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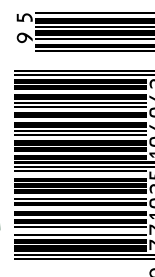
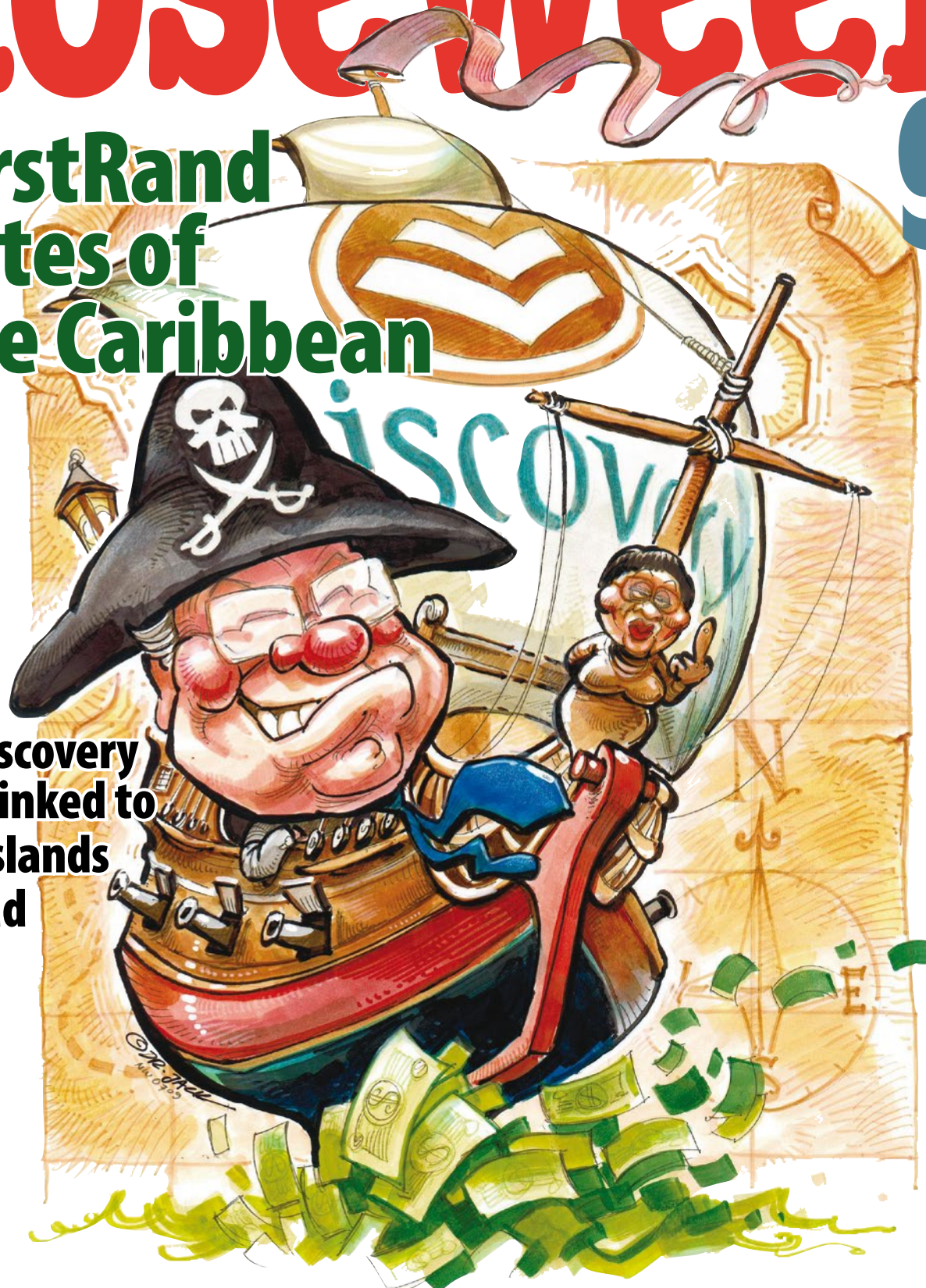
noseweek

FirstRand Pirates of the Caribbean

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SEPTEMBER 2007

**More Discovery
names linked to
Virgin Islands
tax fraud**



**Further dodgy dealings at Educor Head to head with Investec
Watch those padded hospital bills Seeking Jews in the souk**



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noseweek

SEPTEMBER 2007

ISSUE 95



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Smoke 'em out

Many thanks for yet another great piece of intrigue, this one about the Theodosious and the Simpsons (of Woolworths, not Hollywood fame) – in Letters, nose94. A question: just how much smoke is necessary to detect an inferno?

Keep up the relentless pace!

Bob Broom
Bedfordview

Go for gap

How very efficient your email was, filling in the gap left by the printers in the letter about the Theodosious and their friends at Woolworths (nose94)! You guys should be running

Greek. They're Cypriots. A correction and an apology would be much appreciated.

George the Greek
Germiston

So sorry! We regret any embarrassment caused to the Greek community – and now to the Cypriot community too. – Ed.

Irascible scumbags

Eish! You guys excel at putting greasy noses out of joint. Your snoop scoop toasted the three fat-cats-from-hell big time! (nose94, Billionaire cheats).

I admire Greeks. Think of it: the ingenious Trojan Horse,

Spice, while idling to the masculine throb of their big 4x4s.

Rob C
Blairgowrie

A touch jealous of the throbbing 4x4? Me, too. – Ed.

Pine time

After reading your scary pineapple exposé and the reference to Del Monte, I started wondering: our local Spar store has for the past year been selling Del Monte canned peaches at approx. R3.85 for a 420g tin, which, as any housewife will tell you is very good value. They have now added Del Monte fruit cocktail (which includes

sions owing by FirstRand to the Institute. The shareholders of the Institute embrace certain investors, including myself, as well as charitable trusts.

As a gesture of cordiality, I wrote personally to Mr Sizwe Nxasana, after his recent appointment as CEO of FirstRand Bank Limited, informing him that I had withdrawn certain other purely personal cases against the bank for the reason that Mr Nxasana had not been the CEO of the bank at the time when the events occurred, which had given rise to the personal actions in question.

I am a former advisor to the Scorpions, SARS and the Department of Foreign Affairs, to the US Congress and the IRS, as well as to more than ten other foreign governmental and international agencies, in the field of financial compliance.

Barry Spitz
Sandton

You make it sound all innocence and light. Why? The pleadings in your case, and the documents subsequently produced by the bank at court reveal that the situation was anything but innocent. Your institute's case is based on FirstRand's having fraudulently contrived not to have to pay your company the fees and commissions due to it in terms of your contract.

It gets worse: the documents produced in the case by the bank itself make that shocking proposition seem entirely credible.

Already those documents prove that the directors and senior executives of one of the country's major financial institutions – the Financial Services Board is supposed to have certified them "fit and proper persons" for the job – are nothing but a bunch of white-collar criminals who have for years been indulging in frauds for their own further enrichment at the expense of the community at large. And they have been marketing these same criminal schemes – to launder money and evade tax – to the rich and famous of South Africa, recklessly exposing the country's business elite to criminal sanction.

OK, so all you want is to be paid without fuss; we, on the other hand, want their guts on a plate. See page 8. – Ed.

pineapple) to their stock at the same low price. How can I find out whether these have a high cadmium content? Maybe they bought huge stocks because someone was trying to offload them cheaply? Any ideas for me?

Barbara Calderwood
Kloof

Barry Spitz it out

For the record: I was never employed by FirstRand. I was a consultant and director of the International Law & Tax Institute (Pty) Ltd, which had been retained by FirstRand Bank Ltd to, inter alia, advise it on matters of [legal] compliance.

The Institute's contract with FirstRand was terminated in 2001 – with a gift and a letter of thanks and good wishes to me from FirstRand. There was no single acrimonious word in it.

The advice on compliance given to FirstRand by the Institute in connection with the Ansbacher structures, including their so-called "Duisberg" structure, was strictly in line with what FirstRand had already been informed by the Exchange Control Authorities, and was intended to assist FirstRand in the performance of duties of financial compliance.

The current commercial action between the Institute and FirstRand relates only to the payment of certain commis-

the country – or, at the very least, Telkom, Eskom, SAA and ACSA.

SJL
By email

Sorry there was no equally efficient way of assisting our bookstore customers and those subscribers for whom we have no email addresses. They may visit our website, where they will have free access to the nose94 letters page containing the complete letter. – Ed.

Greek to me

You made a serious mistake in your report on the Theodosious: they're not

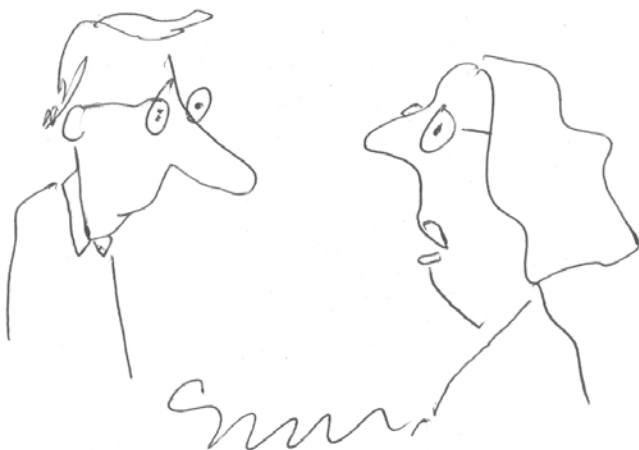
the iconic Acropolis, their ideals of true love, irresistible honey-laced cakes, Olympic glory, Homer's Ulysses ... all their invention.

But these okes? The fairytale CV, the claimed regular attendance at the local Greek Orthodox Church, the Levantine lineage ... it's all bollocks! They're irascible scumbags!

I admit to being an habitué of said Lonehill precinct. (The cappucinos are great.) You'll find them there, hob-nobbing with Virgin Active girls and nouveau riche dollies pretending they're a cut above Posh

Just how much smoke is required to detect an inferno?

Gus



"I need to be appreciated in context, are you up for that?"

Number's up for sudoku

Cobus Khumalo (9) a Benoni schoolboy has won the 2007 Young Inventor's Award for a program designed to solve any possible sudoku in ten seconds.

The innovation was proclaimed as a brilliant time saver by the Gauteng MEC for Technology who said that millions of hours would now be released for DSTV, Scrabble and crosswords.

The award was criticized by the under secretary of the SACP who said that any increase in efficiency is in essence anti-democratic.

Gus Ferguson

Fifa's load of balls

So we're not allowed to use the number twenty ten (or two thousand and ten), as it's been bought and is owned by Fifa (*nose94*).

I make no apologies for being grossly offended yet ironically amused by this ludicrous state of affairs – the assumed ownership of a number.

Does this mean that the horned one, old Lucifer, should derive royalty benefits whenever the figure 666 is written or published anywhere?

There must be a whole stack of money owing to Beelzebub courtesy of Madiba himself as it could be persuasively argued that Lou's moniker appears subtly in Mr Mandela's old prison number 46664 – and that particular brand has been merchandised to absolute death.

Of course you'll only go along with that if you believe in Lucifer. What if I don't believe in Sepp Blatter, or Fifa? Numbers belong to everyone. Fifa's claim is akin to asserting ownership of ozone as a compo-

nent of the Earth's atmosphere and broadcasting to the world that you have to pay Fifa every time you breathe.

Confused? Of course we are – it makes our heads hurt. It's designed to keep us from asking too many questions... now move along and let your rulers make the decisions for you – they do know best.

It's not so much that we wing it and make it up as we go along (which we most certainly do), but more that we buy into the bullshit that we're dispensed like mind-controlled lemmings in a suicidal race – do I hear Sting's *Synchronicity II* playing in the background?

But to get back to the Great 2010 Scam and the damp squib it's sure to be for those South Africans who dream of future benefits: we all know it's a Fifa moneyraker and little else.

Paul Murray
Magaliesberg

Filling the emptiness

Like Melody Mitchell (*Letters, nose93*), I was disappointed

with Shawna Westcott's article on the "Temple Beautiful" (*nose92*). Westcott states: "The tapes I had heard would be hilarious, were they not also a touch sinister", but she gives us a single quote – and there's nothing sinister in it! All the rest appears to be double-hearsay from an unnamed "one" of a "number of therapists and healers".

Despite my disappointment with Westcott's piece, I went on to read the columns of Attorney Muhlberg, Harold Strachan, and Marike Roth, and... bless them!... the feeling of emptiness subsided.

Coen van Wyk
New Hanover

What a Lot

Harold Strachan's last word on the dysfunctional family of Lot is a clear indication that a New Testament had to be introduced for God's people.

Come on, do the courageous thing and read the Book of John in the New Testament. Redemption through Christ is for real.

Zelda
By email

Pass the Old Brown

Editor: "Come on guys, it's late, we still need to fill two pages."

Pair of writers: "What should we write about?"

Editor: "Hmm, difficult one. I tell you what: here are some crayons, two bottles of Old Brown Sherry and a couple of joints. Get totally wrecked and write whatever crap comes to mind."

That appears to have been your brief to Harold Strachan and Marike Roth.

Ah well, that's my view; I thoroughly enjoyed the other 38 pages though.

Adrian Hill
Cape Town

I'm not responsible for any crayons, Old Brown sherry or joints, but you've got the brief about right. You missed the point? You're not into the joys of exploring the peculiarities of the world, history and human-kind? Pondering the supposedly imponderable? And still you enjoyed 95% of noseweek. I'm happy with that. By the sound of it, having had your gripe, so are you. Thanks for letting us know. – Ed.

Letters

Letters offered for publication in *noseweek* should be sent to The Editor, *noseweek*, PO Box 44538, Claremont 7735 or emailed to editor@noseweek.co.za. Submissions should be no longer than 150 words.



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Discovery's morality bypass

No surprise to find Discovery directors starring in your exposé of Ansbacher's money laundering and tax evasion schemes (*noses92&94*) – after 15 years in the financial services industry I'm disgusted at the complete lack of moral fibre at Discovery.

Gore & Co use all the media tricks they can pay for to dazzle prospective clients with the charms of their products, and brokers are well rewarded for getting clients to move their policies to Discovery Life. Transfers from other schemes now account for more than 60% of Discovery's "new" business.

But how many bedazzled clients realise they are now paying costs and commissions all over again, ending up with less benefits than they started with? The same scenario is being played out on the medical aid front.

The Council for Medical Schemes (CMS) is not happy with Discovery Health, and has admonished the company in the past. So why has the CMS not done anything to stop Discovery running a medical scheme with a solvency ratio of less than the required 25% – in flagrant contravention of the Act?

With a solvency ratio of around 18%, any catastrophic event will cause untold problems at DHMS. And, if trends are to be believed, medical aids will see a big (20%+) increase in claims for 2007 over 2006. This must lead to heavier increases in contributions.

Discovery Health Medical Scheme (DHMS) is a subsidiary of Discovery Holdings Limited (DHL). DHMS pays DHL to administer the medical aid we all know as Discovery. Do the 1.8 million people on the scheme know that the admin fee paid by DHMS to DHL amounts to R2,1bn per annum? And when Gore states that the media is "hyping" the lack of reserves and proudly announces that they have R4,4bn, he neglects to say that almost half this is the admin fee which must still be paid to DHL.

The Vitality option is a flashy seller, as is the Discovery card. Vitality has to cost FirstRand/DHL plenty.

The R95 per month charged by DHMS certainly won't cover the discounts on movie tickets,

gym fees, car hire, plane tickets, DVDs, CDs etc. FirstRand/DHL must be compensating the suppliers of these discounted goods and services. Is DHMS cross-subsidising all of this, hidden in the annual administration fee of R2,1bn paid to DHL?

Barry Schwartzberg (head of DHMS) is a master of magical tricks. Keep an eye on him.

Look at his performance at the end of 2006 when he announced the contribution increases for 2007. Oh so slick! Only a 7.9% increase for 2007. Well done! everyone said. That's below the declared 8% medical inflation. But a quick look behind the mirrors and through the smoke, finds that DHMS was reducing its more expensive benefits by 33%. To add insult to injury, they subsequently launched a "new" Executive option, where the same benefits they had reduced on Classic Comprehensive were back – at a 23.5% higher contribution.

Now, that really begins to clear the smoke.

If Joe Bloggs who was on Classic Comprehensive in 2006 wished to maintain the same benefits in 2007, he actually incurred the 7.9% AND the 23.5% increase, meaning that the actual increase for 2007 was really 31.4% – nearly four times medical inflation.

As they say in the classics, the rot starts at the top.

Financial Advisor
Sandton

Educor-ruption

As a former employee of Educor's International Colleges Group (ICG), I enjoyed your exposé (*nose94*) of practices that have for years been covered up by the Naspers media network. You showed what inevitably results when a marketing organisation poses as an education provider – and made it clear (especially in the follow-up radio broadcasts on SAfm) that the authorised regulators are not protecting the public.

Of course not a single Intec or Damelin Correspondance College (DCC) student called in to the radio show – they don't listen to SAfm, or read *noseweek*.

Even Educor spokesperson Theuns Laubscher admits that their courses only provide theory, but what do prospective students know? ICG constantly bombards them with glossy pamphlets urging them to realise their career dreams through Intec and Damelin – and they don't question the credibility of *You, Huisgenoot*, and *Bona*, where ICG regularly advertises.

If students knew what ICG correspondence courses really look like, they could make rational choices. They could choose between full-colour text books with diagrams, explanations and self-assessments from Oxford University Press, Juta or Pearson for a few hundred rands, or the shoddy black-and-white photocopied manuals

stapled together (no photos, few diagrams) from ICG, at over 10 times the price.

Before locking themselves into contracts, students should know exactly what they're getting – what kind of study materials, how many tests, how many exams, and what form of "certification". They'd be able to decide if the thousands of rands price difference, between a decent text book and the Intec/DCC offering, is worth the few tests in the package.

Instead they are misled by glossy brochures carrying photos of smiling models boasting about the jobs they are in because of their Intec/DCC courses, and are urged by commission-earning "consultants" to sign up for as many courses as possible ("combos"). The realisation that there may be something wrong only dawns when they receive ICG's dreary booklets.

Of course Intec and Damelin will argue that they offer tutorial support – yes, hundreds of educators supplement their meagre DoE salaries by marking Intec and DCC assessments.

In 2005 I was told by the ICG Credit Manager at the time that the Intec and DCC bad debt rate was between 25 and 30%. I wonder if the "student consultants" are now following the terms of the new Credit Act and requesting the necessary financial information from students before signing them up?

Umalusi where are you? You should be warning the public – in the same press that Educor uses – that no site audits of the two colleges have been undertaken. You should be making sure that education institutions provide clear details on course accreditation – how can it possibly be encumbant on the students themselves to check?

Educor knows the DoE relies on its institutions to absorb the demand for school-leaving FET qualifications, and because of this have for years boasted that they are untouchable. Take away Intec and DCC and the DoE is faced with a problem it cannot solve.

