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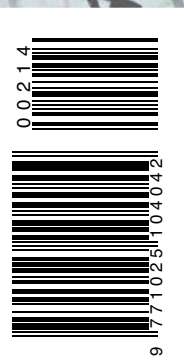
noseweek

SINGING IN THE RAIN

214 AUGUST 2017



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**Saving Eskom
from disaster**

**Sanlam doesn't
love dogs**

**Business as usual
in Zumaland**

**Anyone
for flies?**





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ISSUE 214 • AUGUST 2017



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Letters

Cock a snook and cause offence

WHOEVER IS RESPONSIBLE FOR THE malevolent looking Rabbi on the cover of *nose213*, must surely have honed their skills under the tutorage of remnants of Hitler's propaganda machine.

Anyone looking at that caricature and its accompanying headline, would be forgiven for assuming that the Rabbi in question had been paid out by FNB in some nefarious deal on his part. A closer reading reveals that he is in fact the victim of corporate bullying.

You will certainly have satisfied those readers who welcome an anti-Semitic slant to any article, but you do so at the expense of your publication's integrity.

Eleanor Katzeff
Cape Town

■ YOU PRODUCE A PERFECTLY GOOD article about Rabbi Rosenblum's money that was stolen from FNB, and throw in a one-sixth-size black-and-white picture of the man for good measure. But then, on the front page you have this lurid *Der Stürmer*-style image of The Universal Jew in typically tasteless garb. Que? Compare, as if this had never occurred to you before, those images, and the overall effect on the reader.

You must surely hate the vision of fat Jews with wobbling jowls and fat red noses screaming – along with gobs of spittle and chopped herring, right into your dignified English features – that word: “Anti-Semite!” Gd, what a bunch!

Now compare the above to the (possibly even better-written) article on page 8-10 by Jack Lundin, with beautiful colour family picture, but which, alas, never made it to the front cover except for four words at the bottom of the page (“Riddle of Nedbank Box 47”).

Who's the scoundrel here? FNB? Nedbank? The front cover suggests it might even be the Rabbi. (After all, doesn't everyone just know that the Jews own the banks?) One thing we know for certain is that it could never in a million years be the professor.

I can't threaten to sue, or stop buying your magazine (I like it too much), or demand an apology (I'm Jewish, you probably got that) so I guess I'll just have to take it. I just ask that you try harder to understand how this makes some of us (Jews) feel. And in fact, very few of us actually look like that.

Harry Friedland
Sea Point

Harry, I look like that! My large “Jewish” nose has earned me happy honorary membership of the tribe for most of my life, not to speak of the title “the nose of Noseweek.” I am not English and have only a very tenuous grip on dignity. The contrasting pictures? Both were what the story subjects themselves chose to provide us with, when asked.

Dr Jack's grotesque cartoons / caricatures have become part of Noseweek's identity. His style is not reserved for rabbinical subjects: note the plump Nordic cheeks and balloon noses of the (non-Jewish) FNB bankers in the background.

Spare some pity for the diverse subjects of any number of Dr Jack's Noseweek covers. They are intended to attract attention and tease a bit, not offend. If this one has crossed the line – and it appears to have – I apologise. Also, while doing so, I cannot help but note that you have quite some talent yourself, when it comes to creating grotesque caricatures. – Ed.

Bank's useless quiz impertinent

LIKE DAVE KEARNEY (“LETTERS”, *nose213*), I too have the misfortune of banking with Standard Bank, and I too have experienced the audacity of the type of questions put to me, to enable me to make a simple change to my own bank account. The questions are ludicrous and inappropriate; they only stopped short of asking me my bra size!

At my last attempt to use telephonic banking, I was asked if I had a Visa card, which I do. They require no record of this, since I am a second card-holder; all information is under the primary card-holder's name. But I was informed that we could not

continue until I contacted Visa to update their system so that Standard Bank, too, would have access to this information in future, to enable me to pass the “useless or invasive 20 questions” if I ever wished to do telephonic banking again.

Unlike Dave, I lost my cool. All I wished to do was reduce my daily ATM withdrawal amount. Yet, millions are stolen by miscreants from honest clients who bank at Standard Bank – apparently despite having divulged their pet hamster's name, and that they have millions of rands stashed overseas in a Dubai bank account.

Don't even get me started on having to queue inside the bank to convert all notes into new R200 notes, just so that I am able to deposit them at the envelope-less ATM. Most of the time, the full amount is rejected, as the machine does not like bent, torn, faded, skewly positioned or old notes, and spits them out with utter disgust.

Which is how I feel about Standard Bank at the moment.

Moyra Stein
Rondebosch

■ WE HAVE NOTED DAVE KEARNEY'S letter of complaint about Standard Bank (in *nose213*) and hope you can assist us by sending us the writer's/customer's contact details, so that we can assist them [*sic*] with their [*sic*] complaint. Thank and looks [*sic*] forward to hearing from you.

Jene Godfrey
Account Director
Magna Carta, Reputation Management
Consultants
Sandton

Standard Bank can't trace its own client called David Kearney, resident in Sandton, in its computer database? You are not helping to repair the bank's reputation. – Ed.

Easier tender process for SMMEs

THERE ARE MANY SMALL, MEDIUM AND Micro Enterprises (SMMEs) doing honest deals with government, through a legal, transparent process of procurement and tendering.

But the truth is that by far the

majority (over 80%) of SMMEs steer well clear of government even though BBBEE and tendering rules favour them. One reason is that these processes are extremely onerous.

But SMMEs generally don't look for business from government at any level for a much more critical reason: they all too often do not get paid on time by public institutions. It is common for them to be made to wait several months for payment.

This was among the findings of the 2016 SMME Insights Survey conducted by SAICA (South African Institute of Chartered Accountants).

According to the National Development Plan, these companies are the country's only hope of reducing unemployment and poverty and of boosting our failing levels of gross domestic product.

Among the survey's critical conclusions is that SMMEs (and by extension our country) could flourish if the tender process was simplified and made more transparent, and if government and big business paid their accounts within 30 days.

Julius Mojapelo
Senior Executive

SA Institute of Chartered Accountants
Bryanston

'Royalty' fee on loans a rip-off

I AM INVOLVED IN LITIGATION AGAINST Business Partners Ltd (BPL) the well-known small and medium enterprises funder. Part of the dispute arises from a percentage so-called "royalty" fee that BPL imposes on the turnover of the business of its borrowers.

This is in addition to the normal interest that it charges on the loan.

In *BPL v Silverstar*, the High Court in Pretoria found that the "royalty" fee was usurious and against public policy.

(The court found that BPL could not charge royalties as it did not have any intellectual property on the basis of which it could do so.)

But the full bench of the high court overturned the decision on appeal.

I am challenging the lawfulness of the "royalty" fee on a number of legal

grounds that the full bench did not pronounce on.

As a financial services provider and not a franchisor, BPL is not entitled to charge royalties, especially on the turnover of a business.

To me, the "royalty" fee is used to rip off unsuspecting borrowers. It is not a business expense that borrowers are able to deduct from their gross profit, as with wages and salaries, water and lights etc.

The worst part is that the "royalty" fee is based on projected turnover figures that the borrower provides to BPL, often without any history of performance of a business being funded.

The crippling and unlawful effect is that BPL takes a "dividend" from the borrower even before he pays his or her business expenses.

Whilst I fight my battle in the courts, I want the borrowing public to be made aware of what I believe is a scam – a get-rich-quick practice – that watchdog bodies such as the Financial Services Board, the Competition Commission and the police should investigate.

Nat Makhubele
Roodepoort

Another Codesa badly needed

OPPOSITION PARTIES MUST CONVENE and provide voters soonest with a Declaration of Intent that, should they comprise a majority at the 2019 election, they will hold a Codesa-type summit to change our Constitution.

They must ensure that never again will a president be able to control MPs to the extent that ours becomes a "lock-up-and-go" parliament; never again will a president be able to loot SOEs (State Owned Enterprises) and bullet-proof himself against prosecution via surrogate appointees, hand-picked by the Guptas.

We must thank our media for their unstinting work in exposing the Guptas, abetted by Zuma.

Perpetrators of "state capture" and its ghastly tapestry of corruption must be prosecuted – in person or in absentia.

Ours is a damaged democracy; we need to repair the now-obvious flaws before it is too late. A post-election Codesa represents the only realistic way of doing this.

Sandy Johnston
Nelson Mandela Bay



C. B. B. B.

"Good news, I hear the paradigm is shifting."

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Too much information

THE TORRENT OF GUPTA EMAILS THAT HAS rained down daily since 28 May, when the *Sunday Times* published the first Gupta leaks, has exposed us to a “fifth dimension” beyond anything previously known.

Self-contained storylines that once would have risen and fallen in distinct waves of public attention have given way to relentless information overload and endless confusion. Time blurs as new developments flash like strobe lights from all angles, 24/7. There is not enough time in a day, a week, a month, a year to unravel all the details of what Zuma and the Guptas have been, and still are, up to.

As David Uberti of the *Columbia Journalism Review (CJR)*, faced with a similar, seemingly endless deluge of information generated by the “Trump phenomenon”, puts it: “I often feel like I’m drinking from a firehose.”

South Africa’s traditional news cycle has been killed by the Guptas.

For the first few days of leaked emails, even the Guptas couldn’t believe what was happening. Their attorney Gert van der Merwe (one of the leaked revelations was that the Guptas don’t go for BEE when it comes to making appointments to top executive positions) recklessly still dared suggest the emails were “fake news”.

The *CJR*’s description of the impact of Trump’s collision with the media applies equally well to the current Gupta storm in our media: “Until then the news-time continuum still had a semblance of balance, even if the underlying factors priming it for carnage had already been set: a sensationalist social media with an insatiable appetite for content; massive distrust of the mainstream press; a fragmented social web that incentivises false information; rapidly growing uncertainty and confusion [*here in the ANC*], prompting impulsive action and self-contradiction.”

If you dump tens of thousands of sensational emails on an already strained news system, you go hurtling into the fifth dimension with no bottom, no top, no sides, no up, no down. A typical comment: That was the biggest news week since last week!

Chronic news overload prompts the question: can the public cope? The consensus

view is that mere mortals can’t possibly keep this up. If Zuma and the Guptas don’t crack soon, everyone else will.

News overload undoubtedly induces stress. In the US, where the “Trump phenomenon” is causing similar media disruption and trauma, the head of the American Psychological Association called the potential effects “deeply concerning”.

But what about news comprehension, ostensibly the first goal of journalism?

To quote the *CJR* again: “What’s clear is that the digital hamster wheel that most journalists now inhabit will only continue its acceleration. Less so is whether the rest of the public, bereft of the news cycles that act as a sort of on-ramp by focusing attention, will be able to get back on track.”

Which is where *Noseweek* comes to the rescue with a measured once-a-month package of reason and sanity, to be read at your leisure and at your own thoughtful pace. The story will still be there if you pause to think and only look at it again in five minutes or even an hour’s time.

From Twitter and Facebook and all the marvelous online news services that serve up news bytes by the second, you and I have learnt with absolute certainty that Zuma, the Guptas and all their corrupted minions everywhere, must go – preferably to jail. But has anyone paused long enough to think: What then? What’s the plan? How do we mend what’s broken?

Eskom, undoubtedly a crucial state-owned enterprise, has featured prominently in the leaked emails, leaving us in no doubt that great damage has been done there by the President’s family and friends, at huge expense and risk to the nation. That established, we thought it a good idea to start with a calm analysis of what needs to be done at Eskom to set us on the road to a brighter future.

As it transpires, much of the work had already been done for us by two top, well-informed experts in the field: Chris Yelland, who has previously written for *Noseweek* on the subject, provides an introduction and explains just why the analysis by Piet van Staden on page 8 is significant and deserves our considered attention.

