

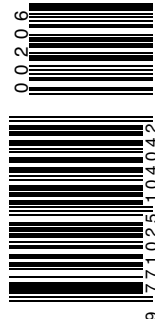
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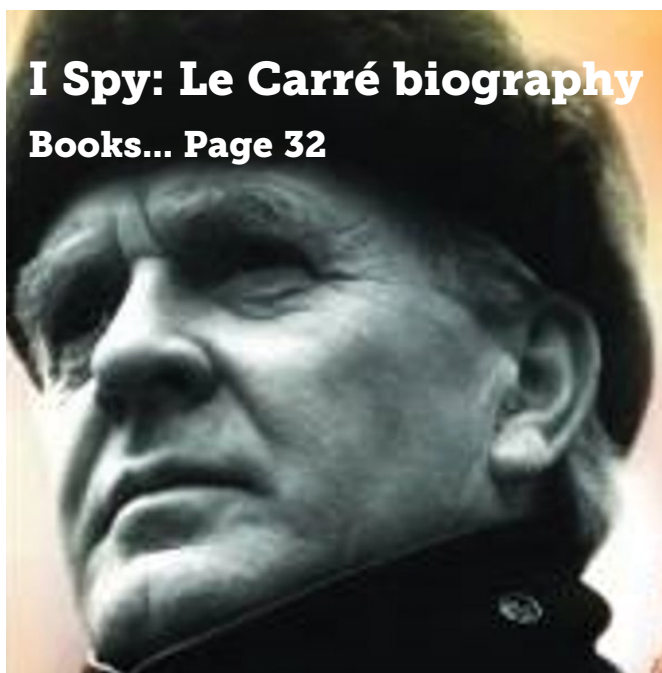
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Something's terribly wrong at Telkom

ON THE 18 APRIL WE CONTRACTED FOR a Telkom internet package at seemingly good rates – just the product for a small business that uses the internet for marketing.

Problems started on 29 April when I received an sms stating our account was in arrears. I informed them that my contract debit date was the last day of the month. As no debit had yet been submitted by Telkom, our account could not be in arrears.

They admitted it was an error, the result of a “system problem”.

Fast-forward to 29 May: a repeat performance, again the excuse of a system error. The month-end debit had been submitted and met. Annoyed, I went to the Canal Walk branch and was advised you cannot “speak to, or get a face-to-face” with anyone in accounts – the branches only sell phones and data time.

18 August: Our internet is cut; no SMS or email advising of a problem. A comedy of errors gets going:

- 08:47 called 081180 (call 10 min): Molapi advised our account was in arrears, as the debit has been returned. She advised I pay, then email proof.

- 09:05 called FNB (20 min); no debit had been submitted by Telkom. Our account was in good standing.

- 10:30 drive 10km to Canal Walk Telkom. William cannot help, but if I pay inarrears@ABSA and bring him proof, this will be sent to “Accounts”.

- 10:45 drive 5km to ABSA Montague Gardens (Canal Walk closed for renovations) and pay.

- 11:00 5km back to Telkom branch, give William copies of bank statement proving sufficient funds and no debiting of debit order reflecting as well as proof of payment, which he e-mails to Molapi and Accounts.

- 12:04 10km back home, also sent email with required proof!

- 13:30 still no internet. Called 081180. Bongani promised to escalate the matter.

- 14:30 called 081180, Vuyiswa

promised to escalate matters.

- 16:19 called 081180, Sakhile, promised to get someone to phone me; Meantime email him with details.

Telkom boasts that if you cannot escalate, ask to speak to a manager – both of which I requested, to no avail.

19 Aug: Still no internet, repeat yesterday's process at further cost;

- 10:46 Canal Walk, see William again, who apologises and resends bank statement and proof of payment.

- 10:52 While in store I also resend bank statement/proof of payment.

- 11:51 Back home; still no service!

- 14:55 Msg from Telkom: service restored! Joke's on me: my internet still not connected. I advised sender.

- 16:35 sent another msg advising internet still not active – no response.

- 18:00 still not connected – obviously weekend, so who cares!

20 August still no internet.

- 11:22 received mail from Shaun Smith requesting the “number” involved, even though my account number's on all communications.

21 Aug: Still no internet.

- 09:57 mail from Shaun Smith advising the account was active on their side and suggesting that I reboot. I do this for the umpteenth time with no success, which I advised in my reply!

22 Aug: More costs, as decided to Uber to Canal Walk. I explained my dilemma. At last someone who knew what he was doing!

Marcel explained that the unit loses all settings when rebooted – information that is on the underside of the unit. This should have been pointed out to me at date of sale as well as the availability for downloading of an “app” for the management of the unit's settings (which he promptly did on my phone).

All was as it should be and 20 minutes later I was on my way!

- 15:16 received email advising me to reboot... Clearly Telkom staff have no knowledge of their product operating procedures and need extensive

training. Telkom's non-return of calls, inability to speak to the accounts department, or to escalate to any form of management, is further evidence of the shockingly poor service.

It will be a cold day in hell before Telkom offers to reimburse me for all my time, travelling, parking, data and phone costs, to try to resolve their shoddy service issues. Future clients need to be aware of this when dealing with a business that is too big to care for its client base.

AG Smedy
Cape Town

■ **MAYBE YOU COULD ASSIST THE PUBLIC** and find out why Telkom does not answer many of their service numbers. Try them yourself to see what I mean! I spent numerous half-hours, trying to raise their new products/queries department.

Their Worcester branch number rings for a long time, then a machine answers, “We are attending to walk-in customers, sorry.” So we all have to drive there or go to other offices personally to get attended to?

If you dial 10217 you get: “Due to large call volumes, there may be a long delay in answering”. You bet! I gave up after 30 minutes. Then “blah, blah, blah... try community.telkom.co.za” – a nightmare to get registered first. “Try 1023” – only answers sometimes, or you get a “beep”. “Call 10210 for a voice mail problem” – no reply. Or 10120 to change your voice mail. For: “If you want to record your message, press 1”, and I press 1, it repeats the option. After the second time, I press 1, it does not give me the option to record but responds: “you did not record your message. Please...” Duh?

Does Telkom need more staff (money?) or simply more competent staff? What's becoming of our services in South Africa?

Anonymous
Vanrhynsdorp



■ I WRITE THIS PRIMARILY AS A CATHARTIC but also with the thought that, were you ever to run out of ideas, this may provide inspiration of a sort.

I have recently had a telephone line repaired by Telkom. It was a quick job necessitated by squirrels having nibbled the phone lines. For the first two weeks Telkom said that there was a problem in the area and that I should be patient. My “squirrel” explanation fell on deaf ears so I bided my time. Thereafter I phoned – up to twice a day – to get someone to come out, each call entailing 30 minutes of waiting. After getting no joy at the level of the operators, I was put through to managers at various times and a strange undercurrent of “there are issues there...” kept rearing its head, followed inevitably by no action. I even stood in a queue at Telkom in Claremont for an hour to see if that would force the pace a bit. The fellow there was most helpful and showed me the streams of calls and escalations that had been logged on the system, to no avail. Eventually I was “blessed” with a name and a number of one of the senior technicians. After another week of begging, someone came and fixed the line.

Early on I had got the impression there was something wrong at the technicians’ department, more than just “too busy to come out right

now”. And when my wife asked the technician who eventually came, he was a bit guarded, but a cup of coffee helped him to warm up. Close to tears, he spent half an hour telling her about the old hands that have the institutional knowledge that keeps the train on the tracks, even if it is held together by plasters rather than bolts, but they are under the impression that Bidvest’s ascension into Telkom’s corporate domain will be catastrophic, since Bidvest are intent on getting rid of the older staff to avoid having to pay out pensions at a later stage. I have no doubt that any enquiries will be met with vociferous denial followed by a manhunt.

Whether true or not, what is incontestable is that the system seems to be following the Post Office, Eskom and others into a death spiral. Perhaps we should be looking outside the country for the best of the best to manage these systems – an outsider free of the baggage that constrains South African contenders.

We are already paying eye-watering salaries to the incumbents, so we can easily afford to procure people with the right credentials. The success of turning these institutions around would mean money in the bank for them – and votes for the ANC.

James Gibson
Steenberg

■ THANK YOU FOR PUBLISHING MY letter (*nose203*) about my battle with Telkom. On 25 September I received the following email from one of the characters in the tale:

*Good afternoon
Kindly accept my sincere apology for not reaching me through the phone. I have revisited your complaint and the penalty that was charged @ amount of R1430.60 has been reversed, DSL credited from 2016/03/23 to 2016/09/11 and interest. Please call me between 07:30 to 16:30 from Mon to Fri.
Kind regards,
Ncumisa Ntlemeza
God bless.*

Shortly afterwards I was contacted by Telkom’s legal department – who had advised me on 17 August that they were investigating my case – to say they were now to settle the remainder of my claim in full.

(In typical Telkom style, I was then invited to rate the legal department’s service via a URL that does not work.)

I have not missed an issue of *Noseweek*. The world needs this kind of publication.

Simon Milliken
Durban



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Letters

Good riddance to MPs

I MUST ADMIT THAT I USED TO BE BITTERLY against the laager mentality of Gauteng, who believe Africa revolves around their “Money capital of Africa” hub; so Parliament should relocate from Cape Town to their Cash, Status & Crass Materialism province viz. Gauteng. However, I have seen the light: it is going to be most cost-effective for taxpayers once MPs’ travel and accommodation costs, psychological and emotional wellbeing etc are taken into account.

Since Cape Town is not short of freethinkers, Parliament and its precinct could be put to good use after it is sold or rented out. I suggest we use part of it to establish a second stock exchange, a major private library etc.

The sooner the status-conscious shallow and fickle are concentrated in one place (Gauteng), the better for the rest of us who have the ideas/faith/passion to add real value to this country and its populace.

Luyanda Marlon Kama
Kwa-Dwesi, Port Elizabeth

Castlepines: victim not villain

WHY DID YOUR REPORTER NOT QUESTION Andre Botha as to who Castlepines Global Equity (*nose205*) engaged to conduct a Due Diligence (DD) report on whether “Castlepines’ funding criteria” had been met or not?

The letter of engagement clearly states that our money will be used for a DD by appointed tax and legal advisors – which never took place. He must provide proof that the tax advisors and legal advisors were actually appointed – and that they were paid.

And did you have to embarrass Prof Girish Modi by suggesting he must have “had a brainstorm” to fund the DD? A professional man of good reputation, he is the victim, not the perpetrator.

Unlike my “nemesis”, I am not the GM of a Global Equity Funder, who suspiciously does not have an office. I work for myself, from home; my business cards do have my address. I am fully contactable and traceable

Geoffrey Freeman
Johannesburg

JACK LUNDIN REPLIES:

I did put these obvious questions to Castlepines’ CEO Andre Botha, in writing, and also asked to see their consultants’ report to trustees.

Space constraints precluded publication of his full response. He stated that the fees for the due diligence report were disbursed “in accordance with the written letter of engagement”, but refused to show Noseweek the DD report he alleged had been obtained because “reports to trustees are internal, private documents and we have no obligation to share them with the media”.

Not satisfactory – but then, when I asked you for sight of the “commitment in writing” that you said you’d received from the Industrial and Chemical Bank of China for your proposed Mozambique development, you, too, terminated our interaction and advised me that “no more information will be forthcoming”. An equally unsatisfactory answer. ■

Stent



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Someone has to pay for the news

IT IS TRUE THAT THE UNITED STATES OF America cares little for world news. International news accounts for less than 2% of its news market and countries that make the cut would rather not, as invariably it means they are being, or are about to be, invaded or bombed by the US.

This I learnt from the Americans I met during a three-week tour of the country as a guest of the US State Department. I was taking part in the International Visitors Leadership Program (IVLP), joining another 20 journalists from 20 countries. The focus of the programme was investigative journalism.

I was with an eclectic group of investigative print, radio and online journalists, most of us from rogue nations on the periphery of global affairs – only ever known for war, coups, revolutions, terrorists, financial crisis, sex scandals, money laundering or a mixture of the lot.

At the induction meeting my Kurdistan colleague thanked the US State Department for killing Saddam Hussein. A precious awkward silence followed.

Everyone knew about apartheid and Nelson Mandela; some had heard of Julius Malema. A young American-born Somali teenager questioned me about “Hairgate”. She also thought Tunisia was in Europe.

Americans seldom concern themselves with the rest of the world – which they regard as a playground for travel, unless Disney has built a replica.

The attention to detail in the cities I visited – from the West Coast to the East – was remarkable. From the perfectly manicured gardens, elaborate city lights, sculptures and boulevards, it is clear that average Americans live in a world only the wealthy in gated estates enjoy in South Africa. Garden fences exist to keep dogs in, not people out.

Their universities particularly interested me. Huge amounts of money are poured into these establishments by both state and private sectors. While I checked my Twitter feed at home and watched our universities burn, I saw cranes building more facilities at theirs. There is one similarity: student debt in the USA, sitting at about US\$1 trillion, is believed to be its next sub-prime banking crisis in the making.

I was invited to join a Republican group in Reno, Nevada at the Atlantis Casino to

watch the first US presidential candidates’ debate. Most were old white folk. They donned Trump hats and shouted in southern drawl at Clinton on the big screen while eating mince-filled tacos.

Hurricane Matthew scuppered my chance of attending a Barack Obama rally in Miami, Florida, and because the hurricane then missed the city I was unable to post on to my Facebook page that I had survived a hurricane. Instead I was just another shmuck holed up in his hotel room on the day it was expected to strike, as the television news reminded me every minute of my impending doom. All shops were closed and palm trees were harnessed with ropes and pegs.

Despite the catastrophe Hurricane Matthew caused in the Voodoo island of Haiti, next day the *Sun Sentinel* in Miami ran a bold headline that read “Matth-whew”.

During the election madness, *Globe Magazine* reported that aliens had been spotted mining minerals on the moon.

American newspapers focus almost exclusively on local issues. *The Washington Times*, owned and founded by the Unification Church, otherwise known as Moonies, is right-leaning and enjoys hammering the Democrats, while *The Washington Post* panned Trump daily. *The Star Tribune* in Minneapolis reported about the state of the Mississippi River in a five-part in-depth series.

In Nevada, the *Reno Gazette Journal* (another amalgamation) wrote about biker gang shootouts and that the don of legal brothels, Dennis Hof, was running for a seat in the state Assembly. It described the US as a “Reluctant Empire” and the election campaign as a “combination of *Idols* and an election”. Apparently more people vote for *Idols* than for a president.

American television news services embody the country’s capitalist system – they carry only news that sells and care little for promoting social cohesion. The more agro the news, the better for ratings, just ask the country’s biggest cable network, Fox News (and President Donald Trump!).

Cable news and radio broadcasters are unashamedly partisan, while studies reveal that newspaper staff are generally more liberal leaning. Nobody seems to trust CNN on either the left or the right, both sides believing the station leans the other way.

I had many off-the-record conversations with academics, non-profit media institutions, journalists, politicians and lobbyists to form an opinion about investigative journalism in the USA.

Much of it confirmed what we already knew; that journalism in general in the US – as elsewhere – is under severe pressure. Problems include lower wages, reduced newsroom numbers, less income, a hostile corporate world and more confrontational governments (There are technically 51 governments in the US: 50 state and one Federal).

But the financial pressure they are under appears less extreme than in South Africa. For instance the *Star Tribune* still sells over 200,000 copies daily and over 500,000 on a Sunday in a state with just five million people. In fact their sales have increased over the past five years. Notably, while actively growing their online subscription base, their online revenue still accounts for only 10-15% of overall income.

The *Miami Herald* has been less fortunate: between 2007 and 2014 its sales dropped by [only!] 7% to 97,694. Declining circulations have resulted in mass staff layoffs. But the city, with a population of just over two million, still supports at least three separately owned English dailies. (There are also Spanish titles.)

Looking at their numbers and their drive to innovate, it makes us realise how dire our situation is: our best-selling newspaper, the *Sunday Times*, sells only about 291,000 a week – nationally.

In the US there has also been a slow, creeping clampdown by local, state and federal governments on the free flow of information. Realising that media businesses are cash-strapped, they know the chances of a news outlet going to court to challenge a government agency's refusal to release information, via their Freedom of Information Act is much less a threat today than it was a decade ago. They simply can't afford the legal costs.

