violation of the stated objects of transparency and accountability in the ODU Constitution [by] the ODU Committee and its Chairman which resulted in the announcement of Mr Tim Hamilton-Smith’s retirement”.

The Old Boys also wish the meeting to consider whether the recent conduct and decisions of their ODU committee in respect of two of its employees, Hamilton-Smith and his wife Carolyn, violated the union’s constitution. And they propose the commissioning of an independent internal inquiry.

They record that in February, a number of Concerned ODs (“the COD Task Team”) met to discuss the “unsatisfactory explanations and mounting rumours” around Hamilton-Smith’s reported retirement (announced in June 2012) and his subsequent “resignation” from the ODU when the school became aware of “an alleged boy-on-boy sexual abuse in Founders House while Hamilton-Smith was housemaster”.

The Concerned Old Boys set out their concerns and recommendations in February, in a letter written by Werksmans Attorneys on their behalf to the ODU chairman. It says both the ODU and the school principal should commission an inquiry into these allegations and any others.

They questioned the way in which the ODU chairman and other senior administrators had dealt with the former pupil’s allegations of inappropriate behaviour by his “fagmaster”, a senior pupil, “under threat of adverse publicity”. They say: “It has now been widely

alleged by ODs and in the media that Mr Hamilton-Smith was ‘scapegoated’ [they quote *Noseweek*] even though he was never made aware of the alleged behaviour at the time of its occurrence. Allegations of blackmail and cover-up have also been made,” they note.

At a meeting with the ODU chairman on 6 March they had suggested that a “clarifying statement which accurately and properly detailed events” be read out at the AGM and distributed to all ODs to set the record straight. A statement was agreed, which the chairman took back to his committee for approval. Six weeks later the committee responded saying it was “not prepared to subscribe to the statement” and went on to justify its actions to date.

The Concerned ODs considered this response “entirely unacceptable, judgemental and inaccurate” and got Werksmans to write suggesting the ODU resolve to meet... “amidst growing discontent amongst the OD community”. They got no reply.

The recent *Noseweek* and *Sunday Times* articles have placed these matters in the public domain and are further reasons why they ought to be transparently addressed, they say.

Former principal Grant Nupen has supplied a statement for the proposed inquiry. He endorses and supports the actions of the COD Task Team.

The CODs say that “despite Mr [Raymond] Ackerman’s and the COD Task Team’s best efforts, the Bishops Council chairman (Mike Bosman) elected to make a statement to the *Sunday Times*, and to write “a hurtful letter” to Mr Nupen, undermining the initiative of the COD Task Team and Mr Ackerman to achieve an amicable solution”.

Hamilton-Smith insists that a proper investigation would be the only way to exonerate him and his wife and that only “the truth” would serve the best interests of Bishops.

All ODs have been asked to sign a “Request to Convene a SGM” form. The memorandum is signed by Steve Galloway and Anthony Davies. ■

# Resilient's BEE BLACK HOLE

Shareholders claim they were cheated, writes **Donwald Pressly**

**T**HERE'S GREAT UNHAPPINESS AMONG black shareholders in the BEE component of JSE-listed property group, Resilient, who believe they have been short-changed.

In the past, *Noseweek* raised serious questions about Resilient and its associated companies after one of its guiding minds was found previously to have run a large corporate ponzi scheme – see “Roque Trader” (*noses*136,137). But the latest controversy appears to be less a reflection on Resilient than it is on the BEE system which proves itself more pointless as each day goes by – and more expensive than anyone in government will concede.

Many of Resilient's black shareholders believe the decision by Resilient's management to liquidate or de-register the companies that constitute its BEE arm – allegedly without their knowledge or consent – is a bid to quietly put the lid on the disappearance of many millions of rands that should have been paid to them. Instead the money has disappeared down a corporate black hole, they say. Not so, says Resilient CEO Des de Beer.

*Noseweek* previously reported that Amber Peek, now Resilient's BEE arm, was set up with a loan from Resilient (without security and at a very low interest rate) with the purpose of secretly trading up Resilient shares on the JSE. Between June 2008 and February 2010 it generated a turnover of Resilient shares worth over R530 million.

When that little gambit had run its course, Amber Peek, it seems, was used as a basket in which to collect the required number of BEE shareholders – again funded with a loan from Resilient. It had just enough BEE shareholders there to qualify as a BEE company, so that, in turn, it could buy sufficient shares in Resilient Group companies

for those to qualify for a BEE rating.

While the scheme achieved maximum benefit for minimum outlay, the handout cost Resilient a fair whack just to put the words “BEE compliant” behind its name, so Resilient's management stipulated in the contracts of their black shareholders that they must hold their shares for at least ten years and that, should they sell them before a period of ten years was up, they would forfeit a percentage of the proceeds to the company.

Apparently most recipients did not bother to read their terms and conditions when they signed up for the handout. Times got tough and half-way through the 10-year term they decided they wanted to sell their shares, grab the money – over R1m each – and run. But they forgot that Ts&Cs applied.

There to remind them were Agang SA national chairman Mike Tshishonga (one of the party's two new MPs), and Resilient founder, now CEO, Des de Beer, who himself has a history of making lots of lolly out of Resilient deals-on-the-side (*noses*136,137 &145).

The directors of a black-owned company, Aquarella, one of the BEE shareholders in Amber Peek which Resilient set up, confirm that in order to give value to Resilient's broad-based black economic empowerment scheme, Amber Peek Investments was given loans to fund the purchase of units in Resilient's two JSE-listed property funds, Fortress A and Fortress B.

The Aquarella shareholders – about 50 (black) business people from the Thohoyandou area of Limpopo – claim they have been kept in the dark about the movement of these shares. Back in 2011, under pressure to sell by most of these shareholders, CEO De Beer agreed to release “some funds” as partial payment for the value of the shares

traded. They were paid just short of R60m in January this year – over R1m for each shareholder – but reckoned they were still owed a great deal more.

One of the shareholders, who spoke to *Noseweek* on condition of anonymity said: “We were told the remaining Fortress shares would all be sold on the JSE and only then would the balance be paid out. Instead of a total of (a further) R60m being paid to Aquarella, only R29m was paid out in May.”

The Aquarella shareholders claim their shares were worth – and they should have been paid – about R140m instead of the R88m total they received. They say the three BEE entities in Amber Peek should have been paid out R540m in all.

According to information provided by Aquarella Investment 553 Pty Ltd, Tshishonga became a member of a special purpose vehicle, Koketso, which later became Amber Peek, and he represented Aquarella shareholders. Tshishonga holds 53 shares as against 19 for the remaining 49 black shareholders. One Aquarella source told *Noseweek* the distribution of shares for Aquarella by Amber Peek was never sanctioned by an AGM and was “completely untransparent”.

Aquarella director Ligege Ntovhedzeni announced on May 23 that Aquarella was to be de-registered, following the liquidation of two other BEE entities, Amber Peek and Celtic Rose. But, said Aquarella shareholders' spokesman, they had discovered the two companies were still in business. “We are certain that attempts to de-register Aquarella are aimed at rendering us powerless, as we'd then have to operate as individuals when we pursue this issue. We believe we've been swindled.”

CIPC records show that Aquarella, a private company, was set up as a special



**Mike Tshishonga (left) and Des de Beer**

purpose vehicle “solely for the purpose of holding shares in Amber Peek Investments (Pty) Ltd”. It was formed in 2008 and among its directors were Ligege Ntovhedzeni, Michael Malisa Tshishonga, Johannes Tshiololi, Takalani Ravele and Thivhleli Mabasa.

Aquarella shareholders concede they gave Tshishonga power of attorney to deal with their shares – in good faith. (Tshishonga had written a book entitled *The Whistle Blower*, in which he states: “What is the lesser of two evils – if the wicked carry on with their wicked ways or if a good man and woman stand idly by and simply let it happen?”)

Tshishonga told *Noseweek* he had nothing to hide. He dismissed as “a complete fallacy and defamatory” rumours that some funds from the Resilient empowerment deal had funded Agang SA’s fairly disastrous recent election campaign.

The Aquarella shareholders claimed not to have been aware that hundreds of millions of rands in Fortress A and Fortress B shares held by Amber Peek – effectively Resilient – were issued in the name of the Resilient Education Trust. Takalani Ravele, secretary of Aquarella, said shares worth R400m were donated to the trust “without our knowledge”.

A Resilient spokesperson insists the BEE shareholders were informed and that less than half went to the trust.

In Resilient’s consolidated interim financial statements for the six months ending 31 December, 2013, it states that it had agreed to the sale of the

Fortress units held by Amber Peek, in response to “representations” from BEE elements in the company, “particularly” Thohoyandou shareholders of Aquarella, in December 2013.

At the time Aquarella owned 26% of Amber Peek; Celtic Rose (owned by nine black business people from Johannesburg, including economist Iraj Abedian

and Sydney Malabe) also had 26%; and Resilient Education Trust owned the remaining 48%. Resilient reported that it consented to the sale of shares on condition it was paid an early termination fee of R54.4m “being 10% of the proceeds”. Thus Celtic Rose and Aquarella, because they had wanted their shares sold, in effect agreed they would be penalised by this amount, since the Fortress shares, bought in 2009, were meant to mature only in 2019.

De Beer told *Noseweek* that, on termination, Amber Peek shareholders received all the proceeds from the sale after repayment of debt, income and capital gains tax, dividend withholding tax, audit fees and secretarial fees. He repeated Tshishonga’s statement that Resilient and Fortress received an early termination fee of 10% for agreeing to it five years before the maturity date. “The early termination was at the

request of the Aquarella shareholders and I understand it was unanimously approved by them.”

He said the Resilient Education Trust received a net R178.9m from the sale of Amber Peek shares. “The trust’s objective is the promotion of black education. I am happy to arrange a meeting with their staff to take you through their projects.”

An Aquarella spokesperson insists: “We don’t understand what De Beer is referring to when he says shareholders received all the proceeds from the sale after repayment of debt. The dividend withholding tax was paid by Aquarella, as were audit and secretarial fees.”

The spokesperson points out that the planned liquidation of Amber Peek will undermine Resilient’s Level 5 BEE status.

They still believe that a total of R540m should have been paid out to the three legs of Amber Peek.

De Beer says Amber is to be liquidated as it is dormant, while the fate of Aquarella is being managed by its

## **BEE proves itself more pointless as each day goes by**

own auditor. Amber Peek was one of three BBEE initiatives by Resilient “and ownership is not the only criterion for determining BEE status”. He says Resilient approached its shareholders for authority to provide financial assistance of R500m to assist a new BBEE partner to acquire Resilient shares.

Tshishonga says there was nothing untoward in the transactions. Initially he had been brought into the Resilient fold when he was appointed chairman of its previous BEE wing, Diversified Pty Ltd, which was replaced by Amber Peek.

He points out that the Celtic Rose and Aquarella shareholders had “not put a cent” into the company yet each had taken home about R1.3m.

Tshishonga acknowledges that he himself had received a little more – about R3m – because he had more shares. “De Beer is a good man. He gave us (the BEE) shares for nothing.” ■

# Bobbing and weaving

## Complaints about SA's ambulance-chasing supremo lawyer

### Ronald Bobroff suffer mysterious delays

**R**ONALD BOBROFF HAS UNTIL NOW enjoyed an extraordinarily high level of protection from the Law Society of the Northern Provinces. They have shielded their former president, who until recently remained an influential member of its council, from the consequences of his many thefts from clients and tax frauds which they have certainly known about since early in 2012.

This “protection” is amply demonstrated by the fact that in 2013 the society’s then president, Busani Mabunda, was willing to lie under oath to the North Gauteng High Court on Bobroff’s behalf. Mabunda, president of the Black Lawyers Association, has been known to describe Bobroff as “the cleverest lawyer that I have ever met”.

Bobroff is undoubtedly South Africa’s ambulance-chasing supremo. He has made mega-millions, not only through the use of a sophisticated system of touting at private hospitals, but through his use of illegal and deceptive fee agreements. His clients sign both an (illegal) contingency fee agreement and an hourly fee agreement at the commencement of their matter.

When all is said and done, Bobroff and his son, Darren, get to choose which agreement to rely on. The Bobroffs have so far, without much effort, managed to resist all attempts by the honest members of their law society to have an inspection done of their firm’s books and records.

In 2011, road accident victim and former Ronald Bobroff & Partners’ client, Juane de la Guerre, hired attorney Anthony Millar of Norman Berger & Partners in Johannesburg to help her challenge the fee bills from her former attorneys.

Millar could not have imagined the extent to which his representation of De la Guerre would open the floodgates of vilification against him and his firm by



Pitter patter: Ronald Bobroff works his beat

the Bobroffs. De la Guerre won her case against Ronald Bobroff & Partners earlier this year in the Constitutional Court.

Now, Bobroff has set about telling the world that Norman Berger & Partners employed a tout at the Natalspruit Hospital on Gauteng’s East Rand.

The South African Association of Personal Injury Lawyers (Saapil) was formed by Bobroff and friends in March 1999, two months after *Nosweek’s* raid on Cape Town ambulance chasers, Hoo-sain Mohamed & Associates (*noses* 26, 55, 113, 154, 175).

Judge Willem Heath’s Special Investigating Unit had started to show an unwelcome interest in the ambulance chasing profession. And while the arms industry and its friends in government were even more threatened by Heath’s

unit, it was Saapil that managed to put the kibosh on Heath’s investigation unit in 2002. To this day, Saapil remains the alter ego of Bobroff.

Early in 2012, Saapil lodged complaints with the Law Society of the Northern Provinces alleging that Norman Berger & Partners had been touting road accident clients. The firm and Millar responded promptly and in great detail to the allegations but that did not put an end to the matter.

It transpired that the Bobroffs had concocted 11 affidavits to try to discredit Norman Berger & Partners – which then received notice from the law society in April last year that an “investigating committee” would be consulting the complainants whose affidavits had formed the basis of Saapil’s allegations.



The very next day a reporter from *The Star* contacted the Bobroffs about the investigation. Bobroff had given her the entire law society dossier, prompting her to get going on her investigation the day after Norman Berger & Partners had received the law society complaint. The story was not published.

Millar told the law society that all the complaints were spurious: "What is clear is that Ronald Bobroff, through



Saapil, is intent on creating the maximum amount of inconvenience and embarrassment to Norman Berger & Partners and its directors."

He continued: "It has come to our attention the Saapil 'investigation' is ongoing and Prince Makhondo, one of the Registrars of the South Gauteng High Court, has been furnishing the names and addresses of our clients to Mr Edward Machakatini, an employee of Ronald Bobroff & Partners [a driver]."

This reporter has been investigating Makhondo in another, unrelated, matter in which he allegedly assists "third parties" by manipulating the court roll in such a manner that insolvency applicants don't have their applications heard by judges deemed "difficult", such

as Judge Moroa Tsoka and Judge Kathy Satchwell. It is an open secret Makhondo "runs his own show" from the high court. [It is not for nothing he has the nickname "Glenfiddich". – Ed.]

*Noseweek* has seen evidence that suggests the Bobroffs paid Makhondo.

Millar told the law society in July 2012 that former Bobroffs attorney, Sa'diyah Samrod had indirectly alerted him to Ronald Bobroff & Partners' efforts to frame him and his firm for touting. Samrod subsequently provided the law society with an affidavit. Months later, law society official Jaco Fourie, told Millar about the existence of Samrod's affidavit, saying that in his view it "exonerated" Millar and his firm.

In her affidavit, Samrod stated that:

- The purpose of her statement was to report herself to the Law Society of the Northern Provinces for dishonest conduct.