The Editor



Big Power is a big problem

THE ARTICLE ON THE FOLLOWING PAGE by Piet van Staden, executive responsible for energy procurement at Sasol and the immediate past chair of the Energy Intensive User Group (EIUG), shows a significant turnaround from his previously held view about Eskom.

In the past it has been big business and big Eskom talking about big power; a big baseload requiring more coal and nuclear power stations. But now, suddenly, the big electricity users are no longer on the same page as Eskom.

Van Staden is the main planning man at Sasol. As recently as a year ago, he would have been completely pro-Eskom-as-it-is and pro-nuclear and coal. Now he's arguing for smaller, decentralized and more flexible options.

The shift demonstrates that even big business has realised that nobody will survive the irrational decisions being made by Eskom's corrupt and incompetent management.

The Energy Intensive User Group that Van Staden also represents is an organisation made up of about 40 companies that together use about 40 percent of the electricity produced by Eskom. Implicit in his article is that they, too, believe that we don't need and can't afford new nuclear power stations to meet industry's (and the country's) foreseeable electricity needs. Not only is it not needed – opting for nuclear could pose a serious threat to the economy as a whole.

Van Staden is saying that the large users who know what their own usage is and who know best what their projected future demand for electricity is likely to be, are aware that Eskom and the government in its current Integrated Resource Plan (IRP), have significantly over-estimated the electricity demand to be met by Eskom in the years ahead, and, by the same token, the income to be earned from it, based on the over-optimistic growth estimates that were still being punted a few years ago.

Not only have these optimistic growth rates by far not been realised,

but we have since been lumbered with junk status, significantly raising the cost of borrowed money.

Eskom and the country cannot afford the long-term financial risk entailed by the massive funding commitment that a nuclear programme will require, particularly because of the high level of uncertainty about what the future demand for Eskom-supplied electricity will be.

Nuclear power stations take a long time to build – up to ten to twelve years per reactor – and mega-projects are prone to high cost and time overruns.

In the meantime, just as mobile leapfrogged fixed telephone lines, so solar is leapfrogging established electric grids. These realities cannot simply be ignored.

Eskom could end up with expensive, debt-burdened power stations generating too much electricity at unaffordable rates — with too few customers willing or able to pay for it, making it a major hindrance rather than a help for economic growth.

Once you commit to nuclear, there is no quick turnaround.

The big-consumer group suggests we should be looking at much more flexible means of generating power that could be built more quickly and that won't require such a long-term financial commitment. If demand declines, you simply stop building them.

While Eskom is still pushing big power and big nuclear – even as it is on the brink of bankruptcy – the big electricity users are saying we must talk about flexible power and smaller projects.

In the past EIUG argued in favour of maintaining Eskom as a big central utility. Now they are talking not about the risk of changing Eskom but about the risk of allowing Eskom to continue as it is at present!

Eskom's biggest customers are in the best position to know what they are going to use or are likely to need.

Few articles as important as this to the country's economic future have appeared in the media in recent months. We must all take heed.

Chris Yelland

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Beyond patronage politics: Where is South Africa going with Eskom?

IN A WORLD WITHOUT ENVIRONMENT constraints, where economies of scale and advances in technology resulted in ever-decreasing costs, centralised electricity generation worked well. Lately though, the opposite applies: the cost, by way of environmental damage and compliance with safety requirements, of mega coal and nuclear projects is ever-increasing, while localised generation using renewables is becoming cheaper.

South Africa is in the process of commissioning the giant Medupi and Kusile coal-fired power stations – they have been under construction for more than ten years – that will produce electricity at a cost of some 120c/kWh. But already, electricity generated using a mixture of renewables and gas technologies would be cheaper, cleaner and more flexible.

There is no doubt that agility and flexibility in responding to fluctuations in demand will fetch a premium in future power markets.

Eskom's current system of base-load generation is at risk of being unable to meet the ramp rates (sudden and frequent increases or drops in demand) required for balancing renewables. With the de-carbonisation of the electricity grid, the industry will restructure, whether by design – or default.

Restructuring by default will happen if Eskom is overtaken by disruptive events outside its direct control, such as the proliferation of solar PV eating into its market and altering the load profile, hence the call for a well-planned transition to a lower carbon future in a manner and within a time-frame that can enhance, not erode the competitiveness of our economy.

It is understood that an updated Integrated Resource Plan (IRP) may be published by the Department of Energy by the first quarter of 2018. It is crucial that South Africa gets it right this time.

The Draft Base Case, published for public comment in November 2016, is flawed in that it does not reflect the realities on the demand side and



By Piet van Staden

can lead to massive over-building at great cost to customers and/or taxpayers. Irrationally, it also has put caps (limits) on the tempo of rollout of renewables, making it impossible to arrive at a genuine “least-cost-least-risk” base case.

Assuming that the updated IRP will reflect a more realistic demand/growth outlook, it must factor in the structural changes caused by climate change, energy efficiency improvements and new technologies.

To plan for demand growth rates last seen during the commodity super-boom when energy-intensive industries expanded rapidly, is irrational. An over-optimistic outlook followed by

over-investment will lead to unaffordable electricity price increases, killing any hope of economic growth. It could trigger a “death spiral” where price increases and demand destruction (as consumers go off the grid) feed on each other in a vicious downward spiral.

With the bulk of Medupi and Kusile still to be commissioned, South Africa is entering a period of over-capacity. This affords time to plan for a managed transition to a least-cost electricity generation industry with predominantly private-sector investment.

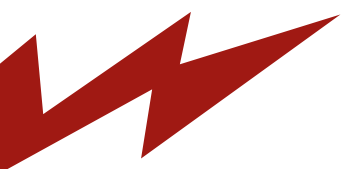
Such a reality check will also show that the current debates about nuclear, and Eskom's not signing Power Purchase Agreements (PPAs), are costly distractions. You do not sign PPAs if you are not going to need the additional power.

It would be prudent to spend time now on the more urgent matters such as how to manage Eskom's mountain of debt while electricity sales are flat to declining.

Until now the debate on the supply side has been based on the assumption that the customer will always be there to buy the electricity on offer. Or it has assumed that “if the customers do not buy enough, we will approach the National Energy Regulator (Nersa) with an application to recover the lost revenue via an extraordinary price increase”.

Such an approach is a recipe for disaster in a fast-changing world where customers have options. Large power users can either become more self-sufficient by installing co-genera-

It would be prudent to spend time on the more urgent matters such as how to manage Eskom's mountain of debt



tion, or relocate to lower-cost environments.

Commercial customers and middle class residential customers can install rooftop PV, which will eat into utility sales and change the national load profile, leaving Eskom and the municipalities with reduced sales, fewer subsidisers in their customer mix, and larger numbers needing to be subsidised.

A financial storm appears to be building up for Eskom. It still has to borrow heavily to complete its build programme, while some loans are coming up for re-financing. Further support from the fiscus (which will dwarf requests from SAA or the SABC) also seems unlikely and unaffordable. If the taxpayer cannot pay, the ratepayer will have to.

The EIUG's view is that all is not lost but that out-of-the-box thinking is required. Business-as-usual will not do it, and it may be a good idea to use the existing MACE [Ministerial Advisory Council on Energy] or set up a special industry think tank to come up with proposals for the minister.

If the future belongs to distributed energy resources and some gas-fired independent power producers, the question becomes how to optimally manage the de-carbonisation journey, and not how to ensure Eskom's generation fleet stays on as a sustainable business ad infinitum.

The first step to a sustainable electricity future must be to address the alleged financial mismanagement and corruption, while concurrently finalising a new-build plan informed by an updated Integrated Resource Plan once the study has been completed and public consultation considered.

Then it must be down to business on de-carbonising the grid via a managed transition without breaking it.

● *Piet van Staden is senior energy executive at Sasol, and past chairman of the Energy Intensive User Group (EIUG) of Southern Africa. The EIUG is an industry association representing large mining and industrial electricity users in the region. Its members use approximately 40% of the electricity generated in South Africa.*

This is an abbreviated version of an article that appeared online in the June issue of EE-News (www.eenews.net) ■



Jonathan Edwards with Matthew (right) and a canine friend

Sanlam does NOT love dogs

HE HAD NO FAMILY AND WAS DYING of cancer. His only sister, afflicted with Down Syndrome, had died several years earlier. For years, nothing and no-one had been as important to Jonathan Edwards as his two beloved Bull Terriers, Hector and Maggie-May.

But to Sanlam trustees, the executors of his estate, the dogs need to be got rid of: they're a nuisance, holding up finalisation of an estate and payment of their fees.

Edwards, who ran a business marketing medical disposables, lived in 1st Avenue East, Parktown North in Johannesburg. Zoologist Rob Morley and his wife Sophie who lived nearby became close friends. "We met while

walking our dogs in Delta Park. At the time Jonathan had a Bull Terrier called Matthew and we, too, had a Bull Terrier," Sophie Morley told *Noseweek*.

"He had grown up in Swaziland. A charming outdoorsy type, he was apparently not very good with women; he'd had a number of failed marriages. But he adored that dog [Matthew]. The day after his beloved Matthew died, we found a notice tied to his gate inviting his friends to join him for a service in the park to strew Matthew's ashes. A crowd arrived for the service."

Then came Hector and Maggie-May, who "brought sunshine back into his life".

When in 2014 Edwards was diagnosed with cancer, his one-and-only

concern was what would happen to Hector and Maggie-May when he died. Who would care for them? In his will he left his entire estate to be shared between the two charities closest to him: the Down Syndrome Association and the Animal Anti-Cruelty League. Sanlam were to be his executors. He had a life insurance policy with them.

“Several weeks before his death in October 2015 when we visited him, he was particularly cheerful and told us he had found a solution to the one problem that was of serious concern to him: what would happen to his beloved dogs – his “family” – when he died?”

“He told us he had organised for the dogs to stay on in his home – the home they were accustomed to – until they died: Margie, who lived in his garden cottage, had agreed to stay on to care for them. They had drawn up a formal document confirming this,” Sophie recalls.

As Edwards’s health deteriorated, Margie (Marguerite Petherick, a qualified nurse) became his carer and nursed him in his last days. He died on 8 October 2015. He was 69.

Petherick told *Noseweek*: “He’d had a legal contract drawn up and all his wishes and instructions pertaining to my responsibilities and the dogs are in this MoU (Memorandum of Understanding),” said Petherick. “He didn’t want the dogs to be separated. They were to remain in his home for their natural life, I was to live on the property, maintain it, pay the utilities and take care of the dogs.

“I have the authority to rent out the main house and this income pays for everything. The property is debt-free and the beneficiaries of his estate are the two charities.

“Prior to his death, while in hospital, a Sanlam representative visited him and he made changes to his will so there was no conflict between my contract and his will.

“This will has subsequently [*and conveniently?* – Ed.] been lost by Sanlam and I don’t know what happened to the hardcopy that was left with Jonathan. Thus they have had to revert to the earlier will that predates my contract.

“I had a meeting with the executor (Estelle Webber) and other Sanlam personnel on 10 December 2015. They abided by Jonathan’s instructions and allowed me to rent out the



Margie Petherick with Maggie-May (left) and Hector

house,” she tells *Noseweek*. But in May this year everything changed. Sanlam appointed an attorney, Reynard Kruger, who specializes in winding up estates, and within no time he was demanding that Margie Petherick and the dogs vacate the property as he wished to have it auctioned. If necessary he would arrange for the dogs to be delivered to the Animal Anti-Cruelty League’s kennels.

When Petherick refused, Kruger launched an urgent court application in the High Court, Pretoria on Monday 12 June, asking the court to nullify Petherick’s contract, as he proposed putting the house up for auction the next day. The sale was necessary as there was no cash in the estate to pay his and Sanlam’s fees.

The court refused the application, but Kruger proceeded with the auction

the following day, with Margie and dogs still in residence and holding a valid contract authorising their occupancy.

“They have not accounted for all the furniture and artworks that were sold on auction, or the assets in Jonathan’s company. I know for a fact that he had a Liberty Life policy paid out; where has the money gone?” Petherick asks.