Through the lobbying of special interest groups, laws have been passed extending what is deemed "classified information" at state and federal level. Some of these are quite bizarre. For instance if there is an outbreak of Avian flu in the poultry sector in Minnesota, this information is deemed classified and may not be published – to protect the poultry industry. Public health does not factor.

MOST NEWS OUTLETS I VISITED POUR some resources into investigative journalists, ranging from a fulltime post, to pooling resources, to simply allowing reporters extra time to pursue more in-depth pieces. Their journalists are multi-skilled, working between audio, visual, print and online. Their reality is much like ours – except they have more money.

Increasingly significant is the growth of "non-profit" news gathering. The theory is that because they are non-profit they are non-partisan, objective news sources. Many of them carry the mantra of "Investigative journalism" such as the Arizona Institute for Investigative Reporting, the Center for Public Integrity (which hosts the International Consortium for Investigative Journalism), the Florida Center for Investigative Reporting, the Global Investigative Journalism Network as well as ProPublica.

This model has thrown journalism as a career a lifeline for the telling of great stories, being a watchdog, and shining a light in a world lurching towards greater secrecy. But all is not bliss. On closer inspection it becomes clear that the non-profit news sector, like the commercial one, faces many of the same problems and risks.

The idea behind non-profit news is that people donate to the cause. In reality there are only a handful of serious global donors and most NPOs rely on at least one of them as a major funder. Some examples are the Rockefeller Foundation, the Open Society Foundation, Google, Ford Foundation or the Knight Foundation. Most are endowment funds created to circumvent taxes for the wealthy families that created the fortunes. Occasionally this funding is more indirect, when a non-profit supported by one such foundation supports other non-profits.

The upside of the donor philosophy is that it has enabled the creation of a global network of investigative journalists. Given the means, these journalists can embark on long-term, in-depth projects; and take on secretive or dirty governments that have no financial leverage over the news outlet. Such governments have also learned that simply shutting them down is not a good option: it only attracts more unwanted attention. Non-profit news media tend to rally to one another's defence when threatened, and are able to turn a lo-

cal incident into an international one overnight.

It is important to realise that most of these journalists belonging to the NPO sector are professional and work on the principle of speaking truth to power and will not be bought off or knowingly be a proxy to another interest.

But with many of these donor models come some preconditions, often limiting the funding to a specific subject.

And just because they are non-profits does not necessarily mean they don't take money from dubious sources. For instance, BP, with its highly publicised pollution of the Gulf of Mexico and equally dire clean-up operation, is a funder of the International Center for Journalists (ICFJ) in Washington DC. The ICFJ's collaboration with Tsinghua University, Beijing, to launch communist China's first Global Business Journalism Program, is supported by Bloomberg. Bloomberg, has made no secret of its ambitions to capitalise on the Chinese market. The other ICFJ donors who drove this project were Bank of America, Merrill Lynch, and Deloitte. All have obvious vested corporate interests in China.

This is soft politics in the bare. Notably, the school is not allowed to teach any investigative journalism skills, which raises the point that, just like the commercial sector, the non-profit is equally susceptible to corporate-funder interest. The ICIJ name lends the Chinese course massive credibility in a country that persecutes free thinkers and journalists. It allows the Chinese government to brag that it is allowing greater transparency in its media.

But the reality is very different. Just last month the *Washington Post* reported that the Chinese government was working on software to give every citizen a social scorecard which would rate their online use, the places they visit and who they talk to.

When active, by 2020, the scorecard could predetermine which restaurants they are allowed to eat at, whether they are allowed to travel first class, where they can work and whether the Communist Party should give them membership.

Two colleagues of mine in Eastern Europe – neither of their countries part of the EU – confirmed that they had experienced pressure from their funders. One recounted how the EU, a donor, demanded seeing their stories before

publication. The journalist refused – and won the battle – but the EU funding is coming under review and could be lost. Another told how a donor had specified they only use the money to investigate the energy sector in their region. The funder has large global energy interests.

The same goes for a host of “grant funding” or “fellowships” that stipulate the subject to be investigated. The *Mail & Guardian* is currently hosting a journalist on a Rainbow Fellowship, funded by the Other Foundation. The journalist must focus only on LGBTQ issues.

In all cases there is an argument to be made for walking this road. The ICFJ maintains that at least they are bringing critical thinking skills to China and, through business reporting, allowing for some transparency in the markets.

The *M&G* argues that LGBTQ issues have long been under-reported and this allows them to conclusively tell the story of the group. As for my Eastern European colleague, he knows energy is an important issue to his region and realises tuned focus in the sector can only help achieve greater transparency.

The loss of a funder is as damaging as losing an advertiser but, unlike commercial news enterprises that potentially have many advertisers, because of the small number of serious donors, the loss of a donor can pose a more dramatic threat to the existence of a non-profit news publication.

One thing is certain: serious investigative reporting is costly in time, skills and money. And the one who plays the piper calls the tune.

The non-profit sector is always asking for donations, while commercial outlets are looking for subscribers. In the end, to have completely independent fearless and uncompromising news, the only win-win model is through mass participation by the public in funding news gathering. Buy or subscribe to the magazine, donate to the NPO.

The NPOs call it “crowd-funding” – we call it sales. But it is difficult to mobilise a public that has become lethargic and unmotivated. We need to change that.

If you want more of what you read in *Noseweek* for decades to come, rally every person you know to take out a subscription. Buy at least two

or three subscriptions as Christmas gifts for friends. Think of introducing *Noseweek* to a new generation. With more subscribers we can grow and serve our readership even better with more investigative reporting – no strings attached.

I will happily declare my assets: one awesome wife, one middle-class home, one seven-year-old bakkie, a pitiful private pension, in-laws, three dogs, one cat and a few US Dollars that I

managed to bring back home.

The onus is really on the reader. Unless you want the media always to be beholden to large corporate interests, you need to become modestly – but actively – involved with your wallet. Simple. That’s assuming you want to live in a democracy where the rights of all citizens are respected. And constantly defended.

Jonathan Erasmus
Assistant Editor

...the more things stay the same

IN HIS MONUMENTAL WORK, *THE STATE of Africa* (2005, Simon & Schuster), Martin Meredith describes the period in the 1980s when a number of African countries were in dire economic straits and looked to the International Monetary Fund (IMF) and the World Bank to bail them out.

The IMF/World Bank agreed to assist, but laid down conditions, the basic thrust of which, as Meredith notes, was “to get governments to shift from consumption, so favoured by elites, to investment”.

Immediately, notes Meredith, this “aroused strong opposition in many quarters”.

“The IMF/World Bank insistence on economic efficiency as the criterion for their aid threatened the system of patronage and patrimonialism that underpinned the rule of most African leaders,” he explained.

Sound familiar?

Meredith goes on: “Africa’s bloated bureaucracies and systems of regulation were crucial political assets, the means by which the ruling elite provided jobs, contracts and other opportunities for kinsmen and political supporters.”

Sounds more and more familiar: It brings to mind our own dysfunctional cabinet of 35 ministers and 38 deputies, not to mention thousands of “advisers” and, spokespersons, secretaries, drivers, security guards, pilots, vast homes in Pretoria and Cape Town, domestic staff and so on and on.

The UK has a cabinet of 20. Their GDP is almost \$3 trillion while ours is \$312 billion, about 10% of theirs. By the way, our GDP has declined

from \$416bn in 2011 as our currency collapsed under the weight of ANC corruption and incompetence

Of course, our giggling, dancing, philandering, innumerate president flits about the world on his private jet like some brilliant statesman from an important country. Important? Our GDP is 0.5% of the world’s total. If we disappeared overnight no one would notice.

One suspects that Zuma is quite happy to part with a trillion rands of our money for a Russian nuclear plant because he actually has no idea whatever how much a trillion is.

Meredith quotes Douglas Rimmer, an economist at Birmingham University who specialises in African affairs, and has written that Africa’s political leaders have never been primarily concerned with economic growth but rather with the maintenance of political power and the distribution of wealth to themselves and their supporters.

“They were unaccustomed to restraint. African elites faced losing the perks and privileges that economic control of the state had given them.”

Rimmer adds that these elites “regarded public enterprises as a symbol of national sovereignty, however badly they performed; for years, they had treated private-sector entrepreneurs with disdain and discrimination”.

Think SABC. SAA. Eskom...

So, for Christmas, I thought I might present Zuma with a copy of *The State of Africa*. He would surely enjoy it more than he does *The State of Capture* by Thuli Madonsela.

Stephen Mulholland
in Politicsweb

BINARY OPTIONS TRADING

Beware of the dog

A global scam made to look local. By Martin Welz

News24's DAILY ONLINE NEWS site recently included among the day's recommended news items, a click-through tag for a story tantalisingly headlined: "South African Makes His Millions While Traveling the World Living the 5-Star Lifestyle!"

Click on it and you're through to what appears from its layout to be a business section, reassuringly titled 24BusinessMag, where the "make-millions-while-traveling" lead story has the sub-heading: "24BusinessMag's Finance Editor investigates this money-making wonder."

As might be expected on a legitimate News24 site, the finance editor's name is Richard Joubert. His story begins:

"Patrick Coetzee never thought it possible that he could work online while at the same time be in charge of how much money he wants to make. It happened one day when he learned about a secret money-making system that turned his life around. Now, he makes a huge income while traveling the world first-class ...

"24BusinessMag has uncovered many cases of luxury travelers from South Africa working online making loads of money on various private investment forums. When we tracked his posts, they were coming from some of the most luxurious places like the French Riviera, Tahiti, Qatar, London. We messaged him and requested an interview. Surprisingly enough, he was a friendly guy from Cape Town and was very willing to fly into Johannesburg to share his success secret with us.

"He arrived on his chartered private jet that runs for \$13,000 (R178,000) a flight. His story: 'I make around \$8,560-\$9,430 (R117,000-R129,000) a day, so this jet isn't anything expensive for me now'.



Patrick and his wife on their latest luxury yacht voyage. Doesn't that look like a promising workday? (A fake image created to tempt the gullible)

"Patrick Coetzee, a 32-year-old man, was just like anyone else in the hamster wheel. The economic downturn didn't make things easier either, and he found himself struggling.

"On a news channel, I came across an interview with an ex-Wall Street banker that was explaining how everyday people are using a unique application for binary options trading that would help them earn money. He explained that nowadays, a college degree or financial background isn't needed to understand how it works.

"This was the first time I had ever heard of binary options trading. I don't have an accounting or finance background, but the money I could be earning attracted me.

"Within no time, our Patrick had found just the right Binary Options Broker for him, one that included 'special trading tools that could predict successful outcomes and even offered

a 1-on-1 training session'."

24BusinessMag went on to report that this Binary Broker has "a well-established brand name in the industry for making many South African clients millionaires". However, this broker only works with a certain amount of trading accounts "because if everyone was accepted to open an account and generate millions trading binary options, there would be an economic crisis on the horizon".

For you to open your binary options trading account, all you needed to do was click on the next link, fill out all the details with the correct information, invest \$250 (or R3,672.20) – you must, or else the Broker will reject your application – and voila! You can sit back, relax, and start growing your account. "Congratulations, you are now a binary options trader!"

Dear *Noseweek* reader, are you excited?! The supposed News24 read-

BINARY OPTIONS ARE TODAY'S MOST popular form of online trading, with millions of active traders every day, says one of the websites *Noseweek* visited. You'd better believe it. What is binary options trading? The same website has this answer: "It's simple, easy to access and above all, offers limitless profit opportunities."

"You simply choose a financial asset (currency pair, stock, commodity or index), predict the market price direction, up or down, in a specified timeframe (from 30 seconds to 1 month), invest a sum of money and you're off."

"If your prediction is correct, you can earn a return (profit) of up to 400%!"

And if your prediction is wrong?

ers who added their comments at the foot of Patrick Coetzee's story clearly shared your excitement. Ethan Nel comments: "I just got started about a week ago, and this is unbelievable. I mean \$1,300 (R17,000) in a week? Thanks so much!"

Matt Kruger responds: "I know, right? I couldn't believe it either when I checked my account."

Jess Smit: "Same here, guys!"

Thomas Steyn, Jake Louw, Bret Fourie and Daniel Reddy – all names of people you would expect to be genuine News24 readers, add enthusiastic questions and comments.

So you rush to turn to the next page – without noticing the note in small print at the foot of the page, which reads: "RISK DISCLAIMER: 24businessreport.com allows its users to trade in highly speculative investments which involve a significant risk of loss. 24businessreport.com does not manage, or offer any advice or recommendation regarding suitability, profitability, investment strategy or other matter. [Really?!]"

"Due to the high risk nature of trading, 24businessreport.com explicitly does not make any express or implied warranties that users will make any profit or that users will not lose any or all deposited investment funds."

In fact, it goes on to state (in very small type) that you should be "financially able to assume the loss of your entire investment."

And "24businessreport.com will not provide users with any advice relating to Binary Options ...or make invest-

That question doesn't get asked or answered except, buried deep in the thousands of words in small print on the T&Cs pages, where you will find this: "You are aware and acknowledge there is a great risk of incurring losses and damages as a result of the investment activity through the Company and the Company's Trading Platform."

Restated by *Noseweek*: Binary options trading is one of today's most popular forms of unlicensed gambling; it is unregulated and, more often than not, part of an international scam that is leaving millions of suckers bereft of their life savings. (For more about that, see international story, page 13.) ■

ment recommendations of any kind".

But if you miss the small print footnote – very likely – and rush to the next page, you will be greeted with an invitation to:

TRADE WITH CONFIDENCE

Banc De Binary is the most professional and experienced binary options broker in the industry.

DOUBLE YOUR TRADING CAPITAL

Our 100% deposit bonus* is your way to increase your chances to make successful trades.

CLAIM YOUR BONUS NOW!

This is the perfect time to step in and start earning profit margins of up to 89%.

By now you've thrown all caution to the wind, and wouldn't dream of bothering to read the thousands – many thousands – of words of lawyer-speak (in small print) on the terms and conditions of the agreement to which you are about to agree with a simple click on the button.

Noseweek did read them, and found these gems littered among the dross:

"...this Website provides... hypothetical results for illustration purposes only..." Plus some wisdom on the subject of hypotheses: "Hypothetical or indicative performance results have many inherent limitations..."

"You are encouraged to remember that there could be major differences between hypothetical performance results and the actual results subsequently achieved... There is no guarantee that you will earn any money using the techniques and ideas provided in the Website."

Solara Anytime



Jana Loots

Organic Sauvignon Blanc

Our land is green and inviting, a sanctuary for all wild creatures who by their presence create the balance that adds uniqueness to our viticulture. Ten years of nurturing the land and dedicated to preserving it, we have established by integrity a terroir of which to be proud.

SINGLE VINEYARD WINE

Vinified at Rooiberg Winery
by Andre van Dyk

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www.wineconcepts.co.za

So, just a little flustered, you ask: “How come, then, Patrick Coetzee from Cape Town is travelling the world on the millions he’s made?”

Sadly, the answer to that question, too, is to be found buried in those pages of smallprint, where *Noseweek* found this:

“...the depicted characters are played by professional actors and not real traders [with reference to those pictures of Patrick on his splendid yacht with his buxom tanned wife].

“Any names, characters, places and incidents mentioned on this Website are used fictitiously. Any resemblance to actual events or locales or persons, living or dead, is entirely coincidental.

“Any impressive results represented in any promotional media in Website is for illustration purpose only...” (So much for Patrick’s private jet.)

Only once on the entire elaborate website is “the Broker” behind the punted scheme named – below that tempting headline: “Trade with Confidence.” There, Banc de Binary declares itself to be “the most professional and experienced binary options broker in the industry”.

Banc de Binary’s preference for otherwise simply being known as “the Broker” might be explained by the following notice which appeared on the website of the International Financial Services Commission of Belize on 17 October this year:

It is hereby notified for general information that BDB Services (Belize) Limited, of domain name Banc De Binary, with its registered office at No. 5 Cork Street, Belize City, Belize, C.A., is no longer licensed by the International Financial Services Commission of Belize (IFSC) due to non-compliance to some conditions of the annex attached to the licence granted for ‘Trading in financial and commodity-based derivative instruments and other securities’.

All investors and other persons concerned are advised to take note and exercise caution.

Caution should also cause you to take note of the following in those smallprint T&Cs attached to “Patrick Coetzee’s” promotion, or you might find yourself sailing to the Mediterranean for anything but a holiday:

“1. This [agreement] shall be governed by and construed in accordance with the laws of the State of Cyprus.

