

NEWS YOU'RE NOT SUPPOSED TO KNOW

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noseweek

ISSUE 239 SEPTEMBER 2019

Oh No!
Harold Strachan
has retired
(see pages 27-30)

Christo Wiese
and Steinhoff

How Tshwane
housing budget
got blown on
ANC profiteers

ANC corruption
cover-up in
Newcastle

Big Fish moves
make Mossel
Bay nervous



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- 4 Letters**
- 5 Editorial**
- 25 Books**
- 26 Letter from Umjindi**
- 27 Last Word**
- 31 Smalls**

FEATURES

6 Land budget plundered

Farmland given valuation of developed, serviced land

10 Newcastle ANC's corruption cover-up

Drowning in debt, municipality uses grant funding, intended for low-cost housing, to pay salaries

14 Risen from the dead

Attorney who finds himself in hot water pretends to kick the bucket so his life insurance can fund a future in Mauritius

18 Fears fish factory might stink out Mossel Bay

School feeding scheme loses out as processing plant switches to importing pilchards and sardines for animal feed

21 Dedicated to land reform

President Ramaphosa's land advisor Professor Ruth Hall has plans for a happier land future

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Letters

Letters to the editor should be sent by email to editor@noseweek.co.za

Where's Harold?

WHAT HAS BECOME OF HAROLD'S COLUMN?

John McNocher
Pretoria

You and many others have asked. Now you know! (See page 27) – Ed.

Legal Practice Council's real steal

I HEARTILY AGREE WITH ANONYMOUS WHO, in a letter in *nose238* noted that the Legal Practice Council [LPC, the new amalgamation between the law societies and the erstwhile Bar councils] – with the collaboration of the banks! – thinks it's okay to take 5% of the interest earned on attorneys' clients' deposits for themselves each month.

I was informed by my bank yesterday that all such deposits I made on behalf of clients had to be converted to this system.

It's a real steal: there's absolutely no moral or ethical basis for this. It's just another form of "capture".

Attorneys have run themselves through their provinces and the Attorneys Act quite nicely until fairly recently... but like everything in this god-forsaken country, the rot has set in.

Attorney
Cape Town

Verwoerd was an inconvenience

I FIND IT SOMEWHAT SURPRISING THAT THE children/grandchildren of Oupa Hendrik Verwoerd have taken such a negative view of him.

To the masses he was the devil incarnate and to big business he was the best wet dream. Both groups, for different reasons, had the perfect fall guy.

Hendrik Verwoerd was a highly intelligent man and a cunning politician. He had privately maintained that it was impossible for the minority to rule the majority for any great length of time, but it was his opinion at that time that there was no black South African capable of running the country.

Arrogant maybe, but Africa's track record speaks for itself.

Time magazine had this to say eleven days before he was assassinated: "South Africa is in the midst of a massive boom. Attracted by cheap labour, a gold-backed currency and high profits, investors from all over the world have ploughed money into the country, and the new industries that they have started have sent production, consumption – and the demand for labour – soaring. Such are the proportions of prosperity..."

Hendrik and Slim Jannie unfortunately made the same mistake – they stood on

the bunions of big business.

David Pratt on 9 April 1960 took a couple of pot shots which wounded Verwoerd and in 1966 Dimitri Tsafendas stabbed Verwoerd in Parliament, killing him. Both were found unfit to stand trial and were committed to an asylum. Are you telling me that was just a coincidence? Bullshit!

In 1965 Hendrik Verwoerd commissioned an investigation into the strangle-hold of economic power monopolies in South Africa, a report known as the Hoek Report.

Enough said.

Barry Midgley
Durban

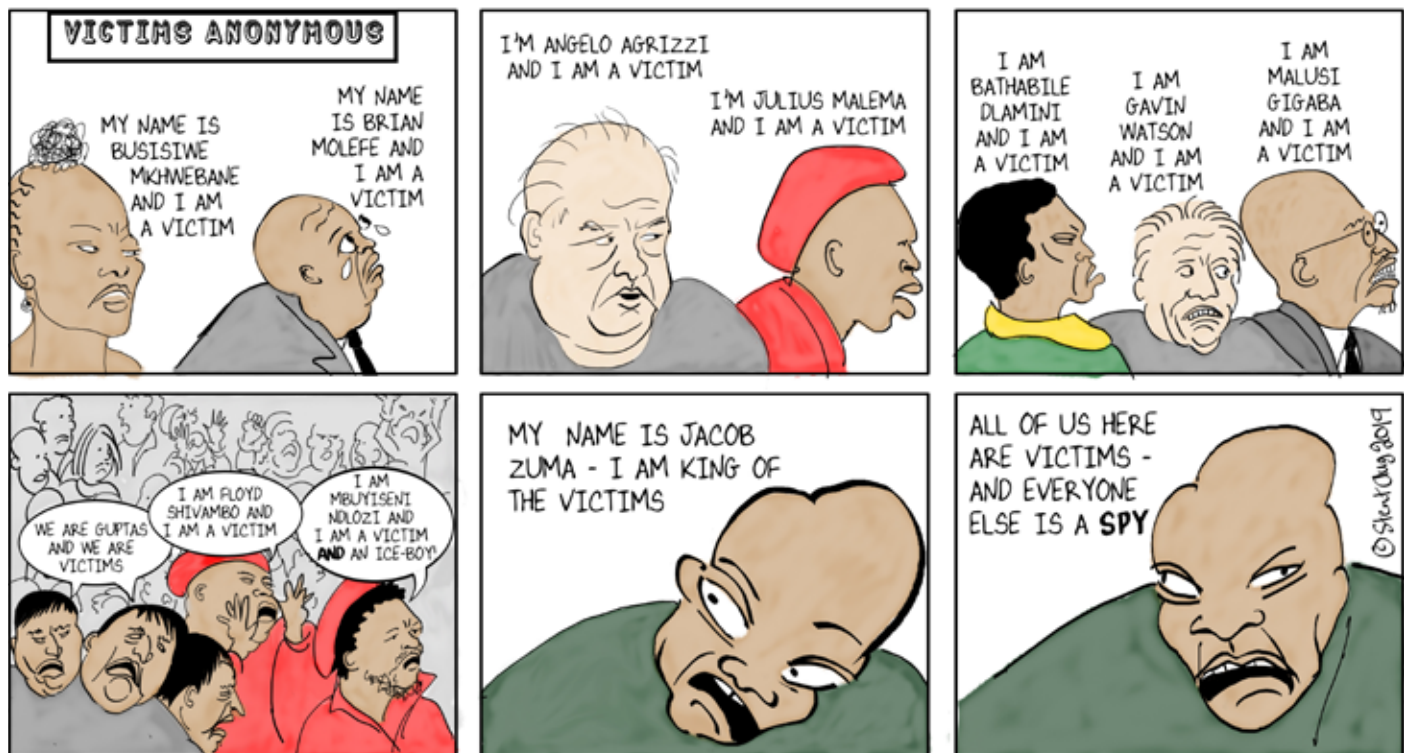
(Letter edited. Find full text online. – Ed.)

Vermaak unbuckled is no joke

ALTHOUGH VIV VERMAAK DOES END HER article with "P.S. Only joking!" it is still necessary to comment on her one claim: "There is no victim involved when I decide not to wear my seat belt."

There is. The victim will be you – and your insurer. The penalty for defying the laws of the municipality is usually a fine. The penalty for defying the laws of physics is usually death.

Keith Gottschalk
Claremont, Cape Town



Stent

Can you believe it?!

In December 2015 the *Sunday Times* reported that South Africa had 52 billionaires, with “retail king” Christo Wiese coming in easily at number one with R104.8 billion. A significant part of that fortune was represented by shares he by then held in Steinhoff International

In December 2009 Craig Butters from Prudential met with Wiese at a Cape Town Waterfront hotel. Steinhoff was obviously already a company of interest to both of them. Butters explained in some detail why he was of the view that there was a great deal of scamming going on at Steinhoff; that it was, in effect, a ponzi scheme inevitably set to crash. Wiese chose to disbelieve him and two years later, in December 2011, swapped 15.5 million PSG shares worth R3.4 billion for 29.7m shares in Steinhoff International Holdings – a deal he concluded orally with just a handshake with Marius Jooste, master of the Steinhoff empire.

In August 2012, *City Press* reported that a SARS audit had discovered that Wiese, over years, channelled his vast wealth into a network of trusts and offshore companies; that the taxman had presented Wiese with a tax assessment of about R1bn; and that he was likely to be assessed for a further billion in the near future.

August 2012 was a signpost month for South Africa. Jacob Zuma was king; the EFF was on the rise; the economy was fast going downhill; the taxman and the labour unions were on the rampage; Marikana made world headlines. In short, the sort of conditions prevailed that guaranteed that everyone with any wealth to speak of was thinking of ways to move at least some of it offshore. Wiese was ahead of the pack: three years earlier, in 2009, he had been exposed at London City Airport carting a suitcase full of cash to Switzerland.

In 2013 he went on to swap his hugely valuable Pepkor shares for another big wad of Steinhoff shares, and was appointed to Steinhoff International’s board of directors. It seems the oppor-

tunity to move a major part of his assets offshore in one fell swoop may have impaired his judgement. He even went on to accept appointment as chairman of its supervisory board in October 2015 when his son, Jacob, also joined the board. Note that Wiese had been on the board for close on five years when in December 2017 the scandal finally broke revealing most of Steinhoff’s assets and profits to have been pure fiction from the start.

Already, six months before the final blow-up, UK company Portsea Asset Management LLP had released a well-researched report exposing Steinhoff as a massive fraud. Wiese chose to ignore it. As owner of Steinhoff shares for which he had traded real assets worth billions, that might be excusable. He has a vested interest in keeping quiet: when you are invested in a ponzi scheme, you dare not rock the boat. But as a director, you have a duty of care to keep shareholders informed about the true state of their company. You are also there to keep management accountable. As a highly intelligent man who has a lifetime’s experience as “Mr Retail” – and who has been forewarned – surely he must have long found the Steinhoff “miracle” suspect? That is, of course, assuming he was keeping track of its business and ongoing dealings. Something one might expect, especially since in 2017, as chairman, he was paid R30m to cover his remuneration and expenses. In that year he attended four board meetings, for each of which he was paid, in effect, R7.5mn. Surely for that fee, shareholders – especially those who had bought in, inspired by the fact that he had lent his name so prominently to the enterprise – were entitled to expect him to study the accounts in some detail and to have critically appraised the deals it was doing? Instead he sat tight to the last, pleading ignorance and innocence. And now he has lodged a claim against Steinhoff for R59 billion, 12 times more than the group is really worth. Many would call that a cheek. – The Editor ■

noseweek

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Land budget plundered

Farmland given valuation of developed, serviced land

THE OWNER OFFERED HIS FARM TO Tshwane for R30 million but the metro was already conniving to rather pay R90m to a politically connected middleman for the same property.

In its August issue *Noseweek* reported that two men had walked away with R126m of taxpayers' money by acting as intermediary owners, selling farmland at highly inflated prices to the Tshwane Metro in 2016. They owned the properties for only a few minutes on paper before selling them on, making profits of R94m and R32m respectively with the back-to-back transactions.

The response received from Stevens Mokgalapa, the Executive Mayor of the DA-run Tshwane Metro was that he had "noted" the contents of the *Noseweek* story. But so far no action has been taken against the middlemen-sellers of the land or the senior employees who initiated, negotiated and signed off on the questionable deals.

One of them was Amolemo Mothoagae, who was the head of Tshwane's Housing and Human Settlement Department at the time of the transactions. She has since

left Tshwane to become the executive director of Johannesburg's Development Planning department. Mothoagae's name came up once again in the past month when *Noseweek* found yet another property transaction where an intermediary had made millions of rands.

I had a bank valuation for R27m and was asking R30m for the farm but the Tshwane officials were not interested

In December 2015 Mothoagae submitted a report to the Tshwane Mayoral Committee, chaired by the ANC's Kgosientso Sputla Ramokgopa, motivating for approval for the acquisition of the remaining extent of the

farm Roodepoort 504. The farm is located on the outskirts of Tshwane Metro near Bronkhorstspuit, some 50km east of Pretoria's CBD.

In the report Mothoagae acknowledged that Roodepoort 504 was internally valued at R5.9m and externally at R116m by a private company. She went on to state that the land "owner" had agreed to sell for R90m instead of R116m and that he even offered to pay the transfer fees. "...the transfer of the land to the City will be done by him at no cost," her report said.

Both valuations were attached to the report. Lourens Aldum, a valuator employed by Tshwane, had reached the figure of R5.9m by comparing three similar property sales in the Bronkhorstspuit area. Aldum sent his valuation to Metse Mabeba, a director at Tshwane's Housing and Human Settlement department.

Less than three months later Calvyn Sihwili of the Housing Development Agency (HDA), an entity of the national Department of Human Settlements, requested another valuation. The HDA supplies grants to municipalities to buy land for human settlement.