She does know they sold an original Tinus de Jongh painting of his at a household action for just R1,000.

“Because Jonathan has no family, nobody is holding Sanlam to account. What is even more obscene is Mr Kruger and his senior advocate’s exorbitant fees are being paid out of Jonathan’s estate,” she adds.

Watch this space for further developments. ■

Anyone for flies?

THE WASTE-TO-NUTRIENT GROUP AgriProtein has announced it will be expanding its presence in South Africa with two new fly-farming sites, having established the world's first commercial waste-to-protein fly farm in Cape Town in 2015. It also conducts extensive research projects on the waste-to-nutrient cycle in South Africa.

CEO Jason Drew said the company was conducting site and environmental evaluations for the two new fly farms and were hoping to start construction in 2018. "Support from the South African government has been outstanding, both at a provincial and national level," he added.

The proposed roll-out of two more local fly farms is part of a global expansion effort. AgriProtein has applied for

licences for fly farms in the US, Asia, Australasia and the Middle East. In February, the company announced a partnership with Austrian engineers Christof Industries, which it says enables it to roll out its fly factory blueprint anywhere in the world at the rate of 25 a year, or, more than two a month.

AgriProtein, which has recently moved its headquarters from Gibraltar to London, aims to build a network of 100 insect protein factories by 2024 and double that number by 2027, supplying the \$100-billion aquafeed market.

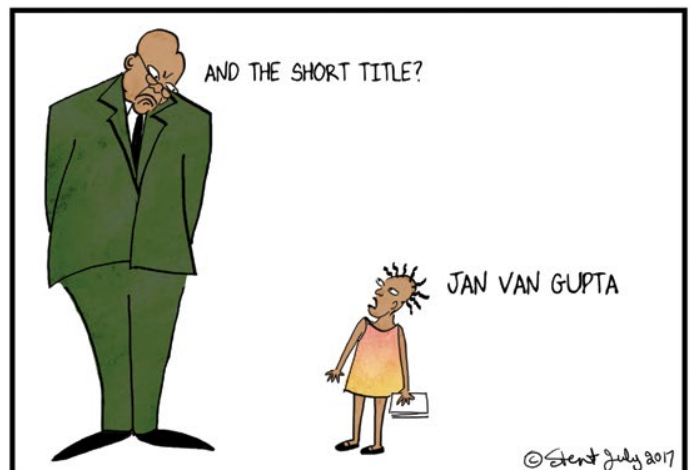
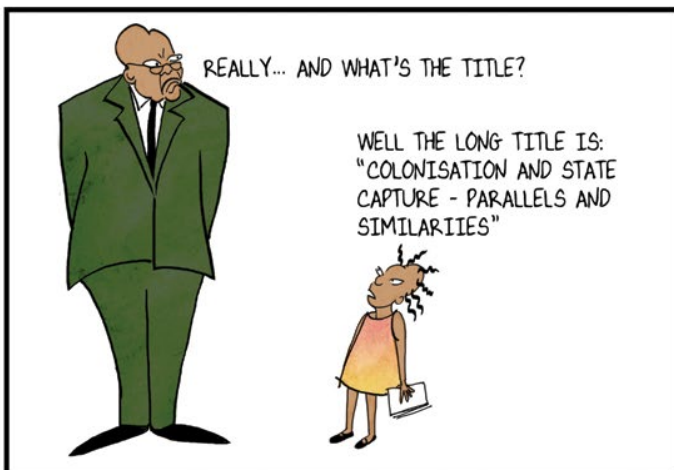
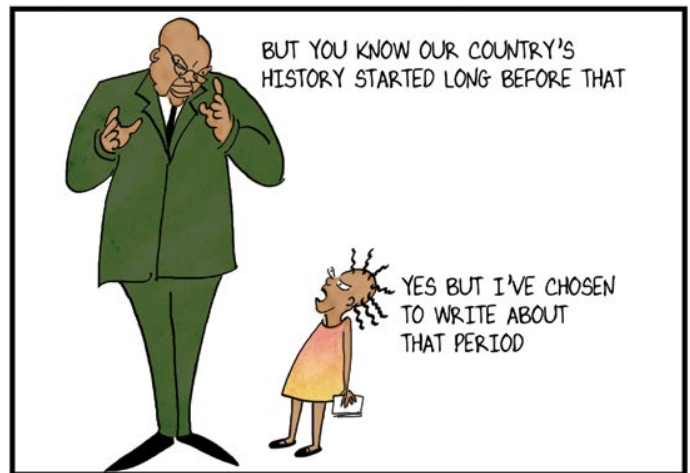
AgriProtein rears fly larvae on organic waste and harvests the larvae to make natural, high-protein animal feed products. The company believes that insect meal presents a more sustainable alternative to soy or fishmeal. The produc-

tion process also diverts large volumes of organic waste from landfills to feed the larvae, said Drew. The technology also helped tackle the world's growing waste crisis, he added.

"With European regulation starting to move in favour of insect protein for animal feed, we felt the time had come to set up our head office in Europe – Brexit is no barrier for our technology," said Drew. New EU regulations permit the use of insect-based nutrients in aquafeed with effect from July, he added.

AgriProtein has won a Cleantech Global Top 100 award for its environmental technology research well as an AU\$450,000 prize for its industrially-scalable solution to the depletion of fish stocks in the Indian Ocean, in the Australian government-backed Blue Economy Challenge. ■

Stent



Aussie miners MRC in spotlight again

By Glenn Ashton

CONTROVERSIAL PERTH-BASED Australian mining company MRC (Mineral [Resource] Commodities Ltd) is again in the spotlight. Moving beyond its questionable environmental management practices (*nose188,201*), MRC has launched at least seven defamation suits against its local critics. Lawyers for the defendants say these cases represent a clear example of Strategic Litigation Against Public Participation (SLAPP) suits.

SLAPP suits are cases brought by powerful corporates against activists critical of their activities. They are devised to censor and silence opponents by distracting them and intimidating them with the threat of financial ruin. Numerous international jurisdictions have implemented laws to prevent SLAPP suits.

Over the past year MRC, its subsidiaries and hangers-on have served a wad of such defamation summonses. Local environmental activists claim this represents an unprecedented attack on free speech and public participation. Those summonsed include leading South African environmental lawyers, a newspaper editor, a social worker and small-town community activists. The first summons was served on the editor of a rural West Coast newspaper in Vredendal, *Ons Kontrei*. Since then the newspaper has become restrained, to the extent that it refrained from reporting a subsequent raid on the local MRC mine by inspectors of Environmental Affairs.

The second summons arose from an interview on Radio 702 with attorney Cormac Cullinan and activist Mzamo Dlamini shortly after the murder of Xolobeni anti-mining leader Sikhosiphi Rhadebe in March 2016. Rhadebe, who led opposition to MRC's Xolobeni project on the Pondoland Wild Coast, was gunned down by persons in police uniform who remain unidentified.

MRC director Mark Caruso's brother Patrick was quoted in 2007 as saying, "there is always blood where there are these types of projects and in my experience, you cannot have development without blood". Blood there has been – along with profound community rifts, violence and death allegedly connected to the Xolobeni project.

The next SLAPP litigation linked to Xolobeni involves John Clarke, a social worker with years of experience in the area, for material he has published in a book and press articles.

Each of them are being sued for varying amounts exceeding R1 million. The common denominator is alleged defamation for speaking out against MRC, alleging links between MRC, its representatives and these events.

The most recent SLAPP suit involves MRC subsidiary Mineral Sand Resources's (MSR's) Tormin mine (*nose188,201*) near Vredendal. This summons arose from allegations about statements made about Tormin at a UCT Summer School course in January this year, where the environmental and social management of Tormin was interrogated. It appears that, unknown to participants, someone representing the company recorded the session. UCT is investigating.

Those summonsed for alleged defamation by MRC and its subsidiary Blue Bantry are two lawyers from the public interest organisation Centre for Environmental Rights, Tracey Davis and Christine Reddell, and West Coast activist Davine Cloete. Cloete has been sued for R750,000 for allegedly defaming Zamide Qunya, an operator from Xolobeni. Qunya is both a director of MSR subsidiary Blue Bantry, and "community liaison officer" between MRC and the Xolobeni community.

Qunya was one of several individuals against whom an interdict was sought, for his role in a spate of violent incidents in the Xolobeni area in 2015 that preceded Rhadebe's death. His reported involvement included leading in a convoy of cars to survey the proposed mining area without clearance from the community, as well as allegedly brandishing firearms and pistol-whipping a member of the community.

Qunya seeks damages for being accused of having bribed people on behalf of MRC or its subsidiaries. An affidavit exists from the chief of the amaMadiba clan from Xolobeni, Lunga Baleni, dated March 2014, in which

Baleni details how Qunya allegedly informed him that he could benefit from cooperating with MRC and Qunya's associates. Baleni also claimed that Qunya proposed that legal action challenging his chieftainship would be withdrawn were he to promote support from his community for MRC's project. Qunya allegedly further sweetened this offer by saying Baleni could directly benefit from a "Royal Family Trust" that would allegedly receive 4% of the profits of the Xolobeni mine. Baleni has since joined MRC and supports the mine.

While these allegations, if true, may not constitute bribery, they will likely fall under the catch-all of corrupt gratifications or incentives, as defined under The Prevention and Combatting of Corrupt Activities Act of 2004.) These perks can include money, donations, fees, reward, status, property, avoidance of loss and privilege.

The claims made against the Centre for Environmental Rights lawyers appear even more spurious than those against Witbooi. Highlighting environmental damage by Tormin, including the collapse of sea cliffs, can hardly be deemed defamatory, especially in light of extensive photographic evidence of this damage. It seems Tormin will attempt to deny that the collapse and erosion of the cliffs is in any way related to its activity.

By instituting these actions, MRC may inadvertently have exposed itself to serious unintended risks. The legal discovery process reveals previously undisclosed information to legal scrutiny and could prove more damaging to Tormin than anything until now claimed by its critics.

There is limited experience of SLAPP suits in South Africa and the courts have taken a dim view of such bullying tactics. SLAPP litigation is generally considered a direct assault on free speech. In light of what The Centre for Environmental Rights called "legal intimidation", the time appears ripe to press for introduction of specific anti-SLAPP legislation to prevent the abuse of the law against public interest guardians.

South Africa cannot afford to have our already overburdened court system clogged by speculators tilting at windmills. ■

Business as usual in Zumaland

Wheeling and dealing – despite ANC connections – can be a dangerous game. **By Jonathan Erasmus**

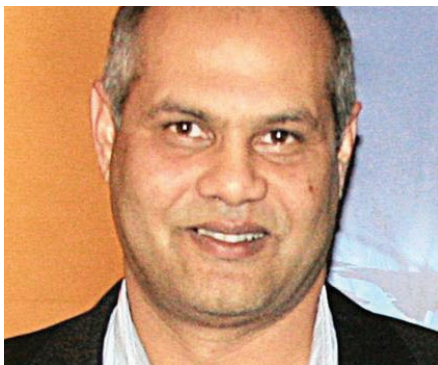
IT SHOULD HAVE BEEN TICKETS for Durban's bureaucrat-turned-hair-product salesman, Bheki Robert Ngubane, who has spent the best part of the past decade lying to both the government and corporate South Africa. But in KwaZulu-Natal, there's no telling.

The shadowy Ngubane's slow decline from grace does, however, tell a great deal about how business was once and possibly still is conducted at Dube TradePort, next to Durban's King Shaka International Airport. As revealed in *nose197*, it is a major source of patronage for the KZN ruling elite as well as greasers and contractors previously linked to the redecoration of Nkandla.

In the greater scheme of things Ngubane is a bottom feeder and opportunist; almost everything he has touched has turned to trash.