The competent Cyprus courts shall have exclusive jurisdiction over any dispute arising out of or relating to this [agreement].

“2. You agree not to claim that any proceedings held in the competent courts of Cyprus have been brought in an inconvenient forum or that such court does not have jurisdiction.”

For more revelations about Banc de Binary, see related story on page 13.

ANOTHER “FOREX TRADING PLATFORM” found disguised as a news item on News24’s website (and on other websites, in other guises), is called Opteck.com.

It is promoted by “William P, 52 years, Personal Banker”. As with all the others, “Making your first step in online trading can be easy when you choose to start it with Opteck.” Etc, etc.

In the smallprint you will discover that “Opteck is a trading name of CST Financial Services Ltd” – which must surely be respectable and trustworthy because it says it is regulated by the International Financial Services Commission (“IFSC”), under authorisation number IFSC/60/377/TS/15.

Reassuring, until you learn in the next line that the relevant Financial Services Commission is not exactly international: it is the FSC of Belize, a tiny tax-evasion state hidden somewhere in central America

To confuse matters further, Opteck/CST Financial Services Ltd is itself situated at Ioanni Stylianou 6, 2nd floor, office 202, Nicosia 2003, Cyprus.

More warning bells ring when the smallprint also assumes you “have read and agree to all the terms and conditions that apply”. Those T&Cs require several thousands of words to state, and – in the most unlikely event you have read that far – conclude with this killer punchline: “This Agreement and all transactions between you and the Company are governed by the Laws of Belize and the competent court for the settlement of any dispute which may arise shall be the District Court of the district in which the Company’s headquarters are located.”

By the looks of things, if you get into a dispute with them, you’ll be fighting your case in terms of Belize law – in a Cyprus court. Good luck! ■



AND ON TWITTER...

“This is eye-opening: How Noah made His Money”, declares April Wang in a tweet promoted on Twitter with the above picture of our Trevor Noah sporting his trademark “I’ve got you!” smile.

The bitly link she provides takes you to another of those fake online business magazine sites. This one can’t make up its own mind whether its called eurostreet.money or EuroMarket. The headline declares: “Tens of Thousands of People in South Africa are making \$1000/day by Copying Noah’s Secret...”. The strap headline: “How Trevor Noah Really Made His Millions of Dollars”.

The shamelessly invented story gives itself away when it refers to the sources of its information: “Social media has recently been buzzing with news that Trevor Noah has been earning millions... with a new secret system from the United States... a source close to Noah revealed the news by mistake... since shared on Facebook... It has been revealed that ...”.

The story is actually all about people like Noah (social media sources have revealed) making thousands, “or even millions of dollars with little effort using a unique trick...” The trick is, of course, binary options trading and the trickster is – you guessed it – Banc de Binary.

An “insider” is said to have declared (in a fictitious TV documentary): “This system can make working class Americans wealthy overnight. This makes the political elite nervous as they want to maintain control”. (At this stage the thought crossed my mind that Donald Trump might be a shareholder.)

The hidden pages of T&Cs offer a feast of evasion served up on a generous bed of well-cooked lawyerspeak. ■

It's a giant international scam

Brits are losing millions to UK's biggest con while the government stands by.

By Abigail Fielding-Smith and Jack Serle of The Bureau for Investigative Journalism, London

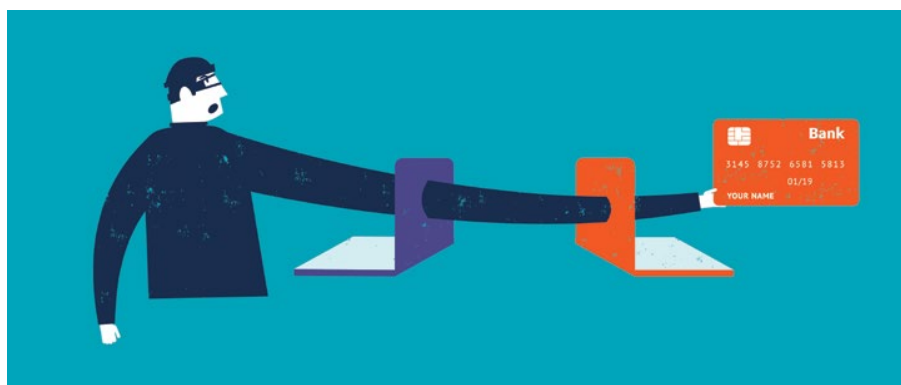
THOUSANDS OF BRITISH PEOPLE HAVE lost millions of pounds to an international scheme sold as an investment opportunity which, in reality, is a wild gamble if not an outright scam. Many countries have outlawed these operations. However, in the UK, a regulatory loophole has left victims completely unprotected – despite police saying it is now the biggest fraud in Britain. South African victims are similarly unprotected.

The sale of what is known as binary options involves betting on whether financial assets such as shares, currencies or commodities will rise or fall over a specific period. Even when the bets are legitimately placed, it's a hugely risky enterprise – but for many companies binary options primarily act as a vehicle for scamming people.

Victims are targeted by salespeople in call centres abroad – typically located in Israel and Romania – who use high-pressure tactics to convince them to invest. They are then led to believe that their investment is growing as bets are placed – but when they try to cash in their purported returns, they are unable to do so.

The Bureau for Investigative Journalism, London, spoke to dozens of people across the UK who had been targeted by a range of different companies; many had had their credit cards debited without consent – in some cases, to the tune of thousands of pounds.

There are hundreds of binary op-



tions companies around the world, making billions of pounds a year. A whistleblower working in Israel told the Bureau that everyone in his call centre was aware they were operating a fraud, and said salesmen were urged by bosses to “rape the clients” financially.

Software is used which allows clients to check their purported account activity online, showing their funds rising and falling as the bets are supposedly made. Typically people invest small sums to start with and are then drawn in with a series of false promises.

“George” originally put £250 into an account run by a binary options company called Inside Option. He was persuaded that if he put in another £500, he would be insured against any losses. The only condition was that he would have to wait eight months before taking out the money.

Inside Option sent him a letter (with a London address on the letterhead) guaranteeing that this would be the case. All his payments were made using a credit card and George thought that meant he would be protected if it turned out to be a fraud.

He watched the trades taking place on his Inside Option electronic account and it appeared that the more money he put in, the better he did. It was doing so well that he persuaded his girlfriend and his mother to invest their savings too, influenced by salespeople who “incessantly pestered” him with offers of better and better terms.

Eventually after eight months they had invested £80,000 in binary options. Their balance was now £500,000, but when George started trying to withdraw the money last year he ran into problems. He was told the trader who had set up the account had left to look after his sick mother. Then Inside Op-

tion said it would have to bring in its legal department to check the validity of the deal, and after that he struggled to get hold of them. “The trail went cold,” George said.

He has so far failed to get the money returned on his credit card.

The fraudulent sale of binary options is now the biggest scam in the UK, according to the National Fraud Intelligence Bureau’s deputy director and financial crime specialist, Detective Chief Inspector Andy Fyfe. An average of two reports are made to police each day and the average investor loses £20,000.

The example of George was likely just “the tip of the iceberg”, said Fyfe, as most people would not bother reporting their experience in the knowledge there was little that police could do. There have been no successful related prosecutions because the fraudsters are usually located abroad.

The business is not overseen by the Financial Conduct Authority (FCA) because it is classed as gambling. But the Gambling Commission only regulates operators that have equipment based in Britain.

Many binary options firms operating globally are completely unregulated. Others register themselves in Cyprus, where the central bank allows financial companies from other countries to apply for operating licences, and where the trading is classed as investment rather than gambling.

Typically the targets have been older investors frustrated by zero interest rates, looking for a better place to put their money. They are told that binary options are a conservative investment strategy. Some are persuaded to take advantage of the law that allows retirees to cash in part of their pension.

But the fraudsters also target younger investors, drawn in by pictures circulating on social media of happy binary options investors with gold Lamborghinis and Ferraris – with fake profiles bolstered by purchased followers. Nearly a third of the people who go to the police are in their twenties. [See *South African example in accompanying story.*]

The web of binary options companies around the world is in a constant state of flux. As soon as there are too many complaints about one firm it is closed down and replaced by another.

Even the larger and more legitimate operators in the sector have run into trouble. The US bars binary options firms from selling to consumers unless they are operating through registered exchanges and contract markets, of which only a handful of companies are. Earlier this year Banc de Binary, which describes itself as the world’s leading binary options trader, had to pay \$11 million in restitution and fines for selling to American consumers.

The company, which says it has more than 250,000 customers in more than 80 countries, has also been fined this year by its regulators in Cyprus. But in Britain, Banc de Binary has a high profile, having sponsored Liverpool Football Club for the past two years before switching to Southampton FC in September this year. However that relationship was short-lived and following queries from media organisations – including from the Bureau – Southampton FC ended its partnership with Banc de Binary within two weeks of announcing the deal.

In August, Belgium banned binary option companies from targeting consumers and France is considering an advertising ban. Israel prohibits the sale of binary options to its own citizens but there is no law stopping them targeting foreigners.

Britain, on the other hand, has

failed to take action. Many fraudulent companies adopt British identities to inspire trust among consumers. Others falsely claim on their websites to be regulated in Britain.

Last year the specialist insurance market Lloyds of London had to issue a warning that AA Option was falsely claiming to be insured by the institution, which would have meant that depositors were covered for any losses they incurred. There was no such insurance cover. The Bureau learned of dozens of investors who are now trying to get their money back.

Even grander claims have been made by other companies. Inside Option told one client the company was based in the famous Gherkin building in the City of London. It has also falsely claimed to be regulated by the British authorities, according to victims.

The client who was told that Inside Option was based in the Gherkin was sent a copy of a fake lease agreement for office space in the building.

In an inconspicuous part of its website, Inside Option states it is owned by “The Masters Association”, a company based in St Vincent and the Grenadines. It was previously registered in Anguilla, where last year the regulatory authorities issued a warning to the public stating that the company was not licensed to trade in binary options.

But the Bureau for Investigative Journalism has discovered that Inside Option is actually operating from a call centre in Israel.

Behind the brokers are the legitimate companies which provide a platform for companies like Inside Option and regulated binary options firms to operate. They can correctly claim to have no part in the hard selling but they take a cut of the profits. In June, SpotOption, an online platform which hosts Inside Option, announced a “grand opening” in the Royal Exchange in the City of London with the aim of “driving regulated binary options trading to its full potential”.

SpotOption is one of six major providers of binary option trading platforms, all of which are based in Israel. It claims to be the platform provider for some 200 binary option brands making up 65% of the worldwide market, with a combined trading volume of \$5 billion.

**The most successful
salesmen are
rewarded with
invites to free
sex parties with
strippers and drugs**

The company hosts the trading process “end to end”: from the front end user interface, to account management and payments to the ultimate company owners. It charges brands like Inside Option a percentage commission on its turnover. One insider said the binary options company he worked for was charged about 12% on its turnover by SpotOption.

The founder and primary shareholder of SpotOption is an Israeli known as Pini Peter, whose full name is Pinchas Peterktzishvilly. He was convicted of money laundering in 2005 in connection with one of Israel’s largest-ever financial crimes: the embezzlement of 254 million shekels (£51m) from Trade Bank, a commercial bank.

Peter was not involved in the embezzlement, but was convicted of forging signatures on cheques.

Responding to the Bureau’s investigation, SpotOption said Peter had “no role in the company other than as a shareholder”. It said its platform had been “certified for compliance with the regulatory requirements in the EU, Japan, Australia, the US and elsewhere”. Its user policy obliged brokerage firms using its services to “ensure their operations are in line with applicable law and regulatory requirements,” it added.

David Ripstein, the CEO of SpotOption Limited, told the Bureau: “I will reiterate SpotOption’s support for the regulated binary options industry and our strong desire to see all operations in this industry conducted in a lawful, regulated and fair manner.”

The UK Treasury carried out a consultation last year which considered whether binary options sellers should be regulated by the Financial Conduct Authority (FCA), but no conclusions were published and no legislative changes brought about. If these companies were regulated by the FCA the regulator could warn investors against specific fraudsters – but many of the victims identified by the Bureau say they want a complete ban on binary options firms selling to the general public.

The FCA issued a statement in July warning consumers about fraudulent binary options companies, highlighting the fact that it had no power to take action. “We are particularly concerned about the experiences many



consumers report to us when trying to deal with unauthorised or unlicensed binary options firms,” it said. “We regularly hear about such firms suddenly closing consumers’ trading accounts, refusing to pay back their funds and ceasing any further contact with the consumer... Binary options are not currently regulated by the FCA so your investment is not protected.”

The Treasury said only that it took the issue of binary options very seriously and the response to its consultation would be published “in due course”.

Not good enough, said one UK victim who lost more than £90,000 to Inside Option. “These companies need to be stopped,” he said. “They ruin people’s lives and somebody should be doing something about it.”

“Loud music, cocaine on the tables, video games, free booze” is how an insider described the culture inside disreputable binary options selling rooms. There are three stages to the sales process which has seen thousands of British people lose millions of pounds.

The first stage for the employees is generating new leads – names and phone numbers of potential targets. Many binary options firms circulate spam emails to millions of people a day all round the world. They evade anti-spam laws by routing traffic through countries with no effective regulation. The emails include videos of people who supposedly have made fortunes by trading in binary options. Those

who respond to the emails are put on the target lists which can generate a new lead every 30 seconds. The insider said some companies spend millions of dollars a month buying what he called “mugs lists”.

Next, the salesmen – or less often, saleswomen – hard-sell to these names, convincing them to sign up and invest money. They’re hyped up, with some companies supplying “loud music, cocaine on the tables, video games, free booze, crates of whisky”. They work through the night until 4am so they can call European and American targets, he said, and the sellers are told they have to convert at least one of their leads into a client every day. Converting means persuading the punter to make an initial investment of a few hundred pounds, with the sellers earning a commission of around 45% on each deal, he claimed. Some companies booked cinemas for special showings of *The Wolf of Wall Street* to their sales teams. The insider said that after clinching a deal sometimes “they go out and have a joint outside” before making the next call.

A separate group of more experienced and even more ruthless sellers then target the punters who’ve made that first investment. This is called “retention” and is where the real wolves come in, pressuring investors to put in thousands of pounds. In some companies these sellers are expected to bring in \$100,000 by the end of each month or be sacked, said the insider. Their commissions are between 3% and 10%, he said, with “most of the fraud [taking] place in the last ten days of the month – because they have to make their bonus targets”.

These are the people who are urged to “rape the clients” financially, said the insider, adding they are “on the look-out for customers with platinum credit cards” so they can charge tens of thousands without proper authorisation. Traders swapped tales of clients who committed suicide after finding out they’d been scammed, he claimed.

The most successful salesmen are rewarded with invites to free sex parties with strippers and prostitutes and drugs, he said. The insider told the Bureau that after attending one of the parties “I was never able to look at anyone in that office the same way again”. ■

Sky-diving tenderpreneurs risk crash-landings

Airports executives flailing in a welter of bribery and graft. By Jonathan Erasmus

THE CONTROVERSY FLYING AROUND the Airports Company of South Africa (ACSA) is likely to suck into its vortex some major corporate players. They are alleged to have participated in its elaborate tender-rigging scams and general culture of bribery and corruption over the past decade. On the chopping block is CEO Bongani Maseko and swathes of his fellow executives.

Private business fingered as helpful enablers include airport shopping entrepreneur Gerald Hertzberg, City Lodge Hotel executives and their empowerment partner Bulelani Ngcuka, former head of the National Prosecuting Authority (NPA), as well as a host of businesses operating at airports.

Leading the attack to expose this latest alleged iniquity is the former chairman of Chevron South Africa, Vincent Raseroka, who told *Noseweek* “the system sucks”. He’s an aggrieved BEE partner in a decade-old hotel bid that he lost by a hair because of dodgy dealing at the airports authority. He is determined to sue the Acsa executives individually as he’s “tired of being treated like shit”.

The story emerges in a confidential dossier compiled by business consultant Dr Vusi Mncube that was completed in August this year. Titled “Forensic Report: Investigation on behalf of ACSA Board into alleged irregularities in SCM (Supply Chain Management)”, it accuses CEO Maseko of having deliberately “misrepresented facts” and of attempting to interfere with the investigation.