- She had been instructed by Bobroff to visit an unnamed client together with the firm's driver, Machakatini.

- Bobroff had provided her with a draft affidavit to be signed by a client in which they would allege they'd been touted by Norman Berger & Partners.

[Bobroff's encyclopaedic knowledge of the law meant that he could prepare an affidavit without knowing what the client would say. – Ed.]

- En route to the meeting with the client, at McDonalds in Alberton, Machakatini told Samrod they were not to use their real names or identify themselves as being from Bobroffs. [A Big Mac in exchange for perjury. – Ed.]

- She was uncomfortable with this idea but went along with it.

- Machakatini introduced himself and Samrod as being from the Hawks, and told the client that Norman Berger & Partners were being investigated.

- Once Samrod had finalised the statement, she waited at McDonalds whilst Machakatini accompanied the client to the police station where the affidavit was commissioned.

- She informed Pippa Farraj, an attorney at Bobroff & Partners to whom she reported, that she did not wish to be party to any similar "incidents".

- She offered to consult with the Law Society of the Northern Provinces, should they need further information.

[The law society understandably did not take Samrod up on her offer. – Ed.]

Norman Berger & Partners politely

Explore the best travel deals in the world!



Use our FREE online or mobile channels.

Our travel experts in support 24/7/365.

Win Free holidays

**UNIGLOBE**  
Travel

access more™



+27 (0) 11 444-8910

enquiries@uniglobetravel.co.za

www.uniglobetravel.co.za

requested a copy of Samrod's affidavit from the law society since they knew of its existence but had not seen it.

Court papers reveal that Machakatini – in consultations to procure fraudulent “touting” affidavits – had introduced Samrod as “Jasmin from the law society”. Bobroff attorney Farraj was also involved in a similar consultation where she introduced herself as “Patricia from the law society”. The law society refused access to the affidavit.

Millar then demanded a copy of Samrod's affidavit from them so he could give it to *The Star*. The Law Society of the Northern Province's three-man ad hoc committee – comprising attorneys Willie Erasmus, Ben van der Westhuizen and Carel Zietsman – refused the request. Norman Berger & Partners, then launched an urgent application in the North Gauteng High Court.

It was opposed by the Law Society of the Northern Provinces whose president, Busani Mabunda, signed the op-

*the real issues. The pursuit of truth and justice is not one of his strong points, please note, should the Black Lawyers Association one day nominate him for judicial office. – Ed.]*

North Gauteng High Court Judge Billy Mothle heard the matter. Advocate Cornwell Tshavhungwa of the Johannesburg Bar appeared for the Law Society of the Northern Provinces.

*Noseweek* sent Tshavhungwa a copy of the transcript of the court proceedings, asking him about the following exchange with the bench:

Judge: “So the affidavit has nothing to do with Norman Berger & Partners?”

Advocate: “It has got nothing to do with them, at all.”

*Noseweek* wrote to Tshavhungwa saying that “the entire affidavit concerns Norman Berger & Partners”. And “Please explain to *Noseweek* readers why you told Judge Mothle otherwise?”

He hastily phoned to say the matter needed to be understood “in context”.

us that, say, it is not his signature on the affidavit but a forgery, or that the law society councillors collectively held a gun to his head and made him do it. The Press Code, and the principles of justice and fairness, demand that we give Mabunda such an opportunity.”

Samrod eventually testified at the law society hearing. The investigating committee that heard all the witnesses concluded that there was no evidence of any unprofessional conduct by Norman Berger & Partners.

● The complaint against Norman Berger & Partners took a year from start to finish.

● There have been formal complaints before the Law Society of the Northern Provinces against the Bobroffs dating back many years. Not a single one of them is anywhere near finality.

Law society director, Thinus Grobler, told *Noseweek*: “Subsequent to the communication of the committee's position, Norman Berger & Partners made an urgent application seeking an order to compel the Law Society of the Northern Provinces to disclose the Samrod statement. The society decided to oppose the application whereupon Mr Mabunda, in his capacity as the president of the society, was mandated to depose to the answering affidavit thereto in line with the recommendations of the Investigating Committee.

“The urgent application was removed from the roll on account of lack of urgency. The matter is still pending, therefore sub judice; insofar as the subject matter of the application has not yet been decided. In saying this, we have observed that you have decided to usurp the power of the court to decide on the relevance or otherwise of the Samrod statement to Norman Berger & Partners' cause. In doing so, you have also decided to make a value judgment on the contents of the law society's affidavit deposed to by Mr Mabunda and making a sensational conclusion that he committed perjury in representing the position of the Law Society of the Northern Provinces therein. The society views such comments as gratuitous.”

Bobroff, Ronald Bobroff & Partners, Farraj, the Department of Justice, Mabunda and Makhondo failed to respond to *Noseweek's* requests for comment.

● *Noseweek's* online subscribers can click on the links to the supporting documents. ■

## A colleague described Ronald Bobroff as the ‘cleverest lawyer that I have ever met’

posing affidavit in which he stated:

● The Samrod matter was “confidential in nature”.

● “The Samrod affidavit was not made in connection with the complaint against Norman Berger & Partners and Millar.”

● “If Norman Berger & Partners wanted the affidavit, they could have tracked down Samrod and asked her for it. Or they could have made her an applicant in their court application.”

● “To the extent that it is relevant and of any comfort to the Respondents, the Samrod affidavit does not deal with the merits of the complaints against the applicants.”

● “The risk of reputational damage to Norman Berger & Partners cannot be blamed on the Law Society of the Northern Provinces.”

*[What about the risk of reputational damage to the attorneys' profession as a whole? Apart from his fibbing, in his affidavit, society president Mabunda continued to feign ignorance of*

*[Which is precisely the purpose of this Noseweek story. – Ed.]*

Similar questions put to the law society's Mabunda – asking him to explain why he had tried to mislead the court by lying under oath – were met with a response from Law Society of the Northern Provinces' director, Thinus Grobler, reminding us we were forbidden to contact their law society councillors directly.

*Noseweek* told Grobler: “On the face of it we are looking at a crime scene: one in which an Officer of the Court has committed perjury.

“The crime that we are about to allege Mabunda committed is one that adversely impacts on the efficient administration of justice. Mabunda's conduct, as an Officer of the Court, is a matter of public interest – as is the fact that he has been a president of the Law Society of the Northern Provinces and remains on its Council.

“We are giving him an opportunity to rebut the allegations, or offer an innocent explanation – such as telling



Sorting: Meanwhile back at Grid HQ

## It's business as usual at Grid

**N**OSEWEEK HAD HOPED TO DELIVER a tale of forgiveness and restitution this month concerning Bruce Winship's Grid Construction and the scores of very unhappy contractors to whom they owe money (*noses*173,174,175) but that was not to be.

Evangelist Angus Buchan and his Shalom Ministries trustee Eric Tocknell assured *Noseweek* at the beginning of April that the Shalom Trust had taken control of their prodigal son's wayward business dealings.

When he said they were organising to square all his old debts by 15 April, we thought that would take a miracle – especially when he told us they would spread the word far and wide that even creditors who'd written off their money years before should lodge their claims and would be met with a "generous" response.

A month after their unrealistic self-imposed deadline, *Noseweek* started phoning around Durban and came up with just one happy contractor: Anton Fouche of Industrial Linings, who had been paid about R730,000 of the money due to him.

"We reduced the total slightly because of an issue with a job that had gone sour," he said. "They paid just under R280,000 about three weeks ago and, after I met Eric Tocknell and Bruce Winship's accountant about the R450,000-or-so outstanding, they promised to pay at the end of April. The money went into our account on the last day. Tocknell was very helpful and I understood from what he told me that he was the one deciding where the money goes," said Fouche.

Winship said 15 of the creditors had

By Gavin Foster

been paid so far.

"The reason that people haven't been paid is that there are disputes. We are going through a series of meetings with them – like we always have, by the way – and we're sorting them out."

Meanwhile, a retired director of the Electrical Contractors Association of South Africa, Chris Greager, said he'd recently taken up a three-month contract to run the association's KwaZulu-Natal region and that one of the services ECA offered its members was "to assist them in getting their hard-earned monies out of unscrupulous building contractors". Over many years, the ECA had helped numerous members in disputes with Grid Construction.

Winship, he said, "has always practised the same *modus operandi*: don't pay what is owing, drag it out in the hope that the contractor will forget about it, and offer to settle only when or if the matter eventually gets to court".

Shalom trustee Tocknell's offer to settle even Winship's old outstanding debts, and his invitation to creditors to contact him, is problematic, as Tocknell has been away on a six-week holiday.

Creditors told *Noseweek* that Grid Construction employee Patrick Kruger had dealt with their payment claims by offering half of the billed amounts.

Rod McDonald of Fencecraft, who laid charges against Grid with the Master Builders Association, said he had eventually received all of the money owed by Grid. "I was acting on behalf of a group of contractors in the case against

Grid with the Master Builders Association, and Kruger offered me R6,000 of the R12,000 they owed. I stuck to my guns and they came back with an offer of R10,000 – which really annoyed me. Eventually they paid the whole amount but I'm still going on with the Master Builders' case for the others.

"I know Anton Fouche got about 90% of his R1 million claim, and Ogilvie Engineering got, I believe, about 50% of what they were owed – they signed a confidentiality clause with Grid as part of the deal. Geoff Caruth of Alexander Caruth is owed R88,000 and was working through McDonald when Grid's Kruger contacted him to say an intermediary wasn't necessary as he would be paid.

"He hasn't given me an indication as to when, though," he told *Noseweek*, adding: "Grid's Claudio Manfron was a friend of mine and helped me recover some of my money, then he stopped taking my calls. He'd asked me about three times over the past year to resubmit my final account but nothing happened when I did. Maybe I'm naïve in taking them at their word."

Tocknell wrote to *Noseweek* on 10 June, boasting about a meeting that had been set up with various plaintiffs, one of whom he hoped would bring along a list of aggrieved creditors – two months after the date by which he and Buchan had insisted all would be finalised.

"I would like to comment upon two issues," Tocknell said. Referring to the claim that they had offered only 50% of the amounts claimed, he said: "Each claim is fully investigated and, taken into account is sub-standard work according to the consultants, delays in performance, and quality of materials. All have the effect of placing a value thereon, and thereafter leading to a generous payout. Should you have any information to the contrary we would appreciate the name of the creditor and their comments."

*Noseweek* suggested: "Your church group has taken the responsibility/authority of making payments on behalf of Grid."

Tocknell: "What nonsense, we are merely assisting a colleague to clean up long-outstanding debt."

As Bruce Winship told *Noseweek* in April, it's business as usual at Grid. ■

A woman with dark hair is shown in profile, looking towards a glowing solar jar she is holding. The jar is a cylindrical glass jar with a lid, and it is illuminated from within, casting a warm, orange-red glow. The woman's face is partially in shadow, with the light from the jar highlighting her features. The background is dark, making the glowing jar the central focus.

# More heat than light

**A South African entrepreneur claims the solar jar he invented is being undercut by cheap Chinese knock-offs. But, as Helen Grange discovers, there may after all be nothing new under the sun**

**S**OUTH AFRICAN ENTREPRENEURS are increasingly threatened by Chinese products that are apparent replicas of their own ideas, but sell for far less. One of them is engineer Harald Schulz, whose well-loved Consol Solar Jar now has a close relation, the Organic Soul Solar Jar, publicly endorsed by *Carte Blanche* presenter Derek Watts.

The Consol Solar Jar is a simple but inspired “green” invention. Solar-powered LED lights are charged by sunlight harnessed through a small solar panel on the lid.

Schulz, together with Consol, developed the magnetic flip-switch on the lid that turns the light on. And since 2011, Schulz has been manufacturing the jars in a small factory in Selby, Johannesburg, where he employs 49 staff. To date, they have manufactured more than 500,000 units which have been widely distributed and sold throughout South Africa.

“It’s a small South African success

story. In the three years we’ve been running, we have created employment for 44 previously unemployed people. We manufacture primarily for the local market but also export to Europe, Australia and have plans to enter the American market soon,” says Schulz.

Now, however, the business is under direct threat with the recent entry on the market of the Organic Soul Jar, which is made in China and retails at about R129 – up to R40 cheaper than the Consol Solar Jar, which sells for around R170.

The Organic Soul Jar is clearly a near-replica of the Consol Solar Jar, the only difference being that the wire flip-switch is triangular on the Organic Soul jar, rather than square, and the solar panning is configured slightly differently. Also, the glass jar itself is branded “Organic Soul” instead of “Consol”.

“This is a ‘Made in China’ product which is a blatant copy of our proudly designed and ‘Made in South Africa’

jar, and it endangers and threatens local employment,” says Schulz.

Although no legal rights seem to have been infringed – the flip-switch technology is not patented, nor the wire mechanics used – Schulz feels strongly that local business operators should be conscious of the consequences to local industry of importing cheaper Chinese take-offs.

“Our Solar Jar funds the education of three of our staff, most of whom are under 25. It funds the UIF, a provident fund, funeral and life cover for our employees. We pay 13th and 14th cheques, celebrate birthdays and all the staff attend each other’s weddings. I believe South Africa, with all its labour problems, is in sore need of these kinds of local manufacturing initiatives. But they are undermined when importers simply copy ideas and import from China,” says Schulz.

The competitor, importer Orange Apple of Midrand, is unapologetic. Partner Alan Surman denies he copied



Got a light?... Tobias Wong's original Sun Jar (facing page); Consol Solar Jar (above right) alongside the cheaper Chinese copy; and Harald Schulz



the Consol Solar Jar and instead had found “lots of different solar jars” at a trade show in China, where the idea of importing the product took root. “Just look on *Alibaba.com* there’s a big range of them,” he says.

A view of the site does indeed bring up a range of solar jars, though most are without the switch that Schulz says he developed. They cost between \$3 (R30) and \$5 each, including freight. Many are powered by batteries as opposed to solar panelling on the lid. So in the wider context of what’s available out there, the similarities between the Consol Solar Jar and the Organic Soul Jar are even more remarkable.

“I’m all for South African-made products, but we need to get production costs down,” says Surman. “Our priority with the solar jar was getting a good product to a wide net of consumers, not just those who go to high-end shops. If Harald (Schulz) could make them at a competitive price, then we’d gladly save on import and customs costs and order from his factory.”

The Consol Solar Jar is a superior product, argues Schulz, but for Surman this is no obstacle to his product, which is selling in Mr Price Home and in Walmart-owned stores (Game, Makro, etc). “We’re planning to get them made even cheaper, using plastic, for consumers with less to spend. We can’t run South Africa like a cut-off haven, outside of global market forces,” he says.

Schulz, meanwhile, is developing a new design for the Consol Solar Jar, and says he’s patenting it this time.

“It’s going to cost money, but I need to protect what’s ours as far as it’s possible, and feasible.”

Which raises the question: Just how original is the Consol Solar Jar?

The novel lantern stars in a recently published book celebrating South Africa’s 20 years of democracy, called *100 Good Ideas*. South African ideas, that is.

But hang on – in 2006 Canadian designer Tobias Wong, in collaboration with London-based product design company SUCK UK, launched his

environmentally conscious “Sun Jar”, a watertight jam jar light with a solar panel in its lid that looks remarkably like Consol’s, except for the brand name.

Since then, dozens of solar jar designs based on Wong’s Sun Jar have been produced in China, and if you buy them in bulk, you can pick them up for way cheaper than his originals still sold at the SUCK store.

Schulz now concedes that the basic idea was not his. The difference, he says, lies in the detail: his flip switch is unique (until the idea was replicated in China), his has a screw top and two LED lights inside as opposed to Wong’s single LED light and clip-on lid.