It's now high time that the regulatory bodies made real moves to prevent the public from being defrauded of the chance of a decent education. Stop these scams.

Pamela Johnson

Senior Academic Planning Officer
University of Cape Town



"Face it, Brother Domenico is not your typical Trappist!"



Mr Nose puts it about

The rates stuff

CLIFTON IS STRICTLY for the stinking rich. Mr Nose has tried not to notice, had wondered if there wasn't that tiny cottage tucked away up a back street he could go to rest in, watching the spectacular sunsets over the burnished sea... but no. Clifton has its platinum standards – which the Cape Town city council is doing its best to support.

In the good old days you had the Group Areas Act – that certainly helped to keep out the lower classes. Today even the moderately rich don't really have a place. What to do about the upstarts who aren't quite cutting it? The city council's answer: use the new valuation roll to tax them out!

Phil and Anna Jones have been living in their small apartment off Victoria Road for 40 years: Anna, now 61, bought it in 1977 for R28 000. It has no vehicle access, and you climb 70 steps up Arcadia Steps to reach it. Sitting snug on a small, 268m

plot, it has one bedroom, one bathroom, an open-plan lounge, dining room, kitchen – and no sea view. (The council allowed Clifton Heights to obliterate their view.)

Prior to the latest City of Cape Town property revaluations the place was valued at R1,5m, and the Joneses paid just under R1500 in rates per month. But really, what were these cheap-skates doing here?

So it came to pass: earlier this year they were advised that their property had been revalued – at R22,25m. A mistake, surely, they told themselves – and said so to the council official they called; someone must just have put the decimal point in the wrong place. No, says the young official gleefully, no mistake.

If you don't like it, you must go through the formal objection procedure, just like the 70 000 other objectors. "We'll send an inspector around in due course to redo the valuation ... as soon as he's done the other 69 999

revaluations ... as soon as we manage to find someone to fill the post and get around to setting up a review panel."

In the meantime they must pay the newly assessed rates – upped to R10 000 per month. If (and when) they get a lower valuation, they can always apply for a refund, the official added with a sneer. And if, in the intervening years, they don't pay the new rates, they'll be evicted and their property will be sold to settle the bill. Simple.

"In effect, after all these years we are being forced to sell and move out of Clifton."

Mr Nose is most relieved to note that this has nothing to do with race. Quite the contrary, in Clifton we're all into BEE – of the right class, naturally.

Two doors away – at 67 Victoria Road, Rafik and Yasmin Mohamed have more recently taken up residence. They have three garages and two open parking bays. Standing proudly on a plot nearly double the size

of the Jones's, their five-storey house has a lift (naturally) to reach its 10 bedrooms, three bathrooms, nine showers, 10 toilets, four kitchens, swimming pool and, of course, its servants quarters.

Rafik is the multi-millionaire owner of Pro-Roof, one of the country's major manufacturers of steel products and is director of another 40-odd companies. Clearly the Mohameds – by all accounts a most charming couple – provide the sort of "BEE component" the council is after for Clifton. This Mr Nose gathers from the fact that the Mohamed's property has been valued at ... R1,67m!

When Mr Nose called to deliver a belated "Welcome to Clifton" card, Yasmin was surprised to learn that the council deemed them in need of charity. Their house had cost several times that to build, she said.

The Mohameds will not be appealing against their valuation.

Educor looks for a Chinese takeaway

FOLLOWING THE exposé of Media24's manipulations of the accreditation system, Mr Nose is reliably informed by a Media24 insider that Naspers has sanctioned what CEO Hein Brand calls "gradual closure" of its education wing, Educor. Mr Nose is aware that Media24 has been trying for months to sell Educor to an Indian Consortium (with BEE acceptability); could it be that the "gradual closure" actually entails the search for an unsuspecting Chinese consortium buyer, now that everything is going Oriental? And what of the thousands of students registered with them? Were Educor staff right to jeer at Mr Brand?

Sasolburg rocks the Winelands

MACVAN DER MERWE, fabulously wealthy former owner of the President Steyn gold mine, bought the famous old Stellenbosch wine farm, Zorgvliet, in 2002 for a mere R31m (*noses77&89*).

Son Sephanus, Mr Nose is told, was soon being set up to become a famous winemaker, after R200m was spent on redevelopment. Stephan was no doubt meant to take his cue from Rand Merchant Bank founder GT Ferreira's efforts on Tokara just next door.

The Van der Merwes also did a crash course in tourism management – probably to ensure that their fun properties would qualify as tax-deductible tourism ventures. Which explains where they got the idea to liven up Zorgvliet by letting

it double as a wedding and party venue-for-hire with slides and jumping castles to keep the kiddies happy. ("They come from Sasolburg" is the explanation given by more established neighbours.)

The ensuing racket, day and night – from a mega sound system in the marquee or the marimba band up on the hill – has neighbours seriously pissed off. So relentless is the cacophony that Dr Harold Bloch laid charges against the Van der Merwes for disturbing the peace.

When Mr Nose last heard, nine neighbours were waiting to give evidence at the local magistrate's court – but the case was postponed, for the fourth time, because Mac's Joburg lawyer lost his briefcase at the airport.

Latest news is that Stephan's

lost interest in winemaking – he now wants Dad to buy him the Stellenbosch golf course.

Hardly likely: it belongs to the municipality, who lease it to an amateur golf club. But wait. The Van der Merwes have offered to take over the lease for five years – with an option to buy after that ... and the deal has the backing of club manager Vivian van Wyk. Will the committee object?

Maybe not .. Mac's brother-in-law Johan Naude is on the committee, and is quietly promoting the scheme. (Mac set him up in a second-hand car business back in Gauteng, so he should know how to close a deal like this.)

But Mr Nose wants to know: who will their BEE partner be? Watch this space.

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FIRSTRAND PIRATES HIT ^{THE} ROCKS

Until recently FirstRand would have had us all believe that the frauds perpetrated a decade or more ago by Ansbacher in Ireland, earning that offshore banking group worldwide notoriety, had taken place before First National Bank acquired the group in 1992, and that it had been an aberration; all other branches of Ansbacher, especially the one in Sandton, have always been squeaky clean.

noseweek has always had doubts about that.

Now an extraordinary file containing documents and internal correspondence between Ansbacher executives in Johannesburg and Ansbacher subsidiaries in various offshore taxhavens – filed at the Pretoria High Court by FirstRand Bank in compliance with a court order – proves these claims of innocence were all lies.

The file, simply marked "Duisberg", implicates many of the FirstRand Group's directors and divisions – including RMB Trust Services, Ansbacher South Africa and the Discovery group (which manages the country's largest-by-far medical aid scheme and is a bank in its own right) in criminal schemes similar to those uncovered in Ireland.

DUISBERG HOLDINGS LTD was incorporated in the British Virgin Islands on 11 June 1999, with its registered address at the offices of Ansbacher (BVI) Ltd, on Wickhams Cay in Road Town, Tortola. An opinion written by FirstRand's Johannesburg attorney at the time, Henry Vorster of Vorster Pereira Inc, clearly shows what the motivation behind Duisberg was:

Buccaneer bankers sail too close to wind with Virgin Islands tax fraud

The correspondence and documents detailing the bank's criminal activities covers the period from 1998 to 2003. There are indications in the correspondence that bank officials intended continuing the frauds if the opportunity arose some time in the future.

Given the evidence, there is little doubt that the directors and officials involved – most of those named in the documents still hold senior positions in the banking group – should be criminally charged and must be regarded as unfit to hold office in any financial institution.

The Editor

the BVI company was established to assist FirstRand's wealthier clients to get around those irritating laws that demand that one declare one's income to the taxman – and pay tax. (Speaking of shared addresses, Vorster conveniently had his offices at 1 Fredman Drive, the headquarters of FirstRand's other half, Rand Merchant Bank, and on the same floor is Ansbacher.)

The boys were obviously in a hurry.

In 1998 the government had announced



the partial lifting of exchange-control restrictions, and every South African resident was allowed to invest up to R500 000 off shore. Rich men and their “private” bankers – those at RMB’s Orion and at FNB’s Ansbacher divisions in particular – instantly saw an opportunity to pull a fraud on the taxman and build up a tax-free nest egg off shore.

Initially the dodge was simple: the R500 000 was sent out as an interest-free loan to a trust specially established for the purpose – by Ansbacher – in Jersey. The Jersey trust (independent on paper, but in fact taking instructions from Joburg) invests the money for profit, and grows like Topsy. The South African taxman gets nothing.

Unfortunately, the private



Picture: Sunday Times

wankers had forgotten section 31(2) of the income tax act: when a resident makes an interest free loan to an offshore entity, the taxman may assess the resident’s income as if he had earned a market-related interest on the loan.

When this dawned on them a year into the scheme it looked as if the Jersey trusts Ansbacher had created for scores of FirstRand’s Joburg clients were about to become a serious embarrassment. Unless ...

Greedy rich men and their bankers and lawyers are constantly seeking new ways of dodging the taxman. Their schemes are generally fraudulent and therefore criminal, so the merit of one scheme above the other is invariably based on how difficult it will be for the taxman to detect and prove.

Which about describes Duisberg Holdings – basically it was the new twist to the interest free loan “dodge”. Devised by attorney Vorster and Ansbacher executive Marc Booyesen, its purpose was to save the situation.

FirstRand’s clients (and of course its own directors) would now, instead of making interest-free loans to an offshore trust, spend their R500 000 on shares in an offshore company – set up and operated by Ansbacher, but not (officially) controlled from South Africa.

This offshore company – Duisberg Holdings – just happened not to earn any profit or pay any dividends. (So no income to declare to the taxman.) How come no profits, you ask? Because it’s using your money to make interest-free loans to your old Ansbacher-administered trust in Jersey, stupid! (The one that you hope will grow like Topsy.)

“It is the Virgin Islands company that is making the interest-free loan to the offshore trust. This fact alone, if the arrangements were taken at face value, would render section 31(2) inoperative,” Mr Vorster declared in triumph. (He had also just been elected chairman of the Northern Province Law Society.)

By 2000, 84 wealthy FirstRand clients had bought shares in the BVI company. By what right, one asks oneself, had Vorster, and his clients across the way, assumed that the taxman and the courts of South Africa were fool enough to accept the latest Ansbacher scheme at “face value”? When, to unravel the whole thing one simply had to ask: why would scores of wealthy, successful people be buying shares in a company that never makes a profit or declares a dividend?

To fool the taxman, of course!

Leading attorney Henry Vorster was undoubtedly party to a criminal conspiracy to defraud the revenue service. His guilty knowledge not only emerges from his use of the phrase “at face value”; later in the same letter he tells Ansbacher: “At least on a *literal* interpretation of the provisions of section 31 the proposed transaction successfully circumvents the provisions of section 31 of the Act.”

Again the assumption of stupidity on the part of the authorities. Yet he had to know, as a well-informed lawyer, that our courts had for some time quite sensibly been looking at the substance, rather than the form of contracts and legal “structures” when deciding what is lawful and what not.

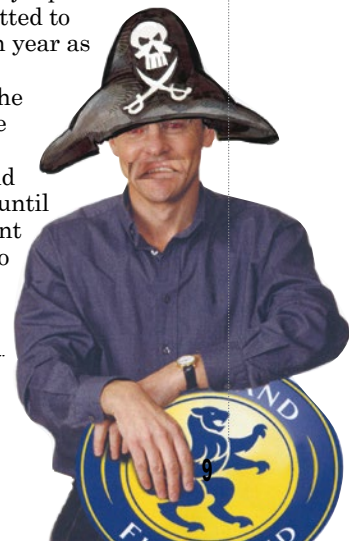
THE DUISBERG SCHEME was not only designed to evade income tax. As an added bonus it enabled FirstRand clients to donate their income to their trusts without paying donations tax.

That was not all – the best part of the scheme involved “round tripping” in contravention of the exchange control laws, and culminated in a grand exit scheme: ultimately, you could get all your money out of the country, in a currency of your choice. (It also created lots of fee-generating opportunities for FirstRand’s “Ansbacher” and other “private banking” divisions.)

The whole scheme entailed the client setting up two trusts, one on shore, the other off shore. The client would donate 26% of his shares in his existing South African business or assets to his onshore trust, and then, in due course, sell the remaining 74% to the “independent” offshore trust Ansbachers had set up for him in Jersey (and which he had funded via his R500 000 investment in Duisberg Holdings).

Since the major part of the Joburg client’s business now belonged to an offshore trust, the major part of its profits could be remitted to the Jersey trust each year as a dividend.

The more money the Jersey trust gets, the more shares it can buy in SA. Round and round, in and out ... until exit day, when a client in Sandton decides to buy out his “offshore shareholder” (at



Overboard: Barry Swartzberg (left) Group Executive Director of Discovery Holdings; and Ansbacher former CE Richard Spilg



Picture: Images24/Reed/John De Witte

Yo, ho, ho: Chairman of Discovery Laurie Dippenaar also had an Ansbacher account

a handsomely inflated price who's to argue?), effectively remitting his entire estate to his offshore trust in Jersey.

Henry Vorster says it a third time in his June 1999 letter of advice to Ansbacher: "What I have stated above with regard to the income tax and exchange control consequences of your proposal will apply on the assumption that the documentation recording the details of the various transactions is accepted at face value." It seems he was already a little nervous.

A strange echo of the form-versus-substance issue is to be found in a statement made in 1997 by then Rand Merchant Bank CEO Paul Harris to explain RMB's success: "We look at the spirit and not the letter of each transaction ... It's far better that way." Smart man. (In the same interview he also said of their support for Business against Crime: "A most important precondition to creating the type of South Africa that will enable us to meet our objectives, is the curbing of the totally unacceptable levels of crime in this country." Hm.)

Who else, besides Henry Vorster should be nervous about getting caught with their fingers in the scheme? Top of the list are the directors and executives of FirstRand and Ansbacher: they had knowledge of every detail of the scheme that the Revenue and Exchange Control were not supposed to discover. Ansbacher devised the entire scheme, set up most of the onshore and all the offshore trusts, set up Duisberg, moved the money from one to the other – and accounted to their clients for their actions. They were themselves obviously taking nothing at face value.

That Duisberg Holdings was also something of a farce, emerges from a letter, written on the letterhead of

Henry Ansbacher Trust Services ("A Division of FirstRand Bank Ltd") by L A (Leon) Kruger, the division's chief operating officer in Johannesburg, to the company secretary of Ansbacher Jersey Ltd. It is dated 6 January 2000 – seven months after the scheme was set up.

KRUGER GOES STRAIGHT to the point: "Duisberg Holdings is used as a mechanism for SA residents to remit their R500 000 allowances offshore."

He explains the problem they have encountered with the old system of making interest-free loans to offshore trusts and says that "to overcome this the client purchases a shareholding in Duisberg. The number of shares issued is ... linked directly to the amount of funds remitted. Duisberg then makes an interest-free loan to the offshore trust for an amount matching the funds received for the shares.

"This allows the client to reflect in his tax return an offshore investment, as opposed to an interest-free loan and by so doing achieves the objective of transferring the funds to the offshore trust without incurring the possible tax liability."

Kruger also explains in the letter that Duisberg has two classes of shares: 100 "A" (voting) shares owned by FirstRand International, and 20 million "B" (non-voting) shares issued to clients making use of the scheme.

Kruger's exposition of the scheme is so clear that a smart prosecutor would simply transcribe it into his charge sheet.

Nailing them gets easier.

The Ansbacher boys were obviously in such a hurry to get their new scheme up and running, that they forgot to cover their tracks. Foolishly, Dr Manie Stoop and Marc Booysen, both RMB executives in Johannesburg, were appointed Duisberg's directors. Kruger later notes as a "key concern": "This may result in the company being viewed [by the authorities] as a South African-controlled entity and this would destroy the scheme."

Another of his concerns: "The issuing of "B"-class shares takes place in Johannesburg. In fact, speaking to Adriel [head of the Ansbacher BVI office that was supposed to be running Duisberg], they have no idea of any shares having been issued. They need to maintain a statutory share register in the BVI. We must get a copy of the spreadsheet to them ASAP. Once again

this raises concern about control of the company."

Contrary to what the authorities were supposed to believe, everything was being done in Johannesburg, making the fraud quite transparent.

The farce goes on: six months after the scheme was introduced, statements received from Ansbacher Jersey still did not reflect the capital introduced into the trusts as loans from Duisberg Holdings BVI. (Because the money had, as usual, come directly from Johannesburg.) "This is something which Ansbacher Jersey may wish to consider," says Kruger. And when he enquired whether loan agreements were drawn up between Duisberg and the trusts, Mark Booysen told him that "to his knowledge, this was not occurring."

This prompted a discussion between them about what such a loan agreement should look like. Their conclusion: the loans were to be interest-free, unsecured and repayable at the trustees' discretion.

A donation by any other name couldn't smell sweeter.

Another four months later, in May 2000, when Ansbacher and FirstRand's new legal consultant, Dr Barry Spitz, gave the Johannesburg staff his view on the Duisberg matter, all of these issues still remained unresolved. Even though, by then, scores of clients had been signed up.

Spitz did an instant demolition job. A note of the meeting, contained in the Duisberg file, records him saying that the transaction was artificial and vulnerable to attack – not only by the taxman. It was also vulnerable to attacks from creditors, spouses, heirs, liquidators and executors. Horrors!

On the tax front, the memo records Spitz telling them: "The transaction is a scheme to avoid tax. It is designed to beat donations tax. It is also designed to beat the provisions relating to transfer pricing ..."

"Duisberg was never set up in the manner intended," he says. Not only was money not transferred to the trustees in Jersey on the basis of an interest-free loan, it was not transferred from Duisberg at all. (Why fuss? Duisberg was, after all just a piece of paper with which to blind the taxman.) He noted that the trustees weren't even told which trusts fell into the "Duisberg pattern" and which didn't.

Spitz's conclusion: "The position of Duisberg is incurable."

Amongst his suggestions: "Legal opinions must be obtained on each issue ... to make sure we do not have unneces-

sary chinks in the armour [and] to cover ourselves against exposure to liability.”

That, of course, was the crunch line.

At the end of the meeting the Ansbacher executives resolved to telephone all clients involved [a letter, as suggested by Spitz, was dismissed as too compromising] to tell them:

■ “We did the structure for the benefit of the clients.”

■ “If they don’t want it, we can reverse it.”

■ “We require a discharge of liability.”

Dare one suspect that the last contained an element of blackmail?

Next day Mark Booysen finally posted his resignation as director of Duisberg to Ansbacher BVI. From his covering note it emerges that – 12 months into the scheme – the BVI office still did not have a share register for Duisberg. “We’re in the process of finalising the details of all the “B” shareholders ... it is our objective to have all the necessary information by the end of June ...” Booysen (in Joburg) assures them.

A month later FirstRand’s two senior in-house lawyers dutifully – and rather pathetically – provided their bosses with an opinion declaring the scheme legal, for use in their defence. As sug-

gested by Spitz, it serves to absolve all the bank’s officials of having had criminal intent. (“We trusted our lawyers’ advice,” will be their explanation for the scheme, should they be charged.)