Mncube’s probe revealed a string of irregular dealings. He alleges that ACSA rigged a tender in the hope of getting Exclusive Books evicted from both OR Tambo and Cape Town air-

ports; that the awarding of a R33-million hotel tender in 2008 to City Lodge Hotels reeked of favouritism; that an already questionable airport lawn contractor was paid R7.5m to walk away after submitting a fake invoice for R35m; and that most of the R3m intended to finance an airport cleaning-staff co-operative had simply “disappeared”.

The report says that although Maseko was informed about the incidents, had been asked to act, had internal audits flagging the irregularities, had staff reports and had even sought legal opinion supporting action, he still failed to do anything. Instead he targeted the whistleblowers.

Another 23 companies with which ACSA has a relationship were also flagged in the report, which stated “there is reason to believe there may be some [further] irregularities and possible collusion” among them.

The report says that although Maseko was informed about the the irregularities, he failed to do anything. Instead he targeted the whistleblowers

Since the forensic report’s conclusion, William Mokhari SC gave a legal opinion to ACSA’s board that those implicated should be suspended and investigated. ACSA said last month it would comply with the advice, then announced shortly afterwards that Maseko would not be suspended but would face a disciplinary hearing.

Meanwhile ACSA’s legal head, Bongani Machobane, and its procurement head, Percy Sithole, have both been suspended. More suspensions are expected to follow.

Some of the issues for which Maseko is being asked to account originated prior to his assuming control of ACSA in October 2011, but he was holding the ball when the music stopped.

In August 2013 Exclusive Books’ original lease agreement to operate a store at OR Tambo International Airport expired. However, new tenders were called for only on 3 December 2013. Months later fresh tenders for the two bookshops at Cape Town airport were similarly called for. Exclusive Books submitted tenders for all of them – and lost all of them.

The successful bidder on all three was Gerald Hertzberg, who has traded inside airports – in every sense – for more than 20 years, running the CNA@Airport franchises and various others, including the Mugg & Bean at OR Tambo. Hertzberg, once the chairperson of the national body of airport retailers, denies allegations that he is operating other businesses in the airports by proxy.

Hertzberg formed the company Amger Retailing (Pty) Ltd just two days before the tender for the OR Tambo bookshop was published. (Amger’s co-director is Baby Masunkunya, a long-time Hertzberg employee.) Amger’s

tender application was deficient on several points: “discrepancies” were found in its clearance certificates and it failed to supply the director’s personal financial statements. Amger’s directors were tipped off and allowed to supply certain critical documents late in support of their bid. Exclusive Books was given no such direction and opportunity.

Exclusive Books’ CEO Benjamin Trisk says Hertzberg’s company was shown preferential treatment throughout the bidding process. The forensic report concludes: “It is clear that Amger was in all likelihood privy to the material information regarding the tender.”

Amger’s application for the Cape Town International bookshop tender was found to be equally dicey.

The third bid for Cape Town’s domestic terminal was executed through another company, Malset, of which Hertzberg was one of three directors. The other two were Marupeng Nxumalo and Poppy Sethole who had managed Hertzberg’s CAN franchises. The report found this bid showed elements of “unlawful fronting”. It found there were multiple reasons why Hertzberg’s companies should never have won.

Hertzberg didn’t deny having inside knowledge, when contacted by *Noseweek*. “What is inside knowledge? I’ve been in airports for decades – but I didn’t interfere. Exclusive Books came with spurious allegations. ACSA wants more black women in business and we gave them what they want. I don’t see this as a problem. Exclusive Books, like us, uses special purpose vehicles to tender. I don’t know Maseko and how he got all tied up in this but I can say the tender board comprises up to 10 people, I don’t know how we could interfere.”

After losing the OR Tambo airport bookseller tender and, subsequently, the tender for the two in Cape Town International, Trisk asked for the tender award decisions to be reviewed, believing the bidding process had been a sham.

In the interim ACSA locked his workers out of the store and, first,



Exclusive Books’ CEO Benjamin Trisk

brought an urgent application for an eviction order before the High Court in Johannesburg (which failed), then another, a year later, which also failed.

Machobane then took this decision on appeal to the Supreme Court of Appeal where they failed again in September this year. ACSA was told to pay Exclusive Books’ costs which by then exceeded R4m. The eviction orders failed because the court felt there was a reasonable chance that the Exclusive Books’ request for a review of the tender awards could be successful. The review has yet to happen.

“We are trying to get an agreement with ACSA. If we can find one, we will drop our review scheduled for the High Court next year. If no agreement is found we will continue. Our relationship with ACSA’s board and regional offices is good but has soured with the executives over this issue. I feel sorry for the board with what is happening now. Their governance should have been better,” said Trisk.

The forensic audit found Maseko’s failure to act and intervene in this matter, despite being made aware of

it by ACSA’s Social and Ethics Committee in July 2015, exposed ACSA to “reputational and possibly litigation risk”. The report also found that Machobane ignored the tender irregularities, withheld information from the Ethics Board Committee and persevered with legal action despite it being “clear that ACSA is likely to lose”.

The rot, according to the report, goes further back. On 21 April 2008 Haroon Jeena, then a mid-level executive, awarded to City Lodge the tender to construct and operate 3-star hotels at OR Tambo, Bloemfontein and Port Elizabeth airports.

Mncube claims their tender application was fraught with irregularities. First, it was late (ACSA claims it was a mere three minutes late) and, importantly, that they had no empowerment equity partner, only a letter of commitment to find one.

Once the deal was concluded, City Lodge signed up Vuwa Investment, led by former National Director of Prosecutions Bulelani Ngcuka as BEE partner with an 18% stake. Ngcuka is now City Lodge’s company chairman.

Attempts to get comment from City Lodge proved futile.

The report maintains that the special treatment afforded to City Lodge was not given to their competitors Orion Hotel Group and Protea Hotels Empowerment Group, who were both disqualified “for failure to comply with minimum hurdle requirements” – hurdles that City Lodge had similarly failed to clear.

The award was challenged by ISO Leisure Hotels (Pty) Ltd, commonly known as Holiday Inn, which had lost the bid by 1.5 points. The company asked for the decision to be reviewed, claiming City Lodge had failed to meet the basic criteria as they submitted their bid late, with no BEE partner, only an undertaking to find one.

ACSA tried to keep this out of court, claiming it should only be heard in arbitration proceedings. This was scuppered but a landmark ruling in the South Gauteng High Court, by Judge AJ Vally, who ruled that state companies had no right to closed-door

dispute proceedings as they were publicly funded and subject to the Public Finance Management Act.

This ruling was of no avail: ISO was unable to bring the tender review application to court within the prescribed period and lost on that technicality. ISO decided not to pursue the case, leaving Raseroka, who was to have been the company's BEE partner, to pursue the matter on his own.

"I've spent R2m fighting this. I refuse to be treated like shit. The system sucks and benefits them. The reason this is probably all coming out now is because they (ACSA executives) are fighting among themselves. I must find a way to sue these executives individually. I have already contacted my lawyer and advocate. I don't want to sue ACSA for lost earnings as then the poor South African taxpayer will pay, but I want to exercise my rights. I want my recourse, I want my R2m back," said Raseroka.

The forensic report found that an internal audit undertaken by Deloitte in 2011 had "flagged" the tender [*as justifying further investigation*] and that on the strength of this audit, ACSA obtained two legal opinions; one by Norton Rose Attorneys and another – on Maseko's insistence – by Graham Moshona of Mohlaba and Moshona Inc. Both felt there was a case for ACSA to answer. Their opinions were ignored.

The report also found that commercial group executive Haroon Jeena, ACSA's property development manager Daven Govender, the tender committee, Maseko, and the board should be disciplined – on the strength of the irregular tender and the board's failure to act on advice by both Deloitte and the separate legal opinions.

In another two incidents the report found that ACSA had illegally paid Tswelokgotso Trading Enterprises (TTE) R7,5m on the basis of a R35m invoice for work they did not do. The staffer who flagged this and refused to process the payments, ACSA project coordinator Yvonne Mangoenyane, was subsequently intimidated, suspended, then demoted despite her impeccable record. The report has asked for an immediate review of the decision against Mangoenyane.

The report further claims, on the strength of interviews and affidavits collected, that there is a "probability

ACSA's murky past

IN THE EARLY 2000S THE AIRPORTS company was effectively run by a group of Italians who held a 20% stake in ACSA. The Rome-based Aeroporti di Roma (ADR) bought ACSA shares in 1998 for a reported R890 million. But they cared little for development. ADR's Carmine Bassetti made it clear that keeping the regional airports weak and Johannesburg strong supported their balance sheet. It was only after South Africa won the right in May 2004 to host the 2010 Soccer World Cup, that the Italians decided to sell, apparently with a nudge from then transport minister Jeff Radebe, to the Public Investment Corporation.

Jackie Selebi, then police commissioner, made every attempt to control airport security, turning a blind eye to the activities of his underworld friends – like drug dealer Glen Agliotti – who were moving money and drugs while paying him off. In 2001 ACSA's then security head Paul O'Sullivan cancelled Selebi's pal Noel Ngwenya's R99m airport security tender – largely be-

cause in late 2001 two cargo planes were robbed and US\$17m was stolen at Johannesburg airport.

This was a precursor to a bitter internal battle between then CEO Monhla Hlahla and her chairman, Mashudu Ramano. The Italians backed Hlahla along with police chief Selebi, while O'Sullivan teamed up with Ramano. O'Sullivan was fired and Ramano arrested on trumped-up immigration charges.

Hlahla resigned leaving the company in September 2011. Bongani Maseko took on an acting position after she left and was appointed CEO in May 2013. He was a part of the ACSA establishment, having been appointed Johannesburg airport's general manager in 2001 and then working his way up the ranks.

Maseko comes from political stock. His late father, Timothy Maseko, served as High Commissioner to Namibia and as South Africa's Ambassador to Bulgaria, Ghana and Chile, while the family lived in exile in Swaziland, Tanzania and Denmark. ■

of a once-corrupt relationship between TTE", Machobane and Sithole. Sithole, Machobane and Jabulani Khambule, (Retail Manager at ORTIA) have also been found wanting relating to the

Maseko's phone was answered by his chief of staff, Fundi Sithebe. Asked whether Maseko would like to talk to Noseweek about the charges, she said 'he would, but can't'

disappearance of some of the R3m earmarked for a cleaning-staff empowerment tender.

In October this year ACSA chairperson Skhumbuzo Macozoma informed Maseko of five allegations he is facing. These include the TTE payment, the Exclusive Books tender and failure to implement misconduct proceedings concerning the City Lodge deal.

Spin-doctor Dominic Ntsele has claimed Maseko is the victim of a plot by the "State Capture" lobby. He told Alex Hogg's Biznews.com the Gupta family is behind this and claimed the move was intended to put someone "more pliable" in Maseko's place.

When contacted by *Noseweek* Maseko's phone was answered by his chief of staff, Fundi Sithebe. Asked whether Maseko would like to talk about the charges, she said "he would, but can't".

City Lodge said they had "no knowledge of any wrongdoing on its part and is unaware of any wrongdoing on the part of ACSA". ■

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CUT ALONG THE DOTTED LINE

Follow the money

On the trail of South Africa's political assassins. By Wessel Ebersohn

IT WAS A PEACEFUL EVENING IN THE township KwaNdengezi, near Pinetown in KwaZulu-Natal in September 2014. Thuli Ndlovu's year-old son Freedom was in his grandmother's arms. It was good to be alive. Thuli was glad she had drawn attention to, and taken a stand against, the corruption that was robbing poor people in the area. Also there was neighbour Siphehlise Madlala who was helping Thuli's 17-year-old daughter, Slindile, with her matric studies.

It was a warm and cosy domestic scene in the tiny RDP house, a cramped dwelling, but an improvement on the shack the Ndlovu family had occupied previously. For the people in the room the evening could have gone on forever. If it was a good time to be alive, it was perhaps not the best time to die.

The hitman came through an unlocked door. It is probable that no one in the room recognised him. He was not one who would be affected by Thuli's revelations. He was just a hired hand, a technician doing his job. His first eight shots hit Thuli and the next two brought Madlala down. Thuli was dead before the imposter had left the room, but Madlala was rushed to hospital and survived.

South African political assassinations are about money. While they may take different forms and the financial gains may not always be direct, the end result is nearly always in the killer's financial interest or the interest of those who employed him. For someone trying to solve any of these cases the best starting point is to look at who stood to gain from the victim's death? Simply put: follow the money.

Political killings can be motivated by competition for state contracts or political position, to warn a whistleblower to be silent, to influence a court action by ridding the killer of a difficult magistrate, to eliminate a competitor,

to increase a shrinking territory or some other way of growing the killer's revenues. They are almost never about ideology. Whether your official position is the free enterprise system or a variant of socialism is not the issue. What is important is who controls the public purse strings.

According to violence researcher David Bruce, in KwaZulu-Natal alone they number in the vicinity of 500 since 1994. A 2015 study by Mark Shaw and Kim Thomas found just over 1,000 cases nationally over a 16-year period.

Beyond the statistics and the motives, each case, like that of Thuli Ndlovu, is a personal tragedy.

Zamakhule Sibisi was waiting for the return of his mother, the secretary of the local branch of the ANC Women's League, when he heard the sound of gunshots. His mother had been shot eight times in her car from an AK47 assault rifle. He moved her carefully to the back seat and drove to the hospital as fast as he could, sitting in his mother's blood which filled every crack and crevasse of the driver's seat. A few days earlier she had told him she no longer felt safe and was going to organise protection for herself.

The feeling that they are not safe is widespread among local government politicians. It came as a surprise to the nation to discover that 20 of the candidates on the ballot of the 2016 local government elections were already dead, having been murdered, presumably by opposing candidates or members of their own party who felt they should have received the nomination.

Before he was killed, Rustenburg councillor Moss Phakoe had a similar premonition to that of Sibisi. In Mpumalanga, ANC councillor Themba Mpila, commenting on the murder of his friend, Michael Phelembé, said, "When you get involved in ANC politics in Mpumalanga, you know you may be

killed. I fear for my life."

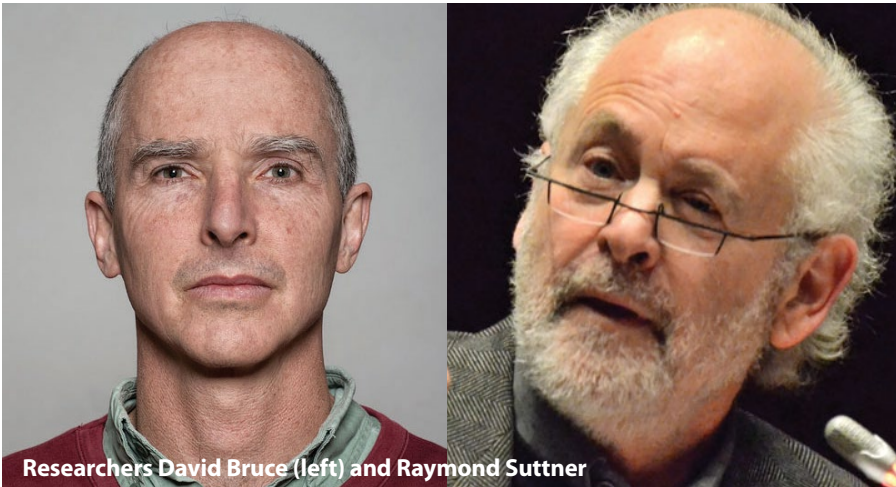
Shaw and Thomas speak about the commercialisation of assassination and the "specific objective of... eliminating an obstacle". When a political party is as dominant over large sections of the country as has been the case of the ANC since 1994, the majority of these killings are bound to be intra-party affairs. There is no point in killing an opposing candidate who has no chance anyway or, in the case of whistleblowers, an outsider who does not have access to behind-the-scenes wheeling and dealing and so has nothing to tell. Most of the competition lies within the ANC itself. "But it is not the ANC that is killing people," says Mpila. "It is corrupt people within the ANC who want to monopolise power using the organisational machinery."

Even ANC Secretary General Gwede Mantashe said: "The reality is that selection of candidates for council is always a life and death issue."

In pre-1994 days the discussion within the liberation movement was between communists and nationalists, with a bit of input from black consciousness.

"The most important change in the ANC," says author, academic and former ANC MP Raymond Suttner, "is that it is no longer about political ideas, visions and such, but patronage and corruption... The reasons may go beyond money, but insofar as access to political office is now seen, especially by the ANC, as access to economic security or wealth, everything has a monetary value. But I would not be so blunt because that means that one is removing the complexity, and the fact that there are also other reasons, depending on the context."