He first popped on to the radar screen in mid-2011, as Chief Financial Officer of the rural KwaZulu-Natal Maphumulo Municipality, known for its abundance of illegal marijuana fields along the banks of the Tugela River. That year, the council awarded a R64-million housing tender to Durban businesswoman Thabile Mdletshe. But no sooner had she won the contract, than she started receiving text messages, apparently from Ngubane, attempting to solicit first a R1.5m, then an R800,000 kickback – and threatening to cancel the contract if she didn't pay up.

Thabile Mdletshe ignored the extor-



Clockwise from top left: Thuthuka Mbongwe, Bheki Ngubane and Rohan Persad

tion threat and, three months later, her contract was duly withdrawn – allegedly because of “suspected irregularities”. Mdletshe reported Ngubane to the Public Protector. The investigation apparently got lost in red tape and is only expected to resume this year.

At about the same time an illegal deal was in the formative stages between Trade Port's CEO at the

time, Rohan Persad, and the boss of King Shaka International Airport's freight logistics service provider, Alex McRoberts. McRoberts owned World Freight Services South Africa (WFS SA), the local franchise of WFS Global.

The plan was for him to sell a 40% stake in the franchise to Rohan Persad, a former advisor to Jacob Zuma. There was speculation that Persad was

fronting for “the KZN ruling elite”.

Because of the obvious conflict of interest, negotiations were conducted clandestinely and Persad’s name was not to appear on the agreement due to have been signed on 31 March 2012; Ndumiso Luthuli (who three years later was admitted as a member of the Johannesburg Bar) was to sign as his secret nominee. But shortly before the deal was to be concluded, the relationship between Persad and McRoberts (or between Persad and his secret political sponsors) appears to have soured and instead the latter signed up 27-year-old Thuthuka Mbongwe, both as MD of WFS SA and as “front” shareholder.

That the ANC had a firm grip on the affairs of both TradePort and World Freight Services is evident from an email Mbongwe sent to Persad shortly before he was to have been brought into the deal. Persad had apparently made the mistake of complaining about an ANC delegation visiting the airport without his knowledge or permission.

“I would like to respond in saying that I am a member of the ANC and Alex [McRoberts] is aware of this,” Mbongwe wrote. “The reason for the visit by the political ANC people was to congratulate me on my position as MD of WFS. There are still going to be many more ANC members coming to my office from National, Provincial and Regional, these include ministers, mayors, NEC members, premiers and CEOs of government parastatals. We live in a democratic country and the ANC members are very proud and happy in what Alex McRoberts has done.”

One of the things McRoberts had “done” was allegedly cough up the R100,000 bail money for the then-embattled MEC for Economic Development Mike Mabuyakhulu who in 2011 was facing graft charges that have since been dropped.

Mbongwe then went on to threaten Persad: “I will send this email to the ANC national committee and provincial committee if DTP (Dube TradePort) have an issue with ANC people coming to the terminal.”

At the time, McRoberts was going through a scrappy divorce in the United Kingdom where he was trying to have a £350,000 divorce debt to his

ex-wife written off, claiming poverty. It was in his interest to “sell” a portion of the business in South Africa as quickly and secretly as possible and stash the money.

But Persad was intent on using the power of his office to ruin McRoberts – another incentive for McRoberts to find a new “buyer”. So, in the interest of expediency – Persad having been shafted – McRoberts offered the 40% of WFS SA to Ngubane’s business, Somahhashi Logistics, for R15m, with the deal to be concluded by the end of April 2012. Ngubane was also offered a stake in the WFS Africa entity for R45m – a deal to be concluded by end of May 2012. But the shares in WFS SA, held by a UK-registered company, M2K Limited, were never really going to be sold to Ngubane (at least not in name) but to Thuthuka Mbongwe. The purchase was to be concluded in neither the UK nor South Africa, but in Hong Kong.

But then TradePort (still under Persad’s control) froze all payments to WFS SA and placed the company under audit. On 23 April 2012 Mbongwe emailed McRoberts stating that her phones were being tapped and that they should be able to talk about everything “but not [the] Bheki [Ngubane] story”.

On 26 April 2012 McRoberts emailed Mbongwe an invoice “that Bheki wanted for the R15mill” – the purchase price for the shares. The invoice claimed that Somahhashi was to pay Hong Kong-based “Yinglong Trading Co” R15m for “Project Management/advisory services of

**It was a whopper of
a deal – two million
barrels a month for
12 months with a
commission of \$1
per barrel**



Alex McRoberts

setting up a mainland China-based oil refinery operation”.

The following day Mbongwe further pressurised Ngubane: “I stress to you that Paris head office wants the payment done ASAP. We must move fast as, if we don’t, we will miss this opportunity and Paris will fund this entire operation. It is highly important that we finish this process as there is a lot of money to be made. The operations start on 1 June in Johannesburg, Cape Town and Port Elizabeth.”

He then added, presumably in reference to the political party and the patronage network: “The ANC letter is also very important”. The contents of that letter are unknown.

But the crooked, corrupt deal failed. At the beginning of May 2012, according to *The Mercury* newspaper, Persad cancelled WFS SA’s contract and kicked out Mbongwe over “corrupt acts”, which included theft of equipment and fraudulent invoicing. Mbongwe successfully challenged his lockout but it was for naught. WFS Global withdrew the franchise. Two months later the corrupt relationship between Persad and McRoberts spilled into the local papers, Persad resigned and McRoberts left the country.

This was not the only devious deal involving WFS SA, Dube TradePort and Ngubane. During April 2012 Ngubane’s Somahhashi was expected to buy oil from a Russian provider called OOOil. He asked Mbongwe for “funding” of “R337,500” to plug a shortfall in “legal fees” that he apparently had to pay to Russian authorities to release the jet fuel, known as “Russian JP54 – Aviation Kerosene Colonial Grade 54”.

It was a whopper of a deal – two million barrels a month for 12 months with a commission of \$1 per barrel.



Left to right: Rohan Persad, Mike Mabuayakhulu and friend

Ngubane said he had already paid 70% of the “US\$150,000” and claimed he was buying for a company called “Source Energy Group” based in Johannesburg, through an intermediary called Exodus Oil Corporation based in Uitenhage.

The money was released as a “loan” and Mbongwe informed their lawyer, David Warmback, of Shepstone & Wylie: “...we have transferred the amount so just to have something on record and something legal relating to the loan”.

Except the deal never happened and the cash disappeared. Besides the fact that OOOil was a well-documented Russian oil scam, Exodus owner William Simons said he never saw a cent, and Paul Moses, of the now-defunct Source Energy Company, denied ever cutting the deal. He said the company collapsed without having made a single deal. The R337,500 was never repaid, according to Ngubane. “We told them we would repay when we could but we never could,” Ngubane told *Noseweek*.

After initially denying involvement in the purchase of shares in WFS SA, he later explained that the purchase of the shares was linked to the success of the oil deal. Mbongwe, he said, had never been his nominee.

One failed oil deal was not enough to frighten off a seasoned conman.

Twelve months later, in June 2013, he ordered 38,000l of “Eco Diesel Plus” for R429,508 from Total South Africa. On 27 June his company sent Total a “Standard Bank Internet Banking Once-Off Payment Confirmation”. Total accepted this proof of payment and released the fuel. He paid the same amount for a second time just days later, by cheque.

As would be revealed later in a civil

matter between Total and Somahhashi that was lodged in January 2014 at the High Court, Durban, the internet transfer document was fake and the cheque, stolen. This matter is ongoing.

Ngubane told *Noseweek* he doesn’t owe Total any money and they are “just taking chances”. He said he believed “someone at my office colluded with Total”. He wouldn’t answer whether he had taken delivery of the oil. On 5 December 2014 the KwaZulu-Natal Department of Cooperative Governance and Traditional Affairs (Cogta) said in a statement that they had demanded Ngubane’s resignation “with immediate effect” from Maphumulo Municipality, claiming that his qualifications from the University of Zululand had been “declared fraudulent”.

“He lied and misrepresented himself for this position,” said spokesman Lennox Mabaso.

Mabaso was asked if the state had pursued a criminal case against Ngubane but he failed to respond to emailed questions.

According to Ngubane, he left in 2014 after the accusation and then, in 2017, reached “a settlement agree-

ment” with the municipality. He blamed the “dysfunctional” university for erring in the claim he had fraudulent qualifications.

Between September 2013 and March 2017 no fewer than five default judgments were granted against Ngubane, the most recent being in favour of Standard Bank, for R675,793 – linked to an X6 BMW that he purchased on credit. It was repossessed.

Ngubane’s house in Pinetown was put up for auction by First Rand Bank in June.

He gave *Noseweek* various versions of his woes, firstly claiming no knowledge at all, then remembering details or blaming someone else despite the paper trail leading to him. Ngubane told *Noseweek* he was a politician and an ANC member “in good standing” and a former member of the “ANC Business Forum”.

In a final email he said: “All these allegations are false and twisted. And I regard them defamatory to my business, my family and I. The best place to test them is in court. I reserve the right to sue.”

Records show he is still in the hair business. ■



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Wild Coast warriors stand their ground

AmaMpondo defy mega-bridge row pressure. **By Sue Segar**

THE AMAMPONDO COMMUNITY'S fight against the proposed multi-billion-rand N2 Wild Coast toll road that will cut a brutal swathe across their pristine territory continues.

The world-renowned environmental lawyer representing them, Cormac Cullinan, believes that the latest strategy of Sanral (South African National Road Agency Ltd) to nullify their opposition, is to forge ahead with the construction of two mega bridges at a cost of R3,5 billion [*sure to be an underestimate.* – Ed] so that any court may be obliged to approve the completion of the road rather than leave the vast costly structures as white elephants in the middle of nowhere.

Once the bridges are under construction, the contested road will effectively become a fait accompli before the matter gets to court. Such a strategy would be in line with Sanral's past policy of consistently ignoring the needs, interests and views of the local inhabitants.

But, Sanral is messing with the wrong people, says Cormac Cullinan, director of the firm Cullinan & Associates Inc and CEO of EnAct International, an environmental governance consultancy.

"Sanral has not even shown the communities exactly where the road will go, nor discussed relocation plans with the people. They just came in and secretly put steel pegs on people's land. I have been told of pegs even being put into graves. The communities are furious about it," said Cullinan.

Cullinan & Associates brought a court application in 2012 to have the environmental authorisation for the road reviewed and set aside. "But Sanral has just adopted delaying tactics and it's now clear their strategy is to go ahead and build the two bridges before the court rules on whether or not the environmental authorisation

was granted lawfully."

Cullinan, who has been involved in representing the amaMpondo communities for almost ten years – and who knew assassinated community leader Sikhosiphi "Bazooka" Rhadebe well – said the case is highly significant for a number of reasons: "Critically, it will have an extremely big effect on the way of life of the local people but also the toll road will severely affect the Pondoland Centre of Plant Endemism. This area is part of the Maputaland-Pondoland-Albany global biodiversity hotspot, one of only 36 in the world, which has an estimated 1,900 plant species found nowhere else on earth.

"It is also a case about democracy and the rights of rural people to have a say in the decisions that affect them. Here you have a state-owned enterprise seeking to impose its will on local people without their consent.

"In the beginning, many people in the community were open to considering the road. All they wanted was for Sanral to talk to them at their traditional council meetings so they could ask questions about how it would affect them: exactly where the route would be; who would have to be moved; where they would be moved to; how they would be compensated; and how they would get their cattle from one side of the road to the other. All perfectly legitimate questions.

"From the early stages of the Environmental Impact Assessment (EIA) process we wrote letters on behalf of the community to the environmental consultants asking for proper consultation but were consistently ignored. The first time Sanral actually visited them was in April this year when the new CEO Mr Skhumbuzo Macozoma, attended a meeting at the traditional court.

"The other issue is that the toll road will facilitate the mining of that area.



Environmental lawyer Cormac Cullinan

Mining the titanium along that coast may well not be economically feasible if the Australian mining company MRC (*Mineral [Resources] Commodities Ltd*) has to construct a large road there to get the ore out, but if the toll road is built it solves that problem."

