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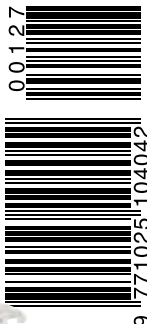
nosonweek

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MAY 2010



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IT scam: what the minister is hiding **Nedbank's**
designer jailbird **Clock ticks for Joburg water**

“For those with taste,
and easily satisfied with
the extraordinary”



KWV



POTSTILLED TO PERFECTION



Not for Sale to Persons Under the Age of 18

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Bullets over Kimberley

Thank goodness that Kimberley (where bullets are cheap and politicians are expensive – nose126) is to get a new prison and a new lunatic asylum. Let us hope that some of the main players in your story will have compulsory recourse to one or the other of these institutions in the near future.

Amber Land
Rondebosch

Beyond the pale

Noseweek is a robust read, and rightly so. However, the job done on two municipal officials involved with the

Ward Forum and thereafter by the subcouncil, which I chair. Conclusions as to the causes of the problems and how best to deal with them are therefore premature. No “killing spree” is planned for later this month (April), or at all.

What is clear is that the situation has been sorely misrepresented. The Before and After photos accompanying the article were taken in different seasons in different years and from totally different positions. The After photo gives the lie to the laughable allegation that the grass has been dev-

to your sources.)

If culling is eventually sanctioned let only vegetarians cast the first stones.

Claude Ipser

Councillor for Ward 105
Chairperson of Subcouncil 7, Koeberg.
City of Cape Town

We had had sight of De Wet's report; it was inter alia the drift of it that prompted our story. Your parting line – “if culling is eventually sanctioned” – is the giveaway line. The “after” picture was taken after the “before” picture – and after the park had enjoyed the city Parks Department's devastating at-

CapeNature has not even received an application from the City for culling permits. We have stated in the media that we are not likely to issue permits to the City to cull Egyptian geese since they are not a problem from a biodiversity point of view.

Dr Kas Hamman

Executive Director: Biodiversity, CapeNature

The subheading which attributed a scorched earth policy to CapeNature incorrectly reflected the content of the story itself, which – correctly – attributed it to the city's Parks Department. As regards the rest of the story, we did give you an opportunity to put your side before publishing, but you didn't answer our call. – Ed.

Bishops regrets

We have investigated very carefully the allegations of misbehaviour on the part of Bishops Prep boys (nose126) that you reported to us a few days before publication. We did find that a few boys had indeed thrown objects over the adjoining wall and shouted comments to residents of the Edingight Complex. The matter has been very carefully dealt with both in an educational and disciplinary sense. The boys' parents have been informed, and the boys have written letters of apology and will have to perform community service.

We certainly regret this incident: poor behaviour of this nature that includes blatant disrespect for adults is completely contrary to the values the school seeks to instil in each of its boys and is never tolerated.

Grant Nupen (principal)
Greg Brown (headmaster,
Head School)

Bishops, Rondebosch

Thank you for a prompt and civilized response to the problem. – Ed.

No doubt

Your unnamed correspondent (“More Municipal

Kimberley: where bullets are cheap (and politicians expensive)

Sonstraal Dam in Durbanville (nose 126) goes well beyond the pale.

Under severe pressure from residents to improve conditions at the dam, Altus de Wet of the Parks Department has tabled a comprehensive report which has been presented to the residents and which is still to be considered first by the local

astated by over-cutting – the spiky growth not favoured by ducks and geese can be seen standing high above the ground. No one here believes the foul-mouthed, blood-thirsty and illogical threats attributed to as gentle and good a person as former official Sybrand Burger. (“Good” and “gentle” are, by contrast, not terms one would apply

tions. We are pleased you have noticed that all that remains is the spiky growth not favoured by ducks – or humans. No doubt you wish only vegetarians were competent to object to the mooted culling of ducks and geese. However, most sensible people understand the difference between killing creatures because you need food, and killing creatures simply because you deny their right to breathe the same air and paddle the same pond that you do. – Ed.

CapeNature: the truth

CapeNature would like to express its concern over the misleading article in nose126 about the duck situation at Sonstraal dam in Durbanville.

You state that “CapeNature has resorted to chemical warfare and scorched earth tactics”. Not true. The Sonstraal and Vygekraal dams in Durbanville are under the management of the City of Cape Town which has recently announced its plans to manage the waterfowl in the dams. To date,

Gus



“\$%#%, not another serotonin suicide!”

Transnet and the River Club

Madness”, Letters *nose126*) claims to have written to somebody who does not exist, “the Honourable Minister of Housing, Mr Mathews Phosa”; this is clearly a blatant lie and casts doubt on the rest of the story.

Dr Leteketa Makoro

Rivonia

You'd make a cruel school mistress. The letter was indeed written and was in fact addressed to “The Honourable Mr Mathews Phosa, ANC Treasurer General”. It was received and signed for by his office on 11 July 2008. We have the signed copy. This was after our correspondent had written to the MEC for housing. (Both letters were to no avail.) We accidentally conflated the two in the process of editing a long, sad tale. There is no doubt about the truth of the story and the merit of the argument: the Johannesburg rates department stinks! – Ed.

Bothas both

“The Liquidator and the Taxman” (*nose126*) refers to “a firm [of attorneys] called David Botha [that] issued invoices for R93,594...” The reference is absolutely not to me or my firm. Please clarify.

David H Botha

David Botha & Associates

Sandton

The firm we referred to is in fact the Johannesburg firm called David H Botha Du Plessis Kruger, and the David H Botha there referred to, we have since learned, was the late David Hercules Botha.

We note that you are David Humphreys Botha and are happy to confirm that you are not the person referred to in our story. We regret any embarrassment our incomplete reference may inadvertently have caused you. – Ed.

Transnet has written to *noseweek* objecting to various aspects of our report (in *nose125*) about Transnet's dealings with an allegedly politically well-connected company called Liesbeeck Leisure (Pty) Ltd. The report dealt in some detail with the leasing and possible sale of a Transnet property in Cape Town known as The River Club. Our report suggested that, should Transnet be planning to sell the property (as part of its programme to dispose of “non-core” assets), matters have been set up so that the lessee, Liesbeeck Leisure, (or anyone to whom it might have assigned its rights), will be able to exercise a pre-emptive right to buy it at a fraction of the property's true value. Unfortunately the blurb beneath the headline incorrectly flagged the story

as being about a sale which had actually already taken place.

In his letter, Transnet spokesman John Dlodlu lists 15 points of contention relating to our article. These, he says “are some, not all, the points we contest.” They make for a long and tediously detailed argument in print – even before we get to respond to them. In the circumstances we have decided to publish the full list and our responses on our website, as part of our online edition. You will find it in “Letters”, to which everyone has free access. Some of Transnet's points we concede, many we don't. We still maintain that the general drift of our story holds. This simply serves as a cautionary notice: Transnet has placed many elements of our story in dispute. – Ed.



“Do you have this in a cat?”

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Dear Reader

Banking on nationalisation

NATIONALISATION OF SOUTH AFRICA'S mines has been a hot topic of conversation in government circles for some time now. Its most obvious supporters are to be found among the ANC's left wing alliance partners. No surprise there. But here's the curious bit: behind the scenes many "white" mine owners, especially of South Africa's failing gold mines, are all for it, too. Surprised? If you think about it, the reasons are obvious: all the big profits have long ago been pocketed; and looming ever larger as each day passes is the prospect of having to pay the billions it is likely to cost to fix, or at least contain, the ecological disaster the miners are leaving behind. Get the state to nationalise the mines, and the taxpayer will end up paying that nasty bill.

Avowed capitalists are not likely to openly plead the cause of nationalisation. But they have gleefully discovered an indirect means of achieving that end: get BEE partners to buy you out – with public funding. When they soon go bust, as they must do, the ANC government is easily pressured to bail them out – with more taxpayer money.

White mine bosses might risk jail for failing to fulfil their environmental obligations, but the bets are that this is unlikely to happen to the ANC's friends and relatives in the mining business.

Now see our story on page 16.

STILL ON THE SUBJECT of nationalisation: German ex-banker and investment consultant Michael Duerr, who managed to sour Tito Mboweni's last years as governor of the SA Reserve Bank, has now managed to provoke Mboweni's successor, Gill Marcus, into addressing a letter to all the bank's shareholders. In it the "Office of the Governor" declares its absolute opposition to the demands of those shareholders who appear to support Duerr's campaign for the nationalisation of the bank. (It is understood that this faction, by now, holds between 10% and 30% of all shareholder votes.)

In her letter Marcus raises the patriotic forefinger, accusing "a very small minority of irresponsible shareholders" of having caused all sorts of troubles for the bank, "a national asset". She praises the good and "responsible" shareholders whose interests are not "profit making" and who support the notion that the Reserve Bank "is neither designed nor expected to maximise profits", and says they should "exercise their rights and duties" as a "significant contribution to the diversity necessary for the achievement of the very broad consensus on which we operate".

A few days later, Duerr responded with a

letter of his own: a persiflage – a gently riling sendup – of Marcus's letter. "The minority of shareholders who sit on the board of directors ... do not appear to care about the national interests of the Republic of South Africa," the "Office of the Shareholder Caretaker" declares in his letter. "They call the vast majority of shareholders 'nuts' and 'greedy' ... will not discuss reasonable requests and never return phone calls."

Then the sting: "Currently, the bank lists a staggering R324bn in assets – all achieved with the same shareholders' capital." And, finally, the big question: "Who are the rightful owners?"

By Duerr's reckoning, the private shareholders of the Reserve Bank are the owners of a big chunk of that fabulous fortune.

In an accompanying document, Duerr sets a fresh cat amongst the pigeons: he argues that a foreigner such as himself – a German citizen – who has invested in SA Reserve Bank shares, has rights by virtue of the Bilateral Investment Treaty entered into between South Africa and Germany in 1995 and ratified in 1998. Rights that the local Reserve Bank Act denies him. He intends approaching the (World Bank-sponsored) International Centre for the Settlement of Investment Disputes to resolve the matter.

ICSID rules prescribe that prior to the proceedings the claimant must have unsuccessfully tried to resolve the matter directly. On 19 March, Duerr informed Pravin Gordhan about his claim and of South Africa's alleged breach of the "Treaty between ... Germany and the Republic of South Africa concerning the Encouragement and Protection of Investments".

"Unknowingly", he assumes.

The treaty supercedes local law. Duerr lists almost a dozen contraventions, and informs the minister of his intention to "enforce the missing corporate governance".

He has also written to German Chancellor Angela Merkel, asking for her government's support.

As we went to press, there was talk that local shareholders with the required minimum 10% of votes intend calling on the chairman of the board to convene the first-ever extraordinary general meeting of shareholders. On the agenda, apart from the corporate governance and accompanying shareholder issues, the proposers are said to be tabling a resolution calling for an independent audit of the bank's assets and liabilities. It is here that Duerr expects the most resistance. "But," he says, "the issues will be dealt with, one way or another. It's not going to go away like the flu."

So you see, nationalisation is fashionable talk in high capitalist circles too.

The Editor

THINGS ARE GETTING INTERESTING

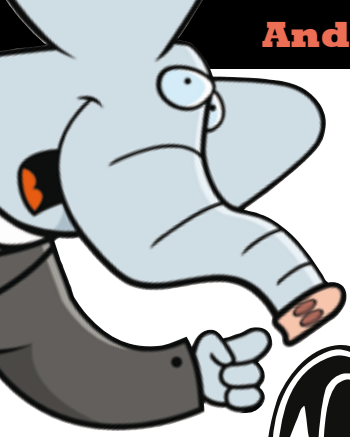


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SEPP BLATTER'S GREAT FIFA RIPOFF CIRCUS

"O HMIGOD—THEY'RE HERE, in the lobby, with their nasty questions," panicked FIFA's general secretary.

Confident Sepp Blatter took charge. "Point them to the boardroom, spread them around that huge table so they can't gang up on us. Take your tie off, look relaxed – and rumple your hair, man."

And so Herr Blatter and the equally immaculate Jérôme Valcke ripped off their ties, glued warm smiles on their faces and bamboozled 20 foreign reporters into believing that the tickets

disaster overwhelming the World Cup in South Africa was the responsibility of somebody, anybody – but not them.

That's how it looked

from the outside. The Almighty Blatter banned me from his press conferences seven years ago, so I have to work from the posed photos of the tieless tousled duo, FIFA's delusional press release, the uncritical reporting of the 20 handpicked notebooks – and truths in the wider world. I had feared "the elephants" would be ignored. They were.

The meeting with the press was scripted as a matey "media round-table", implying it was tasteless to pose the questions that should be asked about the problems FIFA have created for



Picture: Avusa

the upcoming tournament. In the end Blatter got away with a bland press release that he had “discussed with journalists the latest on football’s showpiece event”.

Blatter and Valcke would have been even happier reading the next day’s papers. More tickets to be dumped in the laps of poor Africans. Poor FIFA will take a hit (they claim), but no mention of yet another blow to the ever-swelling budget – the burden of South African taxpayers. And that was about it. Innocuous reports emailed back to office.

Invisible to the hacks in the FIFA boardroom – so never mentioned in their reports – were three massive monsters, their grey slab backs crushed against the ceiling, their waving trunks casting shadows over the happy gathering.

Two of these elephants, the Mexican brothers Jaime and Enrique Byrom, have been given the exclusive rights to sell World Cup tickets. You’d think that with hundreds of thousands of tickets unsold the hacks would have questions about why the Brothers repeatedly get this business.

The third partner in that jungle trio is a young fellow with an uncanny resemblance to FIFA’s president. That is not a coincidence. Philippe Blatter, the nephew, partners the two Brothers in MATCH, the company with a lock on the corporate hospitality business. They’ve 380,000 precious tickets to sell for top dollar. What a small world is the business of FIFA.

If that’s not troubling enough, pay a visit to the home of Philippe’s Infront company, in the Swiss city of Zug. The lofty glass and steel modern offices formerly housed the ISL sports marketing company. ISL had contracts similar to the ones Philippe also enjoys, minting money by selling half the World Cup television rights to eager broadcasters.

What happened to ISL? They paid \$100m in bribes to FIFA and other sports officials for similar television and marketing rights, and collapsed in debt. From Philippe Blatter’s window he sees – 100 metres away – the Zug office of the magistrate investigating who got those bribes. The man who paid them is a close friend of Uncle Sepp.

FIFA’s handout later that day was headed “The fans are our priority”, and that was the end of it. Game, extra time and MATCH to the tousled tieless.

In the boardroom general secretary Valcke had mentioned that MATCH’s high-priced corporate packages were selling slowly. Shortly afterwards the

ROLL UP, ROLL UP!

WILL BILLIONS OF RANDS’ worth of 2010 World Cup stadia be filled mainly by South Africans? If so, it will make nonsense of those original promises (which it was deemed “unpatriotic” or “anti-African” to question) that decades of debt would be offset by the World Cup attracting hordes of dollar- and euro-spending soccer fans and tourists.

And if those bearers of our good fortune aren’t coming, it has an awful lot to do with MATCH Hospitality doing its best to temporarily turn South Africa into the most expensive travel destination in the world.

As Fifa’s “worldwide exclusive rights holder of the official hospitality programme”, MATCH has set absurdly high prices for travel and bed and board. European soccer fans booking their trip through FIFA/MATCH accredited agents stand to pay up to ten times what they’d normally expect to fork out when visiting the country.

Other “scare factors” (left to your imagination) are obviously involved, but the FIFA/MATCH hyper-inflation of costs has doubtlessly led to the present situation where ticket sales are a fraction of those projected, and which is having devastating consequences for the local small-scale hospitality industry.

On 11 January, selected overseas travel agents (plus one, unnamed, from Africa) attending a MATCH Hospitality sales agents workshop in Zurich (at FIFA headquarters) were handed a fat document detailing every aspect of handling the needs and wants of travellers to the 2010 World Cup.

The price of four star accommodation, was set at \$325-\$800 (R2,376 – R5,849) per night’s stay. This is accommodation that would normally cost you R500 to R1000 per night.

While Sun International and its like are not affected (Sun reports that its rooms are fully booked for the period), small operators have been left

high and dry – including people who upgraded their self-catering or B&B accommodation to meet MATCH Hospitality’s requirements, in order to be listed on the MATCH website. Many of these in the Cape Town area have now learned, to their horror, that all deals and bookings have been cancelled.

Andre du Toit of Somerset West, who as late as March was assured of 78% occupancy, last month received an email from MATCH cancelling all bookings, and recommending that he do his own marketing. *Noseweek* contacted twenty other operators in the Somerset West area alone – all had received similar emails.

FIFA, as the likes of Andrew Jennings (see main story) have warned, plays the game according to its own rules, and their game is about making money, money and more money. FIFA’s own profits are guaranteed through sale of TV broadcast rights (\$623m); marketing rights (\$277m); hospitality rights (\$41m); licensing rights (\$10).

So if you’re wondering why FIFA, despite all its high-tech infrastructure, was “unable” to disclose exactly how many tickets were still available on 15 April, when public ticket sales were launched, just think sales pitch: “Rush out and buy, or you’ll be left out.” Or would FIFA have other reasons for not disclosing the exact number of available tickets? One expert’s guess is that the number of unsold tickets (as at 15 April) is at least one million.



THOSE MAGNIFICENT MEN & THEIR FLYING MACHINES

WELCOME TO SUNNY South Africa, "but kindly make all payments to Zurich".

The recent excitement about the cost of domestic flights over the World Cup period, and alleged price-fixing collusion between SAA and British Airways/Comair hid the main issue: the overseas bullies behind the price inflation itself. It was MATCH Hospitality that set a fixed price of \$755 (R5,520) for its accredited carriers, for all domestic flights



grisly truth was revealed to a South African parliamentary committee. MATCH, whose prices suggest they didn't notice when the lights went out at Lehman Bros bank, have been significantly abandoned by the corporate world.

Jaime, Enrique and Blatter junior have sold 148,000 hospitality tickets but have a massive 194,000 left on the shelf. Overall, how many tickets are unsold and will likely have to be given away? No figure can be believed because there's sacks of them stuck with the Elephants' agents and listed as "sold" – but aren't. The truth is: probably in excess of 800,000. The most devastating number reflects that, of the 660,000 allocated to diehard fans of the 32 finalists, only 185,000 have been snapped up.

It's hard to see all the marquees in those magnificent "Hospitality Villages" alongside the stadiums, illustrated in the MATCH brochure, ever being built. Legions of suppliers, chefs and waitresses will be sent away because Blatter's cronies thought they could bleed the fans during a global economic recession.

When the Bros set up their 2010 FIFA-approved ticket business, travel agents paid \$30,000 to enter the ring and guarantee to pay more for a range of games. The result: a daily stream of emails spinning around the planet sent by agents trying to unload unwanted tickets on each other.

Now the Bros, desperate to empty their warehouses of inventory, have created their own parallel black market. Anyone – you, me, the bloke over there in the corner of the bar – could cough up \$30,000, become a

during the 2010 World Cup.

As for the recent Kulula spat: Comair as the holding company for both British Airways and Kulula, avoided putting all its eggs in one basket, by signing for MATCH seats on BA flights, and not on budget Kulula. But as regular Kululans know, a Kulula ticket often puts you on a BA flight. Comair's refusal to sign both their airlines to FIFA/MATCH, must have been the irritant that prompted FIFA to send Kulula that legal letter demanding the airline withdraw its ad announcing themselves as the "unofficial national carrier of you-know-what".

"sponsor" of a national association and buy tickets with a face value of nearly \$80,000.

The smart guys jumped in, got their tickets, chucked away Honduras v Chile at Mbombela stadium, and any similar games, and packaged the better tickets with flights and rooms. (Nelspruit's Mbombela stadium cost roughly R1bn, and will stage four forgettable round one games over 11 days – and then itself be forgotten.)

Soon hotels may be paying visitors to take rooms. A German travel agent says the Bros and Blatter Jnr and their MATCH company are quietly offering four-star hotels for one-star prices. "It's a huge dump," they told me. This agent and their rivals are themselves now big in the dumping business, jettisoning thousands of reserved hotel nights and hundreds of flights.

This hasn't stopped FIFA's expensive lawyers chasing South Africans with a sense of humour. The Kulula no-frills airline produced an ad claiming to be "The Unofficial National Carrier of the You-Know-What".

What? In roared FIFA's thought police, screaming that sponsors were being ambushed and threatening vast financial penalties for illustrating the ad with soccer balls, a player, a Cape Town stadium, the na-

tional flag and the dread words "South Africa".

Days later the airline posted a new ad, headlined "Not next year, not last year, but somewhere in between". The player had lost his balls and was barefoot, the stadium was unidentifiable.

Why Blatter's anger? MATCH is charging clients a stupendous \$755 for return flights across the country to games. Kulula, charging between \$140 and \$196, had to be suppressed.

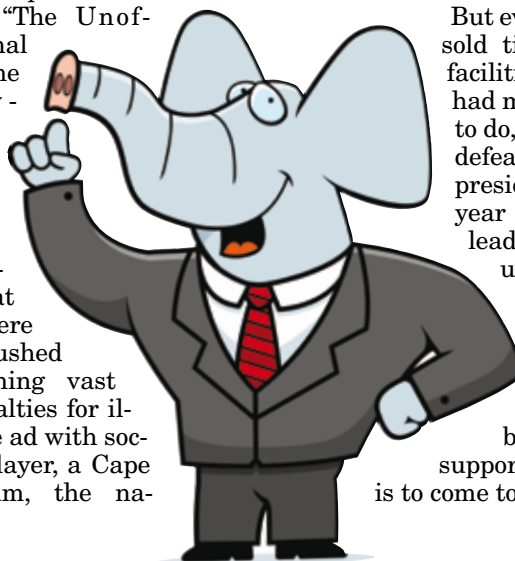
Another number being suppressed is how much Blatter trousers every year. FIFA have just produced its annual report and, as is their custom, refuse to follow best international practice and reveal individual remuneration of those at the top of the organisation.

They won't disclose expenses and *per diems* claimed by the 24-member executive committee – but be sure they are huge, and often unjustified. The only figure worth knowing is that after only eight years on the ruling body members get a pension. Last year \$12m was put aside for this.

A week ago Blatter revealed how he intends to prevent bribery in the contests to host the World Cup in 2018 or 2022. His brilliant idea has amused the brigade of reporters, consultants, strategists, launderers, spooks, ex-spooks, criminals and charlatans who discuss little else but which of the two dozen voters will pocket bribes, who will pay them and the routes the money will take. The president's answer? His ethics committee will send a strict letter to the bidders.

If anybody defies him they risk... not very much. FIFA's toothless ethics enforcers, who have no ability to monitor bidders, no police and no investigative powers are the guarantee of fat city and offshore bank accounts.

But even as the crisis of unsold tickets and unbooked facilities deepened, Blatter had more important things to do, as he manoeuvres to defeat the challenge to his presidency expected next year from Asian football leaders. Blatter turned up in Saudi Arabia – whose "generosity" in football politics is legendary – announcing: "I know very well that the best way to win Arab support for my candidature is to come to Saudi Arabia." ■



FEAR OF FAILURE

TEKO MODISE, BAFANA Bafana's wiry 27-year-old midfielder, would never have risen from outcast street kid to being the face of South African soccer had it not been for the tenacity and keen eye of football old-timer Steve Mnguni. Having spotted Modise chasing the ball on the dusty grounds of the township, when the quick-footed, aspiring youngster had just turned twelve, Mnguni stayed at his protégé's side until he had secured a professional contract for him

The young player's rise to fame was steep, and seemingly unstoppable: From obscure player for third-rate clubs to midfield maestro for one of the country's oldest professional soccer teams, Orlando Pirates, to occasional captain of the national squad, and ambassador of the "Player Escort Programme" for the 2010 FIFA World Cup.

Within three years of his debut for Bafana Bafana, the diminutive, slightly-built Modise has become a key player for the national team and, until a recent downturn, scored many a goal for the nation. Twice, he received the Premier Soccer League's Footballer of the Year award, and last year his contemporaries voted him Players' Player of the Season.

The fans love him for his ability to outplay and outrun bigger, more powerfully built opponents, with the speed and suppleness of a panther. They adore it when he takes command of the action with the fearless confidence of the leader of a street gang. It's earned him his nickname of "The General".

His sponsors appreciate him as a

role model for the country's youth. Unlike so many stars who suddenly shoot to fame and wealth, Modise does not figure in headlines about paternity suits or sexual harassment, and he hasn't drunkenly crashed a sports car into a school wall, or been spotted hanging out with the drug crowd. Instead, he does things like having himself publicly tested for HIV, and urging his fans to do the same.

When he talks about football and how the sport gave his life direction and a future, the gleam in his eyes leaves no doubt: playing soccer is more than a job. "Everything in my life," he says, "happened because of football. Football is my life."

All the more important, then, to stay on top of his game – but he's been struggling for form since last year's Confederations Cup. This hasn't escaped his coach and his fans, and as his goal rate drops, he is tormented by a growing fear of failure. Those who don't perform are headed for the bench, out of the limelight. Fans turn their backs and managers look elsewhere. Nothing scares "The General" more than the idea of being relegated to the life of a nobody, something he once knew all too well.

Like Diego Maradona and Zinedine Zidane, Modise grew up in an environment that was, as he puts it, "no good for any kid". Like them, his story is of meteoric rise from slum boy to celebrated player. Unlike those older soccer legends, however, when Modise attracts attention it is always, and only, due to slick moves on the field, and not off.

Because "he could move with the ball like no other", says Steve Mnguni, the boy from Meadowlands,

Bafana Bafana's Teko Modise



Teko Modise is fouled by Spain's Raul Albiol at Vodacom Park in Bloemfontein during last year's Confederations Cup

Soweto, achieved what kids in poverty-stricken townships and ghettos around the world dream of: he escaped the given fate of destitution, unemployment, drugs and alcohol.

"You will never be anybody" was something the homeless boy heard all too often. The phrase haunts him still. When, finally, at age seventeen, he got his chance because Mnguni saw in him what others didn't, Modise bawled with relief. At last he needn't worry where his next meal would come from: it was time to prove the world wrong and strike out in the direction of his dream – to become "The best footballer in South Africa".

Modise was barely eight years old when he and his mother were chased away by the family – for reasons he has never learned. At first the outcast boy was lodged with acquaintances and friends. He soon realised he was on his own, and that only his soccer skills would help him survive and, maybe, become somebody. By age fifteen, he

had moved from one place to another, all over Diepkloof and Orlando East, in Soweto. He never had a real home in those days, only a temporary roof over his head provided by small-time soccer entrepreneurs, in exchange for plying his quick-footed skills on their teams.

For a bed in a backyard shack and a plate of pap, Modise played for obscure township clubs, fantasising all the while about his moment in the limelight, when, to the approving roar of his fans, he would tower over opponents and teammates alike, with cunning moves and unstoppable kicks. Instead of practising multiplication tables he rehearsed signing autographs; inspired by sports magazines he practised giving interviews; on the fields of his imagination he was already a superstar.

Had it not been for Steve "Stimela" Mnguni, Modise's fantasies would have remained just that. The talented midfielder would never have seen the

day when, in June 2008, a whole stadium celebrated, with a standing ovation, his outstanding performance and contribution to South Africa's 4:1 victory over Equatorial Guinea.

Homeless township boys don't find their way to the top too often: and with South Africa's Football Association still lacking a systematic approach to fostering talent at grassroots level, the discovery of disadvantaged youngsters with unique ability and skills is left to chance – or to men like Mnguni. Since the 51-year-old former Orlando Pirates forward resigned from professional soccer, he has travelled the country's impoverished urban settlements and rural neighbourhoods, on the lookout for new talent. In the undernourished, promising youngsters that he finds and nurtures, is ignited a hunger for success and the dream of kicking their way out of misery. It fuels an ambition to outshine each other on the dusty soccer fields of the townships.

By the time someone came knock-

ing on the door of Modise's Diepkloof shack, one ice-cold winter morning nine years ago, to tell him "there is a guy who wants to see you", the boy had almost lost hope. He almost did not go. After twenty minutes on the pitch, the slight, nifty outcast had shown so much magic with the ball that he was signed up for then PSL team Ria Stars.

From that day on, says Modise, he has hardly looked back; but when he does, it's in anger. The one thing the man with silky skills has not been able to forgive or forget is that no one in his family believed in him. So when things don't go his way, when his passes don't reach deep enough into the opponents' penalty area, when, pink boots or not, he doesn't find a way past an opponent, the fear returns that, after all, those who doubted his ability were right.

For months now, Modise has been struggling to keep his form, and the fear of failure returns to haunt him, again and again. "It kills me," he confesses. "Old memories come back." As thoughts of the past flood in, the anxiety that suddenly snatches the gleam

from his eyes reveals, more than words could, that, having fought his way to the top, the former nobody fears being crushed by his origins.

Since professional soccer is about making money, not saving souls, neither his manager nor his coach have an ear for his agonised self-doubts, or the paralysing fear he feels of a plunge back into oblivion. Even his former mentor, the man who led him from

wants to give it all up. He slips on his headphones and turns up the hip-hop, not to hear what the world might be saying. His success not only increased his expectations of himself, it has also created a warm interest among his relatives in the balance of his bank account. A player like Modise is likely to be earning around R100,000 a month, plus bonuses of various kinds – though 25% goes to his manager.

Nobody in his family **believed in him**

the wasteland, shows little sympathy, having groomed many new players of similar talent. "I have two boys now, excellent players – better than Teko," says Mnguni. "But this time – I sell them overseas. There is nothing they can learn here."

Sometimes, says Modise, when he feels he can't get anything right, and the mediocrity of South African soccer frustrates him like nothing else, he

"Relatives look at me as this jackpot," Modise says, resentfully. "All they ever want to talk about is money." Yes – the people who for so many years wanted nothing to do with him. So he keeps his phone turned off and his thoughts focused on escaping – a contract in Europe would be his biggest dream come true. It might liberate him from the haunting fear that the past might one day catch up with him. ■

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Memories are made of this

TAX GURU COSTA DIVARIS has come back at *noseweek* panting and snorting. The *nose125* report about legal proceedings between Divaris and ex partner Karen Ovis must have jerked a couple of strings.

The March edition of Divaris' newsletter *Tax Shock Horror* carried a piece tastefully headed "Those arseholes at *noseweek* & the Domestic Violence Act". In it he bellows moodily about his "great victory" at the Randburg magistrate's court, when the matter of his challenge to a court order awarded to Ovis was heard on 18 March.

According to the tax maestro, when his legal team applied to strike out much of Ovis's replying affidavit, she was driven to agree that the interim order she'd obtained be set aside. Divaris's lawyers also make the defence of *lis pendens*, pointing out that Ovis was unlawfully seeking the same relief in two different proceedings.

As Divaris tells it, his counsel "electrified the other side right at the start

of proceedings", then left them "reeling with shock... with jellied knees ... their case in tatters". Then things "went berserk, with Ovis bawling away in the corridors of the Randburg courts for half an hour... while the adults present tapped their feet impatiently". Finally, knowing they would be "slaughtered", Ovis's legal team withdrew their application for a final order. And quite right too, says Divaris, because the Domestic Violence Act "does not authorise the court to enforce the collection of a debt".

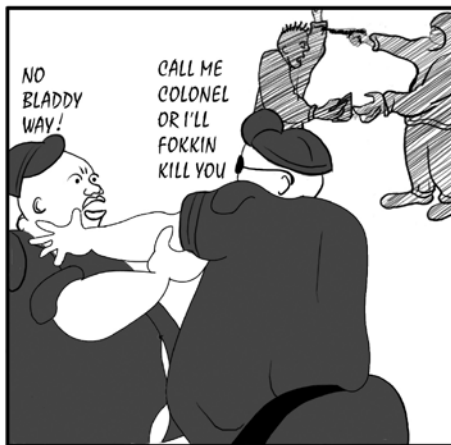
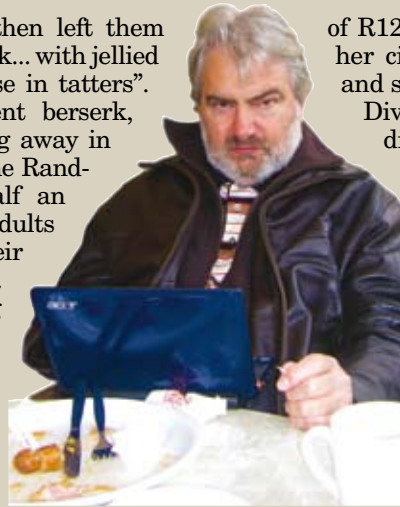
This isn't how Karen Ovis recalls it. She insists that she willingly agreed to the withdrawal of the interim order she'd obtained, accepting final payment

of R12,000 in settlement, because her circumstances have changed and she now has a full-time job.

Divaris's legal team, she says, did not give the required notice of their intention to argue for the striking out of material from her affidavit, and didn't even specify what should be struck out.

Moreover, she says, Divaris himself made the offer to settle – despite his previous insistence that he wanted his day in court. As for the "bawling", Ovis says she was upset because Divaris's lawyer verbally attacked her, causing her to temporarily leave the court and be comforted by her daughter Olenka.

Whose word can be trusted? No *noseweek* arseholes were present in court, so we can't verify who might be giving the accurate version of this new



Lucky to be alive



episode in an obviously painful squabble. (Divaris notes that it was “a day marked by the absence of any representative of that industrious organ”.) But we nose to read affidavits and reach our own arsehole conclusions.

Divaris claims he owes Ovis nothing and this matter will be decided by the High Court; he denies they ever lived together as man and wife; he denies there was a pooling of assets (it was a commercial arrangement whereby Ovis lent him the money interest-free, in return for rent-free accommodation); he denies that he is aggressive or ever intimidated Ovis.

In reply, Ovis claims that Divaris signed FICA documentation confirming her as co-owner of his house. She says she suffered serious physical symptoms from years of stress, occasioned by Divaris. (She once had to move into a hotel after Divaris humiliated her in a restaurant, by screaming “I will talk to you however I want, whenever I want, whichever way I want. Fuck you and fuck off”.)

Ovis attaches a report from a social worker, which reports her “post traumatic stress... exacerbated by the continual feeling of fear for her safety”. Ovis rubbishes Divaris’s denial that they lived as man and wife, attaching an affidavit from her mother, Anne Brussouw, who apparently lived with the couple for a few months in 2005.

Mrs Brussouw says there were only two bedrooms, “one of which was mine, and the other, which had one double bed, was occupied by my daughter and Costa Divaris. I can confirm that they definitely cohabited... On numerous visits since 2005, I can confirm that they were living as husband and wife... On not a single occasion while I was living with them did Costa buy any food or household items... He never cooked, or made tea or coffee for himself or anyone else, and never helped in the preparation of meals... when he got home from the office he sat down and didn’t move, until he was told the food was ready”.

She ends her affidavit thus: “I was with Karen and Olenka when I saw Costa and a young woman walking hand-in-hand in Rivonia. It was obvious that they were an item. She was about 25 and he is about 65 – which proves the old adage ‘there’s no fool like an old fool’.”

Are these observations on his life perhaps the matter Divaris wanted struck from Ovis’ affidavit? **W**

I’T**S BACK TO MOM** in rural Lesotho for young mother Puleng (“Poppy”) Komane after her grim experience giving birth to a baby at Johannesburg General Hospital. Poppy’s still in shock, claiming that the delivery nurse tossed her newborn baby girl into a rubbish bin.

Accusations of rudeness and arrogance on the part of nurses and medical staff at Joburg Gen, now renamed the Charlotte Maxeke Johannesburg Academic Hospital, are regularly made. But tossing Poppy’s baby girl into a rubbish bin takes the once-model hospital to new depths.

It happened, claims 29-year-old Poppy, last October 28. Poppy had been working as a domestic in Joburg’s Greenside for nearly a year when she complained of a sore back. Her employer, Sufiya Najjaar, took her to Care Cross GP Dr Morris Sack in Emmarentia, who told Poppy she was pregnant and in labour. “This was a huge shock,” says Sufiya. “Poppy didn’t know she was pregnant!”

She drove Poppy to Joburg Gen, where there they found the usual long queues and waited for hours to see a doctor. “I cannot tell you how rude and uncaring the nurses were,” says Sufiya. “Poor Poppy had to stand for ages before they gave her a chair.”

Poppy, in labour and considerable pain, was finally admitted to a maternity ward. Sufiya then left and what followed is based on her subsequent close questioning of Poppy. The domestic recounted how her pleas for help to go to the toilet were ignored and she soiled her bed. “A nurse screamed and swore at her and beat her across the head,” reports Sufiya.

A doctor who examined Poppy was unable to find the baby’s heartbeat. “Your baby will be born dead,” he told her brusquely. Two hours later Poppy gave birth. “A nurse just tossed the premature baby into a rubbish bin,” says Sufiya.

By a miracle, a passing nurse glanced into the rubbish bin and saw the baby girl’s nose twitching. The infant was retrieved and placed on a breathing

machine.

Poppy was discharged the following day, to shock her employer with her account of what happened. The baby remained in the hospital for about four