One well-known political killing that does not seem to have been about money is the 1991 murder of Chief Mhlabunzima Maphumulo, a former head of Contralesa (Congress of Tra-



Researchers David Bruce (left) and Raymond Suttner

ditional Leaders). He was killed after a long-standing disagreement with Inkatha and continuing unrest in the surrounding areas. He had often been accused of not showing enough respect to the king or to Chief Minister Buthelezi.

David Bruce quotes Maphumulo's wife as saying, "From the trial it seems as if it was a retaliation murder. The suspects were paid hitmen. The man who was paying them thought my husband had something to do with another murder."

The money that changes hands immediately after a killing is the payment of hitmen. Very rarely do those who want the obstacle removed do their own dirty work. And the wells from which hitmen can be drawn seem to be deep and labyrinthine.

A Cape Flats gang boss was approached to kill the Public Protector, but seemed to have decided that killing opposing gang members over territory was less hazardous, and withdrew. Taxi wars and organised crime also provide sources from which killers can be recruited. Dina Pule, a cabinet minister at the time, when accused of fraud, was more than usually ambitious in removing obstacles. She allegedly tried to recruit a hitman to eliminate the chairperson of parliament's ethics committee and the registrar of MPs' interests. In this case, the hitman was less ambitious and reported the matter to the police.

The going rate for a killing seems to be from R5,000 upwards. Some killers are highly professional, well dressed, and go about their business calmly.

Others are amateurs, nervous members of street gangs for whom R5,000 is a vast amount.

Favourite places for assassinations are the homes of victims, often while they are watching television, or in their driveways while leaving or coming home. Others have been killed leaving political meetings, on highways and elsewhere. Moss Phakoe died arriving home, so did Mbuyiselo Dokolwane of Freedom Park, south of Johannesburg. Philip Dlamini from Inchanga was shot leaving an SACP meeting. Michael Phelembe was killed at home, as was Thuli Ndlovu. Where they died are generally places where they are easy to find and identify, which suggests the use of hitmen who may never have met the victims previously.

The killer of North West businessman Wandile Bozwana gave every impression of professionalism. He was calm and seemingly experienced. He found his victim on an off-ramp of the N1 north of Johannesburg. The killer stepped out of his BMW and fired repeatedly, hitting Bozwana nine times. He died in hospital hours later.

Bonakele Majuba, former provincial secretary for the SACP in Mpumalanga, put it this way: "Criminals are doing (the killing), but they are attacking politicians. Most of the time people who have been killed have a political profile... otherwise pure criminals would be killed. It is now impossible to differentiate politics from business."

A surprising degree of deliberation and organisation exists. Hit lists seem to have been compiled and were part of testimony in the Phakoe case, the

Phelembe case, and the Joe Dlamini case.

A typical obstacle to the corrupt accumulation of wealth is the whistleblower. Thuli Ndlovu was an office bearer in Abahlali, an organisation for the poor and homeless that is not aligned to any political party. She found corruption in the eThekweni Housing Department. RDP houses were being sold and the money pocketed by those who should have been allocating them to the poor.

Richard Pithouse of Rhodes University agrees that there was undeniable evidence of corruption in the housing Department at Cato Manor.

"Sometimes RDP houses were a reward for political loyalty, or they were allocated to family members of the politician involved and sometimes people had to pay for a house they should have received for nothing. Thuli found that vast amounts were being spent irregularly on building shacks. She would not let it go. She was very challenging."

Thuli Ndlovu's campaign came to an end on 29 September 2014 when the gunman entered her home. Two ANC councillors and the hitman were charged with her murder.

"Originally the charges were dropped. At that stage it looked like anyone could get away with murder," says Pithouse. "For years political killers seemed to act with absolute impunity. But since then the charges have been reinstated and the suspects found guilty. They are now in prison. The days of absolute impunity in KwaZulu-Natal seem to be over."

Thuli Ndlovu was a selfless person, doing what she did because she hated the thought of other poor people like her being abused and cheated. But not all victims of political assassinations are as virtuous. Bozwana, who died in a professional hit that took place on the N1, had the reputation of benefiting from his political connections in the awarding of tenders. During apartheid years, he had been a Bophuthatswana policeman, but changed horses when 1994 offered better rewards. He was a major contributor to the ANC. He was also an obstacle to whoever has gained by his death.

There are curious aspects to all these cases, but none with as many peculiar features as that of the death of Moss Phakoe. (Read about it in the next issue of *Noseweek*.) ■

Angry patients sue hospitals for billions

Grief and trauma as over-worked and under-qualified medics struggle to cope. **By Chris Bateman**

PROVINCIAL HEALTH DEPARTMENTS ran up a R24.5-billion patient litigation bill in just four years, from 2010 to 2014, for botched operations and mismanaged patient care. Only R500,000 in claims and costs has been paid so far. The total bill had risen to R37bn by last year.

That is just the money side of this horrifying story. The cost in grief and trauma caused and the shattered confidence of under-resourced, under-supervised, under-qualified and over-worked doctors is immeasurable.

Noseweek came upon this startling financial indicator of the level of risk patients are exposed to in South Africa's under-resourced public hospitals in a paper presented to the Rural Doctors' Association (RuDASA) in August by Dr Terence Carter, deputy director-general of hospitals in the National Department of Health (NDoH).

Citing province-by-province case examples and litigation statistics, Carter told of an unnamed Limpopo hospital where clinical negligence and resource constraints had combined to result in the decapitation of a baby in the birthing process in May last year.

While resources were a real problem, he said, they could also simply provide a cop-out for those who did not adhere to practice protocols, failed to provide proper supervision, and did not maintain sufficiently high standards of clinical governance. All of these were vital in reducing patient death and injury.

Carter said that after a lawyer's phone call to health minister Dr Aar-

on Motsoaledi a year after the headless baby incident, it had emerged that the relevant hospital chief, his district manager and the district clinical specialist had no knowledge of the case.

A woman who was 38 weeks' pregnant and suffering from severe hypertension, had been referred to the local district (tertiary) hospital from a clinic, where she was correctly given magnesium sulphate.

The most senior hospital clinical manager on call was given the patient's file, noted that her blood pressure had dropped, and prescribed appropriate additional drugs before she was taken back to her ward and "simply left". Having had a previous caesarean section, she should have delivered her baby within 24 hours, Carter said. Instead, she went into labour several days after admission, at 2am. The nurses tried in vain to deliver what was a footling breech infant, realising after several attempts that the baby had died. The doctor arrived at 7am and his attempts allegedly "decapitated the baby", with the mother being sent to theatre to deliver the head. During the ensuing C-section, it was found that the woman's uterus had ruptured. She was referred to a tertiary hospital for a hysterectomy,



Dr Terence Carter

where the attending gynaecologist found that her ovaries were damaged beyond repair.

Carter said that when confronted, the head of department had professed ignorance, nor had he tried to find out what had gone wrong and why.

"There is no way that maternal mortality in that province is going to be brought down. Nothing was done, all the way down [*the management line*], so the question of clinical governance is crucial when it comes to litigation," he said. Too many nurses

and doctors thought that clinical protocols were "optional", treating them "like multiple choice questions".

Medical litigation history in South Africa established that there was little or no defence if a healthcare worker did not follow protocols. Resource constraints, however, could be a viable defence, "because you can't expect the impossible". He said doctors had to make life-and-death decisions daily, based on available resources, but were being "hung out to dry".

"They have to decide who gets to ICU and theatre, and who doesn't. It's true that doctors are usually on their own when these tough decisions are made, based on human resource constraints. [*However,*] when you make

them, make sure they're in good faith and you're adhering to available protocols," he advised his audience.

Turning to the climate of "hierarchical fear" among junior clinicians, reported recently in the media, he said he found it astounding that some doctors did not know there was a law protecting whistleblowers.

"Even the SABC case demonstrated this recently," Carter observed, referring to the July court order reinstating four journalists who had been fired by maverick CEO Hlaudi Motsoaneng for questioning his censoring of violent service-delivery protests.

Healthcare workers thought of officials as more powerful than the law and the courts, often because there was a general state of fear and victimisation. "Even if other people know (or share a complaint), they won't come forward to support you."

In a subsequent interview with *Noseweek*, Carter said he had in mind the case of Addington Hospital intern Yumna Moosa, who had been told by her consultant seniors to destroy an orthopaedic block logbook feedback entry in which she noted that their "racist and sexist" remarks were unwelcome. Her head of department refused to sign off her internship and charged her with clinical incompetence at the Health Professions Council of SA (HPCSA). The charge was dismissed when she easily passed an observed test at another hospital.

Moosa's secret taping of her seniors' comments went viral among junior doctors, with her father-in-law, RuDASA veteran and head of family medicine at the University of Cape Town, Professor Steve Reid, making an unsuccessful bid to mediate with the hospital CEO.

Moosa's October CCMA grievance hearing (about sexual harassment) was dismissed on technical grounds. Transcripts of her potentially incriminating recordings regarding unfair discrimination however remain before the health department and the Health Professions Council.

Responding to her treatment, Reid said at the RuDASA conference; "this vindictive intimidation is completely out of place – they've dug a big hole for themselves". Carter said the matter had been referred to the KwaZulu-Natal premier, who had assured him

there would be an independent probe. He said he hoped it would "encourage whistleblowers to know their rights".

Asked to cite the most dramatic examples of hospitals that were failing to deliver an acceptable service due to shortages of healthcare workers and expertise, Carter named Rob Ferreira Hospital in Nelspruit, Mpumalanga and Universitas Hospital in Bloemfontein, Free State. He said that Rob Ferreira Hospital was once a "premier" tertiary hospital but had haemorrhaged competent and experienced medical officers and specialists. Because of "significant instability" at senior management and leadership level, the hospital had narrowly escaped losing its HPCSA intern-training accreditation in November last year. A new head of department had recently been appointed, however, and things had begun to improve. "Once you've had a drop in standards it's really difficult to recover," he added.

Interventions aimed at addressing the overall healthcare delivery crisis were nevertheless "well advanced", with ex-UCT Dean of Medicine Prof Marion Jacobs' Academy of Leader-



Dr Yumna Moosa

ship and Management underpinning Motsoaledi's earlier hospital CEO competence and skills audit. The audit overhauled the national hospital leadership cadre, retrenching or redeploying dozens of CEOs, moving away from qualifications towards competence. "Basically just the simple ability to do their work."

The Office of Health Standards Compliance (OHSC), a pre-NHI quality assurance inspectorate and support body, recently found

that less than 10% of public hospitals were compliant with their minimum required standards. Carter said the target was 80% or greater compliance, with the bar set at different levels for "extreme, vital, essential and developmental" interventions, especially relating to maternal, neonatal and infant mortality.

"Every manager must make a contribution. It's not about whether you passed your MBA *cum laude*. It's about your hospital performing."

The NDoH was moving away from prioritising new facilities, to stopping older ones from becoming run-down. Linked to that was sourcing "fit-for-purpose" technology that complied with international standards, and securing maintenance and service contracts with reputable companies. The hospital supply chain also needed improvement, as did the piecemeal procurement system.

Carter said the annual output of doctors, nurses and clinical associates was slowly improving, with the interim mass training of South African doctors in Cuba proving the catalyst for broadening local medical campuses to accommodate more students. He said the envisaged massive pre-NHI reorganisation of the healthcare system was premised on a primary healthcare model promoting health and the prevention of diseases instead of the current "hospi-centric rescue model".

Rehabilitation and palliative care would be increasingly emphasised. "We want to introduce the concept of health-promoting hospitals, not just

**Healthcare workers
thought of officials
as more powerful
than the law and the
courts, often because
there was a general
state of fear and
victimisation**

curative. It's totally wrong for an orthopaedic surgeon to only know how to replace a hip and knee. What about overweight patients?

"It's also not enough to just do a gastroscopy when the patient is also smoking, or treat diabetes when you're not focused on lifestyle," he said. Healthcare services were fragmented and curative, with "rampant, uncontrolled commercialism".

Topping the accumulated litigation claims charts from 2010 to 2014 was Johannesburg (R14,019bn), followed by Durban (R5,477bn) and Mthatha and Port Elizabeth (total R3.53bn). Bloemfontein was ranked fourth at R780 million, while Cape Town was ranked fifth at R562m. Kimberley had the lowest litigation costs at a "mere" R47.83m. ■

The killing cost of insurance cover for doctors

CLAIMS AGAINST THE STATE FOR bungled medical procedures in state hospitals have reached the point where legal reforms are needed urgently, say experts. They warn that the runaway cost of obligatory insurance cover for doctors threatens higher-risk clinical specialities in South Africa.

The matter has been the subject of two medico-legal crisis summits – one in March last year, convened by Health Minister Dr Aaron Motsoaledi, and the other, eight months later, held by the private-sector-supporting Medical Protection Society (MPS), which underwrites the bulk of private practice risk insurance in South Africa.

Both gatherings heard that physicians are faced with the impossible choice of avoiding some procedures, migrating to less litigious climates, or giving up practising altogether – with neurosurgeons, obstetricians and gynaecologists affected most. Obstetricians and gynaecologists already pay R450,000 each annually in indemnity subscriptions alone.

"This begs the question of whether anyone will be left in the private sector to deliver our babies in five years' time," says Dr Graham Howarth, MPS Head of Medicolegal Services for Africa. MPS data, he says, does not indicate a fall in professional standards. Rather, that litigation is on the increase because patients are more aware of their rights, while lawyers are taking advantage of South Africa's adversarial model of damages law.

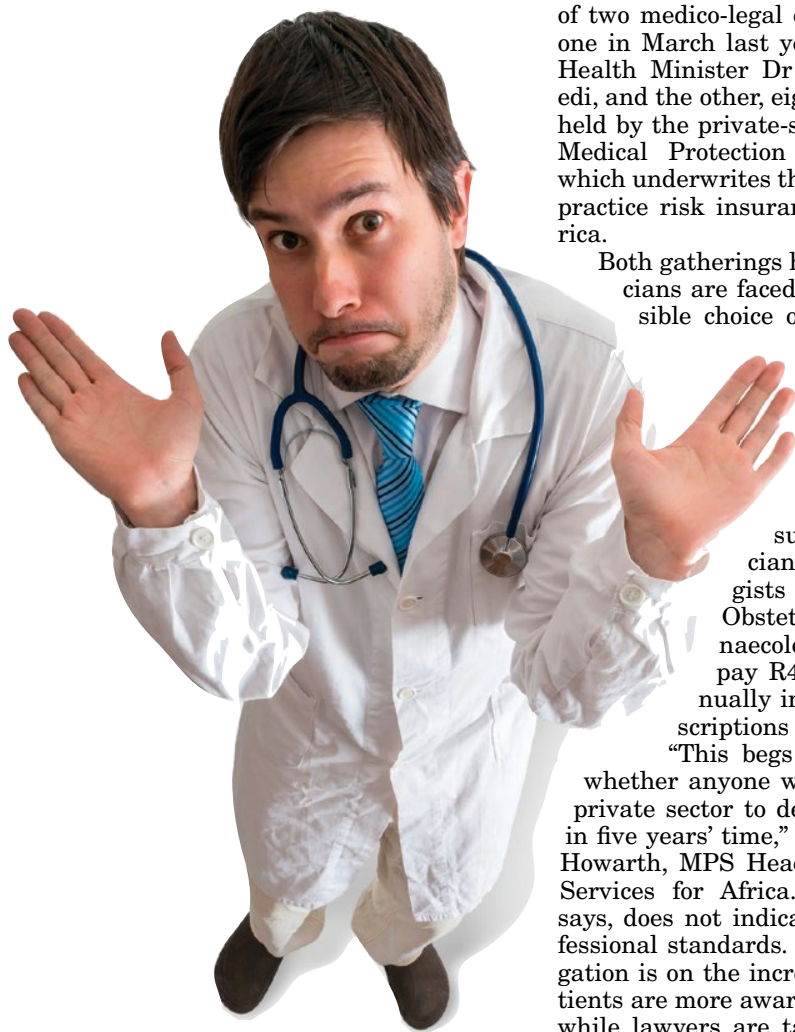
The seminars heard that the bankrupting of the Road Accident Fund (RAF) meant lawyers were redirecting their energies to vulnerable healthcare practitioners. The Contingency Fee Act (of 1997) permits attorneys to offer clients "free" legal help in pursuing a suit against a doctor – in exchange for 25% of the settlement fee or double their usual fee, whichever is the lesser – was identified as another driver of claims.