Mongodi Pitso, from Dijalo Valuation

Services Management then valued Roodepoort 504 at R116m by identifying land transactions and developed stands in other areas of Tshwane Metro for comparative purposes. Pitso's valuation also recommended that a geotechnical report be obtained to indicate whether soil conditions were indeed suitable for development. His valuation was done on the supposition that the farm had already been developed; it was artificially loaded by including costs like service fees, developer's profits of 30% and agents' commissions – factors that would not be relevant to undeveloped land.

Neither Mothoagae nor the members of the mayoral committee raised concerns about the substantial differences in the valuations or the basis on which they had been calculated.

The valuations were not the only matters in the Mothoagae report that should have put a stop to the acquisition. Both the departments of Electricity and Water and Sanitation stated that there was no capacity, no network and no adequate water infrastructure available for the proposed development 60km from the city. The chief financial officer even acknowledged that the city had not enough grant money to pay for the farm and that the acquisition would have to be financed over two financial years.

But nothing could sidetrack the ANC politicians on the mayoral committee from authorising this acquisition; they approved it that very same day, 2 December 2015.

So who is this very willing and accommodating seller who was even prepared to take R26m less for the property? His name is Paul Mojapelo and at the time he was the regional secretary of the ANC in Tshwane.

In her report Mothoagae falsely implies that Mojapelo's company, Faragamo Trading 204 CC, was the owner of Roodepoort 504, but it was not the owner at all.

Mojapelo most likely had some excellent contacts at the metro who enabled him to swing the transaction in his direction, making R50m for himself – and most probably for his accomplices – without spending a cent of his own.

At the time of the approval of the acquisition, Roodepoort 504 was held in a trust of the engineering firm, Civil Consult. Both the valuations that were attached to Mothoagae's report

declared Civil Consult Incentive Trust to be the owner, which means Mothoagae knew all the time to whom the property really belonged.

Civil Consult's managing director, Leon Wentzel, told *Noseweek* that he had "tried endlessly" since 2015 to sell Roodepoort 504 to Tshwane Metro.

"I had a bank valuation for R27m and was asking R30m for the farm but the Tshwane officials were not interested."

At some point in 2015 Jacob Masango, an ANC-politician and member of the Tshwane Mayoral Committee for Public Works and infrastructure allegedly approached Wentzel with an offer. He wanted to buy the farm and sell it on to Tshwane but the sale failed to materialise.

Wentzel is in possession of various emails from Tshwane, confirming the many meetings he had with senior officials about the land that was available in Bronkhorstspuit. One of them is a request for a meeting on 28 January 2016. Those invited were amongst others, Nava Pillay, Manelisi Gabazana and Siphwe Masango. Gabazana is a lawyer in the metro's Planning and Regional Development Operations Department and Masango, a deputy director at



Nava Pillay



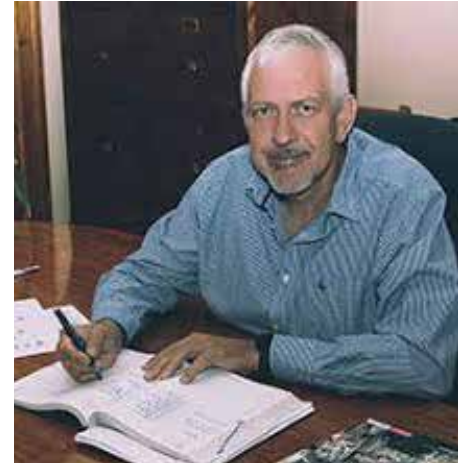
Former Tshwane mayor Sputla Ramokgopa



Amolemo Mothoagae



Metse Mabebe



Leon Wentzel

Land Acquisition. The most senior official was Nava Pillay, at the time, the executive director in the office of the deputy City Manager.

“The top guys told me there was no appetite to develop land in that area,” says Wentzel.

Unbeknown to him, the mayoral committee had already approved the acquisition of his farm on 2 December 2015 – not from Wentzel’s Civil Consult Incentive Trust as the owner and seller. Instead, the plan was to buy the farm from Paul Mojapelo’s company, Faragamo Trading 204 CC. And not for the R30m that Wentzel had agreed upon, but for the R90m that Mojapelo had been so willing to accept.

Shortly after Wentzel’s last meeting with the Tshwane officials, Mojapelo

arrived on the scene and offered Wentzel R40m for the farm, R10m more than he had ever wanted. Wentzel says he realised something underhand was afoot and consulted his lawyer, who told him the R40m he had been offered was not far out of line with the bank valuation he had obtained.

Still uneasy about the offer, Wentzel also contacted the DA, the then official opposition in the Tshwane council, but he says he never heard from the party again.

Significantly, the invoice that Mojapelo’s attorney, Gerhard Botha, submitted to Tshwane’s Amolemo Mothoagae is dated 23 February 2016. That was 12 days after Faragamo bought Roodepoort 504 from Civil Consult but 40 days before Faragamo

sold the property to Tshwane.

Yet, Metse Mabebe, the same official who requested the valuations in 2015, certified the payment of R59m the very next day. It is not clear when the balance of R31m was paid into Botha’s trust account, but the property was transferred and registered twice on the same day; first in Mojapelo’s name and then in that of Tshwane.

Historical information at the Deeds Office shows that Civil Consult Incentive Trust purchased the 142ha farm for R6.5m in 2012 and sold it for R40m on 11 February 2016 to Faragamo Trading 204, Mojapelo’s company.

Faragamo Trading sold it to Tshwane Metro on 6 April 2016 for R90m but both registrations were done on 7 July 2016 at the Pretoria



Deeds Office. The two consecutive title deed numbers T52578/2016 and T52579/2016 are proof that the deals were concluded back-to-back which means Tshwane actually funded both transactions.

The fact that Mojapelo's own attorney, Gerhard Botha, handled the complete back-to-back transfers and registrations seems to be highly irregular, as Botha's law firm was allegedly not registered as a Tshwane vendor and not mentioned in the Mothoagae report.

Botha has since emigrated but his office in Pretoria told *Noseweek* that it was agreed between the three parties involved in the sale that Mojapelo's lawyer would manage the deal.

Noseweek sent six questions to Mojapelo but he referred us to Botha who then phoned us from San Francisco. He said Mojapelo had hired him to deal with *Noseweek's* questions and that he was planning to fly to South Africa to assist his client, if and when necessary.

Botha did not have the file before him and was unable to recall most of the details of the transaction but he explained that the offer to purchase between Faragamo Trading and Civil Consult had been subject to the second part of the sale where the Tshwane Metro bought the farm from Faragamo Trading.

Botha could not tell why his client was able to clinch the deal with Tshwane while Civil Consult offered the farm for R60m less than the sum Tshwane eventually paid Faragamo.

He went on to say that metro officials had kept on nagging him for an invoice, which he thought was not the normal practice in a property transaction. He could not, however, explain or remember why the date of the invoice preceded the date of the purchase, reflected on the title deed.

As with our previous story, Amolemo Mothoagae replied to *Noseweek's* questions by saying that Tshwane had to answer, as she was no longer employed by the city. We forwarded the questions to the three officials that Mothoagae suggested but received no reply.

Metse Mabeba and Nava Pillay also failed to respond to questions *Noseweek* sent them. — **By Susan Puren** ■



Paul Mojapelo

Sweet deal that keeps on giving

IN OCTOBER 2014 *MAIL & GUARDIAN* reported that a company owned by Paul Mojapelo raked in more than R75 million over two years for consultancy work for Tshwane Metro.

Paul & Partners Engineering was among 32 engineering consultants appointed by the City of Tshwane, but sources said the company's political clout had resulted in its being given work "monthly, without fail".

The newspaper cited invoices and payments that showed the lowest amount Paul & Partners claimed was R548,000, in November 2013, while the highest was R10.6m, in October 2016.

Mojapelo disputed the R75.6m figure but could not provide the correct figure to the *Mail & Guardian*. He said his company was appointed as consultants and that the city called on them "as and when" their services were needed.

A senior official in the municipality, claimed Mojapelo's engineering firm received preferential treatment. "This company is getting guaranteed work on a monthly basis. The 'as and when we need you' contract is supposed to be on a rotational basis with other suppliers," he said.

The same senior official said the reason why Paul & Partners enjoy favourable treatment from the city

was because Mojapelo was deploying officials to the municipality. Two sources in the metro told the *M&G* that the decision to allocate work to Paul & Partners was taken outside the ambit of the committees tasked with selecting suppliers. This meant they were denied the opportunity to consider cheaper offers.

"Not at all," Mojapelo said. "I have gone through proper channels. What happens inside I cannot respond to that." He also denied having used his political power in the region to influence those deployed by the ANC in the metro to favour his company.

The *M&G's* source also claimed that Paul & Partners was usually paid swiftly while other suppliers waited months for payment.

When asked about his relationship with former city manager Jason Ngobeni, head of supply chain management Tswelopele Maabane and executive mayor Kgosientso Ramokgopa, Mojapelo would only acknowledge that he serves with Ramokgopa in the ANC's regional leadership. Mojapelo was the regional secretary of the Tshwane branch of the ANC between 2011 and 2018. The regional chairperson was Kgosientso "Sputla" Ramokgopa who was Tshwane's Executive Mayor until 2016. ■

Newcastle ANC's corruption cover-up

Newcastle Municipality is drowning in debt and driven to paying salaries out of ringfenced infrastructure grant funding for a low-cost housing project, because all its cash reserves have been plundered

IN AN EXPLOSIVE EXPOSÉ IN THE *Newcastle Advertiser* in June this year the Caxton local media investigative team revealed examples of the corruption that has set in under ANC rule in that KwaZulu-Natal town – which is undermining governance of the municipality and emptying its treasury.

The paper also described how for the past year the ANC's regional executive had succeeded in hiding two explosive official forensic reports that detail the corrupt activities of senior party cadres.

These reports echo *Noseweek's* earlier reports on the scale of blatant supply-chain corruption that took place in the Tshwane municipality under ANC rule (see *noses* 198;203;205;207;208;210;234;237&238), reinforcing the now widely held view that corruption has become the name of the ANC's game in local government, wherever you look.

Key documents leaked to the *Newcastle*

Advertiser corroborated information gathered from interviews with multiple sources, many of whom have asked to remain anonymous for their safety.

Among the documents is a report on a forensic investigation by the KZN Treasury along with the findings of an inquiry by the Department of Co-operative Governance and Traditional Affairs (Cogta) that was concluded a year ago.

Neither has been tabled before the council, having been deliberately withheld from the public by the local ANC leadership.

For six months the Caxton journalists tried to obtain the reports but ANC members in the know appear determined to keep them secret, aware of the damaging impact

publication must have on the party.

The newspaper established that the forensic report was delivered in July 2018 to then municipal manager Errol Mswane. He informed the town's mayor, advocate Makhosini Nkosi, of its contents, intending that it would be tabled before council so that action could be taken. But before that could happen, Nkosi brought the report to the attention of the chair of the ANC's regional executive committee, Dr Ntuthuko Mahlaba. He allegedly chose to keep it secret because it implicated senior ANC members in fraud and corruption.

Around that time, Mswane was suspended and Nkosi – who is known for his crusade against corrupt practices in the province – resigned. He said there was nothing he could change in Newcastle and it was frustration, not fear, that had driven him to quit. After Nkosi's resignation, the alleged cover-up man, Mahlaba, became Newcastle's mayor.

Mahlaba denied being in possession of the report, saying it was Nkosi who had chosen to keep it hidden "because he is a crook". Nkosi in turn accused Mahlaba of using the report to secretly target specific people.

However, in a dramatic turn of events the Hawks arrested mayor Mahlaba in March this year in connection with the 2016 murder of ANC Youth League leader Wandile Ngobeni. But in August the charges were dropped due to a lack of witnesses willing to testify for the State. The report, which has only recently surfaced, focuses on corrupt deals since 2012.

The town's former mayor Afzul Rehman, features prominently in the *Newcastle Advertiser's* story. It



Dr Ntuthuko Mahlaba

prefaces its revelations of his alleged corrupt dealings with this profile of the man: “The general public was apparently enamoured by his suave, polished appearance. Afzul Rehman charmed the media, easily placated his adversaries, publicly supported local business and charities, and certainly had the gift of the gab. In an East Coast Radio Facebook post, he is likened to Pierce Brosnan in *The Thomas Crown Affair*.”

But then it goes on to reveal that in the leaked forensic reports it is alleged that he abused his position to enrich companies belonging to his family and that he coerced high-ranking municipal officials, politicians and local businesses into doing his bidding at the expense of the town’s ratepayers.

How come then that during his term as the mayor of Newcastle, Rehman won the title of KZN’s “Best Performing Mayor in Local Government” in 2012, 2013 and 2014? And that he was recognised as the province’s “Most Consistent Best Performing Mayor” at the 2016 Municipal Excellence Awards?