“The off-on switch on Wong’s Sun Jar is mechanical. We were the first to design the flip switch. And our jar has a handle. Also, the Consol jar emits much more light,” he assures *Noseweek*.

Nice. But maybe it is not quite the radical South African idea it was cracked up to be? ■

## TO ALL THOSE ELIGIBLE BACHELORS THAT ARE TIRED OF THE GAMES OUT THERE!

RANDOM DATING OR SERIOUSLY SEEKING THE ONE? YOUR SEARCH STARTS HERE! NO INTERNET, WE ARE YOUR PROFESSIONAL AGENTS, HEAD HUNTERS AND RECRUITERS TO YOUR CRITERIA. OUR PERSONAL ATTENTION TO YOUR NEEDS, CARING AND DISCREET ATTENTION GUARANTEES THE BEST CHOICES!



### Meet your kind of people...

.....Our perfect partner ladies are above average, in good shape (mind, body and soul), active and proactive, vibrant and smart! Committed to finding Mr. Right, they have much to offer and appreciate the attention of a real sincere gentleman! All ages, cultures and personality types, with a positive understanding that a love relationship is a two-way street. We offer profiles, your selection assures the right match.

**25 - 35** tired of internet, clubbing and pubbing, ready to start a real relationship, sexy and vibrant

**34 - 45** starting over? No time for games, seeking a sincere start to lasting love, stunning and lovely

**43 - 55** time to think of the real deal, street smart, established and understands the power of love

**55 - 63** this is 'me' time to share with a new life partner and embrace the future, active and proactive

**Professional, Upmarket and/or Executive**  
our contract fee assures professional service

All those lovely single ladies out there are invited to enquire, our hands-on Team is standing by, with no obligation. **YOU COULD BE OUR NEXT SUCCESS STORY.** Meet our sincere, upmarket and awesome guys, academic or business man, also careful about who they meet, are sincere and committed to finding Ms. Right, networking is the name of the game until destiny finds you!

**STANDARD FEES APPLY – ENQUIRE ON OUR DIFFERENT PACKAGES – WE TAYLOR YOUR BUDGET TO SUIT YOUR POCKET**

Go to our website and read more, see our FAQ's, and please complete and submit the Personal Profile (totally confidential)

[www.perfectpartners.org.za](http://www.perfectpartners.org.za)



**CONTACT US:** 083 235 5845 or 082 573 3966  
9AM to 6PM WEEKDAYS  
[info@perfectpartners.org.za](mailto:info@perfectpartners.org.za)

[www.facebook.com/PerfectPartners](http://www.facebook.com/PerfectPartners)

# Darling, be **MINE**

## Swartland businessman claims exclusive use of town's name

**A**BSOLUTELY NO INSTITUTION WILL allow the name of a town to be trademark registered. That's ridiculous." So said constitutional law expert Professor Marinus Wiechers in the *Boland Gazette* on 25 February. In an article, "Businessman wants to make Darling his own" (*Sake-man wil Darling syne maak*) he was commenting on the fact that a Nico Basson – the man behind Darling Brands, a company best known for the Darling dairy business – is using trademark law to stop others in the Western Cape town from using the name Darling as part of their businesses or brands. But the prof was mistaken.

Wiechers said what Basson was doing was unconstitutional, because South Africa's Constitution grants everyone the right to trade freely.

The article said that the local authority, Swartland Municipality, was hoping the matter could be resolved by way of talks – perhaps it felt that a town whose best-known resident is satirist Pieter-Dirk Uys – who has his very own theatre called *Evita se Peron* – has all the farce it needs.

What institution would do something so ridiculous as to allow someone to trademark register the name of a town? Take a bow Companies and Intellectual Property Commission (CIPC), the government agency that's responsible for so many of the things that make businesses tick, including the registration of trademarks.

CIPC has allowed Darling Brands to get a host of trademark registrations for the name Darling – including all the foodstuffs, clothing, olive-oil soaps, retail services, and restaurant

services. One or two registrations also incorporate a logo and, in one of these combined name and logo registrations the following endorsement appears: "Registration of this trademark shall give no right to the exclusive use of the word Darling in its geographical connotation".

Does this mean that Basson can stop anyone using the name Darling in relation to all these activities?

Basson certainly thinks so; he's sent off cease and desist letters to at least three Darling businesses: Darling Brewery (the maker of the craft beer), Darling Meat Market and Darling Wine Shop.

One of the unfortunate recipients, Charles Withington of Darling Wine

graphic indicator... on more recently issued trademarks a condition of registration is clearly spelt out as "Registration of this trademark shall give no right to the exclusive use of the word Darling in its geographical connotation ... however, in some of the older marks this is not clearly spelled out... please can you provide clarity on this issue?"

A perfectly reasonable way of dealing with the matter, but one that's perhaps a bit naïve. Why? Because it anticipates a response and, as most of us know, public servants can't be bothered to serve the public. So Withington is still none the wiser. Nor is Darling Meat Market.

Neither business was particularly keen to talk about their issues with

## What institution would be ridiculous enough to allow someone to trademark register the name of a town?

Shop, thought he'd ask CIPC for clarity on the matter. Especially as his interest in the name isn't limited to Darling Wine Shop, but extends to the phrase "Taste of Darling", which will be one of those festivals or events that small towns in the Western Cape love so much.

Withington wrote to CIPC: "Having perused some of the trademarks registered and approved by your office, I am somewhat confused as to whether all trademarks registered with the word Darling would automatically disallow exclusive use of the word as a geo-

Basson, but we understand he has tried to persuade them to sign some sort of agreement.

Darling Brewery, on the other hand, was happy to talk to *Noseweek*. The letter that Darling Brewery received from Darling Brands said: "We request that you please cease use of the Darling brand as we fear members of the public may be led to believe that there is an association between our respective businesses... we trust that you receive this letter in sincere spirit."

(What sincere spirit would that be, one wonders, the spirit of a small town



ownership of either legally or morally.”

He’s heard nothing more. Remember readers, when you stand up to a bully they generally back down.

Just what is the law on this? An attorney specialising in the field, Jeremy Speres of the Stellenbosch firm Floor Swart, told *Noseweek* the general rule is that you cannot register a name that indicates the geographical origin of the product. Why? Because that would be unfair, everyone should be entitled to use the name of the area they’re in.

As with any legal principle, however, there is an exception: if a company has used a place name as its brand for a long time and on a large scale, with the result that that name is in fact regarded as the trademark of that one company, it might be possible to get a registration. This is referred to as getting a registration on the basis of “acquired distinctiveness”. Registrations of this sort are, however quite rare. What is far more common is for a company to register a trademark that consists of both a place name and some other wording or perhaps a logo. In this case, the company has an exclusive right to the combination but not the place name itself. Ideally there will be an endorsement, like the one we saw earlier, which makes this quite clear.

Speres said it was not clear whether Darling Brands had managed to get Darling registered on the basis of acquired distinctiveness, or whether CIPC had simply slipped up and missed the fact there is a place called Darling (in which case the registrations may be open to attack). But even if the registrations are kosher, they’re very limited, and they certainly can’t be used to stop other companies honestly indicating the geographical origin of their products. So the brewery that’s based in Darling can still use the name Darling to indicate where it’s located, as can the wine shop and the butcher. So Basson hasn’t got much of a case.

Perhaps Basson has realised this, because since the *Boland Gazette* published its article he’s gone silent. The people he’s threatened no doubt hope that he stays that way.

He certainly remained schtum with *Noseweek*, saying simply that it was “company policy not to deal with the media” and that those aggrieved by his actions should pursue “formal channels”. ■

bully making a sincere effort to make life difficult for other businesses in his town?).

The man behind the beer, Kevin Wood, did his homework. He responded as follows: We do not believe there can be any misunderstanding as to the two companies’ products as they are

entirely different... we have used Darling as a reference solely because we live here... like Darling Meat Market, Darling Spar, Darling Guest Lodge etc. (there are 15 examples in the phone book) we use the name as a geographical, generic reference... an actual place name... is one that no entity can take

# When is a house an eyesore?

## City officials order owner to clean up his act

**I**N 2008 *NOSEWEEK* RAN A STORY ABOUT a couple, Koos and Carla Bleker, who had signed a joint will through Absa – each leaving their estate to the other and with Absa appointed executor (*nose*108). When Carla died the estate was worth very little (just an old house in Oranjezicht, Cape Town) but the fee Absa was proposing to charge – R100,000 – would have forced the 80-year-old widower Koos to sell the house.

The couple's son, Alex Bleker of Malmesbury, stepped in and fought hard to persuade Absa to renounce its executorship so that he could wind up the very simple estate himself. Absa wouldn't budge, so Alex eventually had to pay the shortfall after the bank threatened to put the old man out on the street. He did, however, manage to get the fee reduced.

Koos Bleker wrote a new will leaving the house to his grandchildren (Alex's children) and giving Alex a lifetime right to occupy the property. Alex was nominated as executor of the will.

Koos Bleker died on 3 February last year, aged 85, but when Alex came to apply for his Letters of Executorship from the Master of the Supreme Court, he ran into trouble. "You must appoint a professional – a bank, an accountant or an attorney," said the Master.

Not true said the servant (who had done his homework). That isn't the case if the executor is closely related to the deceased (within the second degree on consanguinity, as the legal expression goes). But the Master persisted with his objection and it took Alex a full 11 months (or 40 emails, depending on how you measure time) to get his Letters of Executorship.

On 1 March last year, a mere four weeks after Koos's death, City of Cape Town law-enforcement officers arrived at the house in Oranjezicht, saying there had been complaints about it. These related to some hand-painted

signs Alex had put on the walls warning trespassers to keep out. He agreed to remove these and replace them with proper signs. Yet two weeks later city officials returned, this time with an order declaring the house to be a problem building.

Say what! Yes, the City of Cape Town has the power to declare buildings problem buildings in terms of a 2010 by-law. It can make such a problem-building declaration in respect of any building which is abandoned, derelict, overcrowded, subject to written complaints in respect of criminal activities... or structurally unsound. Which sounds reasonable enough but it starts to get a bit ominous because it extends to buildings that are simply "showing signs of becoming unsightly or objectionable".

How does this work? Well, the order must be served on the owner or the deemed owner (there are various people who can be deemed the owner if the true owner can't be identified), who must then sort it out or face a fine of R300,000 or a jail term of three years.

Alex has always maintained that, as he had not yet received his Letters of Executorship by then, he wasn't the deemed owner and therefore the order wasn't properly served.

And, as he found out, you also get penalised by way of a special service fee – yes that is how it is described, who knows what the service is – which gets added to your rates. And it's hefty – in Alex's case, R28,000 per annum.

What exactly is wrong with the house? Well it's old (built in 1920) and it's a bit of a mess (Alex says it needs a lot of work). The area is also a bit dodgy (Alex says his father had lots of problems with vagrants and burglars, and there was even a break-in on the night he died – of a heart attack).

The break-ins continued after Koos's death, which is why Alex painted



the warning signs on the wall. Many months later he would erect a large wooden fence too.

Alex plans to renovate the house. He does, of course, have a strong interest in doing so as he's entitled to live in it for the rest of his life and then it passes to his children. As he's unemployed, he plans to leave Malmesbury and live in the house in Cape Town when the renovation work is complete. In the meantime, his adult son, who is studying in Cape Town, is living in the house, so it's not derelict.

But just what was the basis of the problem-building declaration? Alex has been trying to get clarity on that for over year. At one stage Alex was told that the declaration was linked to the hand-made signs. But that can't be right because he replaced them after the first visit from city officials. He's also been told that it related to the



**Forlorn: the Kloof Street house**



wooden fence. But that can't be right either because it was built long after the declaration was made.

Now it's looking very much like the principal inspector of the Problem Building Unit, Wayne Aldridge, is trying to get a building inspector to go in and find proof of recent unauthorised building work in order to justify a declaration that was made more than a year ago.

Alex has, in fact, done a lot of work on the house since his father's death, but nothing that requires building plans. As Alex sees it, the city officials are simply making it up as they go along.

Why? Someone of a cynical disposition might think that some developer who has his eyes on this 600m<sup>2</sup> City Bowl property also has contacts in the right places. But Alex is not of such a suspicious disposition: he thinks it's just neighbours. He knows of one neigh-

bour who is very keen to sell and who "may have complained in an attempt to hide the vagrant problem in the area", whereas another neighbour "is always looking for a fight". And "one of them stole my father's pedigreed Persian cat. I believe she still has her as it features on her Facebook page". (You've got to love urban life!).

Alex has been in email correspondence with several city officials for over year. These include: Wayne Aldridge; a building inspector; the Director of Safety and Security, Richard Bosman; the local ward councillor, Dave Bryant; and the Chief Whip of the city, Anthea Serritslev. The correspondence has been aimed at establishing just what the basis of the problem-building declaration is; what Alex is getting for his

fencing... Even Ms Zille's house is in contravention... I will not accept the argument... that the safety of my family is of lesser importance, thus we can be murdered for the sake of aesthetics. If the council wishes to enforce their perimeter fencing policy document they should adhere to it themselves."

The ward councillor for the area, Dave Bryant, responded to *Noseweek's* queries by saying that he had referred the matter to the Problem Building Unit after receiving complaints from local residents about, inter alia, "Graffiti and signage all around the property: 'No Jobs', 'No Graffiti - If I Catch You You're Dead' etc)".

The city's response, attributable to Safety and Security head, Richard Bosman, was surprisingly brief. To the

## You could be fined R300 000 for neglecting your home

R28,000 service fee; why he's being harassed by city officials; why no-one will let him see the city's file; and how the city expects an unemployed man to fix a house that needs fixing if he also has to pay a hefty penalty.

His correspondence is becoming increasingly anguished, with complaints of "harassment" and "persecution". In a recent email to the Chief Whip there's clear desperation: "I honestly do not know what is the basis for the declaration of a problem building... Hence I have asked for a complete copy of the file... If I stand to be imprisoned for a period of three years, surely I have the right to full disclosure. I am pretty desperate."

And cynicism: "The problematic building unit however seems to have an abundance of spare manpower and not enough real issues to occupy themselves with. In a city where poverty and crime is rife, this seems somewhat of a disgrace."

And bitterness: "Another matter for the problem building department is the liberal use of razor wire on government buildings in contravention of the council's policy document on perimeter

question of why the house had been declared a problem building, he offered no more than: "The building/property was declared a problem building, following an investigation by the Problem Building Unit and in terms of the Problem Building By-law." Bosman denied that the city had refused to show Alex Bleker its file, saying that he had chosen not to look at it when given the opportunity during an inspection. (He has asked in writing for a copy on a number of occasions).

The city seemed quite impressed with its set-up, saying that 159 structures had been declared problem buildings since the by-law came into effect, and that the unit employs eight people. It said no-one had been jailed yet but that prosecutions were pending.

It was quite happy to confirm that it really does take action in cases of buildings that are "showing signs of becoming unsightly or objectionable". And it proudly confirmed that Cape Town is the only city in South Africa to have such a by-law.

The Problem Building Unit appears to be just that: a unit that builds problems. ■

The old farts in the ANC benches tried to look nonchalant as a battalion of EFF members – the men dressed in red overalls and hard hats; the women in maids' aprons and headscarves – took their seats in the National Assembly for the first time on May 21.

DA MP Lance Greyling had earlier lamented to *Noseweek*: "They are going to suck up all the media oxygen." And, indeed, the 25 new kids on the block did just that.