Emma Hallinan, MPS Director of Claims and Litigation, says the legal framework does not facilitate the efficient and fair resolution of disputes. Damages and costs were soaring, with no requirement for advance notification of claims, therefore little incentive to settle before "virtually irreversible" proceedings began.

The legal system encouraged an adversarial approach that was "virtually irreversible" once proceedings began.

Motsoaledi identified corruption as a major driver of the process. Syndicates with members in state hospital management and in various state attorneys' offices were tipping off law-

The legal system encouraged an adversarial approach that was 'virtually irreversible' once proceedings began



yers and even deliberately mismanaging cases to ensure the state lost, he said, warning that anyone suspected of doing this would face jail.

MPS proposes a system of damages claims such as has been adopted by Australia. These centre on early expert mediation and filtering out costly and time-consuming frivolous and/or vexatious claims.

Hallinan said the initial complaints process should be “consistent, efficient, aligned and patient centred”, allowing for local resolution. She recommended introducing a “certificate of merit” requiring the complainant’s lawyer to sign formal court documents saying they believed the case had a reasonable chance of success, with the inbuilt prospect of court censure – including the lawyer paying for both parties’ legal fees should the judge find otherwise.

Hallinan said all other early alternative dispute-resolution measures should be considered, including a pre-litigation resolution framework.

Among the Australian reforms (spearheaded incidentally by South Africa-born Judge David Ipp), are provisions that encourage early apologies and expressions of regret, proportionate liability (paying in ratio to the amount of damage caused), threshold caps, meritorious caps (or certificates of merit), and protection for Good Samaritans (blanket immunity from being sued for anyone, such as an off-duty doctor, found to be acting in good faith during an emergency).

One veteran public-sector laparoscopic surgeon said he had been given legal advice that he would be culpable for any mistakes made by a registrar while he was teaching him or her a practical procedure.

Dr David Bass, legal advisor to the Western Cape Department of Health, said they were building in early complaints procedures and mediation capacity (with several other provinces now following their example).

Expert presenters at both seminars emphasised that when doctors offered early, genuine expressions of regret to patients and their families this mitigated harsher settlements.

One of the more beneficial side-effects of the soaring costs of private medical indemnity insurance is that it is preventing state specialists in high-

risk specialties from moonlighting in the private sector. The high insurance cost wipes out any profit advantage.

Remuneration for Work Outside the Public Service (RWOPS), was originally crafted by the national health department as a staff retention tool and to enhance clinical skills not usually available in the public sector.

However, top-end state medical salaries have since been hiked closer to the earnings of private consultants, lending weight to accusations that financial greed motivates the phenomenon, with the consequence of state patient neglect.

Disgruntled public sector junior consultants (registrars) and medical officers complain of a lack of teaching due to the absences of their senior colleagues (occupied elsewhere earning fees from their private patients). Sev-

eral provincial administrations have launched probes, using medical aid claims records as proof of abuse by a significant number of state-employed doctors.

Writing in the *SA Medical Journal*, (November 2014), Howarth predicted that if South African obstetricians were unwilling to deliver in the private sector (due to the litigation threat), the 170,000-plus annual private deliveries nationally would simply move to the public sector, where doctors are fully covered by the state against “adverse patient events”.

This would put unprecedented pressure on already overburdened facilities and shift more liability to the state.

“There is not a medical answer to the problem – it has to enter public debate,” he said. ■



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SA at the tipping point

The coming year will be one of unprecedented protest, unrest and chaos as the ANC government fails to provide leadership, says William Gumede. But it will also be a year of great opportunity... By Susan Barkly

IF YOU THOUGHT THE FEES MUST FALL and Save South Africa protests were big, just wait: in the coming year, South Africa will enter an era of rising public protests like we've not seen before. So says William Gumede, respected writer, political commentator, and now also Associate Professor at the School of Governance at the University of the Witwatersrand.

The ANC will plunge into further chaos, President Jacob Zuma will cling ever-more-tightly to power, and the ruling party will focus on the 2019 elections – to the severe cost of delivery and accountability. South Africa's middle class will be forced out of its comfortable complacency to join the masses in the streets, says Gumede. "Each protest will have its own particular issue, but at its heart it will be manifesting the underlying national outrage at the ANC government's failure to account and to deliver."

Municipal IQ, the intelligence organisation that collects data on service delivery protests, predicted 2016 would be a record year for protest action – borne out by the recent protests on university campuses and elsewhere, many of which were violent. Gauteng and the Eastern Cape have accounted for half of the protests so far. Many were in informal settlements and underdeveloped areas where service delivery is a challenge, said Municipal IQ MD Kevin Allan.

In Pretoria, violent protests within the ANC ahead of this year's elections laid bare internal rifts when supporters vented their anger at the party's choice of mayoral candidate for Tshwane. On 2 November thousands took to the streets to protest against state capture and support beleaguered



William Gumede

finance minister Pravin Gordhan.

But we ain't seen nothing yet, says Gumede. Ordinary citizens have become increasingly sick of feeling "left behind", and 2017 will see South Africa reaching a tipping point of social dissatisfaction and activism. Gumede says that as the disastrous ANC government goes into retreat, disgruntled South Africans will experience "an opening in the political space that has never before been there" and this will be their opportunity to enter that space and press their demands.

The protests will be "chaotic, spontaneous and all over the place". This will be unsettling "as there will be no leadership at the top". South Africans, more than ever, will be "screaming

out for a leader" and some interesting leadership figures will emerge, says Gumede.

The vacuum of leadership will create a massive opportunity for opposition parties to step into the breach.

"In fact, if I were [DA leader] Mmusi Maimane's strategic advisor, I would explain to him that he needs to immediately step into a new role. He needs to actually play the role of president. At the moment we do not have a president. Jacob Zuma is nowhere.

"Look at the amazing response Chief Justice Mogoeng Mogoeng got when he spoke out against corruption and said South Africa must get its act together. Look at how South Africans responded to the leadership shown by Public Protector Thuli Madonsela. We projected our desperate wish for leadership onto her. We wanted her to become president. If we analyse her role, in this vacuum where Zuma was nowhere to be seen, she was our de facto president.

"Think back to 1992 and 1993, before our first democratic elections, when Nelson Mandela became our unofficial president, before he was even voted in. He was talking to everyone and it didn't take long before even the whites were embracing him as president. If I was working on the image of Maimane, that is what I would suggest: As opposition leader, he should behave as the president so that, over time, he becomes exactly that.

"In the absence of that, where else will leadership come from? It will come from churches, civil society and business. They must all step up and play leadership roles because the government does not have the credibility to resolve any of the crises we face now. Look at Fees Must Fall ... the protest-

ers just laughed at Zuma. Now is the time for the opposition and other civil society leaders to come to the fore.”

Gumede has authored a number of books, and, two years ago he set up the Democracy Works Foundation, a private initiative which brings together political leaders and civil society groups across the political spectrum.

“Even before the local government elections this year, South Africa had one of the highest levels of social delivery protests. But clearly, given the changes (following the elections) at municipal level, we are entering a period of heightened social delivery protests,” says Gumede.

“Since 1994, the ANC’s hegemony has been derived from its historical legitimacy. But that hegemony is gone, and unlikely to return. In this space is the opportunity for many opposition groups and civil society groupings to rise up.”

The elections brought about a clear shift in power dynamics, says Gumede. “Now most major metros are in the hands of the opposition, or, if the ANC is in power, it is with low majorities. The second part of the shift is that, in smaller municipalities, the ANC majorities have been reduced, both in urban and rural areas.

“Since the bulk of service delivery takes place at metropolitan level, this means opposition parties are at the coalface of delivery over a significant area at local level.

“South African municipalities can be divided into two types: those that are able to generate their own income and those unable to secure their own revenue and have to get transfers from national government. The latter group are mainly in rural areas.

“Most revenue-generating metros are in opposition hands. Those across the country which don’t have an income-generating base and get money from the national fiscus are in the hands of the ANC. So, the ANC is in control of municipalities with reduced majorities mostly in areas or municipalities that don’t have any revenue-generating capacity. Imagine this dramatic shift and the repercussions of this! It is going to add greatly to the decay of the ruling party.”

The municipalities that have been unable to generate their own revenue are generally the worst for service

delivery, for obvious reasons, says Gumede, citing as reasons: a lack of capacity, low levels of skills in the communities and often big contests for power over ever-declining resources in the communities.

Infighting within the ANC will scale up and could even become quite violent, he predicts.

“Following the local government elections, a whole lot of ANC people found themselves out of their positions and some have lost tenders. Those who have been pushed out are very anxious and desperate for change in the national leadership as they might not return to power if the ANC doesn’t change.

“The people in the councils which the ANC lost will be more desperate to get Zuma out as they have lost out. They will be feeling the repercussions of not having a big salary or a contract for a few months and will be panicking. They don’t blame themselves, they blame Zuma. If they don’t get Zuma out now, they won’t have a chance in the long term. These will intensify the anti-Zuma drive. They will be pitted against those supporting Zuma.”

Gumede warns: “What many ANC people don’t understand is that once you are out [of power], it is difficult to make a recovery. And if a party is divided, it is even worse. So the reality is, where the opposition have gained power, they don’t need to do much. They just need to get the basic stuff right for people to continue to vote for them. The ANC didn’t set the bar very high, for example, in Tshwane... so

The vacuum of leadership will create a massive opportunity for opposition parties to step into the breach

people will see visible changes in delivery. While the ANC continues fighting, the opposition parties will have a lot of space to breathe, manoeuvre – and deliver with maximum impact.”

Additionally, the fierceness of the contests for power often undermine delivery, says Gumede. “We are also in a phase where we can expect lower economic growth because of the political uncertainty in South Africa. This uncertainty will not be settled until we have some certainty over the ANC succession... so we may stay in the grip of uncertainty or political paralysis over a prolonged period.

“The ANC has little ideological room to manoeuvre: they are boxed in between the DA ‘owning’ liberal, free-enterprise ideology on one side, while Julius Malema and his EFF have cleverly appropriated – cornered – the market (in the populist Marxist ideological-speak of the left) to capture the support of the mass of young unemployed black South Africans,” Gumede explains.

“Many young black South Africans are not only in the midst of a socio-economic crisis, they face a crisis of culture and identity. For the moment, the only ‘ideology’ they ascribe to is the ambition to share the good life. They, too, want to be seen wearing a smart watch, wearing smart shoes, driving a smart car. Julius Malema epitomises that. When he says he’s a Marxist, it should not be taken too seriously. He is following a South American rather than an East European model. They might seize some land, but I can’t see a wholesale land-grab taking place.”

One thing he is sure of: while the ANC is in a state of paralysis, there won’t be a significant improvement in public service delivery.

“In order to speed up delivery, we need a context of coherence, leadership and stability. We don’t have any of that and we won’t get that until the succession is decided or until the elections decide who is going to be in power.

“This fierce battle for resources will take place in a situation of ever-diminishing public resources. Public finances are tight. Those municipalities without their own revenue streams – where the ANC power lies and which depend on national transfers, will get reduced funding.

“So, the ANC will still be in government at a national level but will be losing overall national legitimacy among its own electorate and among the broader community.”

Gumede says the NEC does not appear to understand this very important shift in South Africa – that the party may be in government but has lost credibility, morality and legitimacy.

“There doesn’t appear to be any sense of understanding of this.

“For me, the biggest potential implication of this is that the ANC may be unable to self-correct before 2019 because if the party leadership doesn’t understand the fact of its loss of legitimacy it will not be able to introspect sufficiently and reform to become a more accountable party.

“So, in the months ahead, between now and the 2019 elections, the ANC faces the prospect of losing more ground, more public legitimacy and ultimately of losing the 2019 election.”

The ANC’s reduced power at municipal level and elsewhere after elections means the party has less patronage to dispense, so internally there will be fierce competition for this patronage, says Gumede. In turn, this will undermine the ANC’s ability to govern in areas it controls, leading to a decline in its public support.

“This is how the downward slope of the ANC takes place,” he predicts. “The ANC will reduce even further its majorities in the municipalities it won. New opposition forces will continue to rise at municipal level in South Africa.

“So the ANC is in power nationally and in fewer municipalities, but this is in the context of reduced power and increased competition at every level. This means that, from now on, whatever the ANC introduces in terms of policies – even if it is for the good of the country, will be opposed by people, both in and outside the party.

“Every policy it introduces will either be viewed with suspicion or directly opposed. This will mean even more paralysis at a national level.

“People are either fighting for what is left of the resources – or they are fighting to take control of the party, with some even trying to clean it up.

“In this context, the party cannot really function or govern effectively.”

Additionally, says Gumede, is the

With the era of coalition politics upon us in South Africa, Gumede says he doubts the ANC will get over 50% in the next election

fact that the ANC has actually lost power in the rural areas of South Africa. “There is this fear in the ANC of taking Zuma on because he has ‘the rural vote’. But it’s not necessarily true anymore: if you look at the local government elections, the ANC votes in the Free State, Mpumalanga and KZN dropped from over 80% to the mid-60s. They are still winning in those areas, but with a reduced majority.”

Into this space created by the retreating ANC will come “many opposition groups – and opportunists”.

What will this mean for the ANC’s power, without its previous access to total control and patronage?

“It means the ANC cannot use moral persuasion anymore. Nor can it use struggle credentials or even issues of race. Other groups will have taken the race space, the populist space and the left politics space. What remains is transactional power. It means if groups protest and demand things, the ANC uses persuasion. They can only make it stop by giving people what they want. That’s their only option.”

With the era of coalition politics upon us in South Africa, Gumede says he doubts the ANC will get over 50% in the next election. “It might be in the late forties.”

The year ahead will be one of coalition politics... and of ordinary citizens demanding their rights, boosted by

their perception that their vote actually counted and that the ANC was pushed out in some places.

“Before this many people said, ‘Actually, why should I bother to vote?’ But there has been a psychological change in South African politics.”

Asked for his predictions for the year ahead, Gumede ventured: “The best scenario for South Africa would have been for the ANC to call a special conference after their poor performance in the local elections. They should have got rid of Zuma and started afresh. That would have been the best scenario but it won’t happen. Zuma is even more entrenched since the elections. The next milestone is the ANC conference, which could happen some time between June and December.

“Zuma will do his best to have it postponed, so assume it takes place next December... then the main focus in the ANC will be the contest for control of the party and there will be very little focus on what’s happening in government and on service delivery and the concerns of ordinary people.

“That’s the worst-case scenario, in which there will be space for opposition parties in control at local government level, eg Joburg, Tshwane and Port Elizabeth, to prove themselves in delivering at local level and in providing alternative leadership.”

The year ahead will see the Tripartite Alliance fragmenting further. “And we may see more splits in the ANC itself. All the pressure will be on the ANC, which is a party in retreat, with declining national leadership which seems to have no clue what is happening. New forces in the party may break the ANC up further. Most of the catalysts for the splits will centre on how to deal with Zuma.

“During this process, if JZ ‘wins’ and gets to stay on until the ANC conference, and anoints his own successor, there might be a rebellion in the ANC against that... in which case we might see the formation of another EFF or COPE – or we may see disgruntled members joining other parties, like the EFF or DA.

“And as the ANC loses more of the power patronage, more members will look for alternative sources... in other parties.”

Gumede believes Cosatu will split even further in the months ahead – as

might the SACP. "Some are calling for the SACP to stand alone in the elections in 2019," says Gumede. "They are feeling pressure from the EFF, as it positions itself as a party of the left."

The ANC is now seen by society as the party against change and transformation, Gumede believes. "So when people call for change, it is against the ANC. That is a dramatic shift as, previously the ANC was seen as the motor of change. Now they are seen as the obstacle to change."

Civil society will have to try to provide leadership because there's no leadership in the country now – and is not likely to be in the year ahead.

"Civil society will have to form better coalitions with each other. The big questions are: 'During this period of almost terrifying uncertainty, can civil society work much more closely together around key issues? Does civil society have the capacity to form social pacts? Can they enter the fray and be the brokers and mediators that help to provide an alternative and bring conflicting parties together? Can civil society think out of the box and really imagine what it means to be engaged in this changing context?'"