In mid-July 2000 the Jersey office reported hearing a nasty rumour: “When discussing the [Duisberg] matter with colleagues, the comment was made that this scenario was now known to the Revenue who were revisiting the position. Are you content that it still serves its purpose?”

In Joburg Anton Maskowitz was asked to “look into this”.

TWO WEEKS LATER the Tortola office discovered that the directors of Duisberg had never passed a resolution authorising the issuing of “B” shares. As a result all the shares that had been issued to clients were invalid.

This didn’t seem to worry anyone back in Joburg. They went ahead and sent their spreadsheet containing their share register information to Tortola – but they only got around to that in February 2001.

Adriel Brathwaite, MD of Ansbacher BVI was by then seriously pissed off, and angrily complained to his colleagues in Jersey: “In the past we have accepted instructions from South Africa and confirmed the shareholdings of the various B shareholders. We have no evidence of funds received into the company and/or loans made from the company to the various trusts ... we have no records of amounts received ... Can you kindly confirm with whom we should correspond with respect to this company’s affairs? Have accounts been prepared for this company since incorporation?”

That from Duisberg’s supposed head office! Nearly two years into the scheme, Duisberg still had no directors, no share register, no books of account, no contracts, and no bank account.

Six months later, Eunanda Grobbelaar at Ansbacher Joburg had big news for long-suffering Adriel in the BVI office: “I believe that Helen Skade spoke to you about the Discovery Health executives who would like to redeem their shares in Duisberg.”

(Ah, so it wasn’t just Adrian Gore and Barry Swartzberg from Discovery who were evading tax by means of fraudulent Ansbacher’s “structures”, as we reported in recent issues!)

Eunanda proceeds to name the latest lot of pirates on the good ship Discovery. “They are: A Cimring,



Picture: Images24/Breid/Simpshire/Movall

Ahoy: Will Discovery CEO Adriel Gore walk the plank?

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M Goodman, Mr & Mrs Koopowitz, Mr & Mrs Pollard and S Matisonn.”

(Aubrey Cimring was a director of Discovery Health until August 2002; Neville Koopowitz, at the time Group Marketing Director and MD of Vitality, last year became CEO of Discovery Health; Alan Pollard was Discovery's head of research and development, and is currently CEO of Vitality; Shaun Matisonn was director of Discovery from inception until he left in March this year to become Chief Executive of Discovery's British venture, PruHealth. We had not established M Goodman's position at the time of going to press.)

Fearing Davey Jones' locker, the smart rats were leaving the ship.

Eunanda's news came with a special instruction: “It is very important that the ACTUAL amount received by the Jersey trust as a loan from Duisberg should be repaid to Duisberg. As you know, capital gains tax was introduced in South Africa on 1 October and we cannot put the clients in a position where they have made a capital gain on the Duisberg shares. [No, never!] Your thoughts on this.”

THIS IMMEDIATELY HAD Adriel back on his high horse. “I have looked at our files here briefly,” he wrote next day. “I am unable to shed any light on the matter. All entries were passed either in SA or Jersey. I am now even more concerned about this company as no one seems to have ownership of its administration.”

Two days later he was talking about resigning. That had Carol from Joburg telling him to pull himself together. “One cannot simply resign,” she told him. “This matter is our responsibility to resolve to eliminate any potential risk to the FirstRand Group.”

In the week before Christmas 2001, Leon Kruger, Ansbacher's Chief Operating Officer, wrote to everyone telling them that the board had “briefly” discussed Duisberg. Something was up.

“I believe we should not do anything rash at this stage, but should agree amongst ourselves that over time we will approach the clients with a view to discretely unwinding their structure. Again, this is only because the trustees [in Jersey] are feeling uncomfortable, not because Duisberg is under any attack or threat at this juncture.

“Duisberg was and remains an innovative solution – that may well come in handy in future.”



Pieces of eight: Wendy Lucas Bull was a director of Discovery from January 2000 to May 2001 when the Duisberg crisis was at its height

But by 14 January 2002 he was a little less sanguine: “I have no sentimental attachment to Duisberg and would personally encourage the winding up of the structure,” he now tells Heather Falle, head of Ansbacher Jersey. “It's not as if it's generating revenue for any party.”

The reason for the more sober tone emerges in his next paragraph:

“Obviously much of the consideration regarding Duisberg from your side revolves around the comments contained in the PwC report which concludes that SARS could easily attack the structure. This may well be so, but thus far it has not happened.”

Clearly some time in December 2001 FirstRand had received a cautionary report from its own auditors, PricewaterhouseCoopers, about the Duisberg scheme. As a result, the staff at Ansbacher Jersey were anxious to close it down – and avoid another international scandal. But the boys in Joburg were keen to hang on to a good thing for as long as possible.

“[RMBTrust Services CEO] Anton Maskowitz advises there are a good number of clients who wish to remain in the structure or at least have an alternative which achieves similar objectives,” Kruger tells Heather. Now wouldn't they just!

The PricewaterhouseCooper report has not been formally revealed by FirstRand in the case currently still

wending its way to court. But in the Duisberg file from which this story is extracted, where you would logically and chronologically expect to find the PwC report, there is indeed just such a document – with a blank space where a masthead ought to be and no signature.

Faultlessly typed, it reads very much like the sort of discrete report the tax expert of a major firm of auditors might write for a client to whom it wishes to give an off-the-record nudge – without compromising anyone (or our fees), you understand.

This report does, indeed, state that: “As far as we are concerned, the element of risk regarding the Duisberg structure is essentially that it may be subject to an attack from SARS.” It refers to the measures available to SARS in terms of sections 31 and 103 of the Income Tax Act, but adds the consoling observation that “although this section [31] has been available to SARS for quite some time, very limited use has been made thereof.”

[Maybe the Ansbacher men are right in their assumption that the men from SARS are simply too stupid?]

The anonymous report concludes: “In view of the above, and the negative tax consequences which would result in SA for the settlors [of the trusts], it is proposed that the Duisberg structure rather be wound down on a discrete step wise basis rather than go the ‘Big Bang route’. In our view, clients will also not be too eager to have these funds transferred back into their personal names.”

PricewaterhouseCooper made no mention, in their audit notes to FirstRand's annual accounts, of their client's exposure in Duisberg, or the fact that the bank is running a major criminal enterprise. So much for auditors.

By 15 January 2002 Ansbacher BVI had finally succeeded in constructing some accounts for Duisberg for the years ended June 2000 and June 2001 – and sent the Joburg office an invoice for accounting fees. Sergeant Major Carol [Wainwright] in Joburg immediately gave them a sharp rap on the knuckles: “As we have said previously, South Africa cannot be seen to have any control of the company and hence all future invoices must be addressed to RMB Trust Services (Jersey) Ltd.”

In the very next sentence of her email, however, she promptly highlights the absurdity of it all yet again: “In order for me to arrange payment through Ansbacher (Jersey), please forward copies of the accounts to me.”

SIX MONTHS LATER, in July 2002, David Gleason was on *Moneyweb*, telling South Africa about an Ansbacher scandal making headlines in Ireland – a dirty big secret that FirstRand had managed to keep from their South African clients and shareholders for 10 years. *Moneyweb* asked Ansbacher CEO Richard Spilg to comment: “This [Ansbacher’s Irish tax evasion and money laundering scheme] absolutely pre-dated FNB and FirstRand. Does it concern us today? I think all the standards we apply ... we operate in jurisdictions that are well regulated. [Except of course for South Africa, where Ansbacher were then still relying on the authorities to stupidly accept their schemes “at face value”.] “We’re bound by strict know-your-client requirements, due diligence, etc, so in terms of current-day practices, does it concern us? Absolutely not,” Spilg went on to assure *Moneyweb*’s listeners.

Of course they couldn’t see him blushing.

He had to know that, back at the ranch, right then, he was running an Ansbacher operation very little different from the Irish one.

The Memorandum of Association of Duisberg Holdings Ltd has many interesting provisions, but right now, Paragraphs 80 to 82 will be the ones the Ansbacher/FirstRand directors and their co-conspirators will want to know about.

They state: “The company may indemnify ... any person who is a party, or is threatened to be made a party to any proceedings, whether civil, criminal or investigative, by reason of the fact that he was a director or officer of the company, or acted at the request of the company ... against all expenses, including legal fees, judgements and fines.”

There is a proviso to these paragraphs that should be reassuring to concerned members of the public and the judiciary who find the drift of the aforementioned paragraphs just a little disturbing. The proviso: such indemnification may only occur if the person in question “acted honestly and in good faith with a view to the best interests of the company – and, in the case of criminal proceedings, had no reasonable cause to believe that his conduct was unlawful.”

Phew! What a relief!

But wait, hold your horses! At Ansbacher and Duisberg Holdings Ltd the terms, “honesty” and “good faith” don’t have the meanings ascribed to them in the *Oxford English Dictionary*. No, no. Read on: “The directors’ decision

as to whether the person acted honestly and in good faith, or had no reasonable cause to believe his actions were unlawful is sufficient to qualify for indemnity.”

Should you still be in any doubt, the document goes on to state quite baldly: A court judgement or even a criminal conviction “does not, by itself, create a presumption that the person did not act honestly and in good faith”!

The best that can be said is that at least there is honour amongst thieves.

FirstRand shareholders could yet discover that they got out of the Irish fiasco very, very cheaply. Last year that cost them a mere R80m in fines and penalties. (The legal costs nobody’s talking about.) **W**

Next month FirstRand steals a line from Mozart’s librettist : Cosi Fan Tutte – everybody’s doing it. The banking group has handed to court lists of their Ansbacher clients and the names of their offshore trusts. noseweek will publish a choice selection (taking care to omit any noseweek subscribers and shareholders)

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Dodgy practices, plagiarism and cover-ups with the help of political influence are the order of the day at Educor

MEDIA24'S EDUCATIONAL institutions have clearly pulled out all the stops in their efforts to maintain Naspers' bottom line and keep shareholders happy. Last month *noseweek* revealed how Educor, Media24's education wing, has for years been fooling prospective students into believing that the courses and programmes offered by its correspondence colleges are either already officially accredited by the relevant government agencies, or in the process of being accredited.

noseweek can now reveal a wider picture of manipulation and "influence" designed to protect Educor from public scrutiny and government intervention, as well as the ongoing use of dodgy practices such as plagiarism of text books.

For a start, Naspers, which owns Media24 and Educor, has rather ingeniously chosen its board members to protect its exploitation of the country's ongoing educational crisis. Two senior Department of Education officials separately contacted *noseweek* after our report in *nose94*. Said one: "Educor is untouchable. For example, any attempt to reign in the group by our department is stifled by Prof [Jakes] Gerwell's political influence. He was director-general at the Presidency during President Mandela's term of office. He is currently the chancellor of Rhodes University and the chairman of the Rhodes Mandela Foundation."

Our sources tell us that although Gerwell doesn't feature on any of the qualification and evaluation bodies, the good professor has the kind of political influence that shakes everyone in the department. "You cross him at your peril. Educor knows this and

that's why he is on their board."

Jakes Gerwell first came to the attention of the public as rector of the University of the Western Cape, where he was an outspoken opponent of the apartheid regime – which explains his high status in contemporary political (and therefore business) circles.

Prof Gerwell joined Naspers after leaving his job at the Presidency in 1999, and is currently a director of at least 49 companies and close corporations, including Educor Holdings, Media24, Media24 Holdings, Distell Group, Old Mutual and Naspers, and chairman of SAA.

Alongside Gerwell on the Educor board sits Dr Makaziwe Phumla Mandela, anthropologist daughter of Nelson Mandela. One of the education department sources says that the good doctor may not be aware of how easily her name is dropped to ward off scrutiny of Educor's shady operations.

The two scholars are not the only "right people in the right place"; Educor's executive in charge of academics and regulatory affairs, Dr Paul Steyn, sits on the Umalusi council, which was commissioned by the Minister for Education to ensure that evaluation and accreditation of institutions and qualifications are professionally conducted.

Dr Steyn is also the chairperson of the Higher Education Quality Committee. Our source tells us that the well-published educator stays on at Educor due to the huge remuneration that goes with the job: "He has threatened repeatedly to quit, only to continue defending Educor within the Council."

Besides this "frontline tactic" to give Educor's operations public credibility, back-up tactics include the usual



Shaker: Professor Jakes Gerwell

methods to silence internal critics: those who question the group's manipulation of the system to enrich its top executives are quietly shaken off with hearty retirement packages – or blamed for the shortcomings; *noseweek* has identified several former staff members who were either retrenched, or resigned with large packages that came with non-disclosure agreements forbidding the retirees from discussing the reasons for their departure.

One educator, however, declined to exit quietly and has had a long running battle with the Group on behalf of unsuspecting victims. Dr Raymond Martin tendered his resignation from Damelin in November 2005 after discovering that the certificates and diplomas being awarded by his employer were pre-signed from Naspers Centre in Cape Town. "Worse still, some of

Educor, fearing further damage from Dr Martin, unleashed their attorneys to silence him

the signatories to the documents were individuals who had stopped working for the Group several years earlier," says Martin.

In a December 2005 letter to Mrs Visagie at Damelin's West Rand Campus, when the Group tried to tarnish his name after his resignation, Dr Martin writes that, on seeking clarification from Educor's head office in Cape Town, "Dr Steyn acknowledged that some of the signatures were of persons who had not worked for the company for approximately two years."

Dr Martin was the first educator to point out that none of the programmes offered by Media24 colleges were accredited. In a "confidential" Umalusi evaluation report presented to Damelin on 2 November 2005, point 7.1 reads: "None of the courses that are presented at present are related to SAQA qualifications."

Educor, fearing further damage from Dr Martin, unleashed their attorneys to silence him. On 19 January 2006, Attorneys Jan S De Villiers of Cape Town, on behalf of Damelin (Pty) Ltd, wrote to Dr Martin threatening him with an interdict.

The attorneys declared: "You are holding yourself out as the duly authorised representative of a number of Damelin students and their parents in relation to concerns you consider to be in the public interest.

"In this self-appointed capacity, you have embarked on a course of action aimed at damaging the relationship between Damelin and the students, and causing harm to the goodwill of Damelin."

The letter concluded: "We are in-

structed to call upon you, as we hereby do, to cease these activities forthwith... Should you continue with your activities... Damelin will immediately take all steps necessary to obtain an interdict against you in order to protect its interests."

However, Dr Martin refused to be intimidated and asked the attorneys to check their facts, or those of their clients: "These statements are pitiful hearsay, made in disregard of meaningful facts. You may soon discover that I have concrete evidence, which, as you will know, enjoys preference to wild unfounded allegations in court proceedings."

Dr Martin tells *noseweek* that he had hoped that Educor would go ahead with their interdict: "The legal battle would have provided a good forum to expose the fraud being orchestrated by Educor and the bigger Naspers."

One of Dr Martin's major concerns at the time was the Golf Directorship Programme, which was falsely being advertised as an accredited qualification. After our *nose94* report, Educor executive Theuns Laubscher admitted on Xolani Gwala's *Morning Live* (SAfm) that learners who were deceived into signing for these useless programmes are being reimbursed their fees.

Dr Martin and those students demanding their money back are questioning why some victims are getting refunds while others are still being threatened with legal action.

A further accusation against Educor concerns the use of plagiarised materials in the study notes provided to the students of its Damelin franchises. During Nick Matzukis' tenure as CEO of the Damelin Education Group, Bev Kieck was appointed to manage the development of new course materials. It seems that at this point course writers began to borrow freely from the work of established authors.

This led to a situation where Damelin were forced to pay international publishers McGraw Hill a huge fine (apparently around R450 000), and to withdraw their *Marketing 1* and *Systems 2B* manuals, which carried materials copied verbatim from works by Mc Graw Hill authors Jerome McCarthy, James R Stock and Douglas Lambert.

Local authors were also not spared. Prof Trevor Wegner's *Applied Business Statistics* was extensively plagiarised for the Damelin *Applied Maths* and *Operations Research and Statistics* study guides. When *noseweek* raised this matter with Prof Wegner he said



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he would check with his publisher – who contacted us a day later confirming that Damelin had not sought permission to use Wegner's book.

And finally – under the leadership of the now-sacked Hennie Louw, Educor's International Colleges Group decided to get into "bridging education" – in other words providing the means for students whose grades did not qualify them for university entrance to gain that entrance.

Educor's affiliation to Oxford Brooks University is particularly revealing. It's claimed that the university's BCom and MBA degrees were seriously watered down by Educor, and non-eligible students were allowed to register.

A source involved in the affiliation says: "These degrees were very popular as the students did not require matric exemption to enter the system – and after 1994 many of the previously disadvantaged took the option of doing Oxford Brooks degrees as they were denied access to South African universities due to poor grade 12 results."

Oxford Brooks University has since discontinued affiliation with Educor, and a representative who talked to *noseweek* from the UK said: "We decided to withdraw from South Africa because people we associated with there were not honest."

The representative explained how they discovered that Educor was using their course programmes for applicants who didn't meet entry requirements. "The initial deal was with Damelin (Pty) Ltd, yet the course curricula were being copied and used by other institutions that we were not aware of."

The representative says that Oxford Brooks was left wondering how "... a high school drop-out could be allowed into a professional programme, then two years down the line, be enrolled for an MBA."

When Damelin announced the discontinuation of their BCom programmes, Educor quietly transferred those programmes no longer supported by Oxford Brooks to Midrand Graduates Institute – a shadowy company then owned by Media24 and since sold

to CTI Education Group.

Last year, Naspers embarked on an expansion of its education empire into the rest of Africa. Educor Africa was registered in November 2006. However, penetration into the rest of the continent has been hampered by tougher academic regulations in most countries. According to a press release on Educor's website, targeted countries include Uganda, Kenya and Nigeria.

The release does not mention Mozambique, where initial acceptance of Intec led to the sacking of that country's education minister, and subsequent suspension of Intec's programmes.

It also turns out that Kenya's education ministry has rejected Educor's application to set up a correspondence college after the Kenya Private Schools Association questioned the standard of the course materials being proposed. It's now claimed by our source in Kenya that Educor is seeking franchisees there for their correspondence programmes. ■

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Educor: no smoke without Brand?

MEDIA24'S EDUCOR has lost the academic records of over 4000 former students of its Academy of Learning, and their attendance, evaluation and academic assessment cannot be verified – as is required by the South Africa Qualifications Authority Act.

The Department of Education, SAQA and various evaluation and accreditation bodies have abandoned the students, claiming that the issue must be sorted out between Educor and the new owners, leaving the affected students at the mercy of Educor and its attorneys.

In June 2004, Educor sold the Academy to Elizabeth M Hancock's Academy of Learning SA (AoL SA), with the new owner agreeing to take on students already enrolled, including those registered before 1 July 2003.

Educor never informed its AoL franchisees of the impending sale: they were only advised of a "closure with immediate effect", and given 14 days to return various items, including course materials and manuals, student lists and registration forms, data discs, record cards and exam results.