By devious means, it now transpires. Sources within the council told the *Newcastle Advertiser* that Rehman ran a vigorous campaign through SMS lines during the KZN Best Performing Mayor competition. Senior municipal officers were confined to the boardroom for hours over a period of a week during which they were “engaged in intense voting”. The award was granted to the mayor who received the highest number of SMS votes.

Behind that sleekly contrived façade Rehman was allegedly emptying municipal coffers into the pockets of his “comrades” and his brother, Riaz, by enticing business people, politicians and municipal officials to be complicit in his schemes.

The forensic investigation by the KZN Treasury and the findings of Cogta concluded that Rehman awarded grossly over-priced contracts to companies that enriched his family, dodging the procurement process by applying Section 36 of the Supply Chain Management (SCM) policy. That allows a municipality to bypass the normal tender process for the acquisition of goods and services when an emergency situation arises.

Cogta’s investigation further exposed how Rehman had abused

his position of authority by funneling municipal money to Phonetastic, a company that belonged to his sister-in-law and was managed by his brother.

AfriForum’s KZN co-ordinator, Eugene van Aswegen, told the *Newcastle Advertiser* that his organisation had looked into allegations of graft and had forwarded the damning evidence that came to light to the Hawks, who conducted further

The general public was apparently enamoured by Afzul’s suave, polished appearance...

investigations. The docket has since been sent to the Director of Public Prosecution (DPP) for a decision as to whether it will proceed with criminal charges.

Phonetastic, the business managed by Riaz Rehman, the brother of Afzul Rehman, features as the beneficiary in three deals found to have been corrupt and in breach of procure-

ment regulations. The leaked forensic report describes how Afzul Rehman bullied staff into concluding cell phone contracts with Phonetastic.

It states that in a presentation to the Newcastle Municipality in 2013, Riaz Rehman introduced himself as a “Mr Mohamed”. Municipal officials interviewed by the forensic investigators suggested that this was Riaz’s feeble attempt to conceal his familial ties to mayor Afzul Rehman.

When investigators interviewed him later about irregularities they had picked up with the mobile contract awarded to him, Riaz Rehman allegedly called himself “Mr Padia” – Padia being his wife’s maiden name.

According to the report the acting municipal manager, Eugene Hauptfleisch and chief financial officer, Musi Mayisela, awarded a mobile contract to Phonetastic – allegedly disregarding the municipal procurement procedure.

R584,886.64 was paid to Phonetastic for a number of mobile contracts but the municipality claims the handsets were never received and nobody appears to know exactly which staff members the cell phones were intended for. Various municipal officials said they had contacted Vodacom months later as they had not received the handsets or sim cards.

The report goes on to state Hauptfleisch could not provide forensic investigators with a reason for the



Then municipal manager Kebone Masange and former mayor Afzul Rehman

urgency of signing the contract with Phonetastic during the one week that he was acting municipal manager while the actual municipal manager, Kebone Masange, was out of town. On his return, Masange expressed unhappiness with the decision to award a contract to a relative of the mayor and instructed Hauptfleisch to cancel it. But after Riaz Rehman threatened legal action, Masange changed his mind.

Hauptfleisch said he had asked Masange to override his initial decision and cancel the contract. He said that, to the best of his knowledge, no products had been purchased from Phonetastic nor were services rendered by them or money paid to them.

The investigators also heard from the acting IT manager that his failure to do business with Phonetastic had resulted in a phone call from “Mr Mohamed”, who said the mayor was furious that he had not changed the contracts from Vodacom to Phonetastic. He had then received a phone call from Afzul Rehman instructing him to move the municipality’s mobile contracts from Vodacom to Phonetastic. The IT manager said he had asked the mayor to formalise his instruction in writing, but this never materialised.

The CFO, Mayisela, told investigators he received an SMS from the mayor asking why he had not signed the letter approving Phonetastic. Thereafter he invited the IT manager to attend a meeting with Hauptfleisch

and “Mr Mohamed” who had presented cheaper cell phone contracts, but said he did not know the man who gave the presentation.

Hauptfleisch advised the IT manager to proceed with the transfer of the contracts despite Mayisela’s warning of the cost implications in terms of penalties for early termination. The minutes were not recorded.

Mayisela subsequently signed another letter requesting the mobile services from Phonetastic and Hauptfleisch, then personally took the signed letter to the business. The letter was dated February 28, 2013 but investigators found that Phonetastic had already ordered the phone lines 10 days earlier. Phonetastic was entered on to the municipality’s supplier database months later, on July 5, 2013 but the municipality was unable to provide investigators with a supplier database registration form for Phonetastic or a formal service level agreement.

Makhosini Nkosi, who was the head of legal services at the time, confirmed in the report that the municipality had never received the handsets from Phonetastic, despite having been billed monthly by Vodacom.

In an interview with the investigators Riaz Rehman (or was it Mr Mahomed or Mr Padia?) claimed that staff had collected their sim cards and handsets from Phonetastic and signed for them. When asked to produce the respective contracts, he said he had burnt all the paperwork when Phonetastic ceased to operate.

A Vodacom representative said he only found out that Phonetastic had closed after attempting to secure documents pertaining to the contracts with Newcastle Municipality.

A manager in the legal services department of the municipality told investigators he felt it would be a “futile effort to invest resources” to find the owners of Phonetastic after they had closed their business. This, despite an executive committee decision to recover the money paid.

The Treasury report recommended that the municipality, “take appropriate action,” against Mayisela, Masange and Riaz Rehman and concluded that Mayor Afzul Rehman, “...used his position and influence in the municipality to unduly benefit his family member for personal gain.”

This was not the first time Phone-

tastic had been awarded a contract without following proper supply chain management procedure. According to an earlier Cogta report, a decision was taken to purchase laptops and iPads from Zennith Vodacom after the council resolved to go paperless to save on the printing costs of agendas. The order with Zennith Vodacom was cancelled three weeks later and a new order was placed with Phonetastic for 30 laptops and 31 iPads at a total cost of R473,760.

Small cheese compared to the R2,411,000 from which brother Riaz Rehman profited during the 2014 electricity blackout that affected 916 homes in Lennoxton, a suburb of Newcastle. An electrical surge at the Lennoxton substation caused significant damage to cables, disrupting the electricity supply for more than 48 hours.

The mayor, Afzul Rehman, and the municipal manager, Kebone Masange, had decided to deviate from the normal tender process and urgently purchased three generators to restore power. In a seemingly prophetic turn of events, a local business, used by Riaz Rehman, “as a vehicle to get paid,” had prepared the invoice for the supply of one of the generators four months before the unexpected electricity crisis.

There was no official order number on the invoice, which led forensic investigators to conclude that payment had been made before the Newcastle Municipality received the invoice. The municipality admitted knowing that the generators were grossly over-priced, but explained that this had been the only company able to supply them immediately. The business was paid R1,256,877 for the first generator and R2,568,000 for two more generators.

Two competing businesses quoted between R610,985 and R836,330 but said delivery could take between two and eight weeks. The report states the preferred business received a whopping R2 million more than the two competing quotations. All three generators supplied were Chinese imports that an independent supplier estimated had cost about R350,000 each.

According to the report, the director of the business that supplied the generators refused to provide a statement to the KZN Treasury investi-



Riaz Rehman

gators, saying he feared for his life should Riaz Rehman find out.

He admitted that his company was never contacted by the municipality for the generators. He said he was approached by Riaz Rehman, who knew the business had already been registered on the council's supplier database. He was upset about having been used by Riaz Rehman just for his bank account, when he was under the impression he would be given a genuine opportunity to do business with the municipality.

Of the R1,256,877 the Newcastle Municipality paid to the business for the first generator, R373,285 was paid to the retail outlet that actually supplied the generator, R50,592 was left in the business bank account – allegedly as payment for Riaz Rehman's use of the company name and bank account – and R833,000 was transferred to Phonetastic, Riaz Rehman's wife's company.

I refused to resign because I thought it wasn't the right thing to do – Mswane

Of the R2,568,000 paid for the second and third generators, R940,000 was paid to the retail outlet for the generators. The business was again paid R50,000 for the use of its bank account and R1,579,000 was transferred to Phonetastic.

Altogether, the R2,411,000 paid to Phonetastic was supposedly meant to cover cost of transporting the generators. In this instance, it had cost more than the generators themselves. The investigators heard that the overpricing meant the generators could not be recorded in the municipality's asset register so that when one of the generators fell off the truck, the repair costs could not be claimed from insurance.

Staff told investigators that the description for the invoice and

payment of the first generator was captured as "Network Refurbishment" while the description of the second invoice and payment was captured as "Siyahlala Upgrade". Only the second payment for two generators was recorded as a deviation from the procurement process in the annual financial statements.

The report recommended that the municipality take disciplinary action against the officials involved and that its legal advisors institute criminal action against Riaz Rehman.

When asked for comment Afzul Rehman told the *Newcastle Advertiser* that the allegations were "nothing more than hearsay, some of which is laughable". He said he had never been approached for a statement.

"I am showing you how reckless and dangerous your article is. It is hearsay at best. It is a he-said-she-said story. I will not be drawn into gutter press. You are being used by people who want to damage my name. It's simple... I never stole one cent from this municipality and God is my witness."

Referring to the Hawks' investigation he replied: "I am sure the DPP will charge me if there is a case."

Riaz Rehman denied having pretended to be Mr Mohamed and said there was indeed someone called Ismail Mohamed who did the presentation at the municipality. He also denied any involvement in, or knowledge of, the business that supplied the generators.

Suspended municipal manager, Errol Mswane, was contacted regarding his failure to act on the forensic report. He declined to comment on the actual content of the report because of its "sensitive nature" and the fact that it hasn't been tabled before the council. But he recalled having been told to resign following a meeting he had with a senior ANC political office bearer, where he discussed his frustration about being stopped from tabling the report in council.

This is also detailed in his Labour Court affidavits where he is applying for an independent arbitrator to chair his disciplinary inquiry.

"In October, I was summoned by the ANC officials in the region, where the then mayor, speaker and the chief whip were also in attendance, and was asked to resign because of the two articles that appeared in the *Newcastle*

Advertiser detailing the financial crisis of the municipality and how I intended to turn the situation around.

"I refused to resign because I thought it wasn't the right thing to do. I knew they were going to drum up charges against me after they warned that things would be found against me if I did not opt for a resignation.

"One of the councillors actually told me before allegations were submitted that he was put under pressure to do so," said Mswane.

Court documents relating to Mswane's disciplinary matter make mention that he has entered the forensic report in terms of the Protected Disclosures Act, which protects employees who expose serious wrongdoing in the workplace. – **By Susan Puren**

[All the information and photos in this report is derived from reports by the Caxton Investigative Team that appeared in the *Newcastle Advertiser*, here summarized and edited for republication in *Noseweek* by Susan Puren.] ■



Errol Mswane

Risen from the dead

Attorney who finds himself in hot water pretends to kick the bucket so his life insurance can fund a future in Mauritius



Jan Adriaan Venter

IT IS THE SORT OF STORY THAT MYTHS and legends are built upon; a bizarre country tale with a serious twist. Residents of the close-knit town of Vryheid in northern KwaZulu-Natal are still seething over their “betrayal” by one of the town’s finest sons – a farmer’s boy who after studying at varsity returned home in 2015 to set up a law practice to serve the community.

Jan Adriaan Venter’s fall from grace has been spectacular.

After faking his own death – apparently to avoid the disgrace of being struck from the roll of attorneys for stealing close-to R9 million from his clients’ trust accounts and the likelihood that he would also face serious criminal charges – he was nabbed by police six months later, having been hiding out in a flat on Durban’s beachfront.

There was an added bonus to the faked death scheme: along with his fiancée, Rozanne Prinsloo, the pair had apparently concocted a scheme to defraud Liberty Life out of R25m by claiming his (recently increased) life insurance and they were on their way to King Shaka International Airport, intent on fleeing the country.

“While he is rarely seen, he is still haunting this town after his resurrection,” one resident told *Noseweek*. Said another: “This is a small town, people talk a lot of kak... but this time they weren’t.”

Venter’s parents had been well-respected in the community; his dad Frik is a farmer, his mom Renata is a teacher. They are churchgoers.

Venter was a star swimmer for the school he attended in Durban.

News of his death was first announced by the local *Vryheid Herald* on July 26, 2017. Under a picture of a burning candle (but presciently placed in the “entertainment” section of the paper), Pierre Rousseau of Property Time Real Estate, a close friend and business associate, confirmed that Venter had passed away but said the “circumstances are being investigated”. He asked that the family be given time and space to grieve.

Venter, Rousseau was quoted saying, was a hard working attorney always prepared to go that extra mile for his clients. The *Herald* expressed its condolences to Venter’s family and loved ones.

But rumours were soon swirling around the town. Some residents

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had heard he had been hijacked in KwaMashu and decapitated. Others were told that he had committed suicide. The *Vryheid Herald* reported that his parents had confirmed that he died from a heart attack and his body had been cremated.