MRC has become known for its threatening and devious dealings and for its destructive mining practices in other areas.

Cullinan, who is also the author of the internationally acclaimed book, *Wild Law – A Manifesto for Earth Justice*, is a pioneer in the area of Earth jurisprudence, a philosophy of law and human governance which advocates recognising that humans are only one part of a wider community and that the welfare of each member of that community is dependent on the welfare of the Earth as a whole.

Since the first edition of *Wild Law* was published in 2012 it has been translated into several languages, rights of nature have been recognised to a greater or lesser degree in many countries, and the United Nations General Assembly convenes annual expert dialogues on the subject.

Cullinan, in his role at EnAct International, has drafted environmental laws, policies and strategies in more than 20 countries.

He and local councillor Mzamo Dlamini are currently being sued for defama-

tion by MRC and its CEO Mark Caruso “because in an interview with talk show host Redi Tlhabi after Bazooka was assassinated, I accused them of using divisive and underhand tactics.

“I am happy to defend this. It’s a SLAPP (Strategic Litigation Against Public Participation) suit. They are just trying to intimidate those who oppose them.”

Cullinan had only warm words for the resilient community taking on the toll road development.

“This community is quite extraordinary. They remind me of an Asterix and Obelix comic where a few villages are holding out against the entire Roman Empire. That is what they are like. They are so tough and resilient.

“When the new Sanral CEO Mr Skhumbuzo Macozoma came to the community about two months ago, they told him in no uncertain terms that it was unacceptable for Sanral to only consult them once the decision had been taken and the route determined and that Sanral should build the toll road somewhere where there are people who want it.

“The community also told Macozoma to tell the Sanral lawyers to stop challenging our firm’s mandate to represent them. They told him that we do have a mandate from them and they don’t interfere with whom Sanral appoints as its lawyers.”

“Interestingly these were the communities who took up arms in the 1960s when the apartheid government tried to relocate them to so-called “betterment villages”. They organised what’s known as the Pondo Revolt. Although they successfully resisted relocation, it came at a high price because the government hanged about 27 men for the revolt. Some of that generation are still alive. That tradition of resistance is very strong. Also, the strike committee at Marikana was comprised of rock drillers... and the rock drillers are amaMpondo

“Govan Mbeki wrote a book called *The Peasants’ Revolt* in which he spoke of this Pondo uprising as being critical to initiating the armed struggle for national liberation. So the ANC is about to become a victim of its own history. They have forgotten this history and forgotten the determination these people have.

“I have learnt a great deal about amaMpondo customary law in the process. Their culture is highly partici-

Thanks, but no thanks

WE DON’T WANT ANY 18-MONTH ‘moratorium’. Make your choice Minister Mr Zwane, and heed our decision to say no thank you to your mining, otherwise see us in court.”

This was the message from over 200 amaPondo residents on 29 June this year at the Great Place in Xolobeni on the Wild Coast, in a response to Mineral Resources Minister Mosebenzi Zwane’s declared “moratorium” of 9 June.

“Either you grant the mining licence, or you reject it. Because we know that these 18 months are not for us. It is for you to strategise. The 18 months also presents a danger of violence to us.

“Please, make sure you don’t send any more so-called ‘specialists’ here. We told your department, the provincial and the national government, your ‘task teams’ and your ‘delega-

tions’ that we don’t want mining here. You have all the information you want.

“You have failed to answer our demand for a declaratory court order that we have the right to say NO to mining. We filed it in September 2016. You failed to answer in November, in January, in March, in May, and now the State Attorney failed again to file DMR’s answer on 26 June. You have failed to meet all deadlines. Are you shying away from meeting the community in court?

“We are going ahead to plan our own agriculture, eco-tourism and energy projects that will provide sustainable development also for our children and their grandchildren in this community and by our neighbours.

“But local roads and other basic infrastructure have been denied us for so long. We also have to address basic services ourselves.” – **Amadiba Crisis Committee.** ■

patory and decision-making in relation to land issues is inclusive and oriented to achieving a consensus that maintains social cohesion, so the way this toll road issue has been dealt with is anathema and offensive to them in every way. They feel deeply disrespected by the unwillingness of Sanral to meet and negotiate with them while making decisions that will deprive them of land and have a profound impact on their communities, way of life and livelihoods.”

He said of the much-loved “Bazooka” Rhadebe, who was chairperson of the Amadiba Crisis Committee at the time of his assassination: “He was a strong guy with a big personality who was willing to stand up for what he thought was right and for the community. He was unafraid.”

According to the Crisis Committee, Rhadebe was killed by hitmen driving a white VW Polo who claimed to be policemen. He was shot with eight bullets to the head.

Cullinan, a former SRC head at the University of Natal in the 1980s, recalled with fondness and sense of solidarity that came from being a member of the United Democratic Front (UDF).

“I have never forgotten how powerful ordinary people can be if they unite around a common objective. That has always informed the work I have done in helping to build a global movement for the rights of nature.

“At university, I’d rather have gone to parties than political meetings, but once I found out about the injustices of apartheid I felt that to do nothing was to be complicit – there was a moral obligation to become an activist.

“Today, as the degradation of the most beautiful planet in the universe gets worse by the day, the moral obligation to act is more urgent... The generations alive today are probably the last that can take action to avert massive destruction that will last millions of years and will probably result in the death of most humans and many other species.

But it’s the “numerous local unsung heroes fighting for what they love” who inspire him the most. “Whether they are protecting micro frogs, trees or baboons – or fighting the toll company... I heard one member of the Wild Coast community saying that, ‘after 1994, we thought we were Mandela’s children and that Pretoria would stop imposing things on

The Great Bread Bin Heist

Foschini Group offers crumbs instead of fair slice in compensation for infringement of design they deny copying. **By Jonathan Erasmus**

A SOUTH AFRICAN RETAILER WHO denied stealing a bread bin design from a Cape Town manufacturer went on to offer them cash “to avoid litigation”. Despite The Foschini Group’s best efforts to convince the design studio from whom they copied the idea, Pedersen+Lennard, that it wasn’t done on purpose, the design house doesn’t believe them.

The Foschini Group (TFG), owner of the chain of @Home stores, has left the Woodstock-based design and manufacturing studio with one conclusion: the corporate stole their idea of a “unique” bread bin and then profited from it to the tune of about R500,000 while offering them just R30,000 as a “token gesture”.

Partners Luke Pedersen and James Lennard created their bread bin in August 2011. The container’s “distinguishing and unique” feature is that the lid opens into a cookbook stand. It is one of the studio’s flagship products, has been exported across the globe and holds the distinction in the world of bread bins of being listed on actress Gwyneth Paltrow’s online shopping site, Goop.

So why did TFG stock a cheap copy of a design they claimed they did not steal, but for which they were prepared to pay hush-money to avoid litigation?

In March 2014, a senior kitchenware buyer for @Home, Imandi Cayanis, contacted Pedersen+Lennard to say she was “particularly interested” in their “recycling bins and bread bins” after seeing their products exhibited in the V&A Waterfront’s Made in SA store and thought they were “stunning”. Cayanis said @Home wanted to test “these items in our Top and Flagship stores” (about 50 country-wide). The studio only needed to accept



A Pedersen+Lennard original (above) and (left) the real thing alongside the @Home knockoff to its right

@Home’s payment terms: 30 days after delivery, with TFG getting a further 5% discount once they had settled the account. “Have you dealt with retailers before?” asked Cayanis.

The negotiations started to falter in May 2014. TFG, despite wanting to order large quantities of the two products, weren’t prepared to pay an upfront deposit. By October, with a stalemate over TFG’s payment terms, the deal had gone cold.

But in February 2015 @Home’s buying manager Jake McAllen made contact. He said the small issue of payment should “not stand in the way of building new relationships” and the group wanted them to work “together in a more meaningful way”. He said they wanted to set up a “comprehen-

sive offering” from Pedersen+Lennard and allow them to tell their “story as a local business and design company”.

McAllen said Pedersen+Lennard would be part of a broader project involving local designers and would only be sold at stores “where we feel the right clientele would shop while staying true to your brand”.

By April, McAllen had committed to “finalising a product selection”. This went no further.

It was in the first week of September 2016 that Pedersen noticed the knock-off bread bin on the @Home website. By @Home’s own account, it had been available since February that year.

Pedersen bought the item to inspect it and found the similarities astounding. The @Home product was an exact replica of Pedersen+Lennard’s version, except that it was made out of inferior materials. Alarmed, they contacted both Cayanis and McAllen to say they were surprised that, “after almost two years of negotiating



Foschini's Chris Swart (above); and (right) Luke Pedersen and James Lennard



the supply of our bread bins to your stores, you copied the design of the bread bin”.

Chris Swart, head of @Home, replied, saying that no copyright rested in the bread bin designs: “The fact that our bread bins look similar to yours is purely coincidental.” The @Home bread bin had been bought at a trade fair in Frankfurt, Germany in February 2015 – “after exiting discussions with you” – and he refused to provide details of their supplier.

This was a lie. They were still in negotiations, as our story shows.

Swart went on to question the small business’s claim of having created the bin, saying “your work(s) may lack originality”. He said there were plenty of versions of the bread bin around the world. “Your bread bin does not appear to be unique or original,” he said.

Even so, Swart offered to settle to avoid litigation.

What Pedersen+Lennard wanted was 100% of what had been sold; details of the supplier of the knock-off version who they could pursue for infringement of their artistic property; and that the product be pulled from sale immediately.

Swart offered: R30,000 cash; to stop selling the product within six months; not to order any new stock; and to

destroy what was left. He said they had ordered 1,000 units. Pedersen believes that more than 500 were sold at R599 each. Swart had said @Home’s offer was “without prejudice” and “in these circumstances, an offer to pay you some compensation is more than reasonable”.

Pedersen+Lennard rejected what they called a “mere R30 for each unit you have ordered”, saying the “lack of transparency is risible” and The Foschini Group’s failure to disclose the source of the supplier was “as suspicious as it is surprising”.

‘One cannot unintentionally copy a design. Copying, by its very nature, is intentional’

“Consider the history of our negotiations, and your particular interest in our bread bin. Without being overly simplistic, these factors lead to one glaringly obvious inference: you stole our design, you subverted our local manufacturing process.”

Finally in February 2017, Swart and @Home’s head of buying, Karen Brumfield, met with Pedersen. The meeting was unsuccessful.

Then TFG legal sent Pedersen+Lennard a letter saying they couldn’t understand why the company wouldn’t trust them. “Not even the personal assurances given by the head of @Home and its head of buying was able to convince you that we did not intentionally set out to copy your bread bin.” It said their settlement terms were “a reasonable attempt to settle this matter”.

Pedersen+Lennard replied: “One cannot ‘unintentionally’ copy a design. Copying, by its very nature, is intentional. Someone sat down with our design and copied it. That is not a mistake.”

While deciding not to pursue the matter, they said they would allow the public to decide: “The pictures of the bread bins... speak for themselves”.

Noseweek readers will come to their own conclusions. ■

Kindred spirits cross a religious divide

A unique friendship is developing between Dr Taj Hargey, founder of Cape Town's Open Mosque in Wynberg, and Rabbi Greg Alexander of the Cape Town Progressive Jewish Congregation. Read on as the two religious leaders swap thoughts about each other. **By Sue Segar**

Rabbi Greg Alexander

I FIRST HEARD ABOUT DR TAJ HARGEY when the Open Mosque controversy exploded in the newspapers in 2014. I realised he was doing what Rabbi David Sherman had had to do in our synagogue 70 years ago. I felt strongly about Dr Hargey's cause. What was wrong with trying to get people to worship together and do beautiful things? The crime, apparently, was that he was not doing it how a "good Muslim" should. He was saying men and women were equal, that women could read prayers and that the Quran backs this up. For this, he was threatened and fire-bombed. I wanted to reach out to him and tell him that what he was doing was great and that we, in our synagogue, had been there before. I wrote to him. Some time later he contacted me and asked to meet. I went over to the mosque and we sat down and told each other about ourselves and what we were doing. We decided to collaborate.