Days after being sworn in, EFF leader Julius Malema was back in the headlines, after having been given more time by SARS to settle his

R16-million unpaid tax bill and permission to postpone his sequestration.

And EFF Commissar for Land and Agrarian Revolution, Andile Mngxitama, had written to British businessman Richard Branson to "alert" him that, by buying a 40-hectare wine farm in Franschhoek, he had unwittingly bought stolen property, and the EFF's land expropriation policy might adversely affect the investment "in the near future".

Among the 25 EFF MPs to take up seats in Parliament are **Hlengiwe Hlophe**, **Natasha Louw** and **Magdalene Moonsamy**. **By Sue Segar**

## Natasha Louw

*"I was in love with the policies of the ANC and with the Constitution. I had a lot of respect for then President Thabo Mbeki and when he was removed, I started withdrawing from politics. I never believed President Jacob Zuma was fit to run the country. So when he took over, I decided to leave politics and focus on my career. If the EFF had not come along I would not have voted, let alone become involved in politics again."*

**A** DAY AFTER BEING SWORN IN AS AN MP, Natasha Louw, the EFF's Commissar for Mining and Mineral Resources, quietly shares her first impressions of Parliament.

"I looked at all the ANC members in the National Assembly and thought: Where are the young people in the ANC? These people are all so old they can barely lift their feet up. They come and sit here, and fall asleep. They can't

come up with any proper ideas to take this country forward. All they seem to care about is their investments and retirement packages. What about unemployment and the graduates who are fully qualified who cannot find work?"

"I sat in my seat and looked at President Jacob Zuma and thought, 'This corrupt president that can get away with almost anything'... and I looked at some of the people around him and thought, 'These people can do almost anything and get away with it if they are close to Zuma'."

Louw, from George, a 30-something mother of two daughters, believes the EFF has the formula to take South Africa forward and "to rescue this country from the depths created by the Zuma government".

From the minute she met Julius Malema she knew she could follow him. "He is humble and supportive, yet has the strength to

**To page 24**



## Hlengiwe Hlophe

*"Before we talk further, please take a journey to visit the informal settlements... Do you know those shacks, where the people have no employment and are hopeless? That is where I am from. I am one of them. Those are my friends, the people I grew up with. You will earn my respect if you have respect for poor people."*

**H**LENGIWE HLOPHE, THE EFF'S TOP WOMAN IN Parliament, is crisp and to the point about her new role as an MP under Julius Malema: "Do you know what it is like to go to bed on an empty stomach? I do. And I don't wish that on anyone else!"

Hlophe, the EFF's Commissar for Social Development, speaks by phone from her

home in Brookes Farm township in Phoenix, near Durban, shortly before leaving to take up her seat as an MP.

Early on, the divorced mother of a seven-year-old daughter, names Karl Marx as one of her heroes, along with "all African leaders who are passionate about rebuilding Africa" – like Robert Mugabe, Kwame Nkrumah and Julius Malema. President Jacob Zuma, she says, "is just a crazy waste of time".

The first time she heard Malema speak

# Women in red

Magdalene  
Moonsamy

*"The ANC I grew up in was a festival of ideas, an organisation that allowed debate and that did not harbour insecurity or paranoia about alternative views. But those of us who held dissenting views were being suppressed. It degenerated from there. The level of tolerance kept going down until I felt I had no option but to walk away."*



IT WAS A BITTER-SWEET DAY FOR FORMER ANC Youth League spokeswoman, Magdalene Moonsamy, when in December she walked away from the ANC, her political home of 19 years, to join Julius Malema in the EFF. After all, said Moonsamy at the time, she had come from a home in which "everything was green, black and gold". When she realised the ANC was no longer the party for her, she first consulted her family before deciding to leave the party.

Moonsamy, 35, who had been a member of the Malema-led youth league's National Executive Council – disbanded last year for sowing division in the ANC – said the major issue in her leaving was economic policy, particularly issues around the nationalisation of mines. "The government seemed to have more of an obligation to satisfy investors and external stakeholders than to listen to the voice of the people. And there was a feeling that the mother body was clamping down on the dissenting voices of its youth members.

Moonsamy, whose extensive CV includes the fact she was named in *Style Guide* one of the "Best Dressed People" on Parliament's red carpet for the 2013 State of the Nation Address, is as much of a head-turner in her red beret.

Born in Kenville near Durban North, Moonsamy and two younger siblings were raised mainly by their mother after their parents separated. She became politically active at an early age.

"My childhood in KwaZulu-Natal taught me all I have learnt about politics. That is the place in which my value system was formed. I come from a simple family – not politicians, but very politically conscious and aware of the conditions of the poor. They were humanitarian and very strong in their Christian

– on SAFM radio – "I said, 'Woah, woah, woah!' Then she got to know him in the youth league and again, "When he answered our questions, I said 'Woah, woah, woah'. He speaks such sense. About everything. He is very informed, you can ask him anything about Africa, Europe, anything – and he will answer you precisely. When he delivers speeches, he doesn't refer to notes. He can speak for four hours, only making sense. I love that young leader of mine. He is a very clear

leader who can be a good president."

Besides Malema's character, it was the EFF's policies, particularly their "Seven Cardinal Pillars for Economic Freedom" that drew her to the party. These include the expropriation of land without compensation for equal redistribution. "Don't forget equal distribution," she stresses. The other six tenets, or pillars, are: nationalisation of mines, banks and other strategic sectors of the economy – without compensation; the building

To page 25

To page 26



Natasha Louw

#### From page 22

speak his mind. He has a passion for the poor. He's a straight talker and is definitely presidential material. I don't think we would have got so far if it wasn't for him."

But it was the Seven Cardinal Pillars of the EFF which really appealed. "The nationalisation of mines and banks drew me in the most."

Louw, the youngest of six children, was raised in the Karoo town of Pearston, near Graaff-Reinet. Her father, Isaac, was a boiler-maker and mother, Elsie, a chef in the local boarding school. "My mom was a strong, independent woman who was involved in the ANC Women's League and a whole lot of aid organisations. She is 64 now and I have watched her fight and survive breast cancer. She said it was a phase God wanted her to go through. She was strict with us and instilled strong values. I had a pleasant childhood and was spoilt rotten and surrounded with attention because I was the last-born. But I wanted to be like my mother and to go into politics."

The family moved to George, where Louw matriculated in 2002. She went on to do a range of short courses – in computing, community work and in quality control, through Unisa. About five years ago, she started working at Lancewood Holdings in George and became a quality co-ordinator.

Following in her mother's footsteps Louw was involved in community work from an early age and was an active member of both the ANC Youth and Women's leagues – "I was in love with the organisation" – and in particular, it was Thabo Mbeki who impressed her.

"When Zuma came along, I still believed in the ANC and voted for them in his first term. But when he became president, I started pulling away..."

"The removal of Thabo Mbeki hurt me a lot so I stepped back and focused on my career. When the EFF came along last year, I read through the policies and said to myself, 'You know, I can't see myself voting ANC or DA or Cope, so let me go to the EFF'."

Louw started representing the party in the Western Cape and was soon appointed to the EFF's Central Command Team. With the election looming, she resigned from Lancewood in August to campaign full-time for the EFF.

As Commissar for Mining and Mineral Resources, Louw is set on the nationalisation of mines. "Whether we can win over Parliament's portfolio committee is debatable, but the first thing I will do is lobby for the nationalisation of mines and banks and for strengthening legislation relating to mines. I believe strongly that the wealth of South Africa should stay in South Africa. What's the point of other countries taking ownership of all our minerals? It makes no sense."

Since joining the EFF, Louw has done extensive research on mining conditions. "Some mines are so close to communities they are destroying them. Do the mining bosses care about their suffering? We also need to take on the issue of acid mine drainage and the effect it is having on the environment.

"By the way, I am also researching who owns which mines and who owns shares in them. Most are in the hands of people who don't deserve them. A lot of ANC officials have shares in mines. Even the premier of the Northern Cape has shares in mines. You ask yourself, if the premier has shares in it and the mine has to apply for rights... which way is the decision going to go? People are reluctant to give you this information. But I am determined to find it."

Another concern is the salaries of mine workers: "Is R12,500 really too much to ask for the risk these miners are taking on a daily basis?"

Asked to name people she admires, Louw answers immediately: Lindiwe Mazibuko. "Even though she is from another party, I've looked up to her for years; the way she built her political career and never backed down when she felt she was right. I admire her for standing up and being such a strong woman, for placing herself so high in the political arena. And I have always looked up to Winnie Mandela for the support she gave Nelson throughout his imprisonment."

For Louw, the past few months as a member of the EFF have been profoundly character-building. "As the youngest in my family, I was always surrounded and protected. I was a bit lumpy when it came to fighting battles.

"At Lancewood, I had a luxurious lifestyle, going for training and sleeping in nice hotels, whereas in the EFF we had few resources. When we were campaigning, we had to put our heads down and sleep wherever – in shared rooms. We are all so committed. We in the Central Command Team fight in meetings, but afterwards, we are closer than ever. We are such a team."

The corruption allegations against Malema do not worry Louw. She believes firmly in his innocence. "What our leader offers is what this country needs – to be led by young people."

What about the contradictions between the EFF's stated opposition to the oppression of women and some of the comments Malema has made? For instance, his response to the woman who laid rape charges against Zuma in 2009: "Those who had a nice time will wait until the sun comes out, request breakfast and ask for taxi money. In the morning, that lady requested breakfast and taxi money."

How does Louw, as a fan of Mazibuko, excuse Malema's remark after refusing to debate with Mazibuko the fact he'd said she was "a tea girl for the madam" and should "stay in the kitchen..."

"Much as I respect Mazibuko, I think maybe the [EFF] president had his reasons for calling her that. He has shown the women in the EFF nothing but respect. He always makes sure we have eaten and that we have a place to sleep.

"He had his reasons... and now, looking back after what happened in the DA recently, perhaps Mazibuko was allowing Helen Zille to treat her like a tea lady." ■



## Hlophwe Hlophe

### From page 23

of a strong developmental state and public service; free quality education, health-care, houses and sanitation; massive protected industrial development to create jobs with minimum wages; investment in the African economy; and an open, accountable, corruption-free government.

"I was so motivated by Malema. When he introduced those radical policies – especially expropriation of land without compensation for equal distribution and provision of free sanitation, healthcare and education – I just said, 'yes, exactly!'"

"I am nearly 40 and still as poor as a churchmouse, like so many my age. We need radical change. As things stand, the policies do not benefit the poor masses."

The other pillar close to her heart is the focus on rebuilding Africa. "I was a student in Thabo Mbeki's African Leadership Academy and I'm passionate about rebuilding Africa." As Social Development Commissioner, Hlophe is eager to get her teeth into setting up projects for rural women.

"The EFF has taken a decision to establish our own projects using a percentage of our salaries. Earning those salaries at Parliament is not for us but for the people. We have to finance our own revolution and, first of all, get women into agriculture so they can have something to eat."

Hlophe was born in 1973 in the rural area of Doringkop outside Stanger in KwaZulu-Natal and was raised by her grandmother while her mother worked in

Umdloti Beach as a domestic worker.

"My father was never in the picture. I didn't even know he existed until I was 27 or 28 when I heard about him through a friend and tracked him down. We didn't bond. It was just too late. I was like, 'Where were you and why didn't you support me?' But then I thought, 'let me let it go.'"

In her final years of primary school, she lived with her mother who had moved to the informal settlement of Amaoti in Inanda. "We were very poor, but our house did not look like the other shacks. My mother built it, with stones. In the rain our house leaked but it did not fall down like the others. That house is still standing."

Hlophe became politically motivated "by the situation I was growing up in" and joined the ANC Youth League when she was 12 years old.

"Natal was a violent province. Inkatha and the ANC were fighting. The level of poverty was terrible. We would attend night classes to talk about the Freedom Charter. I had nothing but the struggle. I enjoyed the toyi-toyi part.

"In 1985 there was an outbreak of violence between the Indians and the comrades. The Indians were trading in our townships and we Africans had no jobs and no businesses... We resolved to root out the Indians who had shops in the informal settlements. We burnt and looted their shops and drove them away."

In 1988, when in Standard 8, Hlophe was expelled from school and the IFP her mother's house "because they knew I was an ANC activist". She had to move to her uncle's home in Umlazi and went to school in nearby Umbumbulu. "I started activism there to abolish school fees. The principal called me a trouble-maker and I was expelled again.

"I went to a nearby school for a year and I was good because I wanted to pass, but I started mobilising for the youth league out of school hours. The IFP was very strong in that area. Their leader there, a Mr Khuzwayo, heard that I was mobilising for the ANC Youth League and came to school one morning with his group and said to me, 'I am giving you ten minutes to vanish from the area, otherwise I will kill you.' I didn't conclude that year at school. The following year, I reapplied at the first school and the same principal admitted me again. I started Standard 9, and was two years behind my classmates. I passed with flying colours and then passed matric. After school, I didn't have the money to further my studies so I went to the

youth league for help. They organised for me to take part in a four-month exchange programme at the International People's College in Denmark.

"Before I left, I went to the head office of the ANC Youth League for a briefing. There were four of us – me, from KZN, one from the Eastern Cape and two guys from the Northern Cape. The others had big suitcases but me, I had such a small bag... The deputy secretary of the league said to me, 'Seriously, four months with such a small bag?' I said, 'It's OK!'"

"It was my first time in Europe and the first time I'd shared a room with a white person – a Danish girl, Thura Wittrap. I was terrified but she was so, so sweet. She said nothing about my small bag. Perhaps she thought 'Oh, this must be the poverty of Africa.' One day, she went home to see her parents. It was so cold. She came back with a huge suitcase of expensive clothes for me. I was like, 'Wow, this woman!'"

After Hlophe's return, she was elected as an ANC ward councillor in Amaoti, Inanda, in 2000 – a position she held for five years, before being elected deputy chair of the ANC Youth League. While working as a ward councillor, she studied through Unisa, attaining a BA degree. Next, she worked for the NGO SlumDwellers International, and in 2009, she cut ties with the ANC, mainly because of the ousting of Thabo Mbeki as president.

"I was really pro a third term for Mbeki. He was a good and intelligent president with real economic skills. If we still had him as president we could achieve so much more as a country. And the continent still needs him." And she says she "doubted Zuma from the start because of this thing with Schabir Shaik".

She switched allegiance to Cope in 2009 but, put off by their infighting, joined the EFF when it was formed last year.

In 2012, Hlophe spent six months at the Thabo Mbeki Leadership Institute where she did a course in Thought Leadership and African Economic Politics.

"What's wrong with South Africa? The huge inequalities between the rich and poor. This can only be solved by addressing the economy, which is what the EFF intends to do. Where I live, conditions are terrible. People don't have basics like water and electricity. There are no jobs. Young people sit at home and girls resolve to become mothers to access grants that they see as the only source of a living.

"In 20 years of democracy, people's lives have become worse." ■



Magdalene Moonsamy

#### From page 23

faith. That is what shaped my thinking about everything.

“My grandmother had an open-door policy at her home in Phoenix. People would just come in and help themselves to whatever was in the fridge. She was continually taking care of needy people in the church and community, despite facing enormous challenges of her own. That was the spirit in which I was raised.

“What I appreciate the most about my grandmother was that, even though she was not schooled, she pushed very hard for me to be educated.

“For us, the liberation struggle and our support for the ANC was all about helping pull people out of the deep poverty that went with living in an undemocratic state...

“The principle value system instilled in me was to always put myself aside and make a commitment to a greater cause. That has never changed.”