The memorial service was packed. “We all attended the funeral. We all cried. We felt so bad for his mom and dad, they were devastated... heart-broken. His sister even flew out from Australia. But I was puzzled that Rozanne seemed so calm. I assumed she was on some medication,” one attendee told *The Witness*.

We all attended the funeral. We all cried. We felt so bad for his mom and dad, they were devastated...

Others spoke of the memorial service being a “bland affair”, with family members saying nothing about their memories of him and only friends and colleagues getting up to speak.

What few knew at that stage was that the KwaZulu-Natal Law Society had already discovered Venter to be a fraudster – that “he had been robbing Peter to pay Paul since 2016” and that millions of rands were missing from the attorney’s trust account. (So much

for the clients for whom he walked the extra mile.)

A week before Venter “died” the society had secured an interim court order barring him from practising. In their report to the court, Law Society investigators noted how Venter had been “sweating profusely” under interrogation – on an exceptionally cold day.

Vryheid Herald reporter Estella Naicker’s suspicions were aroused when the paper received a call from a police officer informing them that Venter’s anxious family had reported him missing. Before they could publish this, however, they received another call to say the family, in the meantime, had received a call from him reassuring them that he was alive and well.

Next came all the different accounts of how he had died: murdered in a robbery; decapitated, suicide, a heart attack... and a rather hasty (supposed) cremation.

Venter had already got tongues wagging in the town over the fancy house he had just bought.

Naicker reported in the *Herald*: “Established and respected attorneys practising in Vryheid could never understand how Adriaan was doing extravagantly well financially after being in practice for such a short period of time.

“Then it was discovered, just before his death, that millions of rands in trust money had gone missing. A damning report was compiled for the Law Society by Newcastle-based DBM Attorneys. In the report, Venter was described as a flight risk. Based on the findings, he was suspended from practising law and preliminarily debarred.



Rozanne Vosloo

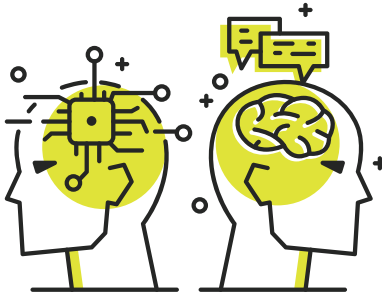
His demise came at a time that seemed too opportune and the details just didn’t add up.

Reporter Naicker phoned various police stations in the KwaMashu area. None had any report in their occurrence books of a white male being found dead in his car in KwaMashu. She phoned all the crematoriums in the region but none had cremated the body of a man called Jan Adriaan Venter.



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The death certificate, issued by the Department of Home Affairs in KwaDukuza (formerly Stanger) became the focus of the investigation. It cited that Venter had died from “natural causes” in KwaMashu.

The *Herald* was on to something. It reported: “We then discovered that Adriaan had been acting suspiciously in the days that led up to his death. He had increased his life insurance premiums with Liberty Life from about R2,000 a month to about R23,000 per month. He had also opened a bank account in Mauritius and sent money to his sister in Australia.

His fiancée, Rozanne Vosloo, had begun making inquiries about leaving the country.

Investigators from the Legal practitioners’ Fidelity Fund revealed that KwaMashu was already red-flagged as “the place to go when people wanted to fake their own deaths”.

Noseweek understands that the tip-off that Venter was still alive came from a Liberty Life investigator after he had confronted fiancée Prinsloo with all the suspicious facts surrounding that life insurance policy. Venter, who was then 34, and Prinsloo were arrested in Durban in December 2017 by officers from Point police station and, after spending a night in the cells, were taken to court, facing charges of fraud.

But they never got as far as having to stand in the dock – the prosecutor who scanned through the docket pronounced that there was not enough evidence against the pair and they were released from custody.

At the prompting of a reporter who was covering the case, the docket was recalled and placed under the supervision of a senior prosecutor, who advised the police on what further steps needed to be taken to place it back on the roll.

In the past 18 months it seems that no progress has been made with the investigation. The explanation now proffered: “You cannot prosecute the dead.” Venter is still officially dead – until Home Affairs withdraws that death certificate and reinstates him as alive.

Venter and Prinsloo returned to Vryheid, disgraced. For some time he hid out on his parents’ farm.

In order to resurrect the striking-off application – abandoned because

of his supposed “death”, the law society sensibly obtained statements from Vryheid residents who had seen him in the flesh, alive.

Belinda Uys, who works for a local law firm, confirmed under oath that she had seen him at a supermarket in December 2017 buying the *Vryheid Herald* which, coincidentally, had a picture of him on the front page relating to an article about his alleged fraud.

Daniel Bredenhann said he had seen Venter twice, once in a vehicle driven by a Liberty Life insurance broker and again in February 2018 when he was driving away from his parents’ house. This was enough to get a final strike-off order. But apparently not enough to get him arrested and prosecuted.

In the meantime, Vosloo, who has since moved away from Vryheid, has attempted to distance herself from the crime. She claims to be a whistleblower and has reportedly offered to turn state witness.

In an interview with *Rapport*, she said that after it was revealed that Venter had stolen money from his trust account, he told her the only way out was suicide or to fake his death.

She said she had visited him in the Durban flat where he was hiding out, taken him food and done his washing. But her conscience was worrying her so she approached an attorney and told him everything.

She claimed Venter’s parents had been aware that he was not dead and believed he was in witness protection because of a “big court case”.

“I want nothing to do with him anymore,” she said.



Story featured in the *Vryheid Herald*

And neither does anyone else.

In an interview with the *Herald*, close friend attorney Gerrie Grove said he was “shocked, furious and betrayed” by what Adriaan has done.

“Adriaan and I were friends. We worked on some cases together and even went hunting together. I cried when I heard that he had died. I travelled to Vryheid for the memorial service and cried again when I saw his father.

“It never even crossed my mind that he could have done something so criminal. A doctor had declared him dead, his fiancée had identified the body. It was enough for me to believe he was gone,” said Grove, adding: “I am glad he was caught.”

Wherever Venter is, he is keeping a low profile. Very occasionally he is spotted in the town.

While the fraud case number registered at Point police station remains current, he has not been re-arrested.

A theft charge lodged in Vryheid by an 85-year-old victim of his looted trust fund has never been followed up.

Reporter Naicker tells *Noseweek* that six weeks ago she called Home Affairs. The senior official she spoke to expressed surprise at her query: they had never been told about the case. He asked to be sent copies of her reports.

He said that the death certificate issued by his department was not necessarily corruptly produced: he claimed it was more likely issued on the basis of a doctor’s certificate certifying Venter’s death from natural causes. So, if there was such a doctor’s certificate, which doctor had issued it? Or was it a forgery? Who identified the body and reported the death to Home Affairs?

The *Herald* reporter lodged an official request for sight of the doctor’s certificate, only to be told it would not have been electronically scanned; the paper document would be in an envelope in storage in Pretoria. Six weeks later it had still not been found.

So it remains to be seen whether justice will ever be served or if, by faking his death, a serious fraudster can indefinitely escape prosecution because the law is an ass, as some in the past have so scandalously claimed. – **By Tania Broughton**

● *Broughton quotes extensively from Estella Naicker’s reports in Vryheid Herald, with their kind permission.* ■

Tributes in the funeral brochure:

Rozanne:

From the first day I met you I knew ‘here comes trouble’. I asked you time and again “what are your flaws?” because I knew no one is perfect. But you were. You were my perfect and I knew that through thick and thin we would stay together...

Pierre and Sharon:

A thousand thanks for all the chats, the visits, the braai or just a quiet drink together. Thank you for all your hard work. You taught me an unbelievable amount and for that I am extremely grateful. You have been taken from us all too soon.

Pierre:

My friend Adriaan, it is difficult to put into words precisely how I feel. I can’t help but share one thought: As I sit here on a rock and think over everything, I see an hourglass whose sand has not yet run through. I feel there is so much we still have to do. But as hard as it is to understand, I know it is God’s will... Until we meet again, my old friend.

Bruce:

We’ve done a lot of things that we’ll never forget or regret, being the good and bad one. Running the dogs, hunting and most of all having good chats over a braai. It’s hard to cheer up because I’ve lost a true

friend. Until we meet again, your friendship and big smile will never be forgotten.

Wouter:

Thank you for your friendship and your visits... and that you taught me what brands like Lacoste and Polo are. I hope that, at the moment, you are sitting on the MSC Melody in heaven wearing your best pointy shoes and Lacoste shirt and that you are planning your next little trip to a “lekker” function. Goodbye my mate, till we see one another again.



Death certificate



‘He likes to live each day as if it were his last.’

Fears fish factory might stink out Mossel Bay

School feeding scheme loses out as processing plant switches to importing pilchards and sardines for animal feed

MOSSEL BAY'S ECONOMY WILL soon receive a major boost if the establishment of a fishmeal and fish oil plant gets the green light. Afro Fishing, a local sardine-canning enterprise, has raised foreign capital of nearly R350 million to expand its operation. It is planning to process thousands of tons of pelagic fish species such as anchovies and red-eye herring at the plant and will provide an additional 200 people with seasonal work.

However, not everyone is excited about the project and about 420 residents have signed an online petition to stop the factory. Hundreds of people also registered as interested parties; they want to know what impact the factory will have on the scenic seaside town on the Garden Route and whether there will be a stench permanently hanging over the town.

Afro Fishing Managing Director Deon van Zyl says the plant is applying for authorisation to build a state-of-the-art plant that will use the best-proven practices and technology available to combat the odour caused

by fishmeal factories.

An air quality impact study conducted last year for the proposed project states that a so-called wet scrubber will prevent unpleasant odours from being released into the atmosphere. Regenerative thermal oxidation (RTO) technology will be used. It is already being applied abroad and the Mossel Bay plant will be the first in South Africa to use it. A team involved in the planned project recently visited a fishmeal factory in Peniche, Portugal where RTO is used to filter volatile organic compounds (VOCs) and is full of praise for the technology.

However, the vast majority of Mossel Bay's residents are still concerned that the town will follow the same path as Hout Bay and Gansbaai. In Hout Bay, there has recently been a flurry of complaints about the rotten smell coming from the local fishmeal factory and research is now even being done on the impact that bad smells can have on human health. In Gansbaai, the smell became so bad that a few years ago the fishmeal

factory suspended operations during holiday periods because the smell was seen to have had a negative impact on tourist numbers.

The Mossel Bay community also fears that the factory is the precursor to the establishment of a fish farm, such as those now envisaged for the West Coast. Aquaculture, which is difficult to sustain, can pose serious environmental risks. The fish are kept in unnatural conditions and fed fishmeal; there are fears that, with a processing factory in the harbour, aquaculture may now be a step closer.

The editor of the online news platform *Mossel Bay on the Line*, Elsa Wessels, says that in South Africa the problems are worse than in other countries because the relevant authorities rarely apply and enforce the regulations and laws on water, air and environmental pollution.

"Will never-ending court cases await Mossel Bay residents, as is now the case in Saldanha Bay? And who's going to see that fish quotas are maintained and the right fish species are caught?" These are some of the ques-



Tons of mackerel

tions that Wessels recently asked her readers.

Afro Fishing was established in 2007 and changed owners last year. Records of the Companies and Intellectual Property Commission (Cipc) show that five of Afro Fishing's directors resigned in 2018.

Shamera Daniels, vice-chairperson of the South African Pelagic Fishing Industry Association (Sapfia) is still on Afro Fishing's board with Johannes Breed, the only new director appointed.

The 37-year-old Breed, a chartered accountant by profession, has served on the boards of eight South African companies in the fishing industry since last year. The online Fish Information Service (FIS) also lists Breed as managing director of the Angolan company African Selection Trust (AST). AST's website says the company's vision is to refurbish or build fish factories to maximise production that will bring employment and food security to Angola.

AST has been spreading its wings in Southern Africa since 2017 and owns a 60% stake in the Namibian company Seaflower Pelagic Processing (Pty) Ltd. Namibian state-owned Fishcor owns the other 40%. The Namibian daily, *The Namibian*, reports that Breed, economist Adriaan Louw and lawyer Maren de Klerk, represent AST on Seaflower Pelagic's board.

In 2017, the amaBhungane Centre for Investigative Journalism reported that the Namibian fishing industry was outraged because an international interest group – referring to AST – had benefited from the allocation of a huge fishing quota to the state-controlled Fishcor. The *Daily Maverick* reported that the quota comprises 50 metric tonnes of mackerel per year for 15 years with an estimated value of R120 million per year.

At the time, it was said that at least five Namibian companies which could qualify as partners for Fishcor, had been overlooked. At least one, Bidvest Namibia, had to stop its operations in the meantime and about 1,200 people lost their jobs.

Seaflower Pelagic has just commissioned a fish factory of nearly R540m in Walvis Bay. The plant can process as many as 600 tonnes of mackerel per day.