Any religious text is open to interpretation. One person can read a text as telling him to go out and kill non-believers but the same text can tell them to strive to be a better person. So here was an imam who was reading in the text that men and women were equal. That's a core teaching of our

synagogue. As progressive Jews we believe men and women have equal obligations and equal rights to participate in Judaism. Here was somebody in the Muslim world trying to do what we've been doing for decades and getting flak. This struck a chord. I felt he needed our support.

The Cape Town Progressive Jewish congregation, also known as Temple Israel, has three branches – in Wynberg, Green Point and Milnerton – and about 3,000 members. Our vision is to create a caring community based on study, spirituality and good deeds.

Judaism is an ancient wisdom that has relevance for Jews and the world. As a rabbi living in Cape Town I am not just working for the Jewish people but to create the kind of culture that works on moral norms and uplifts all those who live here. It comes from my Jewish teaching. A core text for me is Leviticus, chapter 19, that says 'You shall love your neighbour as yourself'. It stresses neighbourliness and love instead of the differences that separate us. So it's okay for Muslims to be Muslims, Christians to be Christians and Jews to be Jews. But the starting point of our identity is that we all descend from Adam and Eve, we all come from the same roots, and God in his wisdom created all of his peoples differently. That's a beautiful thing.

I was born in Johannesburg in 1971. My mother was a teacher and my father a businessman. Both were involved in charitable committees. I went to King Edward School and then the University of Cape Town where I studied Psychology and English. I did post-graduate studies in Advertising and went into advertising as a copywriter for Hunt Lascaris, among others. After a year, I realised it was cut-throat and competitive. There was no such thing as ethical advertising. I got out and went travelling.

For the next ten years, I visited many countries, did numerous different jobs and had many experiences. I had a TEFL qualification from UCT, which enabled me to teach English as a foreign language. I started in the United Kingdom, working as a waiter, selling eggs and potatoes, before working at the National Gallery as a guide. Next I lived in Thailand, then Israel, Jordan and Turkey. I also lived in Moscow for six months teaching English. And I lived in Hungary for a while.

Throughout my travels I sought out teachers to nurture my spiritual life. In Thailand I did vipassana meditation and studied with the monks and nuns in a Buddhist monastery, Wat Koh Tao. In Russia I studied in a Yeshiva, a traditional Jewish study house. We



Imam Taj Hargey (left) and Rabbi Greg Alexander

met in secret in a Moscow apartment. Those were the Boris Yeltsin years. Russia was still coming out of communism and people didn't openly declare their Jewishness. Inside, we studied the Talmud in Aramaic, Hebrew and Russian.

In Israel I studied in orthodox and reformed yeshivas, which gave different perspectives on Judaism. Somewhere along that journey I decided to be a rabbi. I hadn't found a teacher or community doing what I wanted to do so I decided to create that community myself. I went to rabbinical school between London and Israel for six years. I got married and lived in America for a while. Ten years ago, I came to Cape Town to be a rabbi at Temple Israel. Temple Israel is 72 years old.

I inherited 65 years of history. Sometimes I wish I'd started my own temple. It has been very challenging, but ten years later, we're on a very different path. Before I arrived, the synagogue was like an airport lounge. People would come in and fly out. On Friday nights people would sit at different places in the synagogue without really speaking to each other. The first thing I did was to create

community. It took six years to get agreement, but we turned the chairs to face each other instead of facing the stage. Now people look at each other in the services and there's a greater feeling of community. We have

I see people building high walls, electrifying fences, and creating communities around fear. In South Africa, we need the opposite

created a group to deal with those in crisis, we have an educational fund and a social action group that's active in the broader community. We have a membership demographic that a synagogue 30 years ago would not have dreamed of. Members from Atlantis, Kuils River and Bonteheuwel – many from our Jews by Choice programme – sit in synagogue with Jews from Sea Point and Constantia.

I love what I do. No day is the same. I love the challenge and opportunity of sitting with people at moments of vulnerability and celebration, achievement and crisis. As a rabbi, I'm able to hold that space for them.

What worries me the most about South Africa and the world today is the prevalence of fear. That's not to say there aren't real reasons to be afraid, for instance if you are a woman or vulnerable through poverty or job insecurity. Fear, however, should not be the motivation that drives decisions. I see people building high walls, electrifying fences, and creating communities around fear. In South Africa, we need the opposite approach. We should be asking how to take walls down to create communities where people can meet and see their common humanity. It's the same with religion and politics. When people start with fear, they end up killing each other, or divorcing from each other, so you end up with stagnated separatist communities. What I would love to see is spaces that bring people together. That's what we're trying to do.

My wife Andi and I have three children: two sons aged 14 and 12 and a daughter aged seven. I work hard, but in my spare time, I read widely. I love walking on the mountain and I am a non-practising cyclist. I love to cook.

My rabbi and my teacher is the late Abraham Joshua Heschel, a 20th Century rabbi from Eastern Europe who ended up in America and who was famous for his civil rights activism. I still read and consult him and often ask, 'What would Heschel do?'

He marched with Martin Luther King in Alabama. He famously said that "I felt my feet were praying" as he walked. He was one of the first rabbis to speak against the war in Vietnam. He was a profoundly learned man who lived an orthodox lifestyle but transcended his background to meet the

challenges of the day. He died before I was able to meet him but he speaks to me through his writings.

About a year ago, we invited Dr Taj Hargey's community to our synagogue to build personal bonds between our congregations. We've taken part in an interfaith retreat and plan another this year. In June we hosted the mosque for Ramadan at the Wynberg Synagogue. We called it a Ramadan Iftar. It coincided with our Friday night Shabbat. They came and broke their fast and did their evening prayer and joined us for our evening prayers. Then we ate the meal together. In December, the Open Mosque will host us for Hanukkah, the Jewish Festival of lights. We're expecting a couple of hundred people.

Dr Taj Hargey

MET RABBI GREG ALEXANDER AFTER he contacted me out of the blue the day we opened the doors of the Open Mosque, in September 2014. There were about 300 people outside baying for my blood with knives and sticks. They were led by a crazy Algerian immigrant with a big beard and a turban, presenting himself as a scholar and theologian. I stood outside and told them we have a constitutional right in South Africa to have freedom of religion, and if they don't like this mosque, they can go to their own mosque. I said we were for open-minded, progressive people.

They didn't like that. In the next year-or-so, we had four arson attacks – they tried to burn the mosque down. Once they threw a petrol bomb and

burnt the door down. In December 2014, at three in the morning, people drove a huge four-by-four into the door at high speed, entered the mosque in the vehicle and pulled out guns. They held up the petrified caretaker and demanded to know where I was. I was not there but if I had been, I would not be here today.

There was a stream of negative publicity and it felt as if everyone was cursing and threatening us. In the middle of all this, Rabbi Greg asked to meet me. He was the first person of another faith – even among the Muslims in Cape Town – to say he wanted to support me in opening this mosque. It meant a great deal. Since then, our friendship has developed and we've had regular events with Muslims and Jews. In June we had an Iftar, a breaking of the Muslim fast, in the Jewish synagogue where we prayed Islamic prayers and attended the Jewish service, then ate food together. What a sense of friendship we experienced, with people of two different faiths but related ideologies coming together.

The membership of our mosque is small – between 30 and 40 – at this stage. People are still afraid to be stigmatised or, as they say on the Cape Flats, to be branded as heretic and threatened with not being buried in a Muslim cemetery. We appeal to people who are courageous, free thinkers. Our small membership suits us right now. We operate like any other mosque, with Friday weekly prayers and five daily prayers. We have rotational imams. Anyone capable to lead the prayers or give the sermon is welcome. We want to democratise Islam.

Even though I am South African,

In 2014, at three in the morning, people drove a four-by-four into the door at high speed, entered the mosque in the vehicle and pulled out guns

my home is in Oxford. I live there with my wife, Professor Jacqueline Woodman, a consultant in Obstetrics and Gynaecology. I come here for a few weeks every few months. In my spare time I read, ski, play squash or swim. I take a keen interest in world affairs.

I was born in Wynberg, Cape Town, in 1955 – strangely enough, about 500 metres from this mosque. My father was a supermarket worker. I was the oldest child in a large, poor family. I was rebellious, refused to take the role apartheid assigned me, and wanted to explore the world.

I matriculated at the South



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Peninsula High School in 1972, and because I couldn't go to the University of Cape Town, I went to the University of Durban-Westville in Natal. I got top results and in my second year I was given a fantastic scholarship by Total South Africa. (To this day, I only ever fill up at Total petrol stations). I completed a BA, majoring in history and theology.

An Afrikaans professor helped me to get a passport to leave the country. I was accepted at the American University of Cairo. I borrowed the money for the one-way air ticket from an uncle. I completed my Master's in Middle East Studies, focusing on history, politics and theology. I was shortlisted for a Rhodes Scholarship, but came fifth, so missed out.

It turned out that the head of the SA Rhodes scholarship interviewing committee was also the head of the SA Zionist Federation. He asked me all about Palestine. I said there should be equal rights for both Jews and Arabs in Palestine. He didn't like this. I would have been the first South African of colour to be a Rhodes Scholar. In an unprecedented move, the secretary of the Rhodes Foundation in South Africa arranged for the Oppenheimer Trust to give me a full scholarship.

I had a wonderful time doing my Phd at Oxford and was able to travel. At Oxford, my views on Islam changed. Before arriving in Egypt I was a verkrampte orthodox Muslim. Egypt opened my eyes and Oxford liberated me. I developed strong beliefs in gender equality, non-racism and general egalitarianism.

After graduating, I worked as an academic in London for a couple of years, then lectured at UCT in the 1980s in the Department of Religious Studies. During this time, I was arrested and put in solitary confinement for producing subversive literature. A position came up in the United States and I went to work there as a professor. I left the US in 2000, just before 9/11, as I didn't want to live in an America run by Baby Bush, a crazy neocon.

I returned to teach at Oxford and established a progressive organisation called the Muslim Education Centre of Oxford. There I started to develop my ideas of the three E's of Islam: the home of enlightened, egalitarian and

Rabbi Greg Alexander and Imam Taj Hargey with their congregations at an event at Temple Israel, Cape Town



erudite Islam. That was the dry run for the Open Mosque.

About five years ago, I realised that my pension was coming up, and it was time to come home. We'd had a political revolution and now needed a religious revolution, especially in the Muslim community. This car-repair workshop in Wynberg came up for rent. They gave me a lease and we started this mosque.

Our enemies are totally upset about what we are doing. They hate the fact that we accept only the Quran as our document

Our enemies are totally upset about what we are doing. They hate the fact that we accept only the Quran as our document; that we are the only mosque in South Africa with one entrance (for men and women); and that we are non-sectarian and intercultural. What upsets the clergy the most is that we are independent. As soon as we opened, the witchhunt started.

They spread falsehoods, like we are "a homosexual mosque". While we don't have an issue with people who are gay or homeosexual, none of us are gay. They said we are not true Muslims and accused me of being a British spy.

Many Muslims are avoiding this mosque as there is a religious ruling by the rest of the local Muslim clergy that if they attend this mosque, they won't be buried in a Muslim cemetery.

I think now they've realised these threats of violence are not working, and the best tactic is to ignore this mosque. That's perfect for us, as it gives us a chance to grow.

This mosque is like a young sapling and my role is to provide a stake for it to grow. Since we opened, we've had requests from Singapore, Australia and other countries to start similar inclusive mosques. It's the only mosque in the world that I know of which has the words "All Welcome" outside.