Moonsamy, who names Rosa Luxembourg and Winnie Madikizela-Mandela as role models, was active in youth politics throughout high school. She went on to study law at the University of Durban-Westville.

In 1998 she joined the ANC Youth League and moved up the ranks to become a member of its national executive and spokeswoman until it was dissolved by the ANC in March last year.

After heading up policy development

and research in the Department of Social Development for more than six years, in 2011 Moonsamy became chief operations officer of the National Youth Development Agency (NYDA).

In September 2011, *City Press* reported that Moonsamy was earning a salary of R1.2m a year.

The previous year the agency – with its R400-million annual budget to create jobs – had been mired in controversy, not least for having “squandered” nearly R100m on a “World Festival of Youth and Students” in Gauteng in December 2010. There had been calls for heads to roll after revelations that the festival had spent more than R100,000 on balloons and R60,000 on confetti, while delegates from outside Gauteng were not fed – and that advertised speakers such as Winnie Madikizela-Mandela had failed to arrive – so kissing contests were organised to entertain disillusioned guests.

At the time, agency chairman Andile Lungisa said the festival had “helped to free Egypt” because youth delegates who attended had been at the helm of the “Arab Spring” protests which in turn had inspired the uprisings in Tunisia and in South Sudan.

Moonsamy was suspended from the NYDA last July, along with corporate services manager Vincent Mulaudzi. Not long afterwards, following a damning audit report on the financial management of the agency, its CEO Steven Ngubeni was also suspended. However, the following month, Moonsamy’s suspension was unconditionally lifted and, in November, she left the agency after a mutual separation agreement facilitated by the CCMA.

“I have put the experience at the NYDA behind me,” she said. “It was a witch hunt and my suspension smacked of political intolerance because it was based on my having attended the trial of Julius Malema while I was on leave in March last year.”

For Moonsamy, who is the EFF Commissar for International Relations, the appeal of the EFF is that the party is “pro-poor” and “brings a renewed sense that it is becoming crucial to advance the cause of the most marginalised people in South Africa”.

“If you have a government that does not see the economic and social crisis that’s staring it in the face... where a labour protest sees more than 40 lives

taken by the police and where people are killed as a consequence of demanding water. And you have mining bosses earning R23 million, while the workers can’t get an increase on minimum wages, then you know you have a crisis.

“Workers have been exploited and sidelined for too long and communities disrespected when they protest for ordinary services. You have a situation where people ask for water and sanitation and they are told, ‘We don’t want your dirty votes’. It’s completely obvious what is wrong with the leadership in South Africa at present.

“It’s high time Parliament started reflecting on the true dynamics of South Africa and started facing up to the vast wealth and social divides.”

For Moonsamy, the fundamental problem in South Africa is the economic policy which, she says, has brought about the triple challenge of poverty, inequality and unemployment.

“Our economy doesn’t need more external investment, it needs healthier participation and an increase in industrialisation. From energy to mining we have industrialised nothing. We don’t own the means of production as a nation. We need to start throwing more energy and focus back into creating an economy that works for the people.

“We in the EFF intend to introduce robust debate on these issues and to push for a strong agenda to bridge those gaps.”

Moonsamy believes Malema has been unfairly treated in having had to face charges of corruption, fraud and money-laundering. She says state power is being abused “in order to advance politically motivated agendas.

“This weakness will ultimately undermine the rule of law in South Africa. All who are faced with any allegation should be given an equal opportunity before the law, and not have to face the might of party politics through the abuse of state power.

“I myself have been a victim of this... if you hold a dissenting view, you automatically have to face all kinds of prejudices...”

Malema, she says, is “a humble and amazing leader who has more than sufficient capacity to lead the country one day”. His strength is that “he is able to take the aspirations of the people and put them into action – look at the results achieved in the elections”. ■

# Spray goes astray



## National health officials accused of incompetence. By Chris Bateman

**T**HE IMPORTERS OF A CONTROVERSIAL “immune-boosting” spray that was impounded by the Medicines Control Council (MCC) four days before its official Eastern Cape roll-out to HIV-positive patients with TB, say they have fallen victim to the confusion or incompetence of officials at the national Department of Health.

Referring to the recent intervention of the police and inspectors of the MCC (*nose174*), Guy Saulez, aggrieved director of Saulez Agencies CC, importer and distributor of the supposedly immune-boosting Immutides Spray protested: “We have not put a foot wrong but we’ve been absolutely castigated and had our company name emblazoned all over the place. It’s not a scam, we’re not corrupt and there are no tenders involved.”

Meanwhile, two officials – one from the MCC’s law enforcement inspectorate; the other, a Port Elizabeth district health manager – have been suspended after irregularly authorising the purchase and distribution of the unregistered US-made spray to hundreds of patients in public sector clinics, on a “let’s see what happens” basis.

This was confirmed to *Noseweek* both by Malebona Precious Matsoso, Director General of Health, and by the registrar of the MCC, Mandisa Hela. Hela added that the local importer/distributor of Immutides Spray, Saulez Agencies CC, could also face charges.

A consignment of the spray, valued at nearly R1,4 million, was effectively impounded by the MCC in February, four days before an Eastern Cape health department-sponsored “trial” involving HIV/TB patients at the province’s three main TB hospitals was due to begin.

The pair of health executives rejected earnest claims by Saulez that he had complied with all criteria at the time and had followed official advice. Saulez said he took at face value a “Permission to Sell” document issued by the law enforcement division of the MCC. And he said he had “typified a partially-completed trial, plus a prospective trial of Immutides Spray as case studies, not as medical trials”.

Matsoso, herself a former MCC registrar, said any research involving medicines needed MCC approval (which current registrar Hela insisted had not been sought).

Hela reiterated that Saulez Agencies’ application for registration of Immutides as a complementary medicine had been turned down by both an MCC Complementary Medicines committee and an MCC Veterinary committee, both citing “genuine safety concerns”.

She said data-collection sheets for Immutides used at the Nelson Mandela Region’s primary health clinics were the basis for its being called a clinical trial, albeit an improper one. “We don’t know what the protocol of the trial was or even who the principal investigators were,” she told *Noseweek*.

The first so-called trial, at several municipal health clinics, that involved data collected over a protracted period, was preceded by a directive from the then recently-appointed District Health Manager of Nelson Mandela Bay region, Dr Lulekwa Mayekiso. Her directive had ordered all senior managers involved in caring for patients in the provinces’ three TB hospitals to dispense the spray to all patients – and issue scripts for it upon hospital discharge.

Her edict, effective from March 1 this year, included a provision that the roll-out should include the compilation and evaluation of a “research report” on Immutides, although it was not clear by whom this should be done. The project was halted four days before it was due to start after the Treatment Action Campaign (TAC) had a tip-off from a concerned healthcare practitioner and fired off letters to the top provincial and national regulatory authorities.

Eastern Cape Health MEC Dr Thobile Mbengashe said Mayekiso was “on cautionary suspension on full pay” until the probe was completed, “hopefully by mid-June”.

Mbengashe, a former head of the national HIV/Aids directorate said the immune spray was not a registered product, was unproven, had no ethical approval and no authorisation from the national Health Department, “so we’re taking this seriously”. He said available evidence centred on the memorandum Mayekiso wrote but “that doesn’t mean the inquiry will stop there – other people may be pulled in”.

While *Noseweek* – independently of the MCC – established that the purported “immune-boosting” properties of the spray remain scientifically unproven, its distributor says he met every requirement health officials threw at him – and obtained what he thought was official permission to sell it.

Documents supplied to *Noseweek* by Saulez – who admits to having distributed the spray to thousands of people in the Eastern Cape, and to having had plans to distribute it nationally – provide no evidence of efficacy nor do they comply with the requirements for

proper clinical trials, according to a top pharmacologist *Noseweek* consulted.

However, another set of documents Saulez supplied appears to support his contention that he followed all official advice and requirements at the time. And Hela concedes she can find no record that the MCC notified Saulez that his registration application was turned down. “But nothing stopped them from inquiring as to the status of their application,” she added.

Professor Andrew Gray, a pharmacologist and a senior lecturer in the subject at the School of Health Sciences at the University of KwaZulu-Natal, said it was plausible that Saulez Agencies had been given contradictory advice by national and provincial officials.

Gray, a research associate and consultant at the Centre for Aids Programme Research in South Africa (Caprisa, based at UKZN) said that what had been envisaged by both the East-

ern Cape District health officials and by Saulez Agencies was a clinical trial involving human subjects. However, no such trial could proceed without the permission of the MCC and an accredited ethics committee.

Gray said one document provided by Saulez – to back the efficacy of the spray – was devoted to a description of the operation of the normal immune system and then went on to laboratory, “in-vitro” and animal studies “none of which could be considered as evidence of the efficacy or safety of the extract commercialised as Immutides Spray,” he said.

Last year’s beefed-up complementary medicine compliance regulations were an attempt to clean up the production, marketing and retailing of sub-standard complementary medicines, using amendments to over 20 of the general regulations to increase public safety.

The regulations for products under the new definition of “complementary medicines” have now been structured on a benefit-versus-risk approach, which is significant in terms of looking at the facilities in which medicines are manufactured.

From 15 November last year, any new complementary medicine entering

the market had to be fully registered before going on sale to the public – with a “responsible pharmacist” overseeing and taking responsibility for all processes within the manufacturing chain and submitting reports to the MCC and Pharmacy Council.

Hela confirmed that Petra Bekker, a long-serving official in the Inspectorate of Law Enforcement of the Pharmaceutical and Related Products Regulation Management Unit, had signed an outdated form granting permission for Immutides Spray to be “imported and sold as a complementary medicine in accordance with *Government Gazette* Notice 23128”.

Bekker had been suspended pending an internal disciplinary hearing for having gone “way beyond” her delegated powers – using national Department of Health stationery instead of official MCC forms.

Hela confirmed that Bekker had been

“They initially told us what forms to fill in and how to go about things, recommending we hire a private medical consultant to submit all our product information, said Suarez. He provided *Noseweek* with a copy of his 17-page application to the MCC for registration as a medicine, plus correspondence with Medreg, the private medical consultant that facilitated it. He also produced his non-surgical (ethical) request for a new Nappi code (a unique identifier throughout the healthcare delivery chain) and his Department of Health “codification of supplier details” report.

Curiously, eight months after submitting analysis sheets and samples to the MCC, Saulez received the now-suspect approval letter from its inspectorate. On the strength of this, the then Eastern Cape Acting Deputy Director General for Clinical Management Services, Nomalanga Makwedini, issued an “acknowledgement of approval” in March

2012. This confirmed that Saulez Agencies CC had “applied to the Department of Health for approval to register and supply Immutides Spray as a complementary medicine”.

Saulez said he had genuinely believed this cleared the way for a rollout.

“We also registered on the electronic suppliers databases of the Free State, Northern Cape and Western Cape,” Saulez revealed. He said he had sold “just under” 5,000 bottles of Immutides Spray across the board “over about a year or so,” (one bottle lasts a single patient one month, for four sprays morning and evening) and claimed that feedback from an article in a runners’ magazine had resulted in numerous runners who’d been susceptible to colds and flu using the product “with very good results” and many were giving it to their school-age children too.

He said Dr Francois Fourie, in charge of primary healthcare clinics in the Nelson Mandela Bay district, had told him that Immutides was the only immune modulator he’d seen that actually supported the immune system.

Fourie declined to speak to *Noseweek*, citing official media protocols and referring us to his senior, Dr Mayekiso.

Saulez said Fourie and his phar-

## Personal disciplinary hearing for top staffer pending



maceutical and therapeutic committee, had decided to issue the spray to “certain groups of Aids/TB co-infected patients with CD4 cell counts below 200 who had already been on anti-retroviral drugs for 12 months”. This was to be done by attaching the MCC law enforcement department “approval” to the local directive signed by Mayekiso.

Saulez said emails had been sent to Lynn Moeng in Pretoria informing her of the decision and that she had asked to be kept abreast of developments – which she was. Saulez said Fourie had wanted to “trial” about 30 patients at each TB hospital, but the project was dropped suddenly upon the announcement of a criminal investigation (in terms of the Medicines Act and the Public Service Act).

“I said to the MCC law enforcement people when they arrived that their actions meant that Lynn Moeng, plus their own person who gave authorisation and (Eastern Cape Clinical Management Services Director General), Mrs Makwedini, had all made a mistake and we were being punished. We’ve not put a foot wrong,” he said.

“Now I’m basically finished and all I want is to clear my name.”

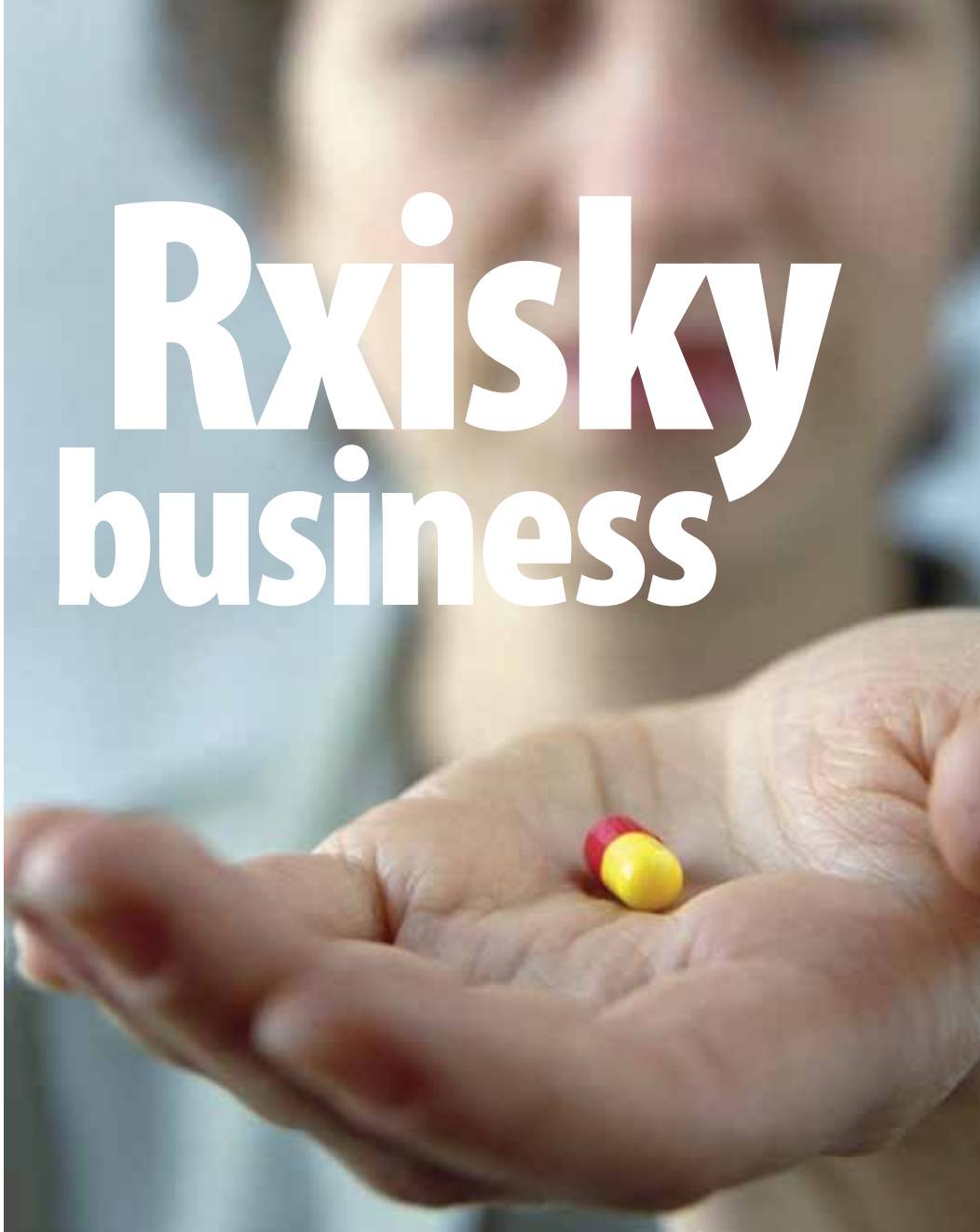
He refuted any suggestion that his business partner, Mike Xego, a former ANC chairperson of the Nelson Mandela Bay region and a former provincial MP, had used his position to gain any advantage. Immutides, he said, was not manufactured by Micro Basics in the US, as reported by *Noseweek*, but in Arizona, and distributed to Saulez Agencies by Immutrition Inc in San Diego, California.