If Johannes Breed is involved in AST's operations in both Angola and Namibia, is he also the investor behind the R350m



Afro Fishing seasonal workers

injection in Mossel Bay's Afro Fishing? What is AST's share in the other local fishing companies where Breed also serves on the boards? And what does all this mean for the local fishing industry?

Afro Fishing Managing Director, Deon van Zyl, denies that the company is a subsidiary of AST and was only prepared to say that the money for the Mossel Bay fishmeal factory is a privately acquired investment from abroad.

Noseweek's research shows that Norfund, the Norwegian Investment Fund for Developing Countries, started a private equity fund in Angola in 2010 and that several European banks and development funds have since joined Norfund. Angola Capital Partners (ACP) manages the fund. Its website is referring to six elected Angolan companies, including the African Selection Trust, in which billions have been invested for expansion over the past few years.

In Angola, it has brought progress for communities by creating jobs and empowering the local population. But in Namibia, more than a thousand people have reportedly lost their jobs, newspaper reports said.

The planned fishmeal and oil production is intended exclusively for the export market where it is sold as a component of animal feed. About 4kg of fish are needed to produce one kilogram of fishmeal. This means fish that could feed the local population is being exported to feed animals for meat




Afro Fishing director Shamera Daniels



Afro Fishing new MD Deon van Zyl

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Cape EAPrac PUBLIC PARTICIPATION PROCESS AFRO FISHING, MOSSSEL BAY

Call for Interested & Affected Parties for the proposed fish meal and oil reduction facility at the Afro Fishing Facility in Mossel Bay

Notice is hereby given of a Public Participation Process in terms of the National Environmental Management Act (NEMA, Act No 107 of 1998 as amended) and the National Environmental Management: Air Quality Act (Act 39 of 2004)

An Application for Environmental Authorisation (EA) and an Atmospheric Emissions License (AEL) will be submitted to the provincial Department of Environmental Affairs and Development Planning (DEA&DP) and Garden Route District Municipality respectively as the competent authorities for decision making. The applicant is proposing an expansion to the existing Afro Fishing processing facility to include a fish meal and oil reduction facility on the old I&J premises adjacent to the existing cannery.

DEA&DP Reference Number: TBC
Location: Quay 1, Mossel Bay Harbour
Proponent: Afro Fishing (Pty) Ltd
Environmental Consultant: Cape EAPrac
Exemptions: No Exemptions to the EIA regulations have been applied for.

Documents Available: A Background Information Document (BID) will be available on request, to registered I&APs and on the Cape EAPrac website (www.cape-eaprac.co.za)


The procedures for a **Basic Assessment** process in terms of the NEMA 2014 Regulations for EIA (R327) as amended and NEM:AQA R893 are being followed for this application. The following listed activities are applicable:
NEMA R327: Activity 34
NEM:AQA R893: Category 10

Date of Advertisement: 22 February 2019 (Mossel Bay Advertiser & Die Burger)


In order to be registered as an Interested and Affected Party (I&AP), individuals are requested to respond to this notice by submitting their complete contact details and any comment to Cape EAPrac in writing (to address below) on or before **Monday 25 March 2019**. [Correspondence throughout the remainder of the environmental process will only be distributed to registered I&APs.] The documentation associated with the assessment of the development can be viewed on the Cape EAPrac website at www.cape-eaprac.co.za or on request.

Cape EAPrac (Attention: Melissa Mackay)
 P O Box 2070 George 6530
 Telephone: 044 874 0365 | Facsimile: 044 874 0432
 Email: mel@cape-eaprac.co.za

A 30 DAY COMMENT PERIOD HAS BEEN PROVIDED. ALL COMMENTS MUST BE SUBMITTED BY MONDAY 25 MARCH 2019



MOSSSEL BAY MUNICIPALITY



Afro Fishing Municipal notice

production in wealthier countries. The cannery is currently supplying tinned fish to school feeding programmes in South Africa.

It is ironic how the fishing industry works: Afro Fishing's canning plant has had to import thousands of tonnes of frozen sardines from Morocco since 2016 to meet the local market demand after fishing quotas were cut. This was a direct result of the drastic reduction in the total allowable catch (TAC) for sardines issued by the Fisheries department – from 90,000 tonnes in 2014 to 23,964 tonnes in 2017.

Van Zyl says Afro Fishing does not have fishing quotas itself so it will buy pelagic fish from companies that do have rights.

But what of Mossel Bay residents' fears about fish farms, both in the sea and on land, and the possible accompanying environmental problems?

Experts agree that the chances are slim that Afro Fishing will also start a fish farm, because fishmeal and fish oil are already in high demand worldwide and are commanding top prices.

Yet it is not too far-fetched to believe that aquaculture may well be on its way to Mossel Bay. Johannes Breed's father Jannie was for many years the managing director of Ridge Solutions Aquaculture in Angola, where shrimp stocks were grown widely for the export market.

Mossel Bay is regarded as the most suitable place in South Africa to start a Yellowtail fish farm. And last year the Mossel Bay Municipality hosted a controversial briefing on aquaculture.

The planned developments may create jobs and give the Mossel Bay economy a huge boost, but at what cost? – **By Susan Puren** ■

Norway's support for Sub-Saharan projects

NORFUND IS NORWAY'S DEVELOPMENT Finance Institution that was founded in 1997 by the Norwegian government. Its mandate is to support the building of sustainable businesses in poor countries and contribute to economic and social development. The fund is an active strategic minority investor wholly owned and funded by the Norwegian government.

At the end of 2018 Norfund's committed portfolio was US\$2.6 billion and included more than 900 companies. Its strategy is to invest in sectors and countries where it can have the greatest impact, where the private sector is weak and access to capital scarce. The priority geographical areas are primarily Sub-Saharan Africa.

Norfund invests in three sectors,

namely, clean energy; financial institutions; and food and agribusiness.

In South Africa it has invested in the Bronkhorstspuit Biogas Plant where electricity is produced from manure. Bio2Watt is the first commercially viable biogas organic waste project in South Africa and is located on the premises of one of the largest cattle feedlots and an agricultural stronghold in Gauteng. ■

Dedicated to land reform

President Ramaphosa's land advisor Professor Ruth Hall has plans for a happier land future – By Sue Segar

SHE GREW UP IN THE EASTERN CAPE, “frontier country”, a descendant of 1820 settlers. “It took me many years to work out that I was living in a colonial enclave and my ancestors were allocated land that had been stolen. Violent conflict and theft of cattle made way for my ancestors, so I’ve always been aware of land as a question of rights and justice”.

Professor Ruth Hall, who holds a senior position at the University of the Western Cape (UWC) and who is a member of President Cyril Ramaphosa’s top-level advisory panel on land reform, was explaining why she is so passionate about land reform that she has dedicated the better part of her life to researching the issue.

Interviewed in the offices of UWC’s Institute for Poverty, Land and Agrarian Studies (Plaas), which she joined in 2002 as a researcher, Hall continued: “I also grew up in a politically engaged family during the 1980s, which was a volatile time, particularly

in that part of the world. As a child, I spent time tagging along with my mother to meetings in so-called black-spot communities, which were under threat of forced removal in the process of the creation of the Ciskei. I saw the removal of black people from what was called the white corridor, between the Transkei and the Ciskei.

“I was aware of political trials, police torture and detentions – and in all of the ferment of the 1980s this was not just about struggles for people to get the vote. It was also about history, land and justice. I have a strong sense of place, of where I come from... and a sense that having history with land and territory is part of what defines all of us.”

Hall, with 23 years of land research under her belt, has in recent years become a familiar voice of reason in South Africa’s fractious land debate. During the interview she spoke about her childhood in Grahamstown as the daughter of an academic father and an activist mother who was detained

several times and about a feeling of “not really belonging”, as a young white child of the left during apartheid. She also spoke about her love for Plaas, “my intellectual home”. “I came on a one-year contract in 2002 and never left.”

When we met, Hall had just been nominated by her close colleague, Professor Ben Cousins, the highly respected founder of Plaas, to be his successor in the South African Research Chairs Initiative (SARChI) chair that he holds in the department of Science and Technology’s National Research Foundation.

“If I get it, this could mean five years of substantial funding to enable me to get Master’s, PhD and post-doctoral students into a programme and take them through a developmental process. I am busy writing the proposal of what the next five years would be like.”

Our interview took place shortly before the much-anticipated expert panel’s report was released. The ten-member panel, tasked with advising the inter-ministerial committee on the full range of policy matters linked to land reform, was chaired by National Planning Commission member, Dr Vuyokazi Felicity Mahlali.

Besides Prof Hall, the panel includes, among others, the author of the highly regarded book *The Land is Ours*, advocate Tembeka Ngcukaitobi; emerging award-winning farmer Thato Moagi; land expert, CEO and founder of the Dr J L Dube Institute of the University of KwaZulu-Natal, Thandi Ngcobo; AgriSA president Daniel Kriek; and Sernick Group chairman Nick Serfontein.

Since September last year Prof Hall and her fellow panel members have sat regularly “in the same room at the Union Buildings” thrashing out their recommendations on a wide range of land-reform issues.

“Working on land reform has been both fascinating and frustrating...



Professor Ruth Hall

it has sometimes felt like hitting my head against a brick wall. My appointment to the panel felt as if, suddenly, a door had opened in the brick wall. I loved being part of the panel, but it was hard. We engaged robustly, but there were sticking points. I didn't get everything I wanted into that report."

(AgriSA's Kriek and Sernick's Serfontein released an alternative report laying out a view based on "proven agricultural practice".)

Hall, who has an MPhil in Development Studies as well as a DPhil in Politics from the University of Oxford, believes the issue of land reform under the ANC has dwindled considerably and that people have been criminalised "just because they are struggling for land".

"On top of that, many of the struggles for land are in the cities. Land reform should not just be a rural priority, but an urban one too."

"One of the biggest misrepresentations in the land debate," she said, "is that land which is transferred from white commercial farmers to black farmers will inevitably cause a loss to productivity, food security and to the economy in general. While there have been many examples of failed farm transfers, where people didn't get farming support, this is a failure of planning and implementation. There are successes too, and 56% of beneficiaries have improved their livelihoods as a result of land reform."

"A brand new vision and strategy is needed for land which should not only be focused on commercial farming areas, but also on communal areas – where some 22 million people are land insecure. Here, there's a desperate need for people to have clear rights, but also for the revival of roads, irrigation and other infrastructure, extension services, access to inputs and output markets."

Hall said she believes 2018 will go down as the year of the revival of the land issue, thanks, in no small part, to Julius Malema's EFF.

"Although I don't agree with much of what they stand for, the emergence of the EFF, their coming to Parliament in 2014, their pushing of the issue of expropriation without compensation into Parliament in 2018, posed for the first time a significant political threat to the ANC from the left."

"I think the ANC, itself a broad church, found that within its own

ranks this call resonated very strongly. The ANC, not only to regain ground from the EFF but also to consolidate its own base, needed to come up with a response – and effectively we are still to hear what that response is.

"There have been various processes: there was an ANC land summit last year; there was discussion about what goes into their election manifesto – but it wasn't very precise; there was the parliamentary constitutional review process which led to a very odd report from Parliament, released in November, which effectively said that, to expropriate without compensation does not require a constitutional amendment as long as it is just and equitable. But there is such public demand for constitutional amendment that we must change the Constitution to make explicit what is already implicit in the property clause."

It's about several things – who owns South Africa, who has a roof over their head...

"But we still don't really have an answer from the ANC as to what they will do."

Hall says she has "felt like a stuck record" over the course of the year, "saying, again and again that the Constitution is not what has held us back".

"It's not necessary to change the Constitution. It has not impeded land reform. What has held us back is the lack of political direction, leadership and allocation of funding for land reform, coupled with huge mismanagement, poor institutional capacity and much corruption." [See page 10 for the latest shocking example of corruption, revealed by Susan Puren in the second instalment of her series on the last days of ANC rule in Tshwane. – Ed.]

Most clauses of Section 25 of the Constitution – the property clause – make provision for transformation

and redistribution and restitution. The provisions have not been used adequately. "By itself, changing the Constitution doesn't resolve these problems."

Hall has consistently argued that there is not just one land question in South Africa, but several. "Seven, to be precise." These questions include: Land reform for whom? Land for what? Where? How are decisions to be made? How to get the land? Whether or not to compensate? And what tenure system to hold the land?

"In the early 1990s, the focus of the government's Reconstruction and Development Programme was mainly on the poor. This shifted towards a more elite idea around a commercial farming class. What we have seen in the past ten years is massive elite capture and corruption in the process with the budgets that are available being channeled to fewer and fewer people and a lot of this is not well documented or understood."

"If this was happening in the housing system there'd be uproar...The land issue in South Africa is like a lightning rod. It's about several things: it's about who owns South Africa; who has a roof over their head; or who is kicked on to the street with their possessions and their kids. It's also about memory, it's about the 1913 Land Act and about colonialism."