As it later transpired, the all important student records were either not collected or, for whatever reasons, cannot now be traced – so students registered before the hand-over to AoL SA can't trace their assessments and results details. Former students seeking accreditation of certificates and diplomas, or copies of certificates they have lost, are still being sent from pillar to post.

Says AoL SA CEO Elizabeth Hancock: "When the records aren't there, we can't just re-create them." Besides it is not her problem – except in so far as AoL SA is regularly identified as the source of difficulties actually created by the original Naspers owned AoL.

Alerted to the mess, Educor commissioned their attorneys, Jan S De Villiers, for a legal opinion on the matter. In the meantime they persuaded Hancock that they were working on a solution.

noseweek has in its possession a



Media24 CEO
Hennie Brand

damning confidential legal opinion prepared for Educor by attorney RM Robinson and sent to DM Kisch Inc, the law firm handling Educor's AoL franchise matters.

Robinson writes: "Problems are caused by the fact that the information contained on the centralised record system appears to be incomplete... and when students approach Hancock for verification

of their certificates, or for issue of a replacement certificate, she is unable to assist."

She further notes: "The failure of central record keeping raises a question mark over the reliability of the entire body of AoL student information. Why, for instance, are the records incomplete? Why would certain students be in possession of AoL certificates where no information exists in the central records? How is the accuracy of these records to be assessed? How are students to be assisted who wish to continue with studies commenced under the old AoL and to be continued under AoL SA, where no records of them passing exams exist?"

"Even should AoL SA have an obligation to verify [AoL] certificates and results, it would have to be placed in a position to do so by the seller [Educor]. It is under no obligation to establish a reliable record in respect of students who qualified or passed examinations with Educor. It purchased the assets of the business of AoL and did not take over the conduct of its business."

The attorney reminded Educor that a Further Education and Training Act of 1998 requires a private provider to apply for registration in terms of the legislation, while warning: "It is an offence for any person, other than an FET institution... to confer a qualification which purports to have been granted by a further education and training institution.

"Likewise, any person who pretends that a qualification has been awarded to him by an FET institution is liable on conviction to any sentence which may be imposed for fraud." The attorney thus urged Educor to find a speedy solu-

tion for the problem.

At that point Educor entered into an agreement with Hancock to reassess all previous certificates issued by AoL and to align them to the AoL SA curriculum at Educor's expense.

This was done for the first few hundreds of former students – until Educor discovered that the amount they were paying to AoL SA for re-assessment and re-certification was in fact doing damage at the bank. Educor reneged. They stopped payments and abandoned the arrangements while they sought fresh legal opinion, and also terminated the services of DM Kisch Inc.

Meantime more and more former students were having problems. Clicks employee Javulani Glen Jeleni, was awarded a certificate in March 2003, showing he had completed a bookkeeping course with the original Academy of Learning.

When an opportunity for a promotion opened at Clicks, Javulani presented his AoL certificate to Clicks' HR department, which sent it on to Educor for verification – who then turned to AoL SA, only to discover there were no records for the *Introduction to Computers (Windows 95)* course listed on Jeleni's certificate. Jeleni also confirmed paying for an *Access 2000* course, but admitted that he hadn't actually done the course – yet the certificate showed that he had passed it. *noseweek* has details of many other former AoL students who find themselves in a similar predicament.

With Educor failing to assist its former students, AoL SA was besieged with requests for assistance in clarifying their details. Hancock repeatedly raised the matter with Dr EB Mahlolo, the Director of Private FET Colleges in the Department of Education, but Mahlolo cancelled a scheduled meeting saying: "The Department will not be in a position to meet with you given the fact that most of what you have listed as items for the meeting are issues that you must resolve with Educor in accordance with the sale agreement."

Hancock tells *noseweek*: "I just hope that Educor will resolve the issues of its former students who have nothing to do with Academy of Learning SA. But note that Educor still owes me money for the certifications I have done so far." ■

Let that be a lesson

ASWELL AS WRITING for *noseweek*, I run a modest upliftment project called Goodbye Street, for a small group of grossly disadvantaged youngsters. We're not doing too badly: orphans and former street kids Mile and Ishmael are now, respectively, a qualified (if still job-hunting) lifesaver and a firefighter. Tshepo, on a bottle of glue a day before he came into Goodbye Street at 12, has at 22 just got his Code 10 driving licence.

We're in for the long haul and have had our sorrows: Thabang, on the street for four years until he joined our group at 14, achieved matric with exemption, only to be killed in May 2006, shot in the back by a Meyerton plot-owner.

Orphan Mosa, now 24, got a bad matric at school in Soweto, and didn't improve his grades in two successive repeats at Star Schools in Braamfontein. He's bright and when he trains, a brilliant soccer player, but in the past let himself down by mixing with bad company and taking drugs. Late last year he seemed to pull himself together and tested negative for dagga in successive weekly checks. His dream, he announced, was to take the three year media studies diploma course at Boston.

Which, on 16 January this year, found me signing on the dotted line at the desk of Sfiso Buthelezi (admin and internal marketing), at Boston Media House in Sandton. Courses here, and at allied Boston City Campus and Business College, do not come cheap. We chose the nine month deal: R4000 deposit, R600 for registration and nine monthly payments of R2399. Total R26 195. This was a massive commitment for us; Goodbye Street has just R2891 in the kitty as I write, and I knew back in January that I would have to meet many of these monthly instalments out of my own pocket. Still, it was the break of a lifetime for Mosa.

Before I signed the credit agreement I explained Mosa's background to Sfiso and obtained a promise from him that if Mosa started missing classes he would let me know immediately. I told Mosa, in front of Sfiso, that if he missed one single class without good excuse, or tested positive for drugs, I would withdraw him, and the deal would be off.

Sfiso agreed and I signed on the dotted.

noseweek's Jack Lundin thought the media studies diploma course at Boston Media House would be a big break for aspiring journalist Mosa. But with R26 000 down the drain, and threats of summonses and blacklisting, he's not so sure ...

Mosa began the first semester and at the end of February I made the first of three R2399 monthly payments. But at the beginning of June Mosa hadn't turned up for his voluntary drug test for several weeks, so I phoned Sfiso to see if there was a problem. Was Mosa attending regularly? I don't know, replied Sfiso. When he called back it was with the devastating news that despite Mosa's assurances of happy progress to me, he had missed lots of classes and his assignment marks were so poor he was not eligible to sit the first semester exams.

Sfiso and I agreed there was no way Mosa could catch up. I tested Mosa and he was positive for dagga. His explanation: several of his classmates regularly smoked the weed during class breaks, tempting him back into the habit. As per our deal, I withdrew him from Boston. Sfiso promised to have a

word with Portia in accounts about the balance outstanding.

Portia sounded understanding, and said a director at head office would decide whether I would be held liable for this daunting sum. She passed my letter requesting that the matter be viewed in a sympathetic light to the principal of Boston Media House, Ruan Venter.

Far from being sympathetic to the aspirations of Goodbye Street, Mr Venter took a hostile line; right at the start he saw fit to inform me that he had previously been a police officer for 12 years. In the threatening diatribe that followed, he declared Mosa's claim that dagga was smoked by his students as "the biggest load of rubbish" and that Mosa must "stop making excuses for his own incompetence".

As for Sfiso's promise to keep an eye on Mosa and keep me informed, where was the documentation for such an agreement? Sfiso was "only a clerk" and in no position to make any such undertaking, and in any case it was impossible. "We've got 1000 students here, 400 in first year, with 110 in some classes."

Mr Venter said he'd called a meeting of his entire staff and told them "under no circumstances will you ever make a promise like this again".

Striving to reach middle ground, I suggested that I pay the total currently due – R7306 – in full and final settlement. "Unfortunately not," was the unpromising reply. Mr Venter wanted the total balance outstanding for the year – R14 397.

So what happens next? "What's going to happen is going to happen from our side," was the grim response. My debt would be passed to their attorney at head office. If that got no response from me, it would be handed over to debt collectors for a summons and my blacklisting.

Mr Venter summed up his interpretation of the Boston line: "I know what you're going through, I deal with this every single day. I've had parents who took out a loan and the kid has passed first and second year and then in third year he just disappears. And the parents signed on the dotted line, so mom gets summonsed. Accountants don't think personal lives, they don't think special arrangements."

Perhaps the new National Credit Act

(see box) will make such harsh treatment of impoverished parents more difficult in future, I suggested. "No, we are exempt as an educational institution," claimed Venter. (Which is not correct. Only educational loans are exempt under the new act. Credit agreements, where someone pays a deposit and instalments over a period, are not.)

Anxious about what the editor's reaction might be, should one of his writers be blacklisted, and to get the thuggish Mr Venter off my back, I delved into my savings and wrote out a personal cheque for the outstanding R14 397. Mr Venter's response was a sugary phone call suggesting that with the fees for the entire year now paid, why not give Mosa "another chance" and let him stay and repeat the failed four first semester subjects in years two and three – at an additional retake charge of R10 000? No way! [Is Venter on a commission? – Ed].

I called Boston's in-house attorney at their head office, Barry Schwartz, to see if he was quite the ogre portrayed by Mr Venter. Schwartz said he knew nothing about people being blacklisted by Boston, but admitted: "If somebody hasn't paid I would issue summons."

Unlike Mr Venter, Schwartz, who gives law lectures to Boston students, didn't see anything exceptional in the deal I had struck with Sfiso to keep an eye on Mosa and keep me informed of missed classes. "Last year I had a guy like that," said Schwartz. "His mom used to phone and ask: has he come to class? I said I haven't seen him in class. Mom said she doesn't want to pay for her son if he's not coming to class and I said I fully understood. I agreed to her request."

Schwartz pointed out that Ruan Venter was not a director and not entitled to

BOSTON CITY CAMPUS was founded in 1991 by Ari Katz, who is today chief executive officer of the Boston group of companies. Ownership is spread between Katz and his co-directors, including Carol Prins, Susan Roos and Craig Stollard. Annual fee income from the 46 wholly-owned and franchised colleges across the country is estimated at R50m.

Courses on offer cover what Boston describes as "50 dynamic career diplomas", plus tuition towards Unisa degrees.

Boston Media House's three year diploma course in media studies was accredited by Rand Afrikaans University until that body's 2005 merger with Wits Technikon to form the University of Johannesburg. After evaluation of the course, the University of Johannesburg has not renewed the accreditation contract.

Enormous fees – R25 000 a year is typical – pack-them-in classes of 100-plus, the recruitment of newly-qualified lecturers with little teaching or practical experience, scant student or parent counselling – as evidenced in the case of Mosa – are among criticisms levelled at Boston institutions.

speak on behalf of Boston. He indicated that I might even get my R14 397 back. "I don't perceive it as being a problem. I wasn't aware of it and I don't think any of the directors were. Please give me something in writing that I can take to the directors."

Will this do, Mr Schwartz?

At debt-collectors Snyman & Venote, spokesperson Colin da Silva confirmed that his firm handles debt-collecting for all 40-plus Boston establishments across

The bulk of Boston's 20 000-plus student body is black, with many financially-stretched parents resorting to loans in their desperation to give their children a tertiary education. As Boston's debt-collector Colin da Silva admits, a "fair amount" of them end up with summonses or an "adverse listing" at the Credit Bureau.

The new National Credit Act, which came into force on 1 June, could see Boston forced to re-think its ruthless pursuit of impoverished parents. Under the act, credit providers are now required to conduct stringent financial means tests, with applicants required to provide proof of income, expenses, household budgets and a list of assets and liabilities. Simply getting parents to "sign on the dotted line" is no longer on.

There's special provision in the act for "reckless credit" – when an institution gives credit knowing that the applicant might be unable to keep up the monthly payments. Parents who can show they were not properly assessed when they signed on the dotted line can have credit agreements – such as the one Jack Lundin signed for Mosa – declared invalid.

the country. Of the 20 000-plus students, how many are blacklisted in a year? "I wouldn't be able to tell you offhand," said Da Silva. "A fair number. It's not a blacklisting, it's an adverse listing with the Credit Bureau that their accounts are in arrears."

Much the same thing.

PS I had told attorney Schwartz that the editor wanted a personal account of my experience with Boston Media House and Ruan Venter. The next day I received urgent messages to call group CEO Ari Katz. And what a surprise ensued!

"I don't agree with Ruan's decision to make you pay the balance of the fees," said Katz. "I've told them to refund you that R14 000 and the R4000 deposit. "Normally, deposits would not be refunded, but we wouldn't want to take money from an Aids-orphaned kid, or his sponsor. Believe it or not, we have some moral conscience.

"We have a special fund for Aids orphans, so Mosa would be welcome to apply for a bursary. There would have to be strict rules regarding his behaviour, but assuming we could agree on a protocol to control such rules, we could offer him an opportunity in one of our other institutions where he might want to learn a different skill. We'll make a plan."

Mr Katz was a man of his word.

Next day R18 397 arrived in my bank account. **■**



"Excuse me, Doc, my attention wandered. What type of deficit disorder did you say I had?"

Head to head with Investec



Pauper's life: Graham 'Pastor G' Lawrence

FOR 15 LONG YEARS Graham Lawrence, known to the citizens of Johannesburg's Bez Valley as "Pastor G", has lived a pauper's existence while fighting the might of global banking group Investec to get his job back.

Pastor G's quest for his humble R2400-a-month post as a building inspector in the bank's property division has taken the 62-year-old through the old Industrial Court, the Labour Court, the CCMA, the Equality Court and the High Court.

The Legal Aid Board, which initially shelled out for Pastor G's legal costs, has washed its hands of him. So has his union, the South African Society of Bank Officials (Sasbo). A high court judge has declared him to be a vexatious litigant; eight firms of attorneys assigned to his case have come and gone – but the ninth and current firm of Dockrat Inc reckons that Pastor G's got a case.

When you cut through the endless diversions and sub-plots in this epic saga, it boils down to a battle between the impoverished Pastor G and the chief executive officer of Investec, Stephen Koseff.

By trade, Graham Lawrence is a compounding chemist, but, years ago,

Fifteen years after
being sacked and
nine attorneys
plus four court
cases later,
Graham Lawrence
is still trying to
get his job back

he gave up his ethical pharmaceuticals and cosmetics manufacturing business to care for his terminally ill wife, who died in 1990. To make ends meet he then began supplying and fitting car batteries, until he found a job as a building inspector. Months later the company he was working for was absorbed into Investec Property Group.

Soon the sparks were flying. He caused an almighty row over an unexplained R60 deduction on his monthly payslip. "I am absolutely appalled at the extraordinary steps I had to take to secure my basic rights with regard to the company's illegal deduction from my salary," ran his memo to three of his superiors in August 1992. "Your hostile, cynical and unwarranted attack on my name and integrity belies the lofty ideals as set out by Stephen Koseff's foreword to 'Getting Acquainted with Investec', to which I fully subscribe."

The following month, suspicious that Lawrence was conducting a private business during working hours, management assigned another employee, a Mr Fox, to accompany Lawrence on his rounds. Fox reported that they had delivered bibles to an address in Robertsham and stopped at a bakery to make a food delivery.

Next the company hired a security firm to entrap him. The agent, a Mr Spring, phoned Lawrence and asked him to deliver a car battery to him at Hyde Park shopping centre. Lawrence obliged, unaware he was being filmed.

At his disciplinary hearing for "moonlighting", he called on Stephen Koseff, then managing director of Investec Property Group, to represent him. Koseff was not available, so Lawrence stormed out of the inquiry. The verdict: that his services be summarily terminated. An appeal hearing upheld the dismissal.

Fast forward two years, to 1994, when Lawrence turned to the (since disbanded) Industrial Court. He had a witness subpoena served on Stephen Koseff – amongst others – but again Koseff did not turn up. The court's as-



Lofty ideals: Investec CEO Stephen Koseff

sistant president, advocate MAE Bulbulia SC, found that Lawrence's "breach of his contractual obligations did not touch upon any serious moral turpitude and the penalty of dismissal was far too harsh in the circumstances".

Bulbulia SC ordered that the dismissal be set aside and replaced by a final warning, to take effect from 1 June 1994, on which date Lawrence should report for duty. Investec was represented at the court by industrial relations consultant Ken McDade. Ten days after Bulbulia delivered his ruling, McDade wrote to Lawrence informing him that "in view of the fact that your position is currently filled, Investec could enter into consultations with you in regard to your redundancy and the need to consider your retrenchment".

McDade added: "My client does not consider it an option to take you back into its service at any time."

Undeterred, Lawrence reported for work at Johannesburg's 55 Fox Street on the appointed day. At the office of group human resources manager Jorge Macris, he was turned away and escorted off the premises by security guards. He rejected an offer of a severance package of a month's salary, and was retrenched.

Investec's consultant Ken McDade tells *noseweek*: "Between the time of his dismissal, and the order to re-employ him, Investec Property Group sold a portion, or a whole, of one of its divisions. So they didn't need as many building inspectors."

Why then did he write to Lawrence, in June 1994, informing him that his job had been "filled"? If Investec was cutting back on building inspectors and Lawrence's job was redundant, why didn't he say so then? No reply from McDade on this. "I don't want to spend one more minute on this guy – he's an absolute lunatic," he says. "It's been an absolute nightmare. I just don't understand what is driving him."

'Investec did not appeal against my judgment, which therefore still stands. You cannot, when ordered to reinstate someone, say "oh, your job's gone, we're retrenching you"'

Advocate Bulbulia

Over the years, Pastor G has maintained that his retrenchment was a "ploy" by Investec to get round advocate Bulbulia's Industrial Court reinstatement order. Six months after the order he was advised by the court's president, Adolph Landman, that the order could be enforced by either attaching Investec's property or laying a charge of contempt of court with the police, since failing to comply with the order was a criminal offence.

Lawrence obtained a writ of execution attaching R150 531 worth of computers, desks and chairs from Investec's then head office at 55 Fox Street. This tactic foundered, he says, when he couldn't come up with the sheriff's R5000 fee before he could seize and sell the goods.

Lawrence then challenged his second dismissal on the redundancy issue – but he now concedes that he should have had Bulbulia's reinstatement order enforced instead. In March 1995 the Industrial Court dismissed his ill-advised redundancy application. He also complained to the labour department, and the state brought criminal charges against Ken McDade and Investec for not complying with Bulbulia's reinstatement order. However, both were acquitted.

As far as Investec is concerned, that was the end of the matter. Bulbulia, now aged 78 and long retired, doesn't agree. "Investec did not appeal against my judgment, which therefore still stands," he tells *noseweek*. "You can-

not, when ordered to reinstate someone, say 'oh, your job's gone, we're retrenching you'."

In April 1997 Pastor G obtained a writ of attachment for an Investec-owned block of flats in Hillbrow. Investec responded by having Lawrence declared a vexatious litigant by Judge Hussain in the Johannesburg High Court. The judge declared that any attachments obtained by Lawrence were void and that he should proceed against Investec within 30 days or be forever barred from doing so. Lawrence claims that his attorneys failed to carry out his instructions to go ahead.