Professor Francois Venter, Deputy Executive Director at the Wits Reproductive Health and HIV Institute, said “There are no short cuts for these supplements, especially now that many vitamin and other trials into so-called safe interventions affecting the immune system have actually demonstrated harm.”

Asked by *Noseweek* whether Makwedini would be included in the provincial probe and about her confidence in such an investigation, Hela said the success of any provincial probe “will depend on the political will”.

● *The full scientific documentation on Immutides Spray, as supplied by Saulez, with Professor Gray’s detailed analysis, is available upon request.* ■

# Rxisky business



**N**EVER MIND ILLEGAL DRUGS, prescription medication is being increasingly fingered as a major cause of premature death in rich countries. But they continue to be marketed and sold as though the risks were perfectly acceptable. A website called Rxisk.com could change all that.

“No one knows drug side-effects like the person who is taking a pill. Yet your voice is increasingly being silenced. You and your doctor may have been told there is no evidence linking the treatment you are on to the problems you are experiencing. This is because most data on prescription drugs is owned by the multinational pharmaceutical companies who run almost all clinical drug trials (60% of which are never reported). They simply are not

**Sixty percent of clinical drug trial results are not being shared with the public. By Hilary Venables**

sharing data that may affect their bottom lines.”

These words are not the ravings of a conspiracy theorist or religious cult, but the opinion of a team of medical and pharmacological professionals determined to shine a billion lights on the true risks of commonly prescribed

Claire Lewis MSc Med (Wits)

Cesarina Edmond-Smith

MSc (Cantab) PhD (Wits)

We prepare and interpret scientific evidence for legal use.



- Chemical analyses (drugs, toxicology, drunken driving cases, unknown substance analyses, explosives analyses etc.)

- Fire investigations

- Biological analyses and investigations

- Ballistic and tool mark analyses

- Assessment of forensic pathology reports (post mortems)

Contact us: 082 330 7047

info@forsightforensics.co.za

www.forsightforensics.co.za

## HOSPITALITY INDUSTRY

(Luxury Hotels, Guest Houses & Game Lodges)

### "MYSTERY GUEST AUDIT PROGRAMME"

- Professional assessment of service quality and facilities
  - Detailed Audit report post-visit
  - Follow-up visits if needed
  - Southern Africa based.

For more info & a tailor-made programme & quote:  
<http://www.themysteryguest.co.za>

This space is a snip at  
**ONLY**

**R2650...**

(Plus VAT)

**Why not try it  
for size?**

**ads@noseweek.co.za**

**021 686 0570**

medicines. Through their website, Rxisk.com, they are encouraging patients anywhere in the world to report adverse reactions they associate with taking prescription medicines.

The website provides a detailed reporting form which can be submitted directly to the Rxisk team. In return, the patient receives a personal assessment which they can show to their doctor or pharmacist, who in turn can provide feedback through a secure link.

Rxisk hopes that, by bringing doctors and pharmacists on board, they can build up a fuller picture of the impact of prescription drugs and react more quickly to signs of trouble.

Patients' anonymised contributions are added to the site's searchable database of 4.8 million adverse drug reactions associated with 35,000 different drug brand names.\*

So if you want to know whether the

various parts of the world.

The site says adverse drug reactions are the fourth most common cause of death in US hospitals, and the numbers are even higher in mental health cases, where patients are less likely to be admitted before it is too late.

In the UK, adverse drug reactions account for one-in-16 hospital admissions and 4% of bed capacity. But Rxisk says it is clear that only a small fraction of serious events (those causing hospitalisation, disability or death) are ever reported and an even smaller fraction of the millions of "medically mild" events that affect concentration, judgement or the ability to care.

In South Africa, the Medicines Control Council is supposed to regulate the drug trade, but is not alone among such institutions for doing a pretty poor job. Like the US's Federal Drug Administration (FDA), Health Canada, the

## Website encourages patients throughout the world to report adverse reactions

anti-depressant you've been prescribed has been linked to sexual dysfunction, violent acts, suicide, anxiety, diabetes, birth defects or hair loss, you no longer have to rely on the heavily redacted literature enclosed in the pack, or your inadequately-informed shrink. You can also find out how various meds interact with each other, and what symptoms you may experience in quitting a particular drug. On top of all that, the Rxisk site offers live, personal consultations with members of its team through its online clinic.

Behind this valuable free service is an impressive line-up, headed by Dr David Healy, professor of psychiatry at Cardiff University and author of *Pharmageddon* (2012), one of the first books to expose the pernicious influence of Big Pharma on the practice of medicine. Also on the Rxisk team is Dr Ralph Edwards, former director of the World Health Organization's Uppsala drug monitoring centre, as well as a raft of professors and senior scientists from medical research institutions in

UK's Medicines and Healthcare Products Regulatory Agency and the European Medicines Agency, it has been accused of having too cosy relationships with the drug companies and being too easily satisfied with their unexamined assurances, backed only by their own research.

(Not to mention our local agency's problems with skills shortages and a massive backlog of applications, many of them for completely untested products which go by the euphemism "complementary medicines". See page 27.)

\* The vast majority of those reports were recorded over decades by the FDA and its northern equivalent, Health Canada, but these are now being augmented by self-reporting from Rxisk users. In the first four months after its launch in November 2012, the Rxisk site generated more than 1,000 reports, more than those received by UK's regulatory agency for the same period. Rxisk says it is hoping to include official data from more countries among its results in future. ■

## Mid-life crisis. The African Development Bank turns 50

African Development Bank president Donald Kaberuka

THESE ARE HEADY TIMES FOR THE African Development Bank. Against a background of resurgent economic growth, the AfDB started to celebrate its 50th birthday at its Annual Meeting in Rwanda in May. The celebration attracted a galaxy of African political and business leaders for some unexpectedly forthright discussions about the state of the continent. Over the coming months, the bank returns to its ancestral seat in Côte d'Ivoire, which it left a decade ago, at the height of the civil war. Over that time, many African economies have doubled or tripled in size, thanks to better national management, a huge boost in trade with Asia and investment by Western companies. That upturn in capital inflows raises questions about the future of the AfDB and other multilateral financial institutions.

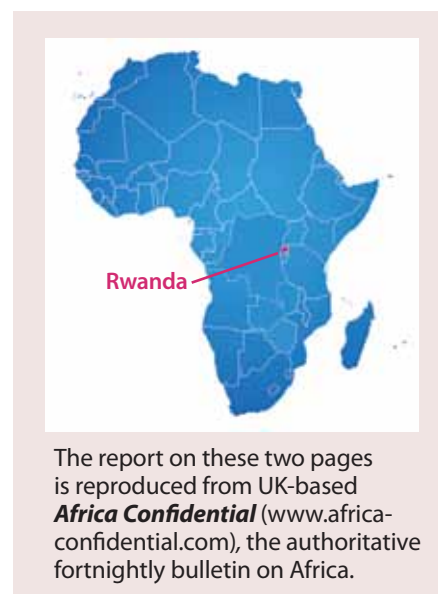
As more African countries graduate to middle-income status and build their own ties with the rising economies of Asia and South America, there is less for multilateral banks to do. That is the view of many experts at the World Bank, currently going through its own turbulent reorganisation. The lack of top African economists in the World Bank's restructuring prompted a strong critique from its African governors and a half-hearted response from its President, Jim Yong Kim.

Disillusionment with the Washington-based Bretton Woods institutions, the World Bank and International Monetary Fund, is prompting their African and Asian shareholders to look more to their own regional organisations, and to using private capital. That makes the role of the AfDB, whose private sector unit accounts for about a third of its operations, still more important. The

departure next May of Donald Kaberuka, one of the AfDB's best presidents, is concentrating minds. As Finance Minister, he steered Rwanda's remarkable economic recovery after the genocide of 1994, and he is celebrated for his plain-speaking and hyperactivity. In the past, AfDB chiefs have been criticised for being either too concerned with "the vision thing" or unable to escape the accountant's mindset.

In his first five-year term, Kaberuka convinced shareholders that he could do both vision and double-entry book-keeping. His dynamism attracted a new generation of African economists and development experts to the bank's temporary headquarters in Tunisia. The second term has been tougher: the bank shovelled money out to African states to counter the effects of the global economic crisis in 2009. International institutions and companies are picking up many of the continent's brightest talents with stratospheric salaries.

Some staff worry about a mid-life crisis at the bank: they cite concerns about financial controls, not least the cost of moving 5,000 people (employees and their families) from Tunis to Abidjan this year, together with a revival of in-house politicking about jobs and pecking orders, which has been largely missing during the Kaberuka era. A raft of would-be presidents are already throwing their hats into the ring for next year's election. As the bank hosted its meeting in Rwanda 20 years after the genocide, Kaberuka argued that Rwanda's economic recovery showed the value of multilateral support, good policy and determined leadership. Yet at a series of seminars about leadership and governance, he



lamented, "in the light of events in South Sudan and the Central African Republic, we must sometimes wonder whether lessons have been fully learnt". Amidst several discussions on security, political risk and governance, he explained: "We are not the place where the politics of security should be discussed but we at the bank have a problem: we'd rather be apolitical but we don't want to waste your money."

Promising delegates that the gathering would focus on the next 50 years, the bank organised seminars and debates under the rubric, "The Africa we want", ranging from environmental questions and agricultural technology to ways for resource-rich countries to tackle capital flight and sessions on infrastructure.

Chairwoman of the African Union Commission, Nkosasana Dlamini-Zuma, was clear about what she wanted:

# Lyprinol®

Now in South Africa –  
a breakthrough treatment  
for osteoarthritis, rheumatoid  
arthritis and asthma



- Safe, natural alternative to non-steroidal anti-inflammatories (NSAIDs) without the side-effects
- Shown to reduce swelling and Inflammation-induced pain by 89%
- Acts as an inflammatory antagonist in asthma

Lyprinol – improving the quality of your life  
For more info go to: [www.mylyprinol.co.za](http://www.mylyprinol.co.za)

Take advantage of our introductory offer at  
[www.masterhealthproducts.co.za](http://www.masterhealthproducts.co.za)



Trade enquiries tel: 011 803 5445  
Email: [info@masterhealthproducts.co.za](mailto:info@masterhealthproducts.co.za)

## loot.co.za

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



◀ Digging Deep  
Jade Davenport  
Woe-R390  
Now R276



◀ Lion Heart  
Justin Cartwright  
Woe-R260  
Now R215



Free postal delivery

Telephone 0861 69-5668, [info@loot.co.za](mailto:info@loot.co.za)

“We want to connect all our capitals with road and rail. Because this is the 21st century, we want it to be high-speed.”

On a visit to the AU in Addis Ababa in April, Chinese Premier Li Keqiang had pledged US\$10 billion in fresh investment, along with the promise of advanced trains.

“The Chinese say they will site the research and development centre for that project in Africa,” added Dlamini-Zuma. Such projects illustrate the AfDB’s priorities since Kaberuka took the helm in 2005. Firstly, winning investment from emerging economies to build power stations, roads and railways. The AfDB meetings in Shanghai in 2007, the bank’s first trip to China, put down a marker.

A second priority is pushing African economies up the technological ladder to diversify and modernise, expanding processing and manufacturing. The AfDB has energetically brought international development experts to its client states, especially from South Africa and Asia. Tao Yitao, Vice Party Secretary of Shenzhen University, which was home to China’s great economic experiment of the 1980s, spoke at a special session on Special Economic Zones. With François Kanimba, Rwanda’s Trade and Industry Minister, sitting beside her, Tao explained the transition from a fully planned economy: “We learnt from others – a mixture of socialism and capitalism is best for accelerating growth.”

This pluralist approach tallies with the AfDB’s. “We want to offer our members a menu of options, so while we are doing joint research work with the University of Shenzhen, we are also looking at the Brazilian model and others,” said Kapil Kapoor, Director of Strategy and Policy at the AfDB.

The emphasis on the industrialisation and structural transformation of African economies is relatively new for the bank, a legacy of Kaberuka’s investment in research and development. He established the position of Chief Economist and boosted the research department. New intellectual outposts are appearing. The latest, the African Natural Resources Centre in Ghana, is chaired by Sheila Khama, a director of De Beers: Botswana and a protégée of Paul Collier, who heads Oxford University’s Centre for African Economies in Britain.

“At the end of these ten years in office, I realised that we had to fund our development differently and that we have a chance in a million to use our natural resources,” said Kaberuka. It aims to ensure that Africa uses its natural resources to finance structural transformation. It complements the bank’s African Legal Support Facility, which helps member states to negotiate more effectively with the armies of lawyers and accountants hired by international oil and mining companies.

Recently, the centre helped Guinea to renegotiate its Simandou contracts, and it worked on the tough negotiations over uranium supply between France’s Areva and the Nigerian government, which produced a revised contract in May.

“We hire the best international lawyers for these negotiations,” says the head of the Legal Support Facility, Stephen Karangizi, “with each project costing between \$300,000 to \$2 million (R3.2m-R21m) in fees”.

Africa is also missing out on the “blue economy” (maritime economy). South Africa’s former Finance Minister, Trevor Manuel, who co-chairs the Global Ocean Commission, pointed out in Kigali that rich countries spend \$27 billion on subsidies for their fishing fleets, many of which end up off the African coast.

From his experience in Rwanda, Kaberuka has insisted the bank and others focus more on war-torn states and those at risk of conflict.

Money, especially the lack of cash for Africa’s infrastructure, remains a key constraint: of the estimated \$90bn a year needed for new water, power and transport projects, Africa raises about a quarter. So the bank talks up co-financing plans, leveraging its excellent financial standing to guarantee loans or bring in new funds. One such is the \$2bn Africa Growing Together Fund, a co-financing deal with China.

Pointing to the importance of the initiative, China’s Central Bank Governor, Zhou Xiaochuan, flew in for the signing in Kigali and won some knowing smiles for a cautious admission that sometimes the management of Chinese projects in Africa was “less than satisfactory”. The money will be invested in AfDB projects and subjected to AfDB environmental and social impact assessments.

Copyright©AfricaConfidential 2014 ■



# Avoiding minefields. History with contemporary constraints

**A**STONISHINGLY JULIUS MALEMA, AND THE debate about the nationalisation of mines, gets just one mention in *Digging Deep* – and then only in the six-page concluding chapter.

Author Jade Davenport simply notes that the nationalisation debate was (re-)launched in early 2010 “when the African National Congress Youth League (ANCYL) under the leadership of the fiery Malema, submitted a discussion document to its parent body, the ANC, raising the possibility of nationalising the mines. For the next two years it was the defining issue of debate. Inevitably [this] created an atmosphere of uncertainty over the future of the industry and caused many foreign investors to think twice about investing in South African mines”. That’s all.