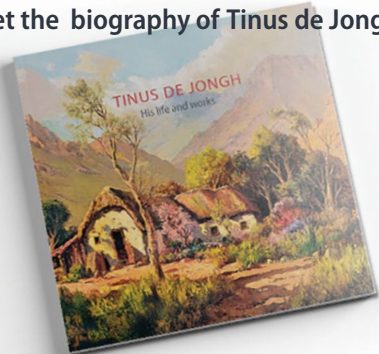
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I believe Rabbi Greg saw a kindred spirit in me – coming from the reformed branch of Judaism – and saw this mosque as part of the vanguard for reform in Islam. He saw that we were an open, inclusive, progressive, pluralistic house of worship. He is a gentle, kind man.

One thing that makes me emotional is that last year in December, the owner of the property we were renting for the mosque suffered a catastrophic illness, and the court appointed a curator to look after his affairs. They gave us a deadline to purchase the property by the end of March. Since the lease was up for renewal in June, we knew a new owner might not renew our lease. I was scraping money together and was short of about R600,000. Rabbi Greg and his congregation came up with half of that in loans. We are repaying it, but now we are the proud owners of this building. Without that contribution we wouldn't have been able to purchase it.

I know the Middle East like the back of my hand and I don't want the problems of that region to be imported to South Africa. We have enough problems here. We have Zuma, Zille, service-delivery problems. And rampant corruption. The last thing we need to add to our in-tray is the importation of Muslim fanaticism, and terrorism; for al-Qaeda, Isis and the Taliban to be operating here, launching despicable acts against innocent civilians.

Already we have the early symbols of extremism in South Africa, with people wearing the hijab, women covering their hair, lots of young girls wearing the burqa and men wearing wild bushy beards. When I was growing up people did not cover their faces – now you see it everywhere. I see this as the first wave of extremism from the Middle East.

What disturbs me the most about South Africa today is the lack of justice in every sphere. The leader of the country is the number-one thief. We have similar corruption in the religious sphere. Take the halaal certification racket where items have to have a halaal stamp. The income from that is estimated at over R500 million a year. Where does that money go? There are no records. That is another reason the Muslim Judicial Council (MJC) are

Rabbi Greg saw a kindred spirit in me – coming from the reformed branch of Judaism – and saw this mosque as part of the vanguard for reform in Islam

so anti my mosque. They know I want accountability for this money.

My view on Israel is that it has a right to exist but not on its own terms. It can only have security when there's true justice. One party can't produce the Bible as a title deed and expect the other party to accept it.

I believe the world is in a mess because Muslims are not following the Quran. In Chapter 2 vs 62, it says "Whosoever believes in God... and does good deeds will have the reward with the Lord. They shall have no fear."

As a theologian, I see that verse as being inclusive. Imagine if this philosophy became the overriding feature of Islam. At the root of all killing is injustice. If there was true justice in the Middle East, do you think people would go around and kill?

Rabbi Greg is a man of integrity, initiative and vision, the kind of person South Africa needs. When I approached him and said, it's time your synagogue came to the mosque, he came up with idea that Hanukkah is a good time.

On 17 December this year, for the first time ever I believe, a Jewish congregation will celebrate Hanukkah in a Muslim mosque. It will be amazing. ■

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Clever Trevor: hated, tarred and facing a feathering

THERE'S LITTLE LOVE LOST FOR the former principal of a top Durban high school, who will stand trial later this month, accused of pilfering millions from its coffers.

Trevor Kershaw, headmaster of Glenwood High School was arrested for fraud in 2016 after allegedly submitting 1,623 false claims for refunds totalling just more than R5.2 million. He was arrested while serving out his resignation notice.

Clever Trevor spent 22 years at the school, of which he was principal for 15 years. He was involved in its transformation from average, to a leading academic and sports institution. So aggressive was the school's campaign to attract the best, specifically in rugby, that in 2014 KwaZulu-Natal Midlands-based Hilton College said it would no longer play rugby against Glenwood as the matches were one-sided.

Among Glenwood's recent Old Boys are pro-surfer Jordy Smith, Springbok Captain Warren Whiteley and Cricket SA Selection Convener Linda Zondi.

But it was at an Old Boys' dinner in May when recently retired teacher Rob Hutchison spoke of Clever Trevor with such venom that it became clear the fallen boss was not welcome back – and loathed by fellow staffers.

Making clear there was bad blood all round, Hutchison read out an *Ode to Trevor*, written by another former staff member who, for reasons that will become obvious, resigned.

Noseweek thinks it deserves a place in history:

Good morning, Ladies and Gentlemen, and welcome here to hell

We call this meeting 'briefing' but we'll go long past the bell.

First I ask you to stand, and bow your heads towards the ground.

Take a moment, say a prayer, Thank

By Jonathan Erasmus

God that I'm around.

I was here all weekend, slick, smiling, chest out-puffed.

Thanks to staff who assisted, the rest of you get stuffed.

I work 90-hour weeks, you know, I think I'm really cool!

What's that? You have a family? George Campbell's a good school.*

I've got no time for shirkers, I've got no time for negs

So let's look at the busy week ahead and see if you've got the legs!

Don't dare miss out on duties and your meetings at every break

And your parents' evenings and Saturday school

Let's see how much more you'll take. If you're not there, I'll do it, I will, I'll take the pain.

I want control around here, I want things nailed down tight.

You have probably picked up by now that I'm not all that bright.

And so I'm never satisfied, things will never be okay.

I even take notes when reading the Gospel, I'm emailing God today.

The second coming's long overdue, it seems it's been delayed

Even the Almighty misses deadlines – I'm really quite dismayed.

I trust your marks are in, I trust your tests are set.

I trust you not at all in fact, I'm sure you'll all forget.

I want teachers who are coaches, I want prefects full of guile

I want idiots and yes-men who can't see the devil in my smile.

I want fools who'll take my crap and still have shining eyes

Who won't see the madness that the glint in mine belies.

So tell me now, what've I missed, what have I left out?



Trevor Kershaw

I don't want to get all jittery, forced to drill and shout.

I have an image to maintain, the veneer that all is good.

Who cares if the engine's broken, you can't see beneath the hood.

Don't get mad – get even, World Class, Stand back for none

It doesn't matter how you play the game

As long as the game is won I've got to be the best, you see

I don't care if I make you cry...

Me, me, me, me, myself, TK, me, me, myself and I.

Clever Trevor is expected to stand trial at the Durban Commercial Crimes Court from August 16 to September 8.

*George Campbell Technical School, North Beach, Durban. ■

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- Frey, Osborne, Oxford 2013

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Fizzling star. Intimations of ANC mortality

THIS JUDICIOUS BIOGRAPHY OUGHT TO BE required reading for the ANC hierarchy. As the party writhes in long overdue introspection, it might profitably pause from breast-beating in order to ponder lessons arising from the extraordinary life of Pixley ka Isaka Seme.

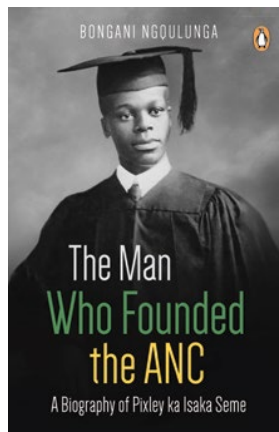
Bongani Ngqulunga has written an exemplary biography, properly researched, warts-and-all honest, and elegantly presented. It is the tale of a remarkable shooting star who, sadly, fizzled after brilliant beginnings. Seme, the clever mission school pupil, gained international attention in the early 19th Century for his advocacy of African regeneration. From a modest and obscure rural background, he managed, with a little help from the American Board of Missions, to study successfully at Columbia University and then Oxford, and qualified as a barrister-at-law.

After completing his BA, Columbia's 1906 yearbook notes of Seme: "His face dark, but his mind brilliant." In a profile published in the *New York Times* he said: "I have tried to learn those things that will benefit my people and enable me to help them as I should." Seme's speech, *The Regeneration of Africa*, was his contribution to an annual public speaking competition run by the university. Two rivals spoke on *The Future of Russia* and *Reform in American Politics*. Seme won the gold medal.

An excerpt from the speech: "The brighter day is rising upon Africa. Already I seem to see her chains dissolved, her desert plains red with harvest, her Abyssinia and her Zululand the seats of science and religion." His triumph was widely reported across the United States. In South Africa, the newspaper *Ilanga lase Natal* headlined "A Famous Zulu", while the English edition simply stated "A Zulu Wins a Prize".

Seme was a student at Oxford from 1907 to 1909. Records suggest that his relationship with the university was "rather distant". Much of the information on his Oxford life was sourced from letters he exchanged with Alain LeRoy Locke, an African-American Harvard graduate who was the first black winner of a Rhodes Scholarship. Seme was

**THE MAN WHO
FOUNDED THE ANC**
By Bongani Ngqulunga
(Penguin Books)



of the view that the future leaders of the African continent were being educated in Britain at that time. He often entertained Locke at his rooms in Oxford.

In 1910, Seme returned to South Africa. The teenager, who went abroad hoping to be trained as a teacher and missionary to the Zulus, had become a Pan-Africanist whose concerns extended beyond his home community of Inanda. *Ilanga lase Natal* proudly noted that Seme was the only black person in the country who not only had a BA degree but was also a barrister.

Soon he became involved in politics. In 1911 he issued a call to black leaders throughout the country and the neighbouring protectorates to unite and form what he dubbed the South African Native Congress, or simply the Native Union. Differences between black people should be forgotten: "Those divisions, those jealousies are the cause of all our woes and of all our backwardness and ignorance today." But he acknowledged the difficulty of establishing a united organisation which drew support from elements representing "different tongues and tribes".

The year 1912 was highly exciting. The dream of black political unity was being realised through the formation of the South African Native National Congress, (renamed African National Congress in 1923). Seme's reputation as a lawyer was spreading, he had founded the *Abantu-Batho* newspaper, and, highly significant, the Native Farmers Association of SA Ltd had been launched. White farmers protested that it was "inimical to the interests of the white population that natives or syndicates should acquire farms".

But personal woes eventually humbled Seme. Ngqulunga notes shifty financial arrangements in legal matters. And the man who had founded the ANC as a 30-year-old, eventually failed as a president of the organisation. "But his missteps... cannot and should not eclipse the fact that Seme was – and indeed remains – a towering intellectual and political figure."

Seme died in 1951. The estate was practically insolvent. ■

Down and Out

ANNE SUSSKIND



Pell melee. Cardinal sins

SCHOOL DETENTION IN MY NECK of the woods is now called “after school reflection”. At break time, it’s “in school reflection”. My son tells me it’s not politically correct to call it detention anymore. I ask him why and his reply: “Those people just sit there coming up with ideas to piss people off.” Quite right too.

There are no such qualms in the May statistics on “Time in Immigration Detention Facilities” from the Department of Immigration and Border Protection. [*Which might just explain Australian touchiness about use of the word.* – Ed.] The numbers show 1,400 immigrants in detention in May (including 343 visa over-stayers), with the average time in detention being 443 days, and 319 people in custody for more than two years. In 2013 when this figure peaked at 13,000, about 2,000 children were in detention “due to an increase in irregular maritime arrivals.

Clearly the federal government’s punitive policies have been effective deterrents. That, coupled with an agreement this month to compensate 1,900 asylum-seekers formerly held at the Manus Island Detention Centre. In terms of the conditional court settlement, the government is to pay the asylum-seekers a settlement of \$70 million plus costs, to be distributed according to their length of detention and severity of their alleged injuries.

For now, the issue appears to have fallen off the public radar. It has more recently been overtaken by the situation vis-à-vis the Catholic church, which grows ever-more scandalous, with the latest furore being the charging of Australia’s most famous Roman Catholic, Cardinal George Pell, not only for covering up others’ abuses, but with his own alleged multiple, historical child sex offences.