"Land is also bound up with questions about why it is that we are a food secure country that produces a surplus of food and yet more than half of South Africans go hungry."

"Often the argument against doing anything too radical about land is so as not to disrupt food security – but we need to question why people are food insecure already, and how land reform can be part of the solution."

"The narratives of how we understand ourselves and engage with others are very much bound up with land. It's the material and symbolic combined."

Hall agrees strongly with growing calls for an entirely new land policy and White Paper. South Africans have, for too long, been "talking past one another on the issue of land in a climate of anger and fear". However, she believes that there is hope of "something different" to come.

"In my view, another countryside is possible. Another land dispensation is possible where the vast majority of

people have an entitlement to something, have a foot in the door, have some land, have secure housing, have an opportunity to live closer to the city centre or to have a smallholding. Redistribution is essential in a country with massive structural unemployment such as ours.

“Land reform has become distorted with the idea that people have to prove they can be a commercial farmer. We have created unfair, unrealistic and inequitable targets that exclude the majority. In my view, the alternative is to have a much more varied land dispensation; not just big farms. To have small, medium, big farms, to chop up farms, to make available smallholdings, to share infrastructure. To have small farmers close to small towns feeding the small towns.

“I think it’s a travesty that most poor people who rely on social grants use their grant money to buy food from big supermarkets; that food has been manufactured by big factories far away and grown by big industrial farms far away. Why are we not growing local economies to feed local people? Our social grants actually

serve as a subsidy to big business. It’s routed via poor people but it all gets repatriated into big corporates in Johannesburg.

“We should be building more locally embedded economies, providing people with secure rights. For me, land reform is not just about undoing the injustices of the past. It is about that, but it’s also about creating a more just future and that’s not just about race, but also class, gender, and it’s about giving everybody a foot in the door.”

During the interview, Hall described some of her experiences while doing fieldwork among landless people. She also spoke about the voices the country should be listening to in the land debate.

“I’ve been so deeply touched and aghast at situations where the forces impinging on people are so overwhelming. There’s a young man who lives outside Grahamstown. His family were farm workers who were buried on the farm, generation after generation. They were evicted and left with nowhere to go. The government gave them these “emergency housing”, corrugated-iron shacks to live in and

that was registered as a land reform project. They were living in this appalling situation with no means of surviving other than social grants or hitching to town to try and get casual jobs. These shacks were registered on a government Excel spreadsheet in a database... as ‘development’ because money was spent by the government. It’s barely human what people are going through.

“There’s no monitoring of land reform, no indicators as to what constitutes success or that informs us how many people have security, improved incomes or access to food.

“The voices we need to listen to more on the land issue are those of the people directly affected, like the people of Xolobeni in the Eastern Cape who have been very articulate about how they want to manage their land and not to lose it to a mining company. [See our reporting on Xolobeni over the past decade in noses94,116,188,199,201,205,214,229, 231&237. – Ed.]

“I listen to people like advocate Tembeka Ngcukaitobi, who has an historically grounded appreciation of the land issue. I listen to Constance Mogale, coordinator of the Alliance for Rural Democracy, a national network of people living in communal areas who are fighting the Traditional and Khoi San Leadership Bill.

Hall believes that President Cyril Ramaphosa has decided that dealing with the land issue is a priority. He has publicly committed to engaging with farmworkers’ rights and he’s clear on clamping down on corruption in the land reform process. Yet the ANC is torn over the issue of chiefs and communal areas, while the judiciary argues the rights to land in communal areas vest with the people, not the chiefs.

“I feel we have this duality, with Parliament continually proposing legislation that’s at odds with constitutional principles and the judiciary keeps slapping it down. I hope we’re moving into a new era on that issue.”

Hall hopes that, after 2018 where the land issue and expropriation without compensation became so central, the issues don’t dwindle and get fragmented.

“A priority now is that the president, and new minister Thoko Didiza, who has a mandate not only for land reform but for agriculture and rural



Fieldwork on a land reform project with farm worker women in the Eastern Cape

development, both provide big vision and big leadership and say we are going to address all these issues in one place and develop a new White Paper on land reform.

“That White Paper should transcend the urban and the rural. It should address redistribution; land claims and restitution; farmworkers; chiefs; urban housing; and urban agriculture. It should be about undoing spatial apartheid, and for me that is what land reform is... whether it's in the countryside, undoing the stark divides between big commercial farms and communal areas or in the cities, undoing the divides between CBDs, suburbs, townships and informal settlements. Land reform is about reimagining our space and redistributing access to space... and then shoring up rights that have been ignored or undermined in the past.

“If I were to predict what happens to land reform in 2019, I'd say Parliament will push through the Expropriation bill, and that the Ad Hoc Committee on Section 25, tasked with amending the property clause, will be a big site of struggle, where the divisions between the ANC and the EFF – which were papered over in 2018 – will be exposed. It's quite possible that while the two parties voted together last year to instigate this process of constitutional amendment, they may not agree on the wording of such an amendment and we might end up in a stalemate.

“What I very much hope is that work starts on a new overarching policy and White Paper; that we move on creating a framework for urban land reform; that government's moves on communal land are put on ice and are rethought in the light of widespread opposition to what are considered to be the ‘Bantustan Bills’; and that there is a renewed engagement between government and farmworkers around what they want from land reform.”

I Not long after our interview, this reporter bumped into Prof Ruth Hall at the press briefing where the panel's report was released. Within minutes of the release, both “Black Twitter” and “White Twitter” had gone berserk. On one side were those in a panic about infringements of property rights, on the other, those who feel that not enough concessions have been made. South Africans, it seemed, were as polarised as ever on the land issue. ■

Professor Ruth Hall

RUTH HALL WAS BORN IN 1973 AND grew up in Grahamstown, now Makhanda, where she went to both government and private schools.

Her father, Dr Ron Hall who, aged 80, still lives in the family home in Grahamstown, taught English literature at Rhodes University. Her mother, Priscilla, who as an activist was arrested on many occasions and detained under the state of emergency in 1985, died two years ago.

Throughout Ruth's childhood, her mother worked, among others with the South African Council of Churches and the International Defence and Aid Fund created by Canon John Collins during the Treason Trial to pay the legal expenses and look after the families of people on trial for protesting against apartheid, as well as the Black Sash and the Surplus People Project, set up in the 1980s to support communities resisting or affected by forced removals.

When she died, tributes poured in. Grahamstown lawyer Ntsiki Sandi, who co-founded the Grahamstown Civics Association in the 1980s and has known the Hall family since he was a boy, described Hall's parents as “two people who honestly practised non-racialism as a way of life”.

“They taught their children that they were Africans, not Europeans wandering on the continent of Africa. As black youth from the townships, we were in and out of their home and the Hall's children literally grew up before our eyes.”

Recalling her childhood, Ruth said: “I never found a place of belonging at schools. Growing up in Grahamstown meant trying to reconcile the world that little white children were meant to inhabit and the world my family pushed me to see.”

She remembers that friends were banned from visiting her home “because we were considered to be communists”.

In 1986, her mother was detained and kept in solitary confinement for about three months. Ruth's father was on sabbatical in the UK at the time so she and her sister were looked after by friends of the family.

At the age of 16, Ruth “got the hell

out of Grahamstown” when she was awarded a scholarship to a United World College, a group of alternative international schools promoting “international understanding”.

“I had wanted to go to Waterford Kamhlaba in Swaziland but missed the timing. I realised it was part of a global network of schools, so I applied for a scholarship to attend one of the others – and got it. I left South Africa in standard nine and spent the final two years of my schooling in Italy at the United World College of the Adriatic on the border of Yugoslavia.

“It was great. I did philosophy instead of home economics. It was an incredible privilege to attend an international school of 200 kids from over 80 countries. I was there during the dying days of the Cold War and at the start of political transition in South Africa. In my first year, the Berlin Wall fell, the ANC was unbanned, Mandela was released and the whole of Yugoslavia broke apart – we were living just 3km from the border. All the kids from the USSR were sending food parcels back home and suddenly Eastern Europe opened up and we were a microcosm of the world changing.”

She got an international baccalaureate from the school and returned to UCT where she attained a BSocSc degree in Political Studies, followed by Honours in Political Studies.

From there, Hall obtained an MPhil in Development Studies (1998) and DPhil in Politics (2011) both from the University of Oxford. She focused in her doctoral work on the “interests, actors and discourses that influenced the development of South Africa's land reform policy.”

She joined Plaas at the University of the Western Cape, dubbed by former rector Prof Jakes Gerwel as “the intellectual home of the left” in 2002, specialising her research in the politics and the political economy of agrarian reform, land redistribution, and poverty.

Hall has co-edited ten books on land in South Africa and Africa.

A mother of two young daughters, she loves having family time and travelling. ■



Ian McEwan: Machines Like Me

FROM BEING THE *ENFANT TERRIBLE* of British writing, producing such shockers as *The Comfort of Strangers* and *Black Dogs*, earning him the soubriquet Ian Macabre, McEwan has become something like the grand old man of British letters, producing 17 books, winning multiple awards, including the Booker (for *Amsterdam*, one of his least convincing novels), with at least five, by my count, of his novels being adapted for the screen.

In this, his latest, McEwan again tackles what one might call an existential question, perhaps the existential question: what is it to be human? And by extension, what is it to be a machine programmed to resemble, in all observable respects, a human, that is, a plausible android? What is a self, and can a machine have one?

Well, here's the android, called, of course, Adam, "the first truly viable manufactured human with plausible intelligence and looks, believable motion and shifts of expression" just before having life streamed into him through a 13-amp socket: "He was compactly built, square-shouldered, dark-skinned, with thick black hair swept back; narrow in the face, with a hint of a hooked nose suggestive of fierce intelligence, pensively hooded eyes, tight lips..." He is also "uncircumcised, fairly well endowed, with copious dark pubic hair", but "not a sex toy", though "capable of sex".

Adam's owner, master, "user" (a term he rejects) is Charlie Friend, a somewhat feckless 32-year-old day trader, who has bought Adam with the proceeds of the family home he inherited. He is not quite sure what he wants Adam for (the Eves were all sold out), but he studied anthropology at university and has a layman's interest in the intersection between technology and humanity.

The novel is set in an alternative 1980s London: Margaret Thatcher is in charge, but having lost the Falklands War, is about to be ousted by Tony Benn, the left-wing Labour politician. Another important counterfactual detail is that Alan Turing, the code-breaker of Bletchley Park, in real life publicly disgraced and hounded to his death, in 1954, for "indecency" (homosexuality), is, in 1980s London, a national hero and expert on Artificial Intelligence. (In the real world, Turing has just been honoured by having his face adorn the British £50 note.)

Charlie's fascination with his new "ultimate plaything" is shared with and by his upstairs neighbour, Miranda, a 22-year-old graduate student, beautiful, easy-going, sexually available, but disconcertingly disengaged, "with something alluringly secretive or restrained about her."



So in tandem with wondering what makes Adam tick, Charlie is faced with the age-old question of "What do women want?" And is it just chance that Charlie's discovery that he is in love with Miranda coincides with Adam's arrival and awakening? The two strands of his interest, not to say obsession, become inextricably intertwined when Adam makes love to Miranda, apparently at her behest. As Charlie describes it, with admirable detachment, "my situation had a thrilling aspect, not only of subterfuge and discovery, but of originality, of modern precedence, of being the first to be cuckolded by an artefact."

Adam, though, is genuinely repentant and declares to Charlie, that, though he pledges never to do so again, he is in love with Miranda.

Summarised like this, the novel may sound like a kinky sex comedy, and it certainly has some comic aspects. But,

if anything, it is over-weighted with philosophical introspection and scientific detail (McEwan seems to have made a thorough study of the questions and conundrums surrounding Artificial Intelligence), and it takes a while for the plot to get going. Miranda, it turns out, is haunted by a traumatic experience in her youth, and fears that her secret is about to catch up with her in the person of a man she was instrumental in sending to prison as an act of revenge. Adding to the human interest the novel may have lacked up to this point, is four-year-old Mark, whose shiftless mother dumps him on Charlie's doorstep.

Now, with Adam as faithful and somewhat loquacious bodyguard, the unconventional little household sets out to deal with the messy human past, comfortably funded by Adam's expert playing of the stock market. But news starts trickling back to Adam that his "siblings" (of which there were 24) are one by one starting to malfunction, even committing suicide. He himself, though, feels "hopeful" – perhaps that in his family situation he has found a reason to survive in a world of imperfect humans. And he "solves" Miranda's situation with impeccable but relentless logic: he has not been programmed to make exceptions for morally ambiguous situations. As Turing explains to a bereft Charlie: "We don't yet know how to teach machines to lie. And what about revenge? Permissible sometimes, according to you, if you love the person who's exacting it. Never, according to your Adam."