Pastor G's personal war has raged on, but last year the Legal Aid Board's Peter Britz told him that there was no longer any prospect of successful litigation, and no more public money would be wasted on his case. And Advocate Chris Orr, briefed in *forma pauperis* to assist Lawrence, declared: "I must express an opinion that Lawrence has no prospect of success in enforcing the Industrial Court order against Investec, or of having his subsequent retrenchment declared an unfair labour practice."

However Pastor G's latest (and ninth) firm of attorneys, Dockrat Inc, appointed at the request of the Justice department to act *pro bono* (free) to resolve the matter, is optimistic. "There is still hope," the firm's Mohammed Laher tells *noseweek*. "We'll draft an application to the high court to give effect to that old Industrial Court order."

Last October Pastor G suffered his eighth eviction – from a house in Bez Valley. "I was on the pavement with my belongings, when this lady I had never met came up and said I could take her house. It was a miracle."

Pastor G exists, apparently, on air. He's switched off the electricity and boils his kettle on a paraffin stove. Those whose spiritual needs he attends to as a "self-styled pastor" unfaithfully come up with "a plate of food". Transport is provided by Metrobus, which gave him lifelong free rides in 1998, after he bust up a gang of thugs who had been terrorising local pensioners on the buses.

"All I want is my job back – I've another three years to go until I'm 65. And I want to be paid retrospectively from June 1994 [with interest that clocks up to more than R160 000]. Why are people angry with me?"

Koseff declines to speak to *noseweek*. From the Investec head office in Sandton his PA says: "Stephen doesn't have a comment. Graham did leave here 15 years ago."

Horse-thieves and car salesmen

IT'S A DREAM JOB: swan around the world (business class), dine in the finest restaurants, booze in five-star hotels, be showered with gifts and drive the latest cars – all paid for by South Africa's carmakers. This, in fact, is the motoring journalist's life – if he's in the motor industry's good books.

But recent strife has seriously scraped the paintwork on this pally-pally world with its carefully protected closed-door status. An open letter circulated to motor industry bigwigs by disenchanted motoring journalist "John Doe" describes the tactics adopted by upstart publications to ensure attendance at blue-riband car launches, and falsely boost circulation numbers, thereby increasing advertising revenues.

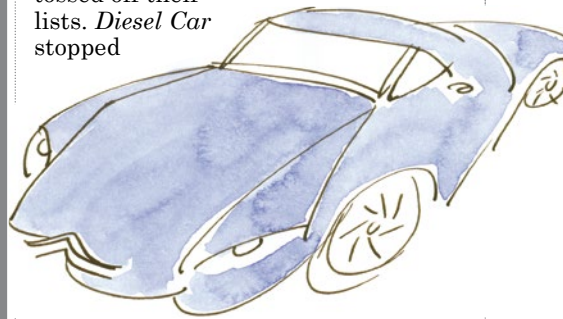
Don't believe
everything
motoring
journalists write

According to Doe there are some "good quality motor magazines offering advertisers more than reasonable bang for their buck and credible editorial policies supported by long-standing and trusted Audit Bureau of Circulation (ABC) ratings. All also enjoy A or B list status with many carmakers, as they ought to".

But, he writes, some publications that are getting in on the act really don't deserve it. Some are pumping up their circulation figures, while others have dropped off the ABC ratings (if they ever made them) yet continue to crack invitations to launches and to charge top-dollar for advertising.

As an example Doe cites *Xtreme Machines* as having had a hard time with the circulation bureau, which withdrew *Xtreme's* late 2005 audit report when the figure claimed was allegedly found to be considerably higher than the title's total print order in that period.

Another publication to incur his wrath is *Diesel Car*, which, apparently, was declared "unauditable" by the circulation bureau a year ago, and tossed off their lists. *Diesel Car* stopped



Illustrations: Meg Jorifi

publishing earlier this year, to become a "webzine" alongside two similar efforts by the same publisher. Yet, although it's now only offered as an Internet download, where its circulation can be accounted, it still pulls invitations and ads from top motoring brands.

Central to the battle for the attention of the South African motoring consumer is "paid for editorial", or advertorial, where publications basically get paid by car manufacturers to overlook negative aspects picked up

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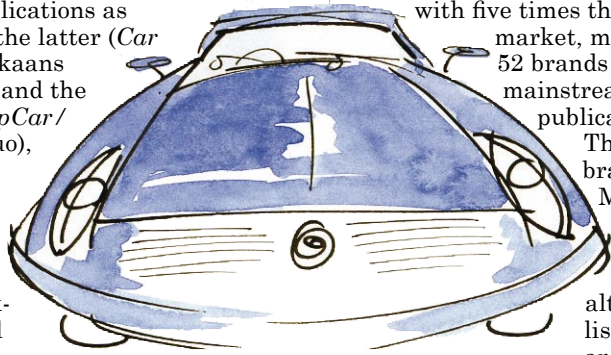
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in road tests and create false perceptions. Having elevated the technique to an art form, some publications exist solely on such "editorial" – with consumers having no way of verifying whether the copy is advertising bump dressed up, or legitimate editorial.

Doe singles out certain South African publications as publishing the latter (*Car* and its Afrikaans sister *Wiel*, and the bilingual *topCar/topMotor* duo), but says: "There are certain less scrupulous titles that, despite lacking any real credibility, rob revenue, test cars and launch slots from genuine media that actually do boast the necessary credentials."

Advertorial supplements are to be found in most lifestyle magazines and daily newspapers, although some do steer clear of offensive techniques. The South African Guild of Motoring Journalists, unfortunately, seems to sanction advertorial: its president Charlene Clarke, who runs a PR agency, made it into *nose61* after penning press releases for motor auction house Burchmores and wheels bank Wesbank.



One source of the problem is the plethora of car brands and car magazines available in this country. At last count there were 55 brands, with over 600 models to choose from, and upwards of 100 "publications" – well up from the nine brands and 81 models, and 10 publications, of 13 years ago. (The United Kingdom, with five times the vehicle market, makes do with 52 brands and around 10 mainstream motoring publications.)

Thus, newer brands (typically Malaysian, Korean, Chinese or Indian, although established makes are not immune) are desperate for "pedigrees", and with plenty of unethical guns for hire, positive "editorial" depends on nothing but an open cheque book – or stealthy envelope.

So, next time you research your second-most expensive asset (after your house), be wary.

Given that the motor industry has its roots in the horse-thieving activities of the Middle Ages, its sales people can hardly be trusted. As John Doe suggests, test reports in many motoring publications are not to be trusted, either. **W**

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Padded hospital bill

MANY OF US LIKE to think that although Africa can be a harsh place, the first world elements in our own country protect us to a certain extent. Unfortunately corporate greed means we can also be robbed in a very sophisticated manner.

Medi-Clinic Corporation Ltd owns various private hospitals, of which the Morningside Clinic is one. I had the misfortune of being a patient there in June this year, while undergoing a total knee replacement operation.

I am a trained nursing sister, retired after over 30 years of experience, including experience as a theatre sister. I have worked in the US, Ireland and here. So I have an eye for these things, and know how to evaluate the skills of hospital staff.

The Morningside Clinic's orthopaedic section had some 40 beds, for which the Nursing Council standard would require six qualified nursing sisters. Morningside had one, and one trainee – the remainder were nurse aids, who have had no more than three months

training; often only one month's training. It appears that when Mediclinic take over a hospital they immediately set about getting rid of as many sisters as possible to cut costs.

Qualified nursing staff know how to pay proper attention to hygiene, to watch for signs of infection, for signs that wounds are not healing, for adverse reactions to medication and surgical procedures. None of the nurse aids would have been able to monitor these crucial factors of post-procedural care. But the corporate guys are bright. They dress the nurse aids in the same uniforms as the sisters, so the patients are unable to tell the difference.

Should mistakes be made, the clinic itself benefits, as the patient will incur extra costs – as happened in my case. While attending to me one of the nurse aids pulled at the leg which had been operated on, and as a result a surgeon had to be called. He sent me for an X-ray to check if the prosthesis was still in place. I was charged for this.

The general service in the clinic was really not what one would expect. Beside low nursing standards – my condition was not even monitored on the night after my operation – the food was poor, no tea was ever offered, I was not given anything to drink at night. Bedridden for five days, I was not given a single bedbath. Staff asked why I hadn't brought my own soap.

After six days in the clinic I was presented with a bill for R54 744. I asked for a detailed account, only to discover that the account had been padded. I pointed this out to my medical aid, Discovery Health, who informed me that they had an agreement with Medi-Clinic to pay all hospital bills in full, without question. I was, for example, charged for a full theatre pack, and then for a series of items already included in the pack – gowns, dressings and so on. I was also charged for sleeping tablets I had not been given.

I wrote to Discovery explaining my gripes, but got no response. May I suggest that patients insist on detailed billing, and as far as possible avoid clinics that have an almost total disregard for the patient's welfare.

Noreen Slyer

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Notes & Updates



GREEN GOLD

Let them eat biofuels

THE WORLD'S POOR ALREADY spend 50–80% of household income on food, and are more affected than others when hikes in the fuel price push up food prices. Now competition for land and resources between food and fuel crops is resulting in a reduction in food production – and increasing the price of land and water. The International Food Policy Research Institute has estimated that the price of basic staples will increase

20–33% by 2010, and in the decade after that by still more – and the poor will get to eat less, by a ratio of 2:1.

In an essay published in the *International Herald Tribune* on 9 July, Eric Holt-Giménez, executive director of the Food First/Institute for Food and Development Policy, argues that limits must be placed on the biofuels industry. The North, he says, cannot be allowed to shift the burden of their overconsumption (of fuel/energy) to the South which has more sunlight, rain and arable land.

Strong, enforceable standards, based on limiting land planted for biofuels, are urgently needed, as are anti-trust laws powerful enough to limit the corporate concentration of market power in the grain, cane and palm oil industries. Sustainable benefits to the countryside will only accrue if biofuels are a complement to plans for sustainable rural development, not the centrepiece, says Holt-Giménez.

He pleads for a global moratorium on the expansion of biofuels while the required regulatory structures and conservation alternatives are developed. “We need time to make a better transition to food and fuel sovereignty,” he says.

Anyone here listening?

MANYELETI LAND CLAIM

Van Vuuren dings on

DRAMATIC DEVELOPMENTS ARE underway in the battle between the Mnisi people and White River businessman Karl van Vuuren for the Manyeleti Game Reserve (*nose93*). Land Affairs Minister Lulu Xingwana has filed a stinging affidavit opposing the attempt by Van Vuuren and his wife to “hijack” the Mnisi’s claim to the reserve. The Mnisi’s claim to the 23 000 hectares of Manyeleti, from which they were evicted by the apartheid government in the 1960s, has been approved by the Land Claims Commission and is awaiting the final nod from Minister Xingwana.

In *nose93* we told how Van Vuuren and his wife Edith were fired by the Mnisi when, with transfer of the reserve imminent, the Mnisi realised how massively they would lose out under the Van Vuurens’ management.

Joburg attorney Jurgens Bekker was retained instead to establish the Manyeleti Conservation Trust to take



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transfer of the reserve, thus ensuring that it remain in Mnisi hands.

Van Vuuren is seeking a court order to have his sacking set aside – and for his controversial agreement with the Mnisi to be declared binding. The case is to be heard in the Pretoria High Court in November.

After *nose93* appeared Van Vuuren brought an urgent application in the Land Claims Court seeking a temporary interdict to prohibit the Land Claims Commission from finalising the Manyeleti land claim, or transferring the Manyeleti to anyone, pending finalisation of the November action.

This move appears to have provoked the hard-hitting affidavit from Minister Xingwana, opposing the interdict application.

Van Vuuren's agreement with the Mnisi, declares the minister in her affidavit, was "a total fallacy". It was not

submitted to her office, which would "never have approved the contents". What is more, she adds, Manyeleti will remain a proclaimed nature reserve and the nation will still have "access, usage and the right to conserve the land", and its management will be conducted not by the Van Vuurens but the state's Conservation Agency.

Van Vuuren had persuaded the Mnisi to give concessions to one of his family-owned companies to build luxury lodges on Manyeleti, with "indefinite, irrevocable and transferable" occupation rights. The minister points out that the size and position of "at least two prime pieces of land" had not been determined, and the Mnisi would be "deprived of those portions of land forever".

The agreement that Van Vuuren had persuaded the Mnisi to sign, says Minister Xingwana, was "contrary to

the spirit and provision of land restitution and simply constitutes taking away the community's land even before they obtain it".

When the urgent interdict application was heard in the Land Claims Court on 27 July, Van Vuuren's advocate asked for an adjournment to reconsider his client's position, and Judge Antonie Gildenhuys postponed the matter *sine die*.

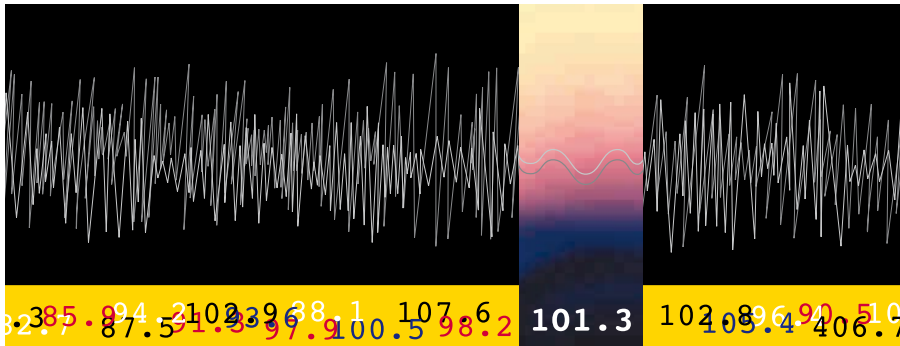
noseweek has established that Minister Xingwana intends to file a fresh and equally condemning affidavit for the November high court action. Within days of *nose93* appearing, Regional Land Claims Commissioner Mashile Mokono filed his own tough affidavit for the November matter. "The Land Claims Commissioner will not sanction the transfer of the claimed land to Manyeleti Property Holdings [20% owned by the Van Vuuren-controlled trust]," reads his affidavit. He confirms that transfer will go to the Bekker-formed Manyeleti Conservation Trust.

As for those game lodge concessions to a Van Vuuren company, with their indefinite and irrevocable occupation rights, Mokono declares: "This clearly [aims] to defeat the objective of restitution and is clearly immoral and unconstitutional."

Were the Van Vuurens to succeed in their application, a "huge percentage" of the Manyeleti land would not be transferred to the Mnisi, but revert "into the hands of persons who were not dispossessed as contemplated in the Restitution of Land Rights Act," says Mokono. "This would be a serious indictment of the Commissioner and the government."

November will see some embarrassing double-dating for Karl and Edith Van Vuuren. Their Manyeleti application in the Pretoria High Court has been set down for 13, 14 and 15 November. However, on 14 November both are due to appear for trial in Johannesburg's Commercial Crimes Court, on charges of fraud – alternatively theft, alternatively forgery, alternatively uttering – concerning R300 000 paid by former Absa director Danisa Baloyi into a company of which Edith Van Vuuren was sole director and shareholder. The Van Vuurens will only be required to plead to the charges at the November hearing, and are out on bail of R20 000 each.

calm in chaos



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RAND WATER

Another one flushed

FOLLOWING PUBLICATION of *nose94*, Themba Nkabinde, chief executive of troubled Rand Water, has departed his desk at corporate headquarters in Joburg's Glenvista – amidst much speculation in the ranks about his fate.

Demoralised staff at Gauteng's bulk water supplier were tersely informed that Nkabinde is "on holiday". But a more likely reality emerged on 2 August, a week after *nose94* hit the streets with its tale of boardroom uproar and forensic probes at the utility. On that morning, the group of senior managers who sit on the Rand Water's Portfolio Integration Committee, were summoned to an urgent and highly confidential meeting.

They assumed it had been called by chief executive Nkabinde, but on arrival the PIC managers were faced by grim-faced chairperson Jean Ngubane and her deputy, Mosotho Petlane.

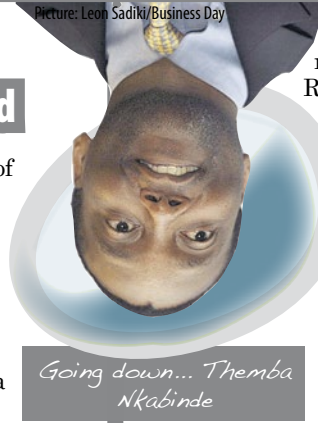
Ngubane briskly announced that the chief executive had been put on "special leave" and that she was appointing strategy head Zvinaiye Manyere to act in his place.

"What has he (Nkabinde) done?" piped up one brave soul. Ngubane, who doesn't appreciate questions at the best of times, refused to say. "Is it a suspension?" asked another. "No, it's special leave pending an investigation and disciplinary action," replied the chairperson in a surprising show of candour.

What really brought gasps and suppressed whistles from the assembled executives was the sudden elevation of Zvinaiye Manyere. Keith Naicker, Rand Water's chief operating officer, asked, as tactfully as he could – Manyere was present – why the chief executive's slot could not be filled by the chief financial officer, Catherine Smith – or, in view of his seniority, himself.

"It couldn't be you," chairperson Ngubane told Naicker, "because you're involved in it, the disputed tender." (We're all assumed to know why Catherine Smith couldn't be.)

Anyway, from that remark it seems that Nkabinde has been cast into limbo because of his role in the granting of a R100m pipeline tender to Chinese company 3W-BSP. As *City Press*



Going down... Themba Nkabinde

reported on 24 June, Rand Water has been forced to suspend the tender because of irregularities, which include the feting of Nkabinde and his wife by 3W-BSP executives in Beijing. "I'm involved?"

How am I involved?" squealed Naicker, who earlier had sought to win brownie points by urging action against

noseweek for our last issue revelations. Chairperson Ngubane ignored Naicker's "how am I involved" bleat, leaving the (Indian-and-therefore-at-risk) chief operating officer shaken and insecure.

Zvinaiye Manyere hails from Zimbabwe and joined Rand Water, where he heads a small team responsible for corporate strategy, two years ago. About the only thing qualifying him for the perch of acting chief exec, it seems, is that he's black. "Very nice guy, but hopelessly incompetent," one PIC executive muttered into a neighbouring ear.

Later, *noseweek* asked a senior insider whether that comment was justified. "Manyere's a very weak manager. It's caused quite a lot of dismay within the organisation that he's been appointed acting chief executive, when he should probably have been dismissed for incompetence," was the reply.

The banished Themba Nkabinde replaced Simo Lushaba as chief executive of Rand Water just 15 months ago. He came from middle management at South African Breweries.

■ In our last issue we said that until he was fired David Dalling was the last pale male on Rand Water's board, and Phiroshaw Camay its last Indian. In fact, two other "Indians", Dawood Coovadia and Ms Ferhina Saloojee, remain directors.

PLANNING PERMISSION

Home truths in Kenton

GLOOMY DAYS FOR PROFESSOR Mark Lester, *Sunday Times* tax guru and professor of taxation studies at Rhodes University. After a five-year legal battle with his neighbours he may yet have to demolish that house at Kenton. In *noses59&79* we recounted

the saga of Lester's R2,7m beach home, described by locals as "a cross between a McDonald's and an aircraft hanger".