The story of Pell, the third-highest ranking official in the Vatican and currently the Vatican treasurer, who



Australia’s most senior Catholic cleric, Cardinal George Pell, denies multiple counts of sexual abuse

until lately has claimed he was too ill to travel to Australia, is the subject of a song that has gone viral on YouTube, *Come Home (Cardinal Pell)*, by satirist musician Tim Minchin. He has since returned – on leave of absence from the Vatican – to face trial on July 26.

Another shocker of a story has been that of the Tax Office’s deputy commissioner Michael Cranston, who leads tax-evasion investigations. He has been charged with accessing information in relation to a AU\$165-million tax-fraud syndicate allegedly masterminded by his 30-year-old son Adam and 24-year-old daughter Lauren. Phone taps recorded a conversation where Cranston warns his son. In part, it goes: “I’ve got no unexplained wealth, mate,” says Adam.

“You’ve got a lot of fucking cars, mate,” replies the father.

See what I mean about the ominous use of the word mate?

Moving right along, in a week in

which Sydney’s temperature plummeted to two degrees, your columnist has headed off to blissful Bali, as is the wont of Australians in search of the sun, cheap and delicious exotic food and accommodation, service with a smile and thumping music from the cafés lining the beachfront. Your grumpy correspondent is at an age where she finds disturbing also the sun-dried botoxed blondes swanning around with their big beer-belly men, the hub town of Kuta like a badly wired theme park (all those exposed wires, eek), the bumper-to-bumper traffic and the marauding shoppers buying buddhas, Ganeshes, and carved wooden penises in every shape and size, from key ring to monumental. Standard tourist fare.

What throws up more complex feelings are the servants in her host’s gorgeous house. Decades in Australia, where the fortnightly cleaner makes a decent hourly rate, have made me uncomfortable around domestic workers, although I know full well they need the jobs. Here they are, early in the morning, whisk, whisk, whisking away the fragrant fallen frangipani blossoms with a small broom, waking me when I want to sleep in.

Supervising the staff seems like a headache for my hostess friend, who walks around this morning with two in train, micro-managing preparations for the Airbnb guests due to arrive soon. Komang, who drives her about sometimes, did not turn up to take us on a promised outing and did not apologise. He won’t, and it’s all about saving face, says my quietly furious host, cast in the role of madam exploiter feeling exploited.

Tourism is the biggest industry, expats everywhere, retirees who want the tropical heat all year round. It’s lush, exotic and lazy. Then, like a body blow, the story of Suna Venter and her Broken Heart Syndrome and her love of justice and her country, broke into my morning – the price, oh the price, the choices made. ■



Ineffable mysteries. Of Trump and hoodies

HELLO NOSEY ONES. OKAY, WHAT IS happening in the world of my Umjindi worth writing about? Well, sad to say, not much at all – though perhaps not sad since most of the time it's absolute rubbish that we must bring to the forefront. Right now I'm more interested in looking at the outrageous presidential powers bestowed on our singing prez as well as the outrageous presidential orders the US President is allowed. The two have quite a lot in common really, and it has become clear to voters, whether across the Atlantic or here in Mzansi, that our constitutions have given these men way too much power.

Naturally *Time* has been covering the Trumpster – the American President, by the way – since his shockingly successful election campaign. The mag has given us an in-depth breakdown of the cabinet. Man! Oh man! The White House has reverted to the whitest cabinet not seen in America's presidency in a long time.

Nosey ones, I could not help conclude that we all misunderstood the Trumpster's election campaign slogan. When the Don said "Make America great again" he must have actually meant "Make America white again". After all, he took over from a black president, so this would make sense. Gone are the days – at least during Trump's tenure – of the Colin Powells or Condoleezza Rices. Now it's blue blood all the way. Man oh man! This cabinet is whiter than a heavy Washington DC snowfall during the heart of winter.

What does the Trumpster have in common with our singing prez? Both of these men have way too much power – the Don with his presidential orders and our bosom-buddy-to-the-Guptas with his power to appoint Ministers.

This is too much power bestowed on these men or the president's office. Now it begs the question: why, aren't our opposition parties and other bodies that would like to see Zuma go

crying out for an amendment to our Constitution in order to diminish the powers of the President – powers that can be easily abused, as we have seen.

You've got to give it to the Americans – at least the individual states can opt not to abide by the Don's presidential orders. And cabinet appointments must go through a rigorous senate approval process. Clearly, we do not have such checks and balances and those few that we do have can be easily overridden by the ANC majority in Parliament.

Opposition parties are certainly missing the boat. They should rather be making noise about amending the Constitution to curtail the powers of the President's office instead of fighting a battle they cannot win – eg these useless votes of no confidence and the over-done marches that many a South African seems bored of.

Here is the reality: Zuma will not, seemingly, be removed by these tactics and only the ANC can recall him. So why continue with a losing battle when another battle plan should be drawn up. Rather lobby to limit or amend the presidential powers.

In fact, we should be thanking Zuma for waking us up to the reality that our President's office has too much power. It's no longer about Zuma anymore but rather the office itself. Who is to say that we will not get, from whatever party, another President who will also abuse the powers bestowed upon him or her? At least the Trumpster is driven by a diehard patriotic approach, which many have described as lunatic, but patriotic nonetheless. While our prez seems driven by personal and family enrichment.

There is so much being blamed on racism today that the whole notion of the racist tag is becoming quite a bore, if I may say so myself.

Back to *Time*. Reading the February/March edition, I came upon a piece about a budding American comedian-turned-horror-movie director named

Jordan Peele. The piece highlights a scene from one of Peele's movies and says, "The film's opening scene recalls a sketch in which white people nervously summon their children inside as Peele, in a hoodie, walks past their homes". Peele is quoted as saying, "The conventional dynamic people understand is white fear of the black neighbourhood..."

Oh spare me the bull please. This hoodie thing is out of control. If it's a fashion statement then that is one statement that clearly says be afraid of me, whether that hoodie is worn by a black or white man. What people like Peele need to be asked is, why are you wearing a hoodie in the first place, regardless of the neighbourhood you are walking through? Of course the piece does not describe whether the movie scene was a winter one because if it was, then the hoodie thing could be understood.

I have noticed over the years the popularity of wearing hoodies among some township youth and two thoughts come to mind: why the heck are you wearing a hoodie in the scorching Lowveld, African sun? And yes, you represent an intimidating figure that implies criminal intent.

I recall taking a nephew under my wing who had the habit of wearing this hoodie thing. My reaction was simple: take that damn thing off your head. We're delivering newspapers not going on a mugging spree. He complied.

When it comes to our youth I ask myself, What happened to home discipline? Why would a mother or grandmother allow their school-going son to leave the house wearing a hoodie? Dumb question on my part. Clearly today's youth don't pay much heed to their mother's disciplinary measures let alone that of their gogos.

So what is the solution here? Only fashion houses and clothing retailers can save us. Stop selling these damn things. Who needs a hoodie in South Africa other than criminals? ■



Dearie. In rude health

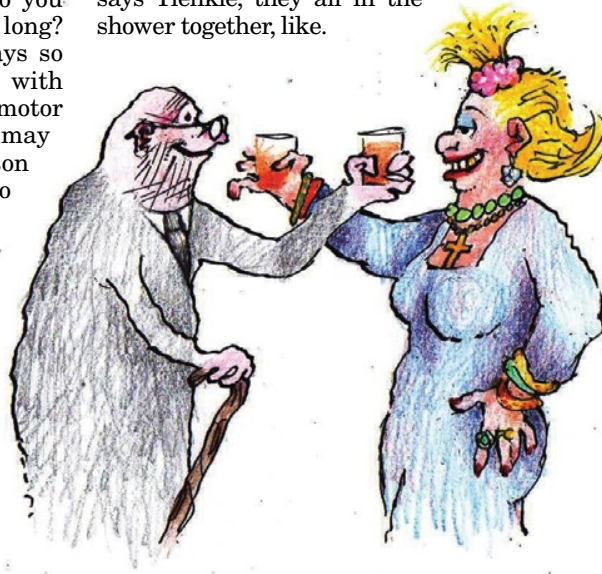
BY THE MERE AGE OF SEVENTY I HAD become Durbs's ace art restorer, you see, in which capacity I had now arrived at Pixley Arts, down the beach end of West Street, and there come upon an old schoolmaster from Maritzburg College days examining certain water-colour paintings of the Drakensberg in the Pixley gallery window.

Ha Strachan! said he. How do you remember my name after so long? said I. Because you were always so impudent, said he, and wrote with your finger in the dust on my motor car Pinch-Arse old Pee. You may remember it, a 1936 Hudson Terraplane, dark bottle green, so the writing showed up clearly. You also used to do sarcastic drawings of the staff which you would then circulate amongst the boys, including one of our Latin Master, in suit and tie and riding a bicycle with a 12-bore shotgun tied to the frame and off to shoot guinea-fowl, as was his habit. In the staff room we conferred on disciplining you, but headmaster Froggy Snow refused to cane your backside lest he appear a bad sport. The staff then felt that fact itself was evidence of your being manipulative, and the prefects hesitated to do the job lest they get mocked too.

Bad old days, said I; would you like to meet the gallery owner? Aah, said he, and shuffled over a bit. He thus shuffled because next to the art gallery was a cathouse name of the Adult Movie and Love Aid Centre and it was their prospectus he had been examining the while and not the watercolour landscapes at all. Would you like to meet my friend Tienkie who runs the Centre? say I. The art shop? says he. No, the sex shop, say I. No, says a new voice, and I realise he has a lady minder in a nurse's sort of outfit, because he's now exceeding old. He doesn't like places like that, says

she. Yes he does, say I, and take his elbow and steer him inside.

Hullo Dearie, says Tienkie, I got a lovely video just come in, dubbed in Afrikaans for the Christmas Gauties, called *Blou Bul Tjierpoppies*, just nice for the mature man, hey? The poppies are all Chinese, but never mind. You should see them in the shower. Which, I ask, the Tjierpoppies or the Blou Bulle? No, man! says Tienkie, they all in the shower together, like.



You know, I have recently turned ninety-five years of age, says Dearie. Is it? says Tienkie, just nice and mature hey? Yes, says he, reflectively... you know, if I'd known I was going to live so long I'd have taken better care of myself. Well you can start now, says she; did you got good DVD goeters? I have an automatic radiogram and a television set, says he. Goeie genade! says she. I think we'll just steer across to the Tudor House Hotel and get a good stiff shot of whisky, say I; want to come too? Ooo yes! she cries, and signals her departure to somebody to run the Centre.

Though I have been as sinful as the next man, says Dearie along the way, I have nonetheless maintained a cred-

itable moral standard, which I should try to maintain even at my present age. Dilly old idiot, think I to myself, you scorn that which would save you from senile dementia. Dearie, says Tienkie, if you didn't worked out for yourself how to grow old disgracefully, one of these days when you decease you will find yourself floating about the sky with a whole lot of fucking

Christians with their toes all dangling down and smiling at each other all the time and no sex, no booze anywhere around and loving their enemies evermore.

So we steer Dearie across the street to the Tudor bar and settle the minder in the reception foyer where a waiter keeps her stupified with Coca Cola, whilst inside there I order triple-scotches though the rules of bar-keeping say doubles are the maximum, and after the first triple he says You know, I feel as if I am only sixty years old. Well maybe after another triple or two, says Tienkie, you will find yourself doing rude things with pimply schoolgirls in the middle of the rugby field at midnight.

Silence ensues. Then after some quiet smiling at these new Verities of Life Dearie rather irrelevantly asks Well was it you who used to write things on my motor car? Who me! I exclaim, why should I do such an anti-social thing? Because I see this is still rather your style, says Dearie. I shake my head.

A cab-type taxi suddenly appears with the minder inside and whisks off the sixty-year-old Dearie. Sweet ole uncle, says Tienkie. What's his name? Nee, God weet, 'ksê. I think it's Hinchcliffe or Braithwaite or something. Innocent, laaik, says she. Ja, say I, it's darem hard to score almost a century without the Great Umpire in Earth Orbit noticing your sins. ■

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