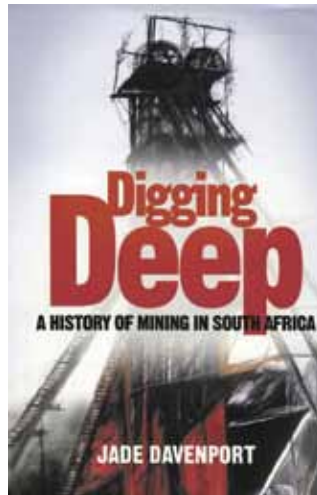
Historical precedents for current events are, however, to be found in her references to the 1922 industry-wide miners’ strike, where she notes: “The seething anger felt by the general public in the wake of prime minister Smuts’s brutal suppression of the mineworkers’ revolt caused a significant shift in the political arena... and, ultimately, the ousting of his South African Party in 1924.

“In particular,” she points out, “the National Party [Labour’s partner in the Pact coalition that then succeeded Smuts’s SAP] was voted into power on the platform that it would facilitate the creation of new jobs for white Afrikaans-speaking workers... to alleviate the escalating poverty amongst the newly urbanised Afrikaner community.”

She records that NP leader Barry Hertzog also believed that “a robust, self-sufficient industrial base would... help to weaken the position of the mining companies, whose directors and shareholders he suspected of being more sympathetic to foreign interests”.

But nowhere does the author mention that in the apartheid era, in parliamentary debates between 1952 and 1954, then still radical NP backbencher Dr Nico Diederichs argued fervently for the nationalisation of the mines. And how, not long thereafter, for unknown reasons he changed his mind to become the Chamber of Mines’ next best friend, and known to the world as “Mr Gold”.

**DIGGING DEEP:  
A HISTORY OF  
MINING IN SOUTH  
AFRICA**  
by Jade Davenport  
(Jonathan Ball)



Maybe it is simply easier for the historian of mines if such more proverbial minefields are avoided. Malema and Amcu’s revival of the nationalisation debate aside, Davenport offers an admirable overview of the defining role of the mining “revolution” in the weaving of the political, economic and social fabric of our society over the past century-and-a-half. The 466-page (with notes and index 537-page) work may, indeed, become the bible of any student interested in the exploitation of South Africa’s vast mineral deposits since the 1850s.

The story spans the establishment of the first commercial (copper) mine in Namaqualand in 1852, through the discovery of diamonds and gold in the 1860s and 1870s, the boom and bust era of the Eastern Transvaal goldfields, and the springing up of the Witwatersrand, the largest goldfield in the world; of coal and Sasol, iron ore and Iscor, uranium and The Bomb. All the old faithfuls, from Rhodes, Beit, and Barnato, to Sammy Marks and Hans Merensky, to Sir Ernest Oppenheimer and son Harry, who between them built the foundations of a modern mining and industrial state.

And, yes, one chapter focuses on the politics of the platinum belt. She touches on the Marikana massacre of August 2012. But Davenport cautiously does not offer any solutions to this sector’s problems. “I stay on the fence,” she admits, “as there is a tendency to be lambasted from all sides.”

*Digging Deep* took Davenport three years to write. She stumbled on the topic. She had written a dissertation for her honours degree on the white anti-apartheid student movement, Nusas, and had intended expanding on the topic for her Master’s degree, but then found her interest flagging.

She finally opted to do her Master’s degree on the colonial mining policy of the Cape of Good Hope between 1853 and 1910. She graduated cum laude at UCT in 2009. This whetted her appetite for a broader history of South Africa’s mining activities, although she had already been digging for mining stories since 2005 as a regular contributor to the publication, *Mining Weekly*. ■



## Cross purposes. In search of coffee and crusaders

**A**NYONE INVOLVED IN THE BUSINESS OF marshalling ideas for publication will instantly recognise the practised mastery of Justin Cartwright. *Lion Heart*, his latest novel, flows with the confidence of a writer who has achieved success and can afford to experiment. And an elegant experiment it is.

It is also funny, a thriller, and boasts some diligent historic research. The youthful romantic fumbblings of the hero, in pursuit of love (mostly alias sex), revenge on his neglectful father, and a decent cup of coffee, make beguiling reading.

Young Richard also happens to be in need of finding some means of sustaining himself. Father named his disgruntled son Richard because the dippy hippy parent admired Richard Lionheart. Daddy's dope-fuelled musings equated the heroically bloody king's crusade with humanity's yearning for the ideal. A sulky graduate at a loose end can only concur, however reluctantly.

Cartwright then ventures into fantastical flourishes, with the earnest young Oxford graduate locking into an obsessive hunt for nothing less than the True Cross, which apparently disappeared after King Richard I had acquired it from the great Saladin during their endless warring over Jerusalem. The fact that the religious conflict rages on to this day provides gravitas. As does a frightening incident involving a kidnapping by Arab extremists, torture and grief aplenty.

The action swings from the initially selfish concerns of young (contemporary) Richard to his gradual maturation, often through the ministrations of characterful women, and guidance from wise scholars.

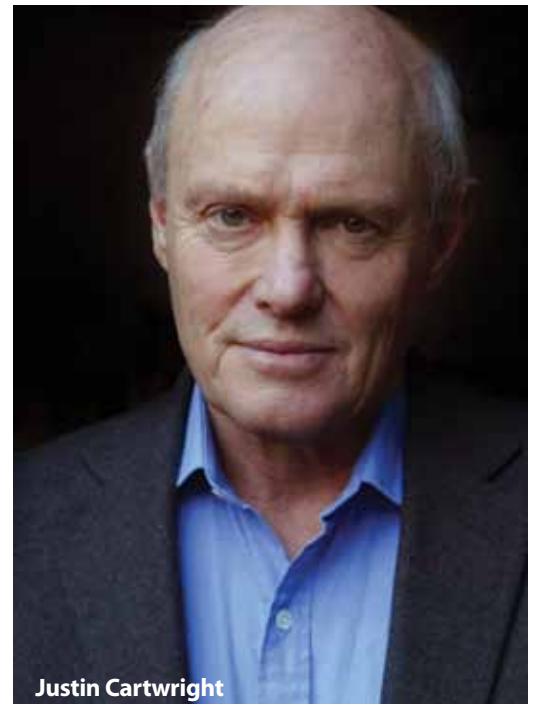
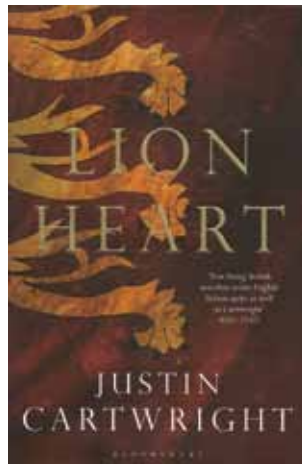
Cartwright's gift for the telling detail is acute. A kind aunt, a creature of nun-like self-denial, keeps face powder on her dressing table which, as Scots convention seemingly demands, she applies to her face during excursions to public places like the local butcher shop.

The search for the missing True Cross, suggested as an abstraction rather than a

specific object, allows Cartwright to evoke romantic travel to the ancient world, with and without inspiring female company. The academic hunt, partly sponsored by a cheerful peer of the realm whose ancestor did battle beside Lionheart, leads to sages who pore over learned tomes on the crusades and their long-term effects. Cartwright is very good on the ambiguities of the Middle East. Strangers cannot begin to comprehend the subtleties, long memories and sustained hostilities of that blighted, fascinating region.

And did you know that Lionheart, lord of vast lands in continental Europe, spent very little time in England and knew only a few words of English? Some London cabbies know that, and tend to say so when you pass the king's noble equestrian statue guarding the Houses of Parliament.

Our young Richard, pondering the King's undoubted lust for life, begins to forgive his addled Dad's romantic notions. And his own. ■



Justin Cartwright



## Big island chatter. Adrift in a sea of sleaze

**T**WO OLD MEN EMERGE FROM A SHED in Sydney, carrying a surfboard bag. In it, almost certainly, is the body of a university student and alleged drug dealer, Jamie Gao, found later that week floating in the harbour. “Almost certainly”, because the three men were captured on CCTV walking into the shed, and only two and a bag emerged.

One of the two is the infamous Roger Rogerson, 73, a rotten cop and former detective who served two prison terms in the '70s and '80s but who in the past decade managed to claw his way back to some kind of larrikin hero status, harking back to a nostalgic past when crime was simple and real men were in charge. Rogerson wrote a book, did talk tours and had a “reputational resurgence”, said the *Sydney Morning Herald's* editor. But the glamour is gone with the news he was involved in a \$3 million drug deal that went wrong.

The Chickens are coming home to roost in other ways too: it's all about a knowing and salacious wink and the fact that a \$60,000 university bursary was quietly awarded to Prime Minister Tony Abbott's daughter, while his right-wing government's latest budget, has cut benefits for other university students. This may prove yet another nail in the coffin for Abbot, who is polling very poorly.

He claimed the wink was merely the return of the smile of his ABC radio host when a complaining caller, a 67-year-old woman with three chronic incurable conditions, told him she'd been working on an adult sex phone-line to make ends meet. Captured on camera, the wink went viral. There was a hint of a smirk, too. What had particularly bothered the caller was a proposed budget introduction of a \$7 fee for previously free GP visits for people with healthcare cards.

The budget, brought down in May,

has many Australians baulking at how badly off the rails their society is going as it dismantles many of the welfare safety nets that underpin the ideal of mateship and a “fair go” country. Social cohesion may be threatened and there will be more beggars on the streets as a result of the budget, predicts one academic; others have labelled it “class warfare”. While the wealthy get away with a token extra tax for a four-year limited term, hardest-hit are single parents, the young unemployed, indigenous children in remote areas, the disabled, pensioners, the chronically ill and university students, who have taken to the streets burning budget papers. Big business, needless to say, likes it, with the *Australian Financial Review* reporting on its front page that business is urging politicians to stop their squabbling and get on with reforming the economy.

The budget also sees a substantial watering down of the 2011 review of school funding which recommended and increase in funding, to be allocated on a needs basis. The review's author was the immensely powerful and net-

worked “chairman on everything”, South African-born lawyer, businessman, former chairman of Investec bank in Australia and philanthropist, David Gonski, whose family emigrated from Cape Town post-Sharpeville in 1961 when he was seven years old.

Gonski expressed his disappointment in a public address in which he said: “The importance of education must not be underestimated. Compare my grandfather's lifetime, suffering from not having had proper schooling, with the life and contribution of my father, who received a full education and became a brain surgeon...”

Gonski, who is Chancellor of the University of New South Wales and was at the time even mooted as Australia's next Governor-General, is a household name, so much so that there's a car sticker, “I give a Gonski”, sported by supporters of public education.

One of his other claims to fame is that he was a close friend and adviser to the late media baron Kerry Packer. Packer long held the title of Australia's richest man. His son James (who has moved the family fortune over into casinos

and gambling) had the nation agog after a vicious public punch-up with his friend, David Gyngall outside his Bondi home. Apparently his mate had criticised his having taken up with supermodel Miranda Kerr. James was divorced last year from another model, the mother of his three small children. The glamorous Kerr had only just divorced the father of her young son, *Lord of the Rings* actor Orlando Bloom. Gyngell, whose own television-host wife was about to have a baby, is reported to have strong feelings about family values.

And so it goes in the land downunder. ■





## Pay dirt. Doctor in the House

**G**ive a cheer for my friend, the EFF member Doctor Younis Vawda who, disenchanted with the ANC, had jumped on the Malema bandwagon. The move has paid off handsomely for the doc, but not before a slight scare. You may recall I'd said I feared being inundated with calls of frustration if the doc were to make it to the Mpumalanga legislature. Well, he did not. The red-beret-and-overalls brigade only got two seats in this-here ANC country, Mpumalanga, thus leaving the doctor out of any seat contention

And did I receive a call from the distressed doc? Of course I did. And yes, the man was very disappointed at the results, for he had been truly looking forward to taking the legislature by storm. And knowing him, he would have done just that.

But not all was lost. A few days later the good doc called again, jubilant this time, to inform me that he had been deployed to Parliament – to the National

Council of Provinces (NCOP) to be exact. I did not believe it. I thought the old boy was pulling my leg – until we were smacked with a photo of the doc in Parliament, published by a national Afrikaans daily, *Die Beeld*. The photo made the rounds so quickly in Barberton, all one can say is: talk about Andy Warhol's 15-minutes-of-fame comment. And certainly it did not hurt that our good Dr Vawda was dressed to the hilt in EFF garb. Then take the Muslim-beard factor and, man, what a photo opportunity for a scribe with a sharp eye. If they say a picture is worth a thousand words then that photo was worth 10,000 laughs. Sorry Doc!

However, I felt I just had to rain – or at least drizzle – on the doc's parade, so I threw in: "But you do realise that you most likely will not make the impact you had hoped for your beloved Umjindi while serving in the Council of Provinces? Someone like you should have been sent to the Mpumalanga Legislature instead of one of the two

representing the EFF in the NCOP. After all the NCOP is more of a rubber-stamp body, ratifying legislation or bills passed on for final consideration from the National Assembly.

"Be that as it may," I continued, "If I were you, I would use this opportunity as a lobbyist, in other words there are quite a good number of corporate entities based in Cape Town that I would try to befriend for the sake of persuading them to invest in Umjindi. After all, your passion is economic development and not political upward mobility."

Will my advice be heeded by the NCOP EFF doc? Eish, who's to say.

Now, my loyal followers, allow me to share with you another follow-up. And this one gives me the greatest pleasure because it has truly uplifted the community of Emjindini, Barberton's township.

Some time ago I wrote a piece about how our distinguished Mayor Lazarus Mashaba was allegedly derailing the development of a shopping complex; the complex developers had made an offer to purchase a piece of municipal land adjacent to theirs. How foolish, as if our honest municipal office-bearers would simply say "Yes, go for it, it's good for the community". We all know it has to be "good" for them. The development is still non-existent, three, nearly four, years later.

However, the community has been saved – or given good news – by the recent development of a U\$ave Shoprite market. And get this, it is to be situated just up the street from the derailed complex which was to have a Spar supermarket as its anchor tenant.

So why is this so good for the community? Well, as we all know, township residents have had to endure the cost and time-consuming exercise of going to "town" for such needs.

All I can say is, the times are truly changing. The U\$ave has been bustling ever since its opening. If we want community development, particularly as far as business goes, let's leave it to the private sector and keep the not-so-distinguished office bearers out of it. ■



GREATER CAPE TOWN 101.3 | ATLANTIC SEABOARD 97.1  
FISH HOEK/NOORD HOEK 107.9 | HOUTBAY 94.7





## Figurative. Drawing conclusions

**B**ACK IN HISTORICAL TIMES, 1950s, I had a dinky little bachelor flat on the beachfront and a very advanced three-speed bicycle. Durbs still had a touch of East African romance about it. I'd ride to work along Queen Victoria's Embankment with its coconut palms, here the Sea-Scout jetty with yachts, there a flock of flamingoes, then a circle of pelicans doing their strange headstand fishing and, over the way, the small ships of the whaling fleet hove to at the factory slipway with its old steam locomotive. And here I go, off to earn an honest crust.

Teaching art.

Teaching art?

Bloody hell, man, you can't teach art.