Lester added a third storey to his "monstrosity" – blanketing the view of Bushman's River estuary and the spectacular Eastern Cape sunsets from the holiday home balcony of neighbours James Haslam and Judith Hawarden.

Granting the Haslams' application for a review of the Ndlambe municipality's decision that approved Lester's building plans, Judge RJW Jones has ruled in Grahamstown High Court that the plans "be not approved". He says the National Building Regulations require the municipality to "take positive action to address the irregularity".

Judge Jones said in his judgment: "... the house as it now stands is incapable of the authority's approval, and demolition or partial demolition may be the only practical solution."

Lester's counter-application for an order that, in lieu of demolition, the Haslams' should accept R600 000 compensation – an amount already rejected by them – was dismissed. He was ordered to pay the costs of the case.

In court Lester claimed that he had been the victim of mistakes by professionals who advised him and built his house, and mistakes by the council for improperly approving his plans.

The youthful prof (he's 45) tells *noseweek* he's "obviously disappointed" that he now faces "in effect total demolition" of his house.

Latest rumour sweeping the sleepy coastal village is that wealthy James

Haslam, a 66-year-old Johannesburg plastics manufacturer, plans to restore his view – by buying the Lester abode.

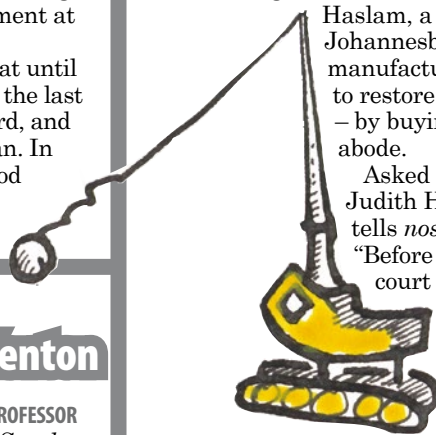
Asked for comment, Judith Hawarden tells *noseweek*:

"Before we went to court we said a solution would be for us to buy Lester's property and take

responsibility for its demolition. He rejected that."

Confirms Lester: "I have not sold out, nor do I intend to."

So will Ndlambe municipality, now on notice by the high court to take action against an illegal building, order its demolition? Angus Schlemmer, the controversial corporate services director



who improperly approved Lester's building plan, has left the council's employ to manage the Royal Alfred Marina. His successor, Thandeka Mali, is rarely [if ever? – Ed.] at her desk to answer her phone, so everyone remains in the dark.

DICK METER & (HIS SOON TO BE EX-) FISHWIFE

Scaley business

T SEEMS THAT HOUT BAY IS PROVING too small a pond for the fishily ambitious Meter family.

While Shantaal Meter has been finding business tough since she opened her controversial Bluefin processing factory on the Hout Bay quayside (nose57,61,64), her soon-to-be ex-husband Dick has been trawling the West Coast for new business opportunities. (Yes, Shantaal has filed for divorce.)

A former ANC activist and champion of the poor, Dick appears to be targetting small, locally-owned fishing companies in order to get his hands on their precious quotas. Among his acquisitions so far are Denburg in Vredenburg and two Lamberts Bay outfits, SLH Fishing Limited and Malgas Visserye BK. Former shareholders who opposed the sale of their companies accuse Meter of taking advantage of their ignorance, confusing them by presenting them with contracts written in English, and not giving them time to take legal advice.

Florina Beukes, one of the 10 former Malgas shareholders, said she had fought against the sale of her company because the offer of R3,5m was too low. "We still had eight years left to run on our crayfish quota which is 17 tons a year. And there's the roll-over of eight tons for this year because we didn't catch our full quota last year. And he took our bakkie and our boat. All the other shareholders were men, and they wanted the money. They were not well informed and they would not listen to me. In the end I was under such pressure, I was forced to sell."

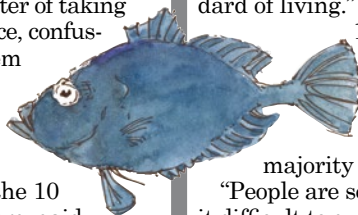
Beukes, who is now unemployed, said Meter had given each of the shareholders a cheque for R170 000 with the balance to be paid in November. While the initial cheques have now been cleared, Mrs Beukes said she was anxious to receive the final payment. "I don't much trust Mr Meter. He wasn't honest with us."

Another local source said Meter had also tried to get his hands on a company called Louwenians in Vredenburg, but

the shareholders refused to sell. Shortly afterwards, the company had its application to renew its quota turned down. (The shareholders believe Meter has political influence.) Louwenians was forced to sell its shares in the boat *Silver Leader*. Those shares were auctioned off and bought for a knockdown price by Hout Bay resident Sarah Anderson, who also happens to be a shareholder in Mrs Meter's Bluefin holdings.

According to the source, Meter's three new companies have a value of R20m, over double what he paid for them. It's quite an outlay, even for a man of means – he holds a probably not exorbitantly-paid position as a director at Saldanha Foods, in which Bluefin has a 20% BEE share. Apparently Meter is cagey about who his backers are. Some of the fisherfolk said he claimed his brother, a handyman in Grassy Park, was putting up the money. Others that he waved his Saldanha Foods business card at them. Another said Meter claimed he was a frontman for the Lusitania Fishing Company – Lusitania denies being involved in their purchase. Allan Silverman at Saldanha Foods did not wish to comment.

Dick Meter responded to queries with an email accusing a *noseweek* source of being "angry at a person with my colour and track record improving on his standard of living." Meter points out that 112 applications were made by people wanting to transfer their fishing rights, and that most of the buyers are "big and majority white-owned companies". "People are selling because they find it difficult to sustain themselves in the industry, or because they had little benefit from being shareholders in quota companies."



GLENRAND

More misery

IT'S ONE SADNESS AFTER ANOTHER at JSE-listed Glenrand MIB. For the past 15 months the secretive and deeply troubled insurance brokerage has striven to hide the story of how a relatively junior employee was able to cook the books to steal R26,5m from the company over a two-year period.

Chairman Dudu Kunene and former chairman Allan Mansfield did make reference to the fraud in the group's annual report for the year ended June 2006. In it they stated: "A fraud was uncovered

that had been perpetrated by a member of middle management in the Risk Services division. Part of this related to prior years and involved the theft of funds which was concealed by falsifying accounting entries, and which has highlighted deficiencies in our internal control processes.

"A review of the procedures has been conducted by our internal auditors, PricewaterhouseCoopers, and recommendations made which are currently being implemented."

Later in the report they declare: "The net effect on the results ... was a recovery of R19,5m in the current financial year."

It's only in a footnote to the balance sheet that we discover that the total amount stolen was R26,5m, and that the R19,5m was not recovered from the thief, but from Glenrand's insurers in terms of a policy which covers theft by staff.

So, who perpetrated the fraud? And what action has Glenrand taken? That's the news you're not supposed to know. Read on.

The man who cooked the books, *noseweek* can disclose, was Greg Govender, a quiet, slightly-built man in his 30s. Govender was not a qualified chartered accountant, but a middle manager in the risk services division, then headed by Andrew Chislett. "He was a typical guy you'd expect to have in your back office; the guy that sat there doing the work," recalls a colleague.

In late April or early May it became known that the diligent Govender had given notice and was on leave. Whether he had been fired, or resigned in an exit plan to enjoy his stolen R26m, is not clear – and Glenrand won't say.

"Stuff had definitely been picked up and he was being questioned about this," says a senior executive. "Then it became a little more serious and we said: 'look, fella, you'd better come in; we want an explanation.'"

Those demanding an explanation included Govender's immediate boss, Chislett, and then group financial director Tiffany Boesch.

According to insiders, the big confrontation was set to take place at 10am at head office in Randburg on Sunday, 21 May. Greg Govender didn't turn up. Less than an hour after that meeting was due to begin, he was alone in his car, heading east on the N1. Close to the Rivonia off-ramp his car went spinning off a bridge and into the river below. "He wrote himself off; it's incredibly sad," says a colleague. Govender is survived by his wife and two young children.

Since the scale of the thefts became clear, there have been several departures from Glenrand. Allan Mansfield

stepped down as chairman with effect from 30 June. Steve Roretz, group chief executive when the massive fraud was discovered, left on 18 August. Tiffany Boesch had in fact put in her resignation as group financial director on 2 May – 19 days before Govender's death. – Andrew Chislett was working out his notice as we went to press.

We'd still have some questions:

■ As the Glenrand annual report stated, R19m odd of the R26,5m was recovered from the company's insurer. What of the balance? Why did Glenrand's insurer not pay that, too? Group financial director Gordon Whitcher says vaguely: "All efforts are being made to recover what we can find to recover." A helpful company insider adds: "Bank accounts are being looked at." Really? Only now?

■ How did Greg Govender manage to systematically steal R26m from a registered financial institution? (That's assuming he was the only thief.) What were the "deficiencies in internal control processes" discovered by internal auditors PricewaterhouseCoopers? And why did KPMG, Glenrand's auditors, fail to pick up the false accounting entries made over two or more years by Greg Govender? The answers to these questions are presumably to be found in a special forensic report compiled by Ernst and Young. Can we see it?

"Ask for it under the Access to Information Act," says Gordon Whitcher, knowing full well such a process will be costly and could take years.

■ What did Govender do with his ill-gotten gains? Something exciting like funding Al Qaeda – or Sun International's casinos? Or was he, like so many others, making a donation to the ANC's election fund? Sitting out his last days at Glenrand, Govender's divisional head Andrew Chislett snaps: "No comment."

BONITAS MEDICAL SCHEME

Bouquets and brickbats

FLOWERS MAY BE AN appropriate peace offering after a lover's tiff, but they're hardly to be expected from the medical fund you've been hounding for months to settle thousands of rands worth of hospital bills.

Vuela Crosby, who lost her husband to cancer late last year,

was not appeased when Medscheme, the administrators of Bonitas Medical Fund, sent her an expensive bouquet as an apology for eight months of anguish during which they consistently rejected claims for the balance of her late husband's medical costs, amounting to almost R9 000.

Crosby realised there was a problem three months after her husband's death, when credit controllers informed her that a number of her husband's bills had not been settled.

"I immediately contacted Bonitas. They were full of excuses. They claimed they had not received the full accounts, that doctors had sent incomplete accounts or had overcharged, and that some pathology procedures were duplicated.

"The reason there was duplication was because my husband's physician had ordered repeat tests, but Bonitas said their computer automatically threw out all duplicated items."

Crosby said both she and her doctors had resubmitted the accounts requested, but Bonitas then claimed it had not received them.

"This went on for months. They ducked and dived and blatantly lied. I have 13 query and reference numbers relating to my calls. And the call agents got ruder and ruder. They treated me like a dimwitted person."

Then in April, after months of haggling, Bonitas informed her that the claim was now "stale".

In response, Crosby wrote a "strongly worded" letter accusing Bonitas of breach of contract. Soon after, the flowers arrived with a message reading: "Please accept our sincerest apologies for the inconvenience caused".

"It was a huge bunch – almost three feet high. It must have cost a fortune."

Some weeks later almost the entire claim was settled, though a couple of smaller bills remain unpaid.

"If I wasn't so adamant, they would have got away with the estate paying the bills. There must be many people who just give up. Especially after a death, when there is so much to cope with."

In an emailed response to our questions, Bonitas Senior Fund Manager Modjadji Tati acknowledged that there had been a delay in paying some of

Crosby's accounts, including a case where the claim "was not submitted in full".

But later in her email, Tati said this bill, for R5 722, had been disregarded as it had not been received before the four-month "stale" date.

Then she said the claim was settled after Crosby provided proof that she had indeed submitted the claim in good time.

Tati said she had listened to recordings of Crosby's telephone enquiries and that "there is no indication that the Bonitas call centre agents were in any way rude to Mrs Crosby".

She said the flowers were sent "purely as an act of empathy acknowledging her loss and to apologise for the difficulties she experienced".

SELEBI'S FRIENDS

Further sightings

A

NOTHER SIGHTING OF OUR old friend Imran Ismail, wheeler-dealer and smuggling supremo buddy of national police commissioner Jackie Selebi (noses89,90,91).

The other day Ismail, in red and white floral shirt, was seen on Indian TV visiting his old friend, Bollywood actor Sanjay Dutt, who has been sentenced to six years "rigorous imprisonment" for his role in the 1993 Mumbai bombings.

On Ismail's arm on this August excursion to Yerwada Jail near Pune, some 160km from Mumbai, were Dutt's sister and the star's tearful girlfriend.

Although we posted Ismail's Mumbai address – 58 Pali Hill, Bandra – in nose91, it seems the Scorpions have made no attempt to speak to him re his role in the Great Forex Scam (nose56). Just as they've made no move to hear paymaster Steven Ferrer's account of the syndicate's payments to Commissioner Selebi. Ferrer's plea for indemnity in return for testimony has fallen on deaf ears; the authorities clearly prefer that he remains in limbo in distant Atlanta, USA. "It's political," says a source. "Selebi is untouchable. The Scorpions have been ordered to back off." Or else. **IZ**





Souk and ye shall find

FINDING A JEW in Morocco today is... well, difficult. In 1948, the Jewish population of this north African Arab country was over 265 000. Now they're down to fewer than 5000. In the seaside village of Essaouria, home 50 years ago to 6000, there are just three: Joseph Sebag, a middle-aged bookseller, his aged mother, and, in Joseph's words, "a sad demented" guy who wanders the streets. In my nine-day trip to Morocco, Joseph was the only Jew I met. And I looked everywhere.

Two years ago, we started planning our trip to Morocco: a bunch of mothers, sisters, cousins, all related to each other. It was to be an all-women trip to the north of Africa, in part to learn more about our Jewish heritage, but also to enjoy the local culinary delights and buy carpets. Our party consisted of eight, a diaspora reconverging – from Johannesburg, London, Miami, Santa Fe and Cape Town.

Although we are all Jewish, some more observant of custom than others, none of us is religious. We are all Ashkenazi Jews, from the strand that originates in Eastern Europe. The Jews of Morocco are Sephardic, their forebears having lived in Morocco for over 2 000 years, or having come

across from Spain and Portugal, when the Spanish monarchs Ferdinand and Isabella kicked them and the Moors out, in the 1400s. Ashkenazis and Sephardics have different prayer liturgies, different Torah services, pronounce Hebrew differently and different ways of life, although in modern times many of these distinctions have disappeared.

The cuisine is also different: Sephardic food is full of colour – red and green, peppers and oranges – and spices: turmeric, saffron and cumin. It is the food of hot climes and sunshine. The food I grew up with is brown or grey and beige – chopped liver, pickled herrings, and gefilte fish: it is the climate of cold, wet Eastern Europe on a plate.

Although we were going to one of the most tolerant Muslim societies in the world, my young cousin wore a headscarf throughout, while I took along skirts for visiting mosques. This was against my mother's advice. If you wear a skirt, she said, the men will run after you. At my age, I thought, that would be rather nice. They didn't.

Moroccan tolerance not only extends to tourists; it is reflected in the courteous and gentle manner of their own interactions. Morocco is also very

Liesa Jossel
and her band of
mothers, sisters
and cousins
go in search of
Morocco's Jews

I brought back two woven carpets, a handpainted frame, five pairs of leather shoes, two pairs of raffia shoes, three small handpainted bowls and real musk

beautiful, and a shopper's paradise. Proportionately, I'd say that for every twenty minutes spent on our mission to find a Jew, we squeezed in an equivalent five hours shopping. I had to spend a whole morning in the central Marrakesh Post Office packaging my goods to send home. At the airport, we eight women held up the entire queue behind us, as we packed and repacked our bags to avoid paying overweight.

Some of the purchases I brought back were: two woven carpets, a handpainted frame, five pairs of leather shoes, two pairs of raffia shoes, three



Big hole: Dates and nuts at the souk

small handpainted bowls and a big one that Fez is famous for, beautiful silk tassles, and real musk. I also posted back 12 handpainted plates and eight handpainted tiles.

Beautiful landscapes, abundant birdlife, oranges dripping from trees, clement weather, a delicious cuisine, kind people, even wine... it seems an ideal place for anyone to live. So why did the Jews leave? And where did they go? I pondered this while doing backstroke in the heated pool at our small hotel in Marrakesh, as a native stork flew overhead.

When doing research for the trip, I had first approached a US-based tour operator, who specialises in Jewish heritage tours world-wide. He presented us with great itineraries, but the only Jews he could suggest to visit were in cemeteries.

And yet Morocco's history is rich with Jewish life. The coastal cities especially had large Jewish populations: Casablanca and Essaouria, as well as other smaller towns such as Sefrou had many Jews, trading, praying, working, side by side with Muslim Arabs and Berbers. Again and again we asked: where could we attend synagogue? Where have a Sabbath meal? Meet Jewish people? *Rien*.

I did get in touch, through a French interpreter friend, with a lovely woman from Casablanca, now in her sixties, whose husband was born in Essaouria. We swapped life stories, both cautiously admitting to our lack of devoutness, but to our joy in being Jewish. Joyce Zagury Benaim has three daughters, all of whom live abroad. She explained that in early 2004, Marrakesh had a small population of about 260 Jewish people, most

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over the age of 60. Casablanca now has the largest community, of about 3 000, and there are synagogues, mikvot, old-age homes, and kosher restaurants, and even schools.

Joyce told me she loved Morocco and that she and her husband live without fear. Their life is good, but their children, like all the others, have gone to France, Canada or Israel, in search of greater opportunity. Joseph Sebag, the seaside bookseller, told me he had many Jewish school friends. All his boyhood friends are now gone. Joseph



Green fingers: The magnificent Jardins de Majorelles, built by Yves St Laurent

himself left Morocco for many years, during which he gained an American passport, which he looks upon as “insurance”. He says he came back to be with his mother, and because, as he candidly admits, he can live a very “pampered” life – with a personal chef and butler.

All our guides emphasised the Jewish history of the country and

Unpredictable violence against a minority can wear down any community, and its cumulative effect probably contributed to the mass exodus from Morocco after 1948

told us with great pride about Andre Azouley, a Jew, who is also the royal advisor to the present king, Mohammed VI.

In Sefrou, once bustling with Jewish life, now poor and dilapidated, our young guide showed us the mellah (the ghetto where Jews lived just across from the Berbers). We saw the many houses that had been owned by Jews, some still with place on the doorframes for the mezuzah. He took us to the distribution point from which Jews used to “wholesale” their goods.

(My husband, who is not Jewish, remarked in his wedding speech that part of his reason for marrying a Jew was never having to buy retail again.)

Morocco may well be Israel’s closest friend in the Arab world. Before he died, King Hassan II often tried to foster the Arab-Israeli peace process. In May 1999, he organised the first meeting of the World Union of Moroccan Jews, in Marrakesh. His son, Mohammed VI, who is revered, seems equally well disposed towards the Jews.