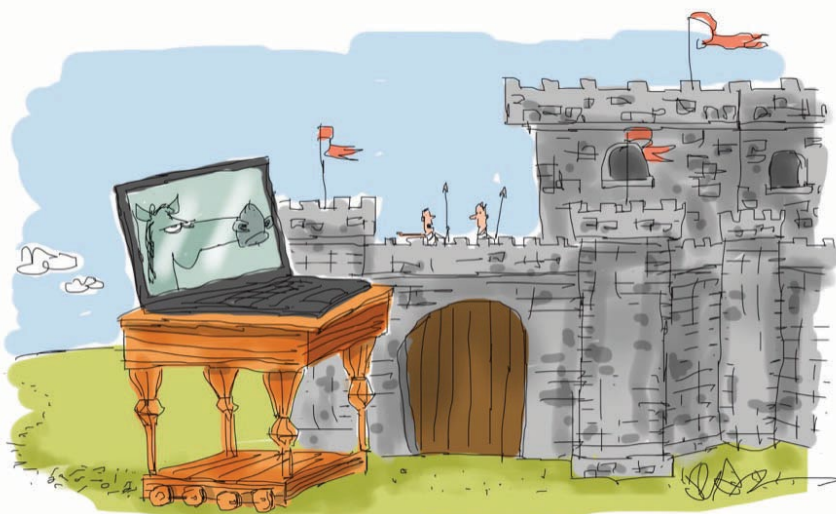
Gumede says civil society must not rule out the possibility that there will be a "response from the state" to the swell of protests. "The state will be

losing confidence and wanting to re-assert itself. Civil society might have to defend people's right to protest, to freedom of expression, and to play an oversight role to see that police are doing their jobs in the right place and in evaluating government policies.

"Next year will be a big year for civil society in South Africa. What is of utmost importance is for civil society to throw its weight behind the democratic institutions – and for those institutions to work together. Each civil society organisation must bring its own strength to bear and play this crucial role."

Says Gumede: "We have reached a stage where people are so fed up with things not working that they're putting their politics aside. All they want now is for things to work. This is a major development. Many people may have supported ANC policies like BEE in the past or have criticised the DA for being neo-liberal etc... but now they're so frustrated they don't care about policies.

"They're saying it doesn't matter who is in government, can they deliver better hospitals and police and will I get a job? They just want things delivered effectively. People used to criticise the DA for being anti-black, but it's very difficult to make that argument anymore." ■



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Why South Africa should resist the power of Big Sugar

The proposed tax on sweetened drinks will help improve public health despite overwrought opposition from industry.

By Rob Moodie

THE SOUTH AFRICAN GOVERNMENT'S decision to tax sugary drinks to help cut excess sugar consumption, which is contributing to burgeoning epidemics of obesity, diabetes and cardiovascular disease, follows the lead of Mexico and the US city of Berkeley, where a "soda tax" on sugar-

sweetened beverages has shown positive results.

In Mexico, research predicts a win-win outcome: it may greatly decrease disease and death from diabetes and cardiovascular disease while reducing health care costs.

What can be expected in South Africa is overwrought and highly emotive opposition from the sugary drink industry. Coca-Cola Beverages Africa chair-

man Phil Gutsche denounces the sugar tax as murderous and discriminatory.

This opposition to an effective measure to protect and improve the public's health occurs in the context of a seven-decade battle between public health (David) and unhealthy industries (Goliaths). During that time the tobacco, junk food, sugar-sweetened beverage and alcohol industries have become the drivers of the major non-communicable diseases (cancers, lung disease, diabetes and cardiovascular diseases) that now dominate the global health landscape.

The junk food, sugary drink and alcohol industries claim to be part of the solution. The solution requires them to help improve their consumers' health by decreasing advertising to children, reducing levels of salt, fat and sugar in their products, and labelling food honestly and clearly. These are all measures they are convinced are in conflict with their responsibility to make money for their shareholders.

How can these industries be part of the solution in these circumstances? Expecting them to support effective health measures is like expecting the Springboks to support the Wallabies. In 2008, as chair of Australia's Preventative Health Task Force, I did think they might be part of the solution. Our task was to recommend ways to reduce the burden of death and disease due to obesity, tobacco and alcohol.

Big Tobacco was denied any influence on our work and the results have



Coca-Cola Beverages Africa chairman Phil Gutsche

The industry will throw everything into blocking the sugar tax in South Africa, just as they did in Mexico

been spectacularly effective: plain packaging, annual increases in tobacco taxes and one of the lowest rates of smoking in the world.

On the other hand, Big Food and Big Alcohol were allowed to be “in the room”. Over the past eight years I have seen them undermine, obstruct and fight tooth and nail every potentially effective policy to diminish death and disease related to over-consumption of their products. I no longer believe they can be part of the solution.

How do these industries oppose the protection and improvement of people’s health? They use a sophisticated long-term approach of tracking, monitoring and attacking key researchers and advocates, attacking and undermining the science of public health and clinicians, influencing bureaucratic and political decision-makers, creating industry front groups, donating to political parties, sponsoring sporting and cultural groups and funding research that is much more likely to produce results that support their own arguments.

They are particularly adept at promoting self-regulation. With this tactic – called regulatory capture – they introduce a form of self-regulation, such as an industry code of practice.

These approaches have been found to be “relatively vague and permissive”, ineffective, and to result in relatively small measurable effects. And, of course, they are non-binding and impossible to enforce.

A prime example of this occurred in 2009, when the Australian Food and Grocery Council and the Quick Service Restaurant Industry introduced “responsible marketing” self-regulation. Both voluntary initiatives promised not to advertise unhealthy food products to children under 12.

At face value this looked like a great initiative. In reality it had no proven effect. Ingeniously designed, these promises encompassed only children’s viewing times – which is not actually when children watch most of their TV.

The industry initiative “captured” any potential for public regulation and resulted in years of continued saturation advertising of junk food and sug-



ary drinks to Australian children. It was a brilliant, but very unhealthy, tactical ploy by the junk food industry. Beware of the industry association bearing gifts.

A related concern is the global consolidation of transnational corporations. An example is the recent merger between the two largest beer producers, AB InBev and SABMiller.

The capacity of these corporate Goliaths to undermine the public’s health and to influence or control health policy is becoming stronger with each merger and takeover. In Africa particularly, governments are susceptible, given that their economies are often much smaller than the corporations they are dealing with.

Using taxes to diminish the consumption of unhealthy products has been highly successful. The [Austral-

ian state of] Victorian Health Promotion Foundation started this 30 years ago using a dedicated tax on tobacco. This was used to replace sport and arts sponsorships that tobacco companies had provided.

Sponsorship by Quit – an organisation dedicated to helping people give up cigarette smoking – replaced harmful tobacco sponsorship in sport. A sugary drinks tax in South Africa can be used in this way to replace sponsorship by promoters of unhealthy drinks.

The sugary drinks industry in South Africa will claim that the new tax will wipe out jobs and slash profits. We know, however, from experience in Australia and elsewhere, that these industries know how to protect profits. When cigarette taxes are increased, tobacco companies cynically increase their prices – and then blame the government.

The sugary drinks industry will throw everything into stopping the sugar tax in South Africa, just as they tried in Mexico and Berkeley. They do not want sugar taxes spreading across the world. It’s the same motive that drove Big Tobacco to fight so hard against plain packaging in Australia.

The introduction of a tax in South Africa might provoke the ire of the sugary drinks industry, but it will decrease death and disease among the poorest, while providing much-needed finances to improve health and sponsor healthy sports. It’s worth the ire!

● This article originally appeared online in *The Conversation*.

Rob Moodie has received funding from the Australian Department of Health, and chaired the National Preventative Health Taskforce from 2008-2011. He chairs the GAVI Alliance Evaluation Advisory Committee and his University receives sitting fees. He has worked with WHO as an adviser over many years. He is currently on the WHO expert panel on Health Promotion. ■



Gifted. The good, the bad, and the ugly

FATHER CHRISTMAS AND DONALD TRUMP may seem a peculiar pairing but, in the church of publishing, anything goes during the gift-giving season. And so The Donald (as he was respectfully addressed by the exotic former Mrs Ivana Trump) features among a bizarre range of Yuletide offerings.

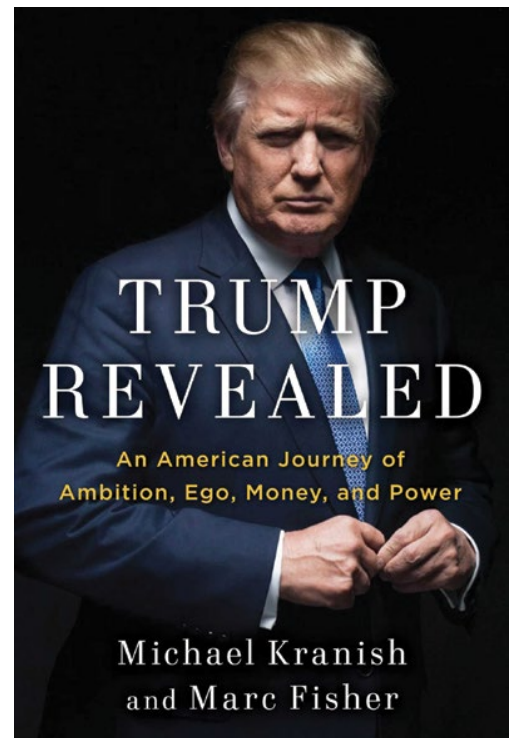
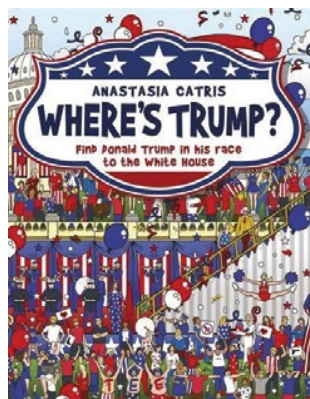
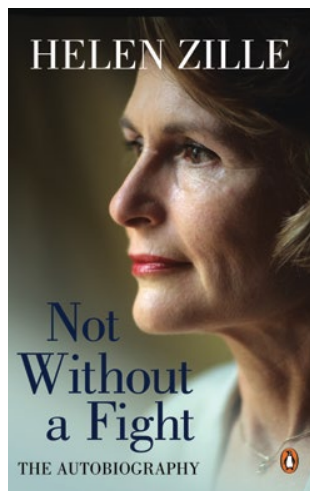
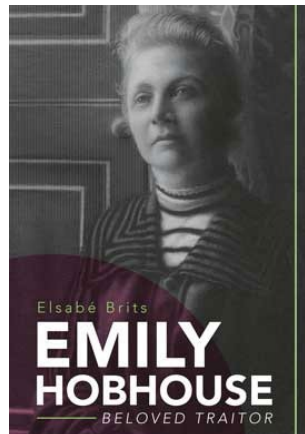
Yes, yes, we know you've just about had Big D up to the gills, but perhaps *TRUMP REVEALED* (it seems only right to capitalise the name) – *An American Journey of Ambition, Ego, Money, and Power* will go some way to explaining the ginger phenomenon who has been bawling at an incredulous world in seemingly the longest political campaign since the 100 Years' War. It's an authoritative *Washington Post* study, published by Simon and Schuster, and compiled by investigative staffers Michael Kranish and Marc Fisher.

And yes, this is the real thing: it's investigative in the true sense of the word. Every four years, the blessedly serious *Post* spends resources, time and money checking on the background and character of presidential nominees, examining their records in order to predict how they might behave in power. Would that we had done likewise before Polokwane. But then, the report would probably have been "mislaidd".

The creators of *Trump Revealed* had to cope with a peculiar problem: both parties' nomination troubles dragged on for so long that the editors decided to proceed without knowing the outcome of the election. So armies of reporters did meticulous research into comprehensive studies of both Donald Trump and Hillary Clinton.

Trump presented a unique challenge: he was the first party nominee in more than half a century to achieve that status without having held elective office. Accordingly, the *Post* felt it necessary to assign more than 20 reporters, two fact-checkers and three editors to examine The Donald's colourful life, thus far. The result? Essential reading for those who wish to comprehend the Trump phenomenon.

Or, some readers might want instead to



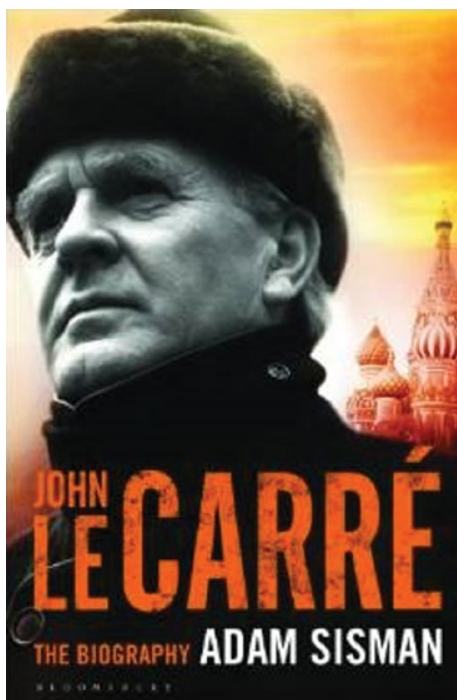
pore over *Where's Trump?*, a vividly colourful little book which would look perfectly at home on the kiddies' shelves. The cover lines adjure us to "Find Donald Trump in his Race to the White House" and the crazy oompahpah showbiz of the campaign is rendered in brilliant colours. If you look ever-so-carefully, children, you might find a tiny reddish hairpiece tucked away in one of the crowded illustrations. Artist: Anastasia Catris (Orion). Warning: "This book is a parody and has not been prepared, endorsed or sponsored by Donald Trump". No kidding?

Meanwhile, in another corner of the literary world, delight awaits discriminating John le Carré people. *John le Carré The Biography*, by Adam Sisman (Bloomsbury), was published abroad some months ago, but has only lately reached these parts. It's well worth the wait. International critical praise has been lavished on this brilliant and unflinching gaze at the life and times of the

spy who wrote *The Spy Who Came in from the Cold*. And who better to write the biography than Le Carré's trusted long-term publisher. Sisman's *Boswell's Presumptuous Task: The Making of the Life of Dr. Johnson* won the US National Book Critics Circle Award for Biography, and the clear-eyed, perceptive job he has done on Le Carré deserves high honours.

Anyone seeking a compelling and substantial holiday read could do no better than this fascinating insight into the mind and character of the enigmatic Le Carré. Even more intriguing, in a bizarre way, is the character of his shameless rogue father. There have been hints in the past of this corrosive influence, but the biography reveals all,

It ain't pretty, yet the sheer cheek of the randy crook who embarrassed his children over years of see-saw rags and riches capers provides clear evidence of the origins of the novelist's perception of wickedness. Daddy Ronnie Cornwell (the real family surname) was a high-living villain who cheerfully ripped off pensioners, the naïve and anybody else who made the mistake of trusting



him with a little loose change. Or a lot.

Speaking of bizarre, *King Solomon and the Showman – The Search for Africa's Lost City* (Tafelberg) by Adam Cruise is an astonishing curiosity. We proceed sedately at first with happy African camping and gazing at nature's wonders, then, Abracadabra! we meet The Great Farini. It turns out that this extraordinary Victorian showman, who dazzled audiences with freak shows in Europe and America, was obsessed with finding the fabled lost city. Incidentally, this flamboyant and dramatically cloaked figure invented a cunning device for launching human cannon balls. So useful. He made a lot of money in the circus business and eventually swept off to mount a search safari which unfortunately failed to find city or fabled treasure. Author Cruise is

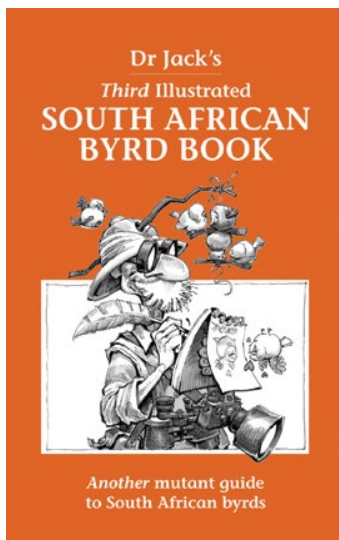
wryly aware that Farini (real name possibly William Leonard Hunt) was a bit of a fantasist, and perhaps his tale of African exploits lacks certain verities.