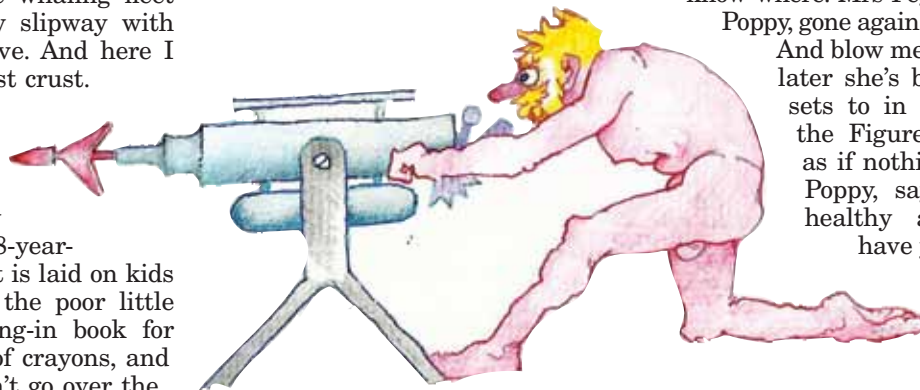
What you might try

though is to disinhibit 18-year-olds of all the crap that is laid on kids in infancy. You know, the poor little buggers get a colouring-in book for Christmas and a box of crayons, and Ma says No you mustn't go over the line like that and No, bunnies are not blue. Those are mistakes. Sins. Then when they understand the morality of it all they're given a sketch book and a pencil and rubber and told to go and copy Nature without mistakes for colouring in without mistakes. So by the time they hit 18 they're proper zombies and just ready for Geordie Howe's Proper Advanced Art School.

Geordie Howe was a mid-age pudgy Pom known here mongst art students at the Natal Technical College as Ol' Mudguts, and his ambition was to run his department like the Slade school in London. At the Slade, by an ingenious method of triangulation, you were able after four years to copy a nude model without a single mistake. You used your pencil as a measuring rod, see, holding it at arm's length in the direction of the model and closing one eye as you placed your thumbnail against a certain dimension and then comparing that against other dimensions. Also you used your pencil as a level and a

plumb-bob, indeed some students had a piece of string with their rubber dangling on it for vertical measurement and one bloke actually had a small, small spirit level for the horizontal.

Thus equipped, in no more than an hour you'd have 100%, fit for a diploma. All drawings were the same size, known as Sight Size, because that's how big one saw the model. I noticed that Slade students' arms were all about the same length, but let it



pass. I was a visiting friend of the maestro, you understand.

From an agency he'd got for a model a pallid woman with false teeth, who for all her nudity was nice and warm for the first time that day in the depths of a grim London winter. We settled her in a comfortable pose with classical drapes upon which to sit. Bad mistake. After a bit her eyelids drooped and her mouth opened. After another bit the upper denture fell clack on the lower, she gasped and lunged forwards to bite the choppers back into position and the whole studentenschaft gasped Oh no! you've moved your feet! All fell to argument about how much, and the model, dear soul, burst into tears.

So here we all are in Durbs, pissed-off students and their object of off-urination Ol' Mudguts, and we struggle to overcome the mutilations of childhood. But there's one who appears to have no mutilation, name of Poppy Pegg, whom you'd call sort of dof, too onnosel to suf-

fer it. She's scribbling away over there all on her own, not even looking at the model, and I drift away from the psychotherapy and take a peep at what onnosel stuff she's doing and... and... she's doing me! Nude! She isn't using the model at all. I never knew I looked like that to the outside world! She's a natural, I tell you. But like all Nature's crafty creatures she's ephemeral. By the very next class she has simply disappeared. Nobody knows where. The police don't know where. Mrs Pegg says Well that's Poppy, gone again. Ah well.

And blow me down, six months later she's back, and sommer sets to in her old corner of the Figure Drawing Studio as if nothing has happened.

Poppy, say I, you look so healthy and happy, why

have you not come back

from your travels

with a nice tan?

Because

I've been in

the Antarctic,

says she. I blink. What next? Seems she'd quietly climbed aboard one of the whalers at the slipway and when she revealed herself a hundred sea-miles distant the skipper said stuffed if he was going to turn back to Durban if the crew were willing to keep quiet about things. Which they were, bejassus. So there she took over the cooking of whale steaks with spuds, onions and plenty fat, and that's why presently she has such a nice glisteny glow to her complexion.

Let's see what you're drawing, say I. And there you have it: figure drawing in the raw, a crewman firing a huge harpoon gun, starkers. She continues thus over the weeks: crewmen at every job of their trade, active, vital, these lads. No posed models. All nude. Dozens and dozens of drawings. Poppy, said I, you're very welcome here, but why do you come to Figure Drawing at all? I need the diploma, says she. Diploma sucks, if I had my way I'd give her Geordie Howe's job. ■

Smalls ads must be booked and paid for online. Book at:

[www.noseweek.co.za](http://www.noseweek.co.za)

#### FOREIGN HOLIDAY ACCOMMODATION

##### PARIS FRANCE

Sunny, spacious apartment  
Fully equipped kitchen  
5 mins from Champs Elysees, shops, restaurants,  
airport shuttle & metro.  
English TV, free internet and phone.

€110 per day

25 Rue Paul Valery, 16th,  
Metro Victor Hugo

[anne@pvalery.com](mailto:anne@pvalery.com) 082 900 1202  
[www.pvalery.com](http://www.pvalery.com)

**Paris apartment** Centrally located Montergueil (2nd) Reasonable rates, internet, TV, etc; [Lindsaygunn@noos.fr](mailto:Lindsaygunn@noos.fr); +33 62 034 6710.  
**Bordeaux** Modern self-catering in the heart of the winelands. Ideal for wine tours. From €73/day. Visit [www.bordeauxwinelands.com](http://www.bordeauxwinelands.com)

#### LOCAL HOLIDAY ACCOMMODATION

**Umhlanga** 2 bed, 2 bath stunning, serviced sea-facing apartment with DSTV; 082 900 1202; [anne@pvalery.com](mailto:anne@pvalery.com)

**Southbroom Holiday House.** KZN South Coast. 150m from main beach. Sea and lagoon views. Sleeps 8. Good security; [www.southbroomhouse.co.za](http://www.southbroomhouse.co.za) or [bookings@southbroomhouse.co.za](mailto:bookings@southbroomhouse.co.za)

**Clarens near Golden Gate** in the beautiful eastern Free State: Rosewood Corner B&B offers all you want for a break from it all. Call 058 256 1252.

**Pinelands, Cape Town B&B** and self-catering accommodation for leisure or business. Go to [www.pinelandsonline.com](http://www.pinelandsonline.com)

**Arniston** Stunning seafront home perched on cliff top overlooking beach. Breathtaking position and panoramic sea views, 5 bedrooms, 3 en-suite, serviced; 082 706 5902.

**Cape Town, Camps Bay** 5 star, 2, 4, 5 and 6 bedroomed villas. Beach House on Glen Beach. Main House and/or penthouse. [www.glenbeachvillas.co.za](http://www.glenbeachvillas.co.za), [mipo@telkomsa.net](mailto:mipo@telkomsa.net)

**Inn Afrika** B & B in Kloof, Durban offers comfort, peace and a friendly environment. Email: [info@innafrika.co.za](mailto:info@innafrika.co.za)

**B & B Kloof**, Durban offers comfort, peace and a friendly environment. Go to [www.innafrika.co.za](http://www.innafrika.co.za); [info@innafrika.co.za](mailto:info@innafrika.co.za) or call 031 764 6422.

**Camps Bay** Luxury holiday villas & apartments to rent; [www.campsbayapartments.com](http://www.campsbayapartments.com)

#### LOCAL PROPERTY FOR SALE

**Nosing around** for property in Langebaan? Call Melanie Mouton-Creugnet 079 378 0000; [melanie@sothebysrealty.co.za](mailto:melanie@sothebysrealty.co.za)

**New Commercial/Professional offices** Nieuw Muckleneuk, Pretoria. To let 400m<sup>2</sup>- 920m<sup>2</sup> @ R160/m<sup>2</sup> gross. To buy sectional title @ R8.2m + VAT. Maré Malan 082 377 3333.

#### PROPERTY TO RENT

**Only Rentals Focused** on letting, focused on you. Residential rental specialists. Contact Maria Gracia in Roodepoort [maria@onlyrentals.co.za](mailto:maria@onlyrentals.co.za)

**Camps Bay** Luxury holiday villas & apartments to rent; [www.campsbayapartments.com](http://www.campsbayapartments.com)

**Kleinemonde** (Eastern Cape) Walking distance to sea and river. Three bedrooms, TV lounge, bar room, and more R1.650m. Phone Fiona 082 449 7305.

**Professional offices** to let Brooklyn, Pretoria. 400m<sup>2</sup> @ R50,000/month; 18 parking bays; good location near Brooklyn Circle; loose standing property 1300m<sup>2</sup>. Contact Maré Malan 082 377 3333.

#### PROPERTY SERVICES

**Big Al Dryburgh** Industrial property broker I sell them, rent them and buy them in Durban. Call 082 456 2258.

#### FOR SALE

**Tinus & Gabriel de Jongh** paintings bought, sold and valued for estates and insurance; 021 686 4141; [dejongh@yebo.co.za](mailto:dejongh@yebo.co.za); [www.tinusdejongh.co.za](http://www.tinusdejongh.co.za)

**Tent Pro cc** sells new army (5x5m and 10x5m) and dome tents; call Philip 082 537 2894; [www.tentpro.co.za](http://www.tentpro.co.za)

**Husqvarna** sewing machine Eastern Cape. Call Serene 083 715 1588.

#### SERVICES

**DVDs** New concept in Claremont area, Cape Town. Call 021 671 4187 or book online [www.thevillagedvd.com](http://www.thevillagedvd.com); email [thevillagedvd@gmail.com](mailto:thevillagedvd@gmail.com)

**Silver Spoon** Function hire. Hiring of cutlery, crockery, linen, glasses, marquees, stretch tents, heaters, etc. For all your hiring requirements; 011 262 2227; [www.silverspoonhire.co.za](http://www.silverspoonhire.co.za)

**French sworn translator** Countrywide. Experienced in mining rights, court and tribunal papers, official documents. My CV, testimonials and samples of my translations are available on request. Christine: 071 356 8279; [christine@thefrenchpage.com](mailto:christine@thefrenchpage.com)  
**Warehousing**, bonded stores, container handling and transport. Call JLR Services 031 274 5900.

**Surety Solutions** (Pty) Ltd procures and facilitates all contracted bonding and insurance requirements, Call 031 266 8673.

**Information Nation** Corporate media training and corporate videos by seasoned broadcast and TV professionals. Call 082 856 3233.

**Having trouble** with your architect/builder/client? Contact your outsourced partner [architectatlarge@outlook.com](mailto:architectatlarge@outlook.com)

**Illustrator** Illustrations using wide variety of styles and mediums including watercolour, ink, lino and black and white line drawing. Meg: 021 788 5974 or 082 926 7666; [megjordi@gmail.com](mailto:megjordi@gmail.com)

#### LEGAL, INSURANCE & FINANCIAL

**PPS Insurance** Please tell about coin-toss decision-making and other horrors. Member-victim. Call 082 387 3699; [gabrie.jansen@gmail.com](mailto:gabrie.jansen@gmail.com)

**Jurgens Bekker Attorneys**, Bedfordview Commercial and litigation; Call 011 622 5472; [jurgens@jurgensbekker.co.za](mailto:jurgens@jurgensbekker.co.za)

**Streetwise Labour Law** (Pty) Ltd Executive dismissals a speciality. Confidentiality guaranteed. Totally professional; [jkn@irservices.co.za](mailto:jkn@irservices.co.za); or call 083 255 2830.

**Lawyer.co.za** – new website with extensive information regarding lawyers and the law. Law firms are cordially invited to list with us.

**DLBM Attorneys, Pretoria** For sequestrations, liquidations and business rescue. Email: [ethne@dlbm.co.za](mailto:ethne@dlbm.co.za) or call 012 807 4025.

**SOMA INITIATIVE** for bespoke absence management. Absence should be managed. Go to [www.soma-i.com](http://www.soma-i.com) or call us 021 670 6920.

#### WANTED

**Unwanted firearms**, left from deceased estates or simply a bother to keep? [david.klatzow@mweb.co.za](mailto:david.klatzow@mweb.co.za) is looking for a variety of weapons to add to a forensic collection used for research.

#### COURSES AND TUITION

**French lessons** Learn to speak, read and write French in the greater Johannesburg area with a Sorbonne-degreed, native French speaker from Paris. Private or group lessons as well as corporate clients. Christine: 071 356 8279; [christine@thefrenchpage.com](mailto:christine@thefrenchpage.com)

#### BUSINESS OPPORTUNITIES

**Established warehousing** and agency company in Port Elizabeth seeks additional lines. Call 082 575 7348.

#### PERSONAL

**Rose**, am delighted ANC is on slow downhill side. Can't wait for them to go. Mike.

#### LEISURE AND FOOD

**Love hiking?** Experienced guide available for guided hikes in and around Scarborough, Cape Town. Call 079 230 7616; [juliakramer59@gmail.com](mailto:juliakramer59@gmail.com)



# SUBSCRIBING IS EASY

Never miss an issue...Free early delivery...Enjoy massive savings



## ONLINE

Subscribe at

[www.noseweek.co.za](http://www.noseweek.co.za) or  
email [subs@noseweek.co.za](mailto:subs@noseweek.co.za)



## PHONE

Call **021 686 0570** with your  
credit card details or fax  
**021 686 0573** or **0866 773 650**



## POST

Make your cheque out to  
**Noseweek** and post to:  
Box 44538, Claremont

**SUBSCRIBE** OR RENEW THE **PRINT EDITION** FOR **R374** (12 ISSUES) OR GET A  
COMBINED **PRINT AND INTERNET** SUBSCRIPTION FOR JUST **R474**

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

### CONGRATULATIONS TO THIS MONTH'S WINNERS:

Mr WH Carter, Ottery  
Mr Leslie Gellman, Sandton

Ms H Lewis, Barrydale  
Dominique St Leger, Paarl

Mr GM Walker, Velddrif

**KEN**  
  
**FORRESTER**  
VINEYARDS  
SINCE 1689

Tasting room open  
Monday - Friday 09:00 - 17:00  
& Saturday 09:30 - 15:30

Cnr of R44 & Winery road,  
between Somerset West & Stellenbosch  
GPS: 34° 1' 39.06" S 18° 49' 12.83" E  
Tel +27 (0)21 855 2374  
[info@kenforresterwines.com](mailto:info@kenforresterwines.com)  
[www.kenforresterwines.com](http://www.kenforresterwines.com)



### SMALLS ADS

The deadline is the 24th of the month, two months prior to publication.

Ads are prepaid at R200 plus VAT for up to 15 words, thereafter R15 per word plus VAT

Please note that multiple (long-term bookings) are now available online.

### BOXED ADS

Boxed ads are 6cm (1 column) wide, and are charged at R900 for the first 3cm and R250 per additional cm (length) plus VAT.

Payment is due within 30 days of invoicing  
Please contact [ads@noseweek.co.za](mailto:ads@noseweek.co.za) to book or phone Adrienne 021 686 0570.

### DISCLAIMER

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

# QUALITY PUBLICATIONS CHOOSE A QUALITY PRINTER

## COLOURTONE ARIES PRINTERS OF CHOICE

For all your printing, packaging and display requirements  
contact colourtone aries on 021 929 6700 or

[www.colourtonearies.co.za](http://www.colourtonearies.co.za)

[info@colourtonearies.co.za](mailto:info@colourtonearies.co.za)



@colourtonearies



Colourtone Aries



COLOURTONE ARIES

print | packaging | display