Idriss II (in the late 700s) liked Jews and opened the city of Fez to Jewish settlers, where the city soon became known as a great cultural and intellectual centre, including, for a time, that most famous of thinkers Maimonides, who is known for his explanations of the Talmud, as well as his thoughts on God and faith in general.

Today the old city of Fez is still beautiful, perched on its hilltop. It feels very spiritual, and is a mixture of old and new. We stayed at a small but upmarket Riad called La Maison Bleue. Arriving at the riad, you walk the same path as the donkeys and their burdens, taking care not to stand in their poo, before entering a great door and stepping into an oasis of green trees, bright blooms, cool water and birdsong.

There is no hint of oppression in the Morocco of today. But this is not to say that it has always been the case. Like Jews in the Diaspora everywhere, their history in Morocco is punctuated by bouts of oppression and massacres. The Sultan Mulay Muhammed (1757-1790) was also disposed towards Jews, but his son, Mulay al-Yazid, massacred hundreds, in revenge for a

Travel file

Accommodation Very acceptable modest places are easy to find if you are sharing double beds, as most places have these. But given the range of ages (26-70), and though we love our mothers, sisters and cousins, we drew the line at sharing double beds, and opted for upmarket small *riads* with twin beds. A *riad* is a former home on several levels, with a central courtyard and fountain, that has been converted into tourist accommodation. For older people, it is best to enquire about the number of stairs to climb.

Tours can be booked on site at your accommodation. Guides are worth the little

money they ask, both for the breadth of their knowledge and for their ability to keep hustlers away. We were never cheated.

Food We loved the vegetarian tagines and vegetable couscous, and the arrays of salads of beetroot, carrot, brinjal, lettuce and tomato. The mince-meatballs are also delicious. If you want to drink wine, you need to eat in a tourist restaurant. It’s expensive: an average bottle of white starting at R150. And avoid any *Lonely Planet* recommendations - if you’ve read about it, so has every other British and US tourist.

Shopping in the souks is fun but the bargaining is exhausting, and by the end of it, we were longing for a *prix fixe* shop. They say that you should divide the initial price by three. No idea if that’s correct - I do know that if you offer too little, they simply won’t sell to you. The only bad experience

was at Les Potteries de Fez, a huge factory shop, where I bought 12 handpainted plates, each with a different blue and white design distinctive of Fez. Unpacking them in South Africa, I discovered they had only one piece of newspaper between each plate, and seven of the 12 were shattered.

Language If your Arabic is not up to scratch, brush up on your French.

Getting around Metered taxis are plentiful.

Currency The dirham is almost equal to the rand, and buys as much. Cash is essential, as most places do not take credit cards.

Getting there If you don’t need to go to London, I would suggest Air Iberia to Madrid, and then on to Morocco as a sensible option.

Cost of trip Staying in small upmarket hotels, about R1000 pp pd, excluding flights. I browsed online and booked offline with Best of Morocco: www.morocco-travel.com.



Garden path: The walkway at Les Jardins de la Medina

refused loan. The 1800s saw the odd pogrom, and lots of deaths from disease because of Jews' confinement in the mellahs. After France established a protectorate in 1912, Jews lived without violence, until a 1948 massacre left many Jews terrified.

Unpredictable violence against a minority can wear down any community, and its cumulative effect probably contributed to the mass exodus from Morocco after 1948. The big draw-card, inevitably, was Israel. The establishment of the state of Israel also coincided roughly with the withdrawal of the French from Morocco and a friendly immigration policy in Canada towards Moroccan Jews.

Prior to the 1950s, the Jews of Morocco were poor and uneducated, and lived in high density ghettos with poor sanitation. Education came, and with it, the flight of the young from the mellahs to the big cities, higher incomes – and the loss of Jewish traditions.

All this serves to explain why the synagogues are mostly closed, the kosher butchers no more, and the Jewish gravesides unkept. Still, the history of how the Jews had lived, and where they went and why, was fascinating, as was every other aspect of the trip, not least the great shopping, the good eating, and the togetherness of the "sistas". ▣

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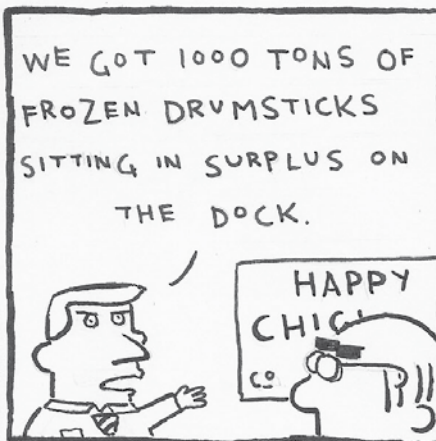
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MARKETING MAGIC





Hello Craig... GQ editor Craig Tyson and fashion stylist Amanda Gowing

Week in July by Gavin Rajah and his new best friend, Dr Precious Moloi-Motsepe.

Precious, a former medical doctor, has become the new boss of Cape Town Fashion Week. Wife of mining tycoon Patrice Motsepe, one of South Africa's richest men, she's bought major equity in Leisureworx, the fashion company with which Gavin and Paul Jackson – since departed over a matter of undisclosed irregularities – launched Cape Town Fashion Week four years ago.

In spite of her marshmallow name and model looks, Precious is as gritty as our Gavin. Now in charge of four of South Africa's Fashion Weeks, she's positioning herself as the country's new fashion show diva, in opposition to Lucilla Booyzens, who's run Gauteng's South African Fashion Week for the past 11 years, and who went head on with Gavin when he launched Cape Town Fashion Week.

Catwalk fights are common. But not normally as prolonged and national as the Gavin's-taking-us-to-Paris controversy precipitated by Lucilla's programme director Dion Chang when he attacked the project, claiming only one of the four black designers had an established business that could deliver on overseas orders. Even a lo-



Patricia de Lille, Mrs Soli Philander, Soli Philander, Dr Precious Moloi-Motsepe and Ebrahim Rasool

cal band called The He-Shes entered the fray with a song whose gleefully bitchy lyrics shriek "I'm a fashionista/ I'm the new Batista/ I am Dion Chang".

So naturally we're all fairly curious to see what our four designers actually produced for the cut-throat pack at the

Bitches and

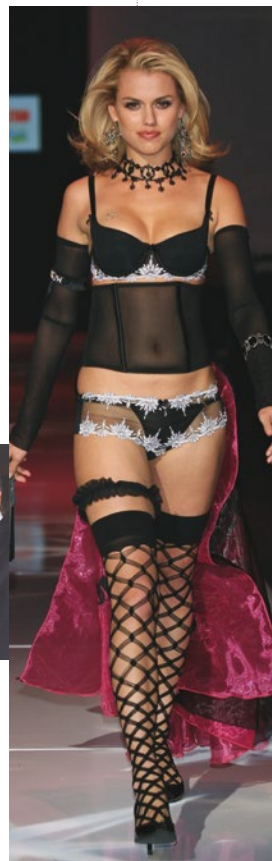
Cercle d'Union Interalliee in Rue du Faubourg St Honore when we line up for their show at the Convention Centre next evening.

In the front row are the opposition designers, the media and, of course, Precious. For the young designers' Paris collection, she's in a brilliant blue boucle pantsuit, and insisting Pam Golding sit next to her. Also in the front row, taking beady-eyed notes is Callaghan Collezione's Shirley Tamaris, whose fight with a customer over the sale of a R17 995 Chloe handbag was chronicled in a recent *noseweek*.

The Paris show turns out to be unashamedly chic and classy, apart from some OTT frilletjies and the occasional over-bobbled monster. There's not a single South African nuance, but in view of Gavin's mentoring role, not surprising. "We mustn't try so hard to be South African," is how he put it to me once. "We've got to move on from the ste-

reotypes – the porcupine quills and the Ndebele collars, these tons of South African flags on garments and all the shwe-shwe prints running around."

Instead there are plenty of clever pouffes, pleats, lace and feathers and beading, daring draping, cut-outs over breast bones, and the kind of artfully engineered, flaring panelled ball gowns that Gavin himself is so good at.



Fashion designers Errol Arendz, left and Craig Port

THE KNIVES ARE OUT ALREADY. And it's only the night before. The first teetering stiletto hasn't even launched itself on the ramp yet in that curious crossover-leg model strut that can give a 16-year-old beauty in too-big shoes the precarious gait of a newborn giraffe.

It's the Official Welcome Dinner for Cape Town Fashion Week. The venue is Pepenero, a fancy-pants restaurant in Green Point that has received its fair share of flak but is certainly delivering the goods tonight.

The occasion seethes with even more intrigue than usual. Getting a fair amount of airtime is the legal spat between Errol Arendz and his Switzerland-based sister Gloria, which made the headlines yesterday. Juicy, but nowhere near the passion being unleashed by some of the city's designers about the four unknown black bright sparks who were taken to show at Paris Fashion

pieces



Of the four, Thula Sindi's garments stand out, partly because some are so short they give new meaning to the term little black dress. One is a veritable koekie curtain. Thula hit the spot in Paris, according to Faroukh Chekoufi, the Parisian who's here with the Ungaro show. "You could put his garments in any window in Paris," he tells me. "Clean, chic, French..."

Gavin's own Paris collection turns out to be equally mesmerising. He's a master of seductive construction. He's also a master of seductive self-promotion. Huge blow-ups of him with township kids flash upon the screens. It's his curious new image as a Goodwill Ambassador for Unicef, whose representative is even here on stage presenting him with a R15 000 cheque for the children.

At the end of it all Gavin trots down the ramp wearing a Unicef T-shirt

under his velvet dressing gown and holding an adorable sprite by the hand. Ever the showman, he plants a kiss on her little blonde head for the flashbulbs. In case we didn't get the message.

This is, of course, all about promotion. Magazines *In-Style* and *Cosmopolitan* have contrived to have their own shows among the 25 in this four-day fashion junket. Clare O'Donoghue, *In-Style's* Reese Witherspoon-lookalike editor, has roped in 28 celebs, wearing the red outfits of 28 designers, in aid of the Heart Foundation, along with acrobats and singers. It's a spectacle as much about fun as fashion. So is Jane Raphaely's *Cosmopolitan* Lingerie Show – one bare-cheeked model has a bird's nest on her head. Mercifully the gorgeous bodies have more meat on them this year. It's one show even Precious's husband Patrice attends, wearing elegant white and maintaining a carefully deadpan captain-of-industry expression in the face of all the bare nubile flesh about a metre from his nose. Next to him is Precious, also in white and wearing an expression to match. **17**



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A whisker from extinction

THE GLOBAL ENERGY crunch is biting. Fuel prices are constantly rising and known oil and gas reserves are running out fast – leading to a desperate scramble for new wells as fuel companies prospect more and more widely across the planet.

One new area of interest is the eastern coast of Africa. SA coal-to-petrol giant Sasol has secured the prospecting rights for a large chunk of ocean off the coast of Mozambique, encircling the Bazaruto National Park near the tourist town of Vilanculos (see map on facing page). Sasol is confident it will find new natural gas reserves here, as the geology is similar to that of a nearby inland gas production zone.

Bazaruto is an extraordinary place. It is at the centre of a group of sparsely-inhabited, coral-ringed islands set in shallow waters so clear that the local fishermen's dhows seem to fly above the sandy ocean floor. Flocks of flamingoes feed near the few exclusive tourist lodges that the government has allowed to be built within the park (development has been minimised to maintain a "pristine" feeling), dolphins play just off the reefs, and rare dugongs wallow in the shallows. It's as close to paradise as most of us could visit while still in our fleshbound state.

Sasol, using earlier survey data, has identified two blocks within their concession that may contain hydrocarbon deposits, a deep water prospect on the eastern boundary of the national park,

There are believed to be fewer than 200 dugongs left around Mozambique's Bazaruto Island – where Sasol's prospecting for gas could reduce their number even further

and a shallow water prospect on its north-western boundary. In 2005 they announced their wish to do ship-borne seismic surveys of these prospects with a view to drilling test wells. And, of course, production wells if gas or oil is found.

Given that tourism is the basis of the local economy, and that paying visitors don't travel thousands of miles to stare at gas rigs screwing up one of the world's greatest views, many Vilanculos businesspeople got a little nervous.

They got a little more nervous when, in late October 2006, about 40 dolphins stranded themselves on Bazaruto Island and died – just a few months after 600 seemingly healthy dolphins had mysteriously beached on Zanzibar. The Zanzibar animals were found to have empty stomachs, indicating that they had possibly vomited from stress before dying. Dolphin strandings are extremely rare on the east coast of Africa, and to have two major incidents involving apparently healthy animals raised a few eyebrows, especially as a stray Norwegian-made buoy (of the type used in seismic testing) had been found floating off Bazaruto shortly before.

Ship-borne seismic surveys use large "airgun arrays" to make extremely powerful soundwaves that are directed through the water and into the seabed. As the soundwaves pass down into the geological formations below the seabed, some of their energy is reflected back

upwards. Different densities of rock reflect and absorb soundwaves differently, and by using sensors to read the returning soundwaves geologists can compute a three dimensional map of rock formations – and likely hydrocarbon deposits – below the waves.

It's similar to radar tracking of aircraft, except that while radar beams are harmless, airguns generate a soundwave of 230 decibels. Marine biologists believe that 180 decibels and up can cause physical injury or death to fish and marine mammals (the human pain threshold is 140 decibels). Water conducts sound far better than air, and a blast of 230 decibels takes about a kilometre to drop to 180 decibels, so it's a fair assumption that any animal within a 1km radius of a survey ship is in immediate danger. The world beneath the waves is primarily acoustic – most sea animals rely on hearing more than sight, and even sub-lethal sound pollution can seriously disrupt hunting and migration. Even if a survey ship doesn't kill or injure animals or fish directly, it may cause them to starve by chasing them away from feeding grounds.

Following the Bazaruto dolphin stranding, local residents stored one of the carcasses in a local supermarket freezer, assuming quite rightly that biologists might be able to figure out what caused it to strand itself. Perhaps an autopsy would show if it had been injured by a soundwave – for example with a ruptured ear it would not be able to navigate underwater, which could have caused it to run up the beach.

Sasol emphatically denied that they had been surveying in the area at the time of the strandings – other companies also hold prospecting rights of the coast of east Africa – but later agreed to pay for an autopsy of the dolphin by Dr Vic Cockcroft of Jeffreys Bay, a marine mammal expert.

Johan Boshoff of *Divestyle* magazine filmed the autopsy on his camcorder. The footage shows Cockcroft in a less than professional light, joking with colleagues while he sits on the ground outside, cutting away seemingly casually at the dolphin's head in an attempt to find the ear assembly. No labcoats or stainless-steel dissecting tables are in sight. At the crucial moment the scalpel seems to slip, and we soon discover that the ear has been broken during the procedure. Exclaiming loudly, Cockcroft tells the camera that he is unable to tell if the ear was damaged by soundwaves or not.

Which doubtless caused the gas prospectors some relief.

Dugongs have hardly been studied, but biologists do know that they're now extremely rare on the African coast

Cockcroft is paid by Sasol via ERM, a multinational environmental consultancy, to conduct studies of the marine mammals in the Bazaruto area, in particular the dugongs which make their home near the islands. Dugongs are fascinating beasts, far less well known to the public than whales, seals and dolphins. Slow-moving vegetarians, they spend their days munching seagrass in shallow coastal waters, and their numbers have been drastically reduced in recent decades because they're easy to hunt and often get caught up in fishing nets, or cut up by boat propellers. Dugongs have hardly been studied, but biologists do know that they're now extremely rare on the African coast.

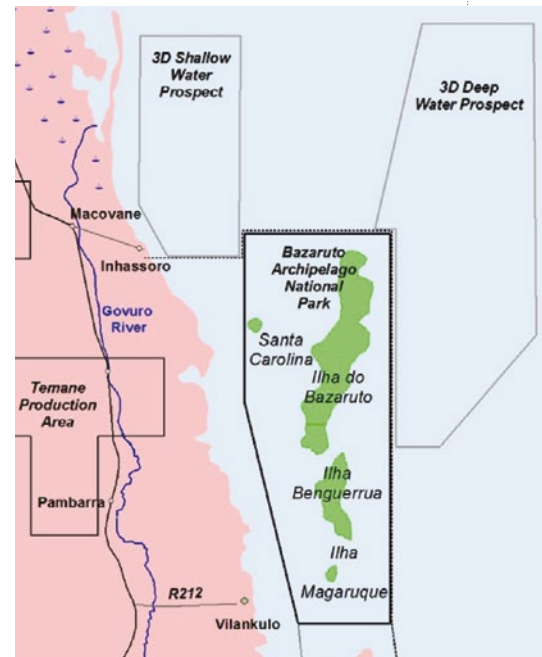
NoseArk called Cockcroft to ask how many Dugongs were left. He says that they are extinct off Madagascar, "four or five" animals still swim near the Comores, and that a thorough survey he conducted about ten years ago off Kenya turned up a paltry nine animals. There are still about five thousand far to the north in the Arabian Gulf, but these are possibly genetically distinct from the east African animals (they do not seem to interbreed with the African dugongs). The last possibly viable population is around Bazaruto, he confirmed.

However, when asked how many dugongs he had found at Bazaruto, Cockcroft became coy. "Sasol wouldn't be happy if I gave you that information", he said. "They are funding the study and have asked me not to talk about this now." Pressed a little harder (we knew from a reliable source that a recent day-long aerial survey had found 39 animals) he eventually said that the Bazaruto population was "probably only 200". They had conducted line

transect aerial surveys of the Bazaruto area, and could cover about one-fifth of it in a day. They assumed that dugongs were evenly distributed across the study area and multiplied the average number seen in that day by five to come up with a total population estimate (39 times five is about 200, thus confirming the reliability of our original source).

Two hundred is a very low number in conservation terms, a whisker away from extinction. If there were only 200 elephants left in Africa we'd definitely all know about it, and we betide any oil company who dared let off explosions in their neighbourhood. The sad-faced Dugongs clearly need a better PR agent.

Given that Bazaruto effectively holds the last African dugong population, and that they're possibly even more vulnerable to seismic surveys than dolphins because they swim so slowly, what would Cockcroft recommend to Sasol about surveying around Bazaruto? How far should they keep their ships away from the Dugongs? He conceded that he didn't know – there are virtually no good data on safe distances anywhere in the world. He has been trying to raise money for almost two decades to study the Bazaruto dugongs, but the work only started recently with cash from Sasol. For years he's lobbied the Offshore Petroleum Association of South Africa to study the effects of seismic surveys on marine mammals in general, and not received



Bazaruto Island off Mozambique where Sasol is prospecting for oil

a cent. Any “safe distances” scientists come up with are inferred from very few studies.

“I’m an old, realist biologist”, he told us. “Unless these big companies fund research, it simply doesn’t get done.” Governments in other words, are passing the conservation buck to the last people that should have it – those like Sasol whose interests lie in downplaying the environmental risks of their activities.

But even if we had well-determined safe distances between seismic survey ships and dugongs, would Sasol respect these? Judging by recent events, the answer is “not if it puts us out too much”.