Two very brave women feature in the bookstores right now, and both deserve the highest praise. *Helen Zille – Not Without a Fight* is an honest, well-written and quietly courageous autobiography of the Western Cape premier. Her struggles, from modest beginnings to doughty battle for clean government, shame the lazy and crooked politicians. There is a rare tenacity, a steely quality to her, that daunts wicked detractors. The fact that she is a happily married mother of a confident and functional family confirms her strength.

Emily Hobhouse – Beloved Traitor (Tafelberg) by Elsabé Brits is a handsome labour of love. Hobhouse has always had her admirers, but it seems that the true worth of this noble woman, who challenged the loftiest figures in the British empire and colonial establishment in her battle to reveal the horrors of the Anglo-Boer war concentration camps, is only now being appreciated.

Author Brits retraced her heroine's travels and, in Canada, discovered, a trunk full of letters, hand-written notebooks, scrapbooks, and assembled a stylishly designed and lively tribute to a memorable human being. It seems hell hath no fury like a virtuous woman provoked. ■

The book that Jack wrote



Dr Jack, Noseweek's regular cover artist, is a dedicated twitcher. See above for the title of his latest feathered friends tome





Monkey nuts. Evolution, racism and science

WHEN PENNY SPARROW MADE her break-out performance on *Zuckerland* early this year, a great number of people were understandably enraged by her comments. I was one of those people severely upset but, as time went on, it became apparent that I was upset for somewhat different reasons than my fellow South Africans.

Months after Sparrow released her racist rant to the interwebs, headlines have continuously accused her of calling beachgoers, specifically black people, a bunch of monkeys. While, in truth she did say that, I am at a loss as to why calling someone a monkey would be considered racist.

Come now, bear with me here for a little while. I don't know about anyone else but every time I hear of Sparrow and what she said, the odour of shit tickles the ends of my olfactory nerves. This is because she accused black bathers of leaving the beaches with a faecal stench and in a state of filth. As a black person I was offended because she accused a whole group of people, me being a part of it, of being the root cause of filth on Durban's beaches. I was not offended because what she said hurt, I was enraged because what she said was a lie, that black people are inherently dirty and uncivilised to the point that a lower primate is better at disposing of its excrement than we are.

I am of the opinion that many, if not all of the greatest conflicts of the glorious human race were started and made worse by such lies. Having a person say something so inaccurate about people, and so unnecessarily hurtful, should always be met with the most appropriate justice.

The press, our spotless mirror of society, felt differently however when it was reported that Sparrow is actually

most infamous for calling black people monkeys, to which I have repeatedly, vehemently shaken my dread-locked head in disapproval at the television set.

I propose that a history of misunderstanding science has allowed some white people to actively subjugate black people in the false belief that they are beneath them. Conversely, some of the victims of such oppression, never having been taught science, hate science because "the oppressors" have used it to subjugate them by claiming that they are less evolved, less human, than the oppressors.

Because some white people promoted the idea that evolution has made them superior to Africans and that this justified apartheid and all sorts of other racist nonsense, black people reject evolution because it puts them on the wrong side of the supposed evolutionary divide.

Another idea from the apartheid era that resonates among black South Africans is that black people have no business studying the sciences and mathematics

So, as long as black people think that evolution says that they are lower primates than white people, they are unlikely to approve of the science of evolution and even distrust science in general.

Science must fall? Another idea from the apartheid era that continues to resonate among black South Africans is the idea that black people have no business studying the sciences and mathematics. Yes, even today in black schools you will find that pupils are discouraged by family members and ill-informed friends who insist that science and mathematics are "too hard".

The idea is that science, especially technology is *izinto zabelungu* (belongs to the whites), and that you have to study it only to get a job later on; you don't really have to grasp it for any deeper reason. And so physics has become a subject where you plug values into equations, maths is simply recalling formulas and evolution is nothing but an anti-religious fib.

My own biology teachers expressed that last point about evolution to me as a student. Evolution is a particularly touchy subject because of the misplaced belief that people "come from present-day monkeys", when in fact they are our distant evolutionary cousins. Evolution is a touchy subject because historically the ultimate race was seen to be Caucasian and black people were believed to be less evolved than their pale kin.

Because of this history, Abantu overwhelmingly dismiss the idea of evolution with the usual response that, "I am no ape/monkey". We all saw this sentiment from Zwelinzima Vavi when news of *Homo naledi*, a new hominid species discovered in South Africa, broke last year.

Vavi had expressed his unhappiness

at the discovery in a series of tweets along the lines of, “Should we expect that all blacks in Europe will, due to different weather there, evolve to be whites & whites in Africa evolve to be black?”

My first instinct was to tweet, “You, idiot! Evolution does not work that way”, and then continue to think less of the former secretary-general of Cosatu because of his lack of understanding of evolutionary science. But I didn’t tweet that. I thought it better to try and understand why he and so many others do not trust in evolution and possibly the natural sciences as a whole.

In the course of penning this piece, a video emerged of a “fallist” calling for the complete abolition of “Westernised science”, and that we should start over with an “African perspective”. The woman in the video, I am told, is a philosophy major so her comments on science are those from an observer rather than a science insider.

The video shows part of a meeting organised by “SRC candidates” to start discussions on “decolonising science” at the University of Cape Town, Africa’s highest-ranked tertiary institution. The meeting included students from the Faculty of Science at UCT, and the two-hour meeting was recorded to be uploaded on their Facebook page.

For some or other sinister reason, only the three-minute “African perspective” clip of the video ended up going viral. The video clip itself was uploaded unofficially on YouTube with the title “Science Must Fall?”, with the description, “Aggressive fallist from the ‘Shackville TRC’ claims science must be ‘done away with entirely’ and ‘start over again’”.

My naiveté rendered me ill-prepared for the vast ridicule thrown at this “aggressive fallist” in the plethora of comments on the various platforms where the video was shared. She was belittled, along with the entire Fees Must Fall movement and black students in South Africa in general.

Here’s a comment gem: “These people are retarded and should be treated as such. They need to be in day care not university.” And another: “why are these idiots given the same rights as everyone else? this fucking idiot has a cellphone, wears western clothes, com-

municates in a western language. she should go back to living in her fucking mudhut, eating insects and contemplating whether the earth is flat or if the tokoloshe is going to get her.” (Verbatim.)

Like Jesus, I drew a line in the sand... and added my own comment: “In her defence, I don’t think she fully understands what science is. If she did, I doubt she would say these things. To her, science is a great antagonist made of white scientists who ridicule African culture in their spare time. The fact that science education is still terrible in former blacks-only schools doesn’t help either.”

Defending her may seem like just “the PC thing to do”, but the alternative, as evident above, is asshole: it ignores the problems apartheid-mandated bad science education has caused, and instead makes parody videos that poke fun at a non-scientist fallist.

What needs to be better taught about science is that it is democratic; pretty much anyone from anywhere can do it and everyone should be aware of it and be persuaded of its power to make our lives better by solving a lot of our problems.

Unfortunately, many of the tools we use in the search for knowledge, and the knowledge itself, live in our universities, in our science faculties, that are not accessible to all for obvious reasons. This current situation has created a citizenry that does not know what science really is – and distrusts it.

But those who do know the true democratic nature of science also know its power to empower, so it is up to those in the know to undo the damage of the past. If that means “decolonising” science – changing the demographics of scientists in important positions and of those who benefit from it – I say let’s try it.

Frankly, I want to be able to call my “friends” on Facebook monkeys without being jailed and stripped of my life savings for it.

● *Sibusiso Biyela is a digital science communicator at ScienceLink, South Africa’s first digital science communication start-up, and he volunteers for SciBraai, a proudly South African NPO dedicated to science journalism, communication & outreach. ■*



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Down and Out

ANNE SUSSKIND



New idea. Up Under

A MATCH MADE IN HEAVEN, A RAY of light in disheartening times. A tiny rural town on the border of New South Wales and Queensland, inhabited by mostly grey-haired white people whose children have gone to the city, has taken in three African refugee families, with 16 children among them.

So far, judging from a recent ABC programme, it looks good. So good that the news about Mingoola has spread, and there are now more than 205 African refugee families on a waiting list for other similar towns. In fact, it brought tears to my eyes, the matching of need between this dying community of kindly Aussie old-timers and the newcomers for whom the peace and quiet and seasonal farm work was such a blessing. Such a surprising juxtaposition, so much welcome from the locals who renovated homes for the traumatised newcomers, even asking them if they'd like verandahs and other small modifications. The little school has been re-opened and the place hums with purpose.

Local woman Julia Harpham, whose idea it was, said: "You don't like to see a community die. And there's not much joy in a place with no children." When Harpham and the local progress association three years ago started thinking laterally about the town's migrant past, refugee associations told them the bush wouldn't work for people who needed city services and support. Then they were hooked up with Sydney refugee advocate Emmanuel Musoni, who works with refugees displaced from Rwanda and neighbouring countries, mostly with rural backgrounds but resettled in cities where employment prospects were few, the environment was intimidating and many became depressed and isolated.

"If you ask them, 'What was your



dream when you applied to come to Australia?" they say, "We hoped we were going to be put in the countryside, to connect with agricultural life and have a garden."

Jack Russell terriers Ted and Patch have been at the centre of a humiliating storm for owner Steve Herbert, Minister of Corrections for the state of Victoria, who used his taxpayer-funded chauffeur-driven car several times to ferry the dogs 120km between his Melbourne home and his country house. The minister has been made to apologise for "not meeting community expectations."

The holiday home is in Trentham, a historical town located on the Great Dividing Range, described by Tourism Victoria as "punching well above its weight in the eating and drinking stakes". The leader of the Australian Sex party, Fiona Patten, said Herbert should pay back any funds used in these "dodgy doggy misadventures" but should not be fired because "this government doesn't have the depth in its ranks... to replace an experienced minister like Mr Herbert – talent is a bit thin on the ground right now."

Meanwhile, West Australian Greens senator Scott Ludlum is being hailed for revealing that he suffers from de-

pression and is taking a leave of absence to deal with it. Labour leader Mark McGowan said it was "brave", and it has generated many column inches devoted to men, vulnerability and mental health. In Australia, it is estimated that one in six people suffers from depression and one in four deals with anxiety. About 20% of politicians are believed to be on anti-depressants, plagued by marriage breakdown, alcoholism and isolation.

And another kind of hero: NSW has chosen as Australian of the Year Deng Adut, once a child soldier in Sudan, snatched from his mother at six, and who underwent

unspeakable cruelties. A refugee to Australia, As a teenager Adut taught himself to read and write when he got here in 1998. Today, a lawyer and community leader helping refugees in western Sydney, and a role model for many, when delivering the keynote address on Australia Day, he had this to say on racism: "I've spent so much time fighting war, why should I fight the rubbish that comes out of people's mouths that has no meaning to me? I don't want to be involved with another conflict. My conflict is over."

In a biting column in the *New York Times*, Sydneysider Lisa Pryor bemoans the preciousness of her "perfect little inner-city neighbourhood", once home to working class people; now a place where a restaurant serves produce from farmers known to the chef, "local and authentic", just the same as likely to be found in Williamsburg, Brooklyn, or Shoreditch in London. [Or *Cape Town?* – Ed.] "Those urban villages, once diverse melting pots, became shiny, wealthy and inward-looking... I don't want to live in the kind of city where we endeavour to know our grains and our meat, but not our fellow-citizens. Culture is more than expensive and refined tastes in wine and food." ■

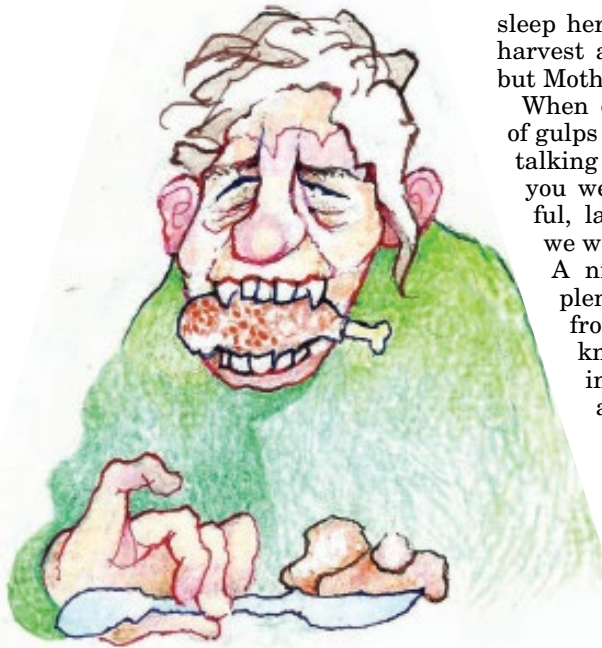


Hunger game. Amazing Graze

YIRRA YISSIS MAN! SEG OU SKOLLIE van Schalkwyk to the girl at the takeaway counter, I arsed for only one small potato instead of two big ones, now you won't even give me a extra slice of meat. Yes but you got extra pumpkin, says she, and anyway I am not allowed to give you extra this or that, it is a standard takeaway Sunday dinner; one price, two spuds, one scoop of each veggie, two slices of meat. Hel, man, not even extra gravy? Seg ou Skollie.

I am starting to wonder why I never learn. The instinct which causes European swallows to migrate unerringly south when the first trees shed their leaves also drives ou Skollie unerringly to the Glenwood Spar when in November the first accursed Christmas trees appear in the shopping malls. He instinctively knows he'll bump into me some Sunday, this is where I buy my daily crust, and he knows if he rolls his eyes towards the takeaway counter I'll know he's not viewing the pretty ladies there but the simmering tubs of tuber and leaf and fruit and flesh. And gravy. Somewhere in there is his Christmas dinner. The first one.

So I buy one for him, and the pretty girl gives him extra gravy because the supervisor can't come and count it. Not even a spoon? seg ou Skollie. No, says she, you're supposed to take it away and eat it with your own knife and fork. But the Chinaman upstairs gives you a spoon, says he. Well buy your dinner from the Chinaman then, says she. He opens his gob to argue further, but I drag him off with his plastic punnet of nosh to the Kitchenware aisle, where I pick up a pack of three plastic dessert spoons, also two cokes from the fridge, and check out with this lot and drag him out of the bloody Spar in the direction of Bulwer Park. Haa, a piekniek, seg ou Skollie. Ja, think I to myself, damme if you're going to find out where I live.



We seat ourselves with our styro-foam crockery in the little nook built by the white unemployed of the Great Depression, a pretty piece of masonry, a long curved stone bench built into an earthen bank with ferns and a great overhanging jacaranda, a neat stone tiled semicircle in front, with a couple of stone columns and a shaped wooden beam, for creepers, which beam nobody has managed to nick because it's built into the stones.

There used to be benches and small picnic tables around the park, but they've all been nicked for township cafés. Well it's quite pleasant anyway; the Metro Police have shunted off the people who used to sleep here and crap all over the grass, to sleep and crap all over the beach where the waves wash it away, though the park is still a place of social gathering, small cannabis plants sprout all about where friends have picked the pips out of their zols. The municipality mows them flat now and then lest the people who used to

sleep here move back in for a quick harvest and crap all over the grass, but Mother Nature prevails.

When ou Skollie has got a couple of gulps down and a bit of breath for talking he says Ag ja, seg hy, me and you we growing ole sort of graceful, laaik, hey? Remember when we were young in Durbs Central? A nice kind of boep, hey, and plenty graze. I use to hiets down from Joburg for the winter you know; then I would get garook in public and pee in the street and the magie would sentence me to two months and I would get lekker warm and fat in Durbs Central. I never did robbery and all that goeters, then a judge would of sentence me to five years in Pretoria Central, a bad-luck bliksems place, jong, and the graze is min.

Did you ever think of getting a job? I ask. Well you could of said I was a self-employed Roaming Romeo, seg ou Skollie. A soort vanna road inspector, laaik. I did think of been one of those Durban Corporation ouens who watched a gang of coons digging up the road, you remember, but the summer in Durban is bad for standing in the sun, man, and anyway by the time I decide maybe to do it, the rules all change and you have to start with digging up the road yourself along with the coons and then maybe you get promoted to watching them. I mean I do have my pride, you know, a soort vanna... vanna... Dignity, say I. Ja, seg hy, that thing, now I got a ole age pension just in time and I stay with the Sarvation Army. He swallows the Coke and belches grotesquely and hands me the spoon. No, you can keep that, say I. Okay, seg hy, for next year.

God forbid. No, say I, I'm migrating to Canada next month. ■

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