It is perhaps not original in this kind of fiction (think *Frankenstein*), but affecting nevertheless, that the "person" we feel most sorry for in the end is Adam. As Turing says, "He was sentient. He had a self." It is part of McEwan's achievement to make this a plausible claim. And to give it shape in his impeccably crafted, inventively analytical prose. It seems unlikely that a robot is going to write anything to rival or equal it any time soon. But then... ■



A flawed court process that puts victims at risk

NOSEY ONES, I MUST SINCERELY apologise to you all. No, I did not say something stupid on social media and no, I did not get caught doing something like driving drunk so that I'm compelled to make some sort of bull-dudu apology as seems to have become the norm. I am apologising for failing to deliver on my promise that I would begin giving you excerpts from my (forthcoming) book, but it is with good reason: at short notice, I find myself having to wear my "looking out for the people" reporter's cap again. Once you are in the game you just can't get out.

Who is making me do this? Our trusted, un-captured DoJ, or the Department of Justice, for those of you who are acronym challenged.

And what is wrong with the DoJ? Well this institution of ours that is the legal guardian of society needs to take a hard look and amend the way it goes about dealing with protection orders. There is quite a serious weakness I have observed in the carrying out of protection orders.

Not too long ago I was engaged in a dispute with two former employees. They decided they would have the last word and went about sabotaging property on my farm, slashed tyres, broke my windscreen etc. You get the picture. Naturally I went and opened a case of malicious damage to property and backed that up with a protection order to ban them from any further trespassing on the farm and from causing any more damage.

All went smoothly. The Barberton police were fantastic and made it clear in the strongest terms to the defendants that they would be arrested immediately should they in any way defy this interim court order.

But here is where the problem lies, where this well-intentioned instrument of our legal system becomes ineffective: You see, an interim order is a temporary order, meaning that the defendant is given the opportunity to respond to it at a given court date. Naturally that means they will come

face-to-face with the complainant. What is worse, is that the complainant will have to face the defendant in court on this date – something most would not relish – just as no abused woman wants to be in the same room as the idiot who has been using her as a punch bag.

Even so, being in the same room should be the least of a complainant's worries. On that "return" court date a hearing is held in order to determine whether or not the interim order should be made permanent. But here is the problem: if for whatever reason the complainant does not make it to the hearing, the order is cancelled, struck off the roll, quashed, set aside.

Surely our learned men and women at the helm of these houses of justice – courts of course – which are designed to maintain a civil society – should clearly see there is something terribly wrong with this procedure that allows cancellation of the matter.

Forget about this scribe, who did not make it to the hearing because of medical reasons – my hip injury just would not cooperate on the day – but what if it had been an abused woman threatened by the defendant after receiving the interim order?

After all, these orders are delivered to the defendant by the police, so why can't the courts request the police to follow up and inquire as to why the complainant did not show up to the hearing, just as a warrant would be served on a suspect?

Simply put, the cancellation of protective order actions due to the complainant's failure to appear is an injustice to some of our most vulnerable members of society, mainly women.

And if the DoJ were to make any improvement in the provision of justice to our society it should

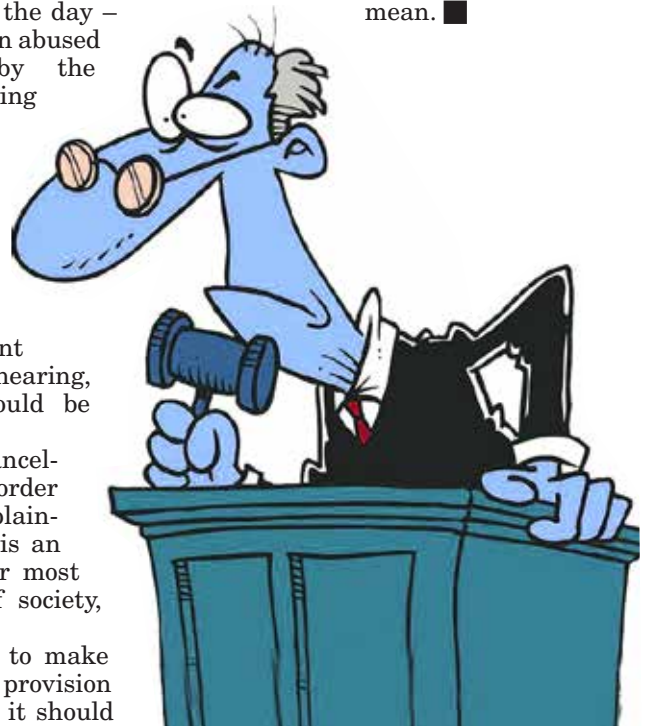
be to look at this matter seriously and do away with the automatic cancellation/striking-off the court roll without police follow-up in the event of the complainant's non-appearance.

I was lucky because I had also opened a criminal case, which meant that when the police delivered the summons to the accused to appear in court, it repeated the prohibitions contained in the interim order. Fortunately they heeded the police's warning.

Protective orders work, so stop the practice of automatically striking them out should the complainant not appear in court on the return date. The police should rather be ordered to find out why the complainant did not appear.

Protection orders are there to deal with a serious, often life-threatening issue. They should not then be treated lightly if the complainant fails to appear; a little probing could just save a woman's life – or maybe reveal that she's mysteriously disappeared. We

all know what that could mean. ■



Last Word – Harold Strachan

EVERYONE IS ASKING: WHAT HAS happened to Harold? After June (*nose236*) nothing. Harold Strachan's Last Word has been the favourite read for thousands of our regulars ever since *nose26* back in 1999. The lamentable news is that at the age of 93 he has finally opted for retirement, departed his modest flat in Durban's Berea and taken up residence in a care home. From which a message via matron emerges: "The only thing I am good at right now is lying down".

However, the matchless scribe promises to "write the occasional piece when I feel up to it".

The moment brings to mind an excerpt from his column in February 2018 (*nose220*), recounting his first solo flight in a Tiger Moth at 18, fresh out of Maritzburg College and in pilot training at SAAF No 8 Air School in World War II.

"YOU DRIVE THIS AEROPLANE LIKE A shitcart," says Bertie. "I'm getting out. Taxi back to the fence here."

At the fence I stop and he dumps his parachute pack on the grass, plants his fat bum upon it and lights a fag. I sit there in the Tiger and look at him. He waves me away soundlessly, telling me to voetsak. Which I do.

It seems this Tiger hates waddling around on the ground, but we're soon at the downwind end of the field. I turn her into the wind and open the throttle wide. In a few seconds her tail is up and she's nipping tiptoe over the tufts of grass and my ears are filled with the loud hollow drumming of it, she's resonant as a guitar with her wood-and-fabric construction. Then abruptly the drumming stops and it's really happening: I'm flying solo! I nudge the stick back at forty-five knots and without Bertie's freight of flesh aboard she springs so wildly into the air that I have to push her down again and hold her just off the grass, then pull back slowly, and elegantly she sails up

to a thousand feet as if she has just risen from the hand of Noah.

Harold went on to fly bombers, which as far as Govan Mbeki was concerned qualified him to become Umkhonto we Sizwe's first bomb-maker. As an anti-apartheid activist living in Port Elizabeth under the name of Jock Lundie with his first wife Maggie von Lier, Harold was called upon to demonstrate his bomb-making abilities to MK commanders by blowing up a beach toilet. This drew the comment from one senior cadre: "Comrade, if we're going to conquer all South Africa one shithouse at a time we'll all be in the grave before liberation."

His home-made bombs were planted at electrical substations and railway lines, but "Jock" was finally caught when one of his trainees was tortured into giving up his address. Harold was found guilty of sabotage on 8 May 1962 and sentenced to six years imprisonment, with three years suspended. He served 13 months of his sentence in solitary confinement at Pretoria Central (favourite prison reading: Laurence Sterne's *Tristram Shandy*), and had all his teeth removed.

On his release he gave a frank account of prison life to the *Rand Daily Mail's* Benjamin Pogrund, which on publication earned Harold a further two-and-a-half years in the slammer under the Prison Act – reduced to one year via an amnesty.

Before all that, Harold ran his first Comrades Marathon in 1949 and the following year won a scholarship to the Camberwell School of Arts and Crafts in London, followed by a course in painting restoration at the State Academy of Fine Arts in Stuttgart.

He was delivered to *Noseweek* by Oxford Journalism Fellow William Saunderson-Meyer (collector of used wine bottle corks, occasional book reviewer for *Noseweek* at the time and, since then, author of the iconic Jaundiced Eye column). Harold's first column was headlined "Opening Salvoes" and began: "I'm so bloody

old now I can remember Shirley Temple and Joe Louis, and Neville Chamberlain declaring war on Adolf Hitler ...

Yes, Harold was writing that in May 1999, 20 years ago! The column went on: "Hell, I can remember ducktails, man! ...But the only rich ducktails were in Hollywood. Ronald Kasrils was a boy-next-door type ducktail."

What followed was an eye-opening portrait of Kasrils as Harold had known him in youth, contrasted with his (by then) image as a worthy senior politician.

The *astrant* (Afrikaans: cheeky/im-pudent) Harold – so-called by the cops who arrested him way back when – was a hit with the vast majority of *Noseweek* readers from the start. "One thing I haven't got is reverence or piety," he told one interviewer. *Noseweek* was a perfect fit.

Astrant for sure. But never cruel with it. His columns have provided a gentle, humane, often nostalgic end to a *Noseweek* read after the shock-horror of the main body's scandals and revelations.

We thank you, Harold, and wish you well. When you are strong enough and feel so inclined, please do write us another column!

Meanwhile, to celebrate his contribution, we take you down memory lane with three pages of vintage Strachan:

ISUDDENLY GET THIS SURPRISE PHONE call, tinkle tinkle, and a voice of pure honey with an Indian flavour says the owner of it is Vasantha and she is from the Durban University of Technology and she wants to know if I would mind if this university were to confer a doctorate on me. Hell no, say I with my Jaap accent, I have been called many things in this life: Oplaser, Traitor and Madman, plus a few I wouldn't want to put to paper even in *Noseweek*, so being called Doctor would be a nice change, thanks. What for? I ask. I don't know, says Vasantha, I just work here.

So I hang up and set to wondering what technological thing I have done to deserve such honour, and the only one I can remember happened half a century ago, in Port Elizabeth. I was in PE because in Durbs there was a warrant for my arrest, see, a sort of fatwa, and here I was trying to earn an honest crust somehow, with small success, when Govan Mbeki surprisingly phoned and summoned me to his wee office on the main drag: he had work for me. Callooh callay! Luck at last!

Well now, says Oom Gov, we have checked up on you in Durban and they say you're okay so now I want you to join the Communist Party and help with the armed struggle which is about to start, called *Umkhonto we Sizwe*, Spear of the Nation. Okay, say I, why not? I've been kicked out of my job for my politics and I'm sore pissed off with the regime. Yes, says he, Durban tells me that you were a bomber pilot in the war so now I want you to form a technical committee and invent explosives and design bombs.

Hell, Gov! I exclaim, we didn't make our own bombs in the Air Force, man, we bought them from a bomb factory.

But you know what bombs look like and I hear you have matric chemistry, says he. A journey of a thousand miles starts with a single step. He turns to a Xhosa bloke with an English name, Joseph Jack, and says to him, Jack, you are a photographer so you know all about chemicals and I want you to be the other comrade on this committee.

Hell, Gov! says Jack, I know enough about chemistry to put sodium chloride on a fried egg. Good start, says Gov, have faith. Gov, say I, how many months which is to say years do we have for this job? Six weeks, says he. Six weeks! Jack and I cry in unison. Have faith, says Gov. So we go off and drink a certain amount of booze and have faith like anything and set-to with the chemicals. Down the coast from PE, where there's a heavy infestation of Port Jackson Willows and no people, we demolish great swathes of this beach flora with our testing. Damn nigh demolish ourselves too, and pretty soon we report back. There y'are, Gov, we say, five weeks and six days.

Mazel tov, comrades! says Gov, I'm proud of you, and it isn't until after years and years that I stumble out of prison and realise this fiendish explosive Jack and I had invented was in fact ordinary old farm fertiliser which we could have bought for R10 a bag from any old backveld supply store. Ammonium nitrate. I mean it's only last week that I'm standing in the special check-out queue for old toppies at the Musgrave PnP and there, next to me, is a little display for enthusiastic city gardeners, you know: roses, pretty cacti etc, and on the floor I espy a pile of plastic bags full of lawn fertiliser... horror... you guessed it... NH₄NO₃, and if there were a careless welder around who accidentally brought a spark of 2,000°C to this lot all of PnP would instantly disappear – indeed the entire Musgrave Centre implode. I clutch at the counter and the nice checkout girl asks me if I want one of the Disprins she specially keeps for wobbly old toppies.

Now here I sit with my son Joe, and he says to me: So it wasn't for that piece of technology that you're getting the Hon Doc. Indeed indeed, say I, but I can't think of anything else I did.

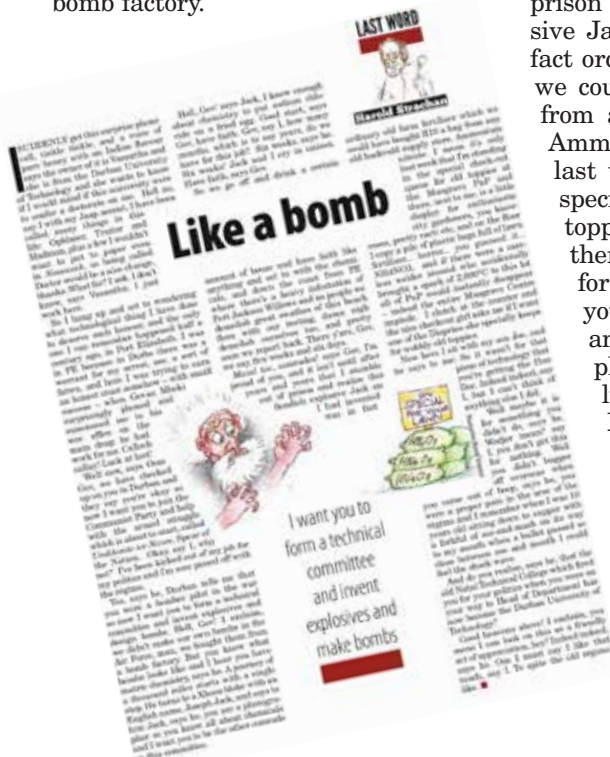
Well maybe it is for something you didn't do, says he. Wodjer mean? say I, you don't get this for nothing. Well you didn't bugger off overseas when you came out of boep, says he, you were a proper pain in the arse of the regime and I remember when I was 10 years old sitting down to supper with a forkful of sos-and-mash on its way to my mouth when a bullet passed so close between sos and mouth I could feel the shock wave.

And do you realise, says he, that the old Natal Technical College which fired you for your politics when you were on your way to Head of Department has now become the Durban University of Technology?

Good heavens above! I exclaim, you mean I can look on this as a friendly act of appreciation, hey? Indeed indeed, says he. Ooo I must say I like that touch, say I. To spite the old regime, like.

WHEN I WAS A KID I CAME ONE NIGHT upon a reedback in his nest, co-sily sleeping, I suppose, until my crafty footfall alarmed him and he leapt off in utter panic, crashing half awake through the long grass with furious thumping and falling about, and that shrill whistle that reedback give. I went to where he'd been lying and for the first time knew the smell of a wild animal. I felt like a lion. I moved in and sniffed at the flattened grass and lay down on it myself for a bit, it was still warm against the chill winter air. I lay on my back and looked straight along eighty thousand light years of the Milky Way, all two hundred billion stars of it. This was old, old Africa and I was Homo erectus, newly intelligent, newly rational, wondering why in the name of Whomever I was stuck on the outside of this ball of rock and grass in the great grim menace of the cosmos.

And next day the event left my mind entirely; life was so full of the amazing experience of youth I just didn't have



time for such small, delicate memories. But last week I did remember it, and vividly, when I came upon another reedbuck nest.

A few years ago, you see, the Durban City Council decided on an uncommonly imaginative thing, and eco-friendly: to establish along the Berea a sort of migration trail for small beasts and birds, from the Umgeni river north to the Umbilo south, starting obviously in Manning Road which is wide and double-laned with a good wide green corridor down the middle. Only indigenous coastal flora would be planted here, though a couple of flowering Brazilians were allowed to stay because they fitted in rather well, and the posh citizens of Manning Road would bemoan their removal for sure.

HORROR! Never mind the Brazilians, homeless people would move into this jungle strip, said the posh citizens, and sleep there and crap all about and litter the place with unburied stolen toilet paper and steal from their motor cars and washlines and rape folks and they didn't look nice anyway, they never took a bath.

And what about the mambas, hey? So, the jungle strip got no longer than a couple of hundred metres, and lucky to keep that, there was such a bloody fuss. The undergrowth grew thick, thick and impenetrable, but the municipal mower-man cut a neat winding footpath through it all so folks could take dogs for healthy walks and placate their owners' ire, though we only once saw an old woman take her Rottie there, for a crap, but she didn't leave unburied toilet paper all about so I suppose it was okay.

After a while we also saw an extended family of mongooses, about a dozen, and sundry vervets, and a red-lipped herald snake. And birds, as they used to say, for Africa. But my lad Joe and I seem to be the only human beings who ever really use it; it is the safari middle bit of our daily hike. We've found loerie feathers, and stuck them in our caps, a panache. There was a dense growth of isikhotha at one spot, rank dry grass almost shoulder-high, and it was there we saw the reedbuck nest.

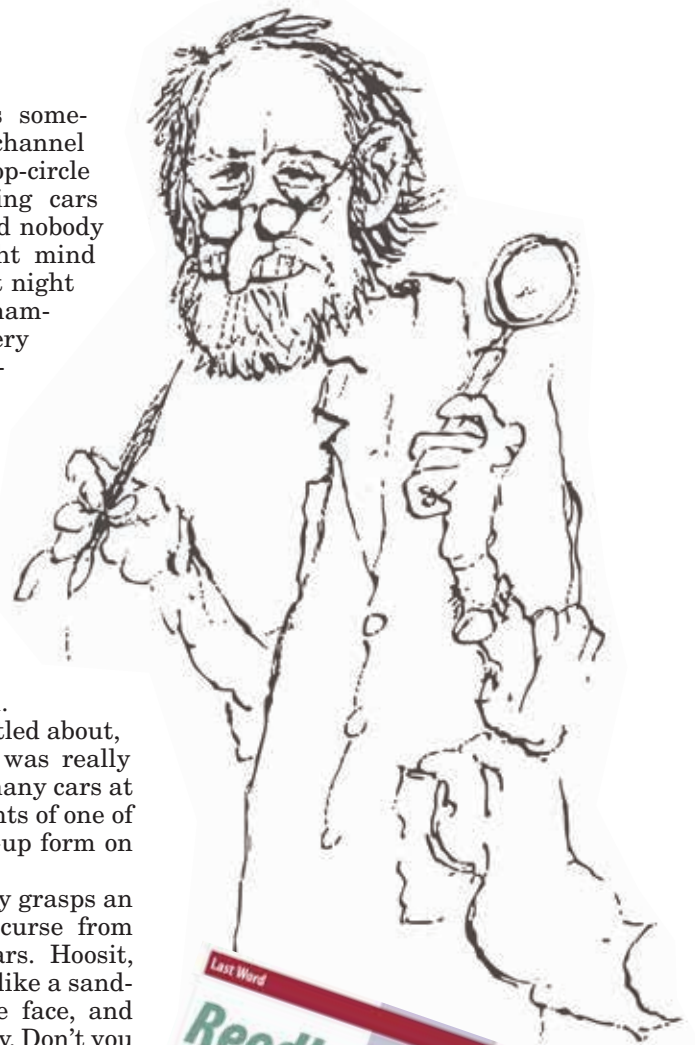
Hey look, said Joe, something's

been sleeping here! This something had made a sort of channel in the grass, using the crop-circle technique, so from passing cars this nest was invisible and nobody in her or indeed his right mind would go walking there at night because of the rape and mambas and stuff, so it was very private and safe, and comfy too, the pushed-over stalks making a nice springy mattress.

After supper we made a couple of door-step sandwiches with fried eggs and cheese-and-tomato, also a screw-top jar of tea with three spoons of sugar, and took an extra hike to the safari trail. Mice and small things rustled about, and we heard an owl; it was really dark and spooky, not too many cars at night, and there in the lights of one of them we spied the curled-up form on a piece of plastic.

Joe reaches in and gently grasps an ankle. A muttered Zulu curse from within and a face appears. Hoosit, umfo, says Joe, would you like a sandwich? Oh man! says the face, and starts chomping right away. Don't you get cold sometimes? says Joe. When it rains or gets cold I put the plastic on top, says Face. There seems little further to say. Sorry to disturb you, says Joe, and we shove off. Two days later we're back, hiking again, and the grass is gone. Mowed flat. Maybe the rottie sniffed the wild animal in there, felt like a lion.

Bulwer Park is mowed flat too, where the outies used to sleep; workmen are putting up great floodlights on gumpoles with blade wire three metres up so nobody can get to steal the bulbs. I speak to a Metro policeman watching the workmen work. Where do all these people sleep then? I ask. On the beach, says he. Maybe a nice big tsunami will come one night, hey? says he, wink-wink, nudge-nudge.



ONE OF THE DAFTER MYSTIQUES OF malehood is that when a male child has grown about three-quarters the size of his father, such father should take him to a special shop where they sell suitable grotesqueries and buy him a frontiersman's huge hat and bloody big beetle-crusher boots for stomping on snakes and thorns and things, also a deadly sheath knife for skinning the creatures that he and father are going to roast on a thick stick, green so it won't catch alight over a big stink fire on the ground. Plus a length of thin foam plastic to chuck down on igneous rocks and ants' nests *et cetera* for manly sleeping, and a bag to kip in but no pillow. You put the boots under your head at night so later on when you've been employed twenty years in a sanitised office you can hold your own against all true men in the gym and quite truthfully say what a rugged male upbringing you had.

So my boy hits fourteen and he comes home from school one day where another laaitie is just back from canoeing in a North American First Nation-type birch-bark canoe 'mongst the hippos of St Lucia, that beast well known to every frontiersman as the #1 killer of human beings in all of Africa.



And Joe now reckons it's time for him to get out into primæval Gondwanaland somewhere for such a bushwhacker's bar mitzvah, as it were. So we buy the boots and slosh them all over with hot beeswax and turpentine to make them waterproof for wading 'mongst the Vuzimanzi river rinkhalses and blood-sucking leeches and he stomps off to school in them for a couple of weeks so they're nice and soft; meanwhile we pore over certain contour maps of the Drakensberg for a good tough haul to the top, how about up Gray's Pass to Champagne Castle, hey? Ten-and-a-half thousand feet should tighten up his musculature and character.

Gray's is a daunting experience, I describe my shock and awe at first seeing it; he lifts his chin and breathes deeply. I am ready, says he. But why do you have no records of it? No photographs, no sketches?

True, true, say I, a lapse indeed, but let us not make such a mistake this time; so we're off to the CNA for small sketch-pads to fit the pouches of our safari clothing, plus good 6B soft pencils and a nice soft eraser. Then at an outdoorsman's emporium where we buy the small, strong tent. We find also a pocket-size birdwatching book and one called *Flora of the Drakensberg*, all v. scientific, also a dinky little camera for recording the whole trip in every detail.

We load our expedition gear in the Beetle the evening before, with photo-flash pics. The ladies of the family smile and wave farewell in a posed shot. The next day we depart when neither the sun nor the ladies are yet up and about. We plan to breakfast halfway to the contour path that runs below the krantzies, at a big flat rock called Arthur's Seat; we're off at about four and we're at the Berg at dawn. There's that old thrill again, the pulse quickens, the nostrils dilate! I note young Joe falling easily into the rhythm of yomping a heavy rucksack uphill. We have everything light, including the food: powdered potato, sun-dried tomatoes, milk powder, Marmite in a plastic bag, that sort of thing. But our first breakfast is heavy, boerewors, it's the departing treat before the combat rations.

We make a nice braai at Arthur's Seat and put on the boeries and wander about with the flora book and the camera and follow certain baboons for a couple of first-class shots, but we get so engrossed we forget the breakfast and when we get back to it, dammit, man, the boeries is burnt! I mean black, twisted up, ashes. We settle for matzos with Marmite and laugh it off. Life is about more important things, we leave the boeries to the baboons.

We push on. Excelsior, ever onwards, ever upwards! At the contour path Joe says Hang on! and grips my sleeve. He points. Up there is a bird we have never seen. It circles about, ridge-soaring. It is a hadeda, say I. But hadedas don't soar, says he, they flap. We grab the bird-book. It is not there. I think we have here a sub-species, say I, a Mountain-Hadedea, it can only be a hadeda with a long curved beak like that! True true! he cries, perhaps we can get it named after us: *Ibis strachanensis*. Make a quick sketch while I get out the camera! say I, and why didn't we remember to bring binoculars too, the first instrument of every birdwatcher? The local game ranger comes by. He has his binocs, of course; we rush up to him and point. He puts the binocs to his eyes. It is a pied crow with a piece of boerewors in its beak, says he. ■



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Michele, son Guy - and *Noseweek*. "He devoured his *Noseweek* every month, the minute it arrived."

Ralph Immerman, who passed away in Cape Town on 23 December 2018. Fondly remembered by his life partner, Laetitia - and *Noseweek*.

Robert René Tusenius, who died in Somerset West on 21 December 2018. Sadly missed by his daughter Madelon - and *Noseweek*. Dr Tusenius subscribed for many years.

Peter Walsh, died in Cape Town on Sunday 21 July. Sadly missed by his wife Babara, daughters Angela and Stella, and son Neil.



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