Sasol’s own environmental people recommended that any survey work in the deep water prospecting block to the east of Bazaruto should not be done during the turtle breeding season. For this year’s survey, that meant waiting until after March. But Sasol started months of continuous survey work in January, which is when they could rent the highly popular ship they needed. Marta Henriques, their impressively articulate and very persuasive environmental person in Mozambique, admits that the survey was started early due to “ship availability”, that Sasol “probably” should not have done that, but that they were “learning lessons” and “trying to improve” their environmental standards. (Which lessons? That you can safely ignore your environmental advisors?)

Henriques says that their ship didn’t harm any turtles, because the ocean currents “probably” – that wonderful word again – carried turtle hatchlings away from the airguns, and they started the survey away from the islands, only coming closer once “the bulk” of the hatchlings had left. They had marine mammal observers on board who were empowered to stop the airgun booms if they sighted any marine life in the area. Work was “slowed” on 13 occasions during the months-long survey – but not stopped.

Survey work was conducted 24 hours a day.

How, we asked Henriques, is an observer meant to see anything at night? She replied that the observers were empowered to halt survey work for the night if they “felt” there was a high density of marine mammals in the area. This was another lesson they had learned, she said. (What? People can’t see in the dark?) “It’s very subjective,” she said, “And obvi-

ously depends on the experience of the observer” (and the captain, who pays them). She would not say whether survey work was, in fact, whether.

The “safe distance” Sasol used for the survey was 500m. Australia doesn’t allow such activities within 50 kilometres of the Great Barrier Reef.

If turtles, or even whales, were killed or injured out east of Bazaruto, the Agulhas Current may well have carried them away from land, and we’d never know. Sasol has never, to our knowledge, allowed the media about its surveys is an.

Bart Smithers is an environmental filmmaker and founder of ecoeye.org, who has followed the Bazaruto saga for some time. In February this year he drove all the way from Cape Town to meet Vilancoulos tourism operators who had formed an organisation to protect the islands. When he asked to interview Dave Kimber, owner of Sailaway Dhow Safaris and one of the more vocal members of the group, Kimber declined to appear on camera, citing pressure from government and possible conflict of interest (his wife has a business relationship with Sasol). The website he helped set up to fight for Bazaruto, exploration block.org, currently carries ads for oil jobs in the Middle East and seismic survey software.

Sasol is dangling financial compensation in front of tourist businesses in the hope they’ll drop their opposition to the shallow water seismic survey work they want to start soon, and to the ugly structures that might follow. WWF Mozambique programme coordinator Helena Motta is now talking “tradeoffs” with Sasol around Bazaruto, while accepting management money for the islands from them. The government says that if Sasol doesn’t start drilling in its concession soon, the rights could be passed to another oil company.

Marta Henriques confirmed that Sasol was preparing another seismic survey, but told us that management had taken a position not to work in shallow waters or near the dugongs until a study was complete and they had more reliable safe distances.

Or, at any rate, for as long as it takes for the right seismic survey boat to become available. For now, friends of the dugong should keep their eyes well trained on Sasol – and off the horizon, which may shortly be studied with gas rigs.

■ ERM, Sasol’s environmental consultants, did not respond to repeated requests for comment. □



Lip service

THE ADVERTISING STANDARDS Authority will sort out that pesky competitor. We’ve said it before and we’ll say it again (we’re lawyers, our conversation’s limited!) – if you don’t want to go the legal route (you’ve got no case or, worse, no money) have a close look at the ASA Code.

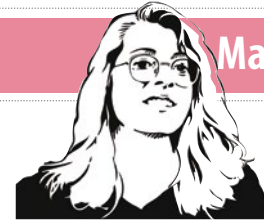
Take the recent case of Carma Laboratories v Avid Brands. The facts were quite complex, until we came and made them easy. Carma has a big selling brand of what South Africans call liparse, but which is otherwise known as lip balm (not a lot of people know that). The product’s called Carmex. It’s big abroad, but not that big here – we certainly haven’t heard of it, but then again no one ever accused us of having irresistible lips. Avid Brands brought out a lip balm called Lipsano. And, well, apparently this Lipsano stuff looks quite similar to Carmex – white jar, yellow cap, black print, a touch of red.

Now legal proceedings would be hard. When concluding that two brands aren’t similar, the courts are known to say that even a “moron in a hurry” wouldn’t be confused. And you surely must agree that when a moron who’s on a total bender, and being chased by a pride of lions, is presented with a jar of Lipsano, they probably won’t think “Oh Carmex”.

So, unless Carma Laboratories had been clever enough to register the product’s get-up, its only option would have been a passing-off action. Which is great in theory, but horrible in reality – you need to submit detailed evidence of sales and marketing to prove that you have a reputation, and even then it’s a lottery.

So Carma went to the ASA instead. A lawyer-free zone and, for many, the closest thing to heaven on earth (lawyers are grudgingly allowed in at the final appeal stage). Lipsano contravenes clause 8 of the ASA Code said Carma, the one which says “thou shalt not take advantage of another’s advertising goodwill”. Nonsense said the Appeal Committee, there won’t be any confusion. OK be like that said Carma, it contravenes clause 9, which says “thou shalt not copy another advertisement”. Agreed said the committee: some original thought clearly went into the Carmex packaging, and this was clearly copied by Avid. So the packaging must be withdrawn.

Sorted. □



Unhealthy ignorance

WATCHED MICHAEL MOORE give CNN's newscaster, Wolf Blitzer, a virtual bitch-slap on live TV the other day (www.youtube.com/watch?v=JpKoN40K7mA). "Why don't you tell the truth to the American public, Wolf?" he asked. "Why don't you tell the truth about what's going on in this country?"

I hadn't seen anything so exciting on television since... well, never.

Moore was talking about his new documentary SiCKO, a scathing indictment of America's healthcare system and health insurance industry, which I'd seen just the day before. In it Moore points out that America, despite its great wealth, is ranked 37th in the world for quality of healthcare by the World Health Organisation. Did you know that America has almost 47 million people without health insurance and 18 000 Americans die each year as a result?

At the end of the movie, Moore takes 9/11 rescue workers who are unable to afford healthcare to the US Guantanamo naval base, where, he has heard, the 9/11 "evildoers" are receiving world-class medical care courtesy of the US government. They are turned away, but outside the base get free treatment, compliments of the Cuban government...

All in all, SiCKO is an entertaining and satirical look at America's failed healthcare system. It also confirms my own opinion that healthcare in the good ol' US of A is a blatant money-making enterprise where even cancer is profitable. I was quite surprised to learn that CNN was going to interview Moore. Live, *nogal*. This had to be good, so I settled down with a cup of tea.

Just before Moore was due to go on air, CNN ran a segment titled "SiCKO reality check", wherein CNN's resident medical expert Dr Sanjay Gupta informed viewers: "Moore asserts that Cuba spends \$25 dollars per person (on healthcare). Not true." I nearly choked on my orange pekoe. What Moore said was that Cuba spends \$251 per person on health care, not \$25.

Gupta went on, "(Moore says) the United States slipped to number 37 in the world's healthcare systems. It's true. ... Moore brings a group of patients, including 9/11 workers, to Cuba and marvels at their free treatment and quality of care. But hold on – that WHO list puts Cuba's healthcare system even lower than the United States, coming in at No 39."

But wait a moment... Moore said that in the movie. It wasn't like he was trying to hide the fact. The point was that the healthcare sys-

Do you ever wonder why so many Americans acquiesce to any argument favouring the 'free market' or military intervention?

tem in an impoverished country ranks closely to America's.

The rest of Gupta's piece cast as much doubt as possible on a number of the statistics presented in SiCKO. It ended with an "expert" claiming that socialised medicine inevitably results in long and life-threatening waits for treatment... an "expert" with close ties to the for-profit medical industry... which CNN failed to disclose.

Moore was steaming. "You've fudged the facts to the American people about this issue and about the war," he countered. "We wouldn't be in this war if you'd done your job!" Hot-damn! I did a cartwheel. Tea went flying.

Do you ever wonder why Americans seem to acquiesce to any argument favouring the "free market" or military intervention? Why so many Americans still believe that Iraqis were responsible for 9/11? Look no further. CNN labels itself "The most trusted name in news".

So, I didn't just dream that American mainstream media feed the people a steady diet of elevated danger levels, sex scandals and "Who's the baby's daddy?" to distract them from what's really happening in the world. But in America an omnipresent corporate media serves corporate interests – and to say it should be any different... well, you must hate America. As author Saul Bellow once said, "A great deal of intelligence can be invested in ignorance when the need for illusion is deep."

After the debacle Michael Moore wrote an open letter to CNN: "After what the public saw with your report on SiCKO, how can anyone believe anything you say on your network? Before the Internet, you could get away with it. Your victims had no way to show the viewers how you had misrepresented the truth. But now, we can post the truth – backed up with evidence – on the Web, for all to see."

And this is the beautiful thing about the Internet: It can sometimes deliver the truth – to those who care enough to dig a little.

(www.alternet.org/blogs/peek/56681/)

"We Americans suffer from an enforced ignorance," says Moore. "We don't know anything that's happening outside our country. Our stupidity is embarrassing."

I know a lot of Americans. They're pretty nice people. But your decisions are only as good as your information. I was in America only an hour when a businessman asked where I'm from.

"South Africa," I replied. "Oh, which country?" he asked. "Azania," I replied, to which he nodded knowingly. ■



Monkey business

A WELL-KNOWN NOTION has it that a monkey banging away at a typewriter would or could eventually produce Hamlet. Whether this is a parable, the mathematics of chance, or simply nonsense, is unclear. Better, anyway, to give the monkey a rest from the keyboard and persuade it to arrange the Cape's hundreds of shiraz wines in ranking order – the outcome should be just about as plausible as the results of *Wine* magazine's elaborate annual exercise called the Shiraz Challenge.

A comparison of the two selection processes could even make for good television – on a split screen, with some twit as host and experts to comment. We might focus, for example, on what happens to Boekenhoutskloof Syrah (generally recognised as one of the best)... The monkey plonks it down somewhere in the middle of the line-up, but the panel (with canned applause for their acumen) puts it amongst the top ten. Who remembers that the monkey has only done what the illustrious panel did last year?

And look (talking of our recognised best wines), the sagacious beast has placed both Sadie Family Columella and The Foundry Syrah near the top, while the master palates award them the merest of two stars, along with other fancy names that you'd expect to see among the leaders: De Trafford, Gilga, Fairview Jakkalsfontein...

The monkey's supporters groan, though, as it puts Savanha (a pleasant enough, cheap wine whose mother, even, would not highly rate its chances of exaltation) amongst the grand four-star winners ("a wine of distinction"). But then – the illustrious panel does the same!

Et cetera. Forget about the monkey. Simply, there are plausible, less plausible and many downright implausible results in the Shiraz Challenge, which means the total must be implausibility. Obviously, we can expect no consistency over the years, though vintage variation is unlikely to be great. Last year's winner, Saxenburg 2003, got a mere three stars this year (for the 04 vintage), which is certainly better than the two stars achieved last year by this year's top-scorer, Bon Courage Inkarà.

For some wines there are, admittedly, no track records against which we can consider their competition performances. And organisers and judges will, anyway, point out that it is one of the

Who remembers that the primate has only done what the illustrious panel did last year?

jobs of a competition to challenge established opinions. It is certainly useful to be alerted to new stars and to unjustifiably inflated reputations – but for this to be done reliably, there must be a discernable basis for faith in the judgment.

Much the same goes for other big-category competitions where genuinely competent judges are expected to taste and rate a few hundred wines. Quite apart from the ludicrousness of this to anyone who knows how a wine can change in the glass, there is in the case of red wines, a continual accretion of tannin in the mouth, making it something more than difficult to judge balance in any reliable way by the time you get to wine number 50, let alone stumble tiredly towards number 100 and beyond.

In the case of the Shiraz Challenge, 189 wines were judged over three rounds, each one narrowing the range. But seeing that the first round (using two teams) eliminated some of the country's top wines, and the second round pushed some very modest ones into the final, it is hard to see much advantage here.

Competition methodology is relevant, though. It's become clear from observing the meticulous, intelligent way things are organised and led by Michael Fridjhon at the Trophy Wine Show (he also chairs the Shiraz Challenge) that conditions there are as good as it gets – except for the crucial fact that the judges must cope with far too many wines. The results are still not credible to any useful degree – even if they would take a few monkeys a while to match.

With so much choice in wine, it's understandable that people want guidance. That's why wine magazines prioritise rankings and ratings, why entrepreneurs can make big money out of wine competitions, why confused winedrinkers go for gold stickers – probably less in confidence that this guarantees quality than in the emotional security that at least it is not their own possibly mistaken choice, but one endorsed by experts.

Wine competitions are there, in other words, to meet the demand for easy answers. But it's time to work on better ways, or at least to abandon the contradictions and nonsenses of big competitions. Meanwhile, perhaps take a monkey to the bottle store to help you choose. **■**

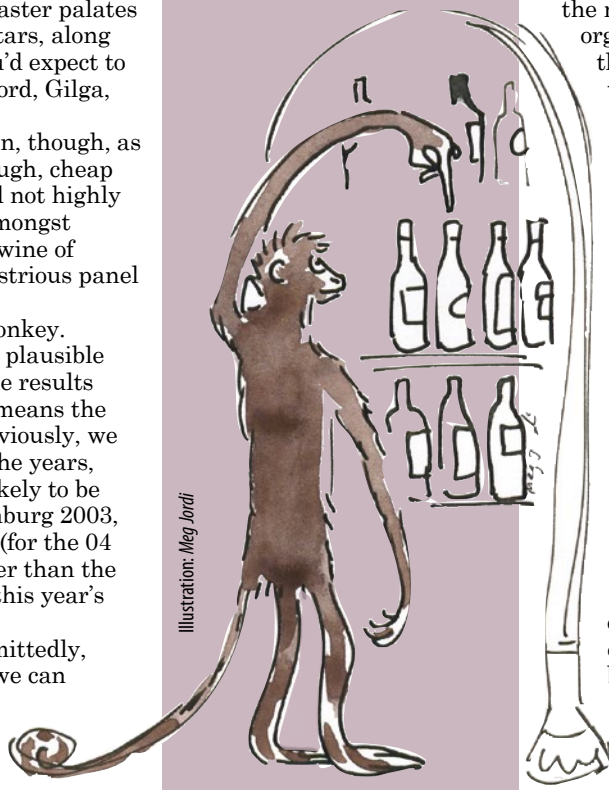
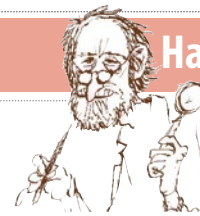


Illustration: Meg Joridi



garden boy you might chip away all the futile encumbrance of civilization from him and there would stand a tall glistening soldier of King Cetshwayo. Oops! I mean warrior.

Well, amongst the assorted bunkum of Zulu War historians was the bit about the eclipse of the sun just as the British line broke, and what an omen, hey! I mean what confusion in the Commons when that news was announced, thus goes the story. So okay, I know about Durnford's Basutho horsemen discovering 20 000 silent Zulu troops hunkered down in the Nqutu Gorge, their feathered headdress quietly waving in the breeze, waiting for the new moon before attacking because it's bad luck to start an important enterprise with a dying moon, and rising up as one man when they were discovered and falling upon the British line. I know about such superstition amongst simple pastoral people without astronomy, but for historians to accept this eclipse an omen is stupid, melodramatic and hysterical astrological bullshit, man! The truth is spine-chilling enough without that.

Nou ja, fine then, I'm taking a cup of tea and small biscuits with my daughter Susie, and sneering about all this, as is my wont, but she's seriously into astrology and points out that conditions were right for an eclipse, what with the dying moon etc. Arf a mo, says she, I'll just go and work it out from the American Ephemeris on my computer, you can calculate thousands of years back. Well as an angler I know a little bit about the moon and the tides and the strange things they do to the feeding habits of shad, so I go along with it; a new moon does indeed go with an eclipse, obviously but not necessarily, in fact very seldom. But this could be fun. Nothing like a bit of the old spooky now and then.

Hum-te-tum. I drink more tea and she's back with the following printout:

Isandlwana
 Colenso, South Africa
 28 S 50 29 E 44
 Tropical Equal
 22 January 1879
 1:00:32 PM Local Mean Time
 Geocentric
 Sun, Moon, Venus, Mercury, Jupiter are
 conjunct in Aquarius
 Keywords: Change and Disruption
 9th sector: Foreign ventures and disaster
 With Earth in the middle that's six in a
 straight line, says Susie. With an eclipse
 at thirty-two seconds after one o'clock, and
 that's exactly when the British line collapsed.
 Blow me down. *noseweek* readers will have
 to sort this lot out for themselves. **■**

Ephemeris

HAS ANY MILITARY event in all of history had so much sententious crap written about it as the Battle of Britain? Well, yes. Try Isandlwana. The only difference is that the B of B was WON by us Brits, you see, including the 40% of Poles, Danes, Belgians, Frenchmen, Americans and a plat Boer name of Sailor Malan in RAF Fighter Command. Brits to the last man, and noble. The Spitfire was noble too. You could see virtue at a glance in its beautiful elliptical wings, whilst the Messerschmitt 109 was a skulking cowardly thing with ugly angular shapes all over. It was ugly because Adolf Hitler was himself ugly all over and liked his things to be ugly all over too, and covered all over in swastikas, which is to say Hakenkreuzen. Even when spoken Hakenkreuz is ugly. Hinduism sucks.

Ntshingwayo, now, you couldn't actually say was noble. Brave and savage, surely, also relentless, because your Zulu always stoked himself up on cannabis before a battle, but nobility has an element of gentlemanliness in it, to be sure, so even if he outgeneralled the mighty Chelmsford in tactics and intelligence at every turn, and his troops could run a standard marathon every day, even if he did what Napoleon couldn't do and beat the Brits fair and square in a pitched battle, the Brits still emerged from the nasty experience as the noble ones, because they fought for Righteousness. You know, Freedom. As in Basra. Kind of.

So we grew up with certain very firm views. If your ma was in need of a kitchen boy/garden boy/whatever, she might send you out in the street where you could approach any likely-looking Zulu man and say to him Jim – they were all called Jim – Jim, you might say in polished Fanagalo, wearner fooner sabenzer larper low kitchen/garden/whatever? And if Jim accepted such employ your ma, being British, would say of him Ah yes, they're such disciplined and fearless warriors, you know, but you do have to watch your sugar, hey? Or if Jim were the gardener your pa might say You know, I gave Jim there a brand new axe to chop down that tree and he managed somehow to break the axe and there's the tree still standing! But a manly fellow, you know; your Zulu is such a fine fighter when his hackles are raised. As Michelangelo could perceive the Biblical young David in a block of marble and chip away at the stone to release him, similarly if you perceived this fine fighter in your



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 eclipse as an
 omen is stupid,
 melodramatic
 and hysterical
 astrological
 bullshit, man!
 The truth is
 spine-chilling
 enough
 without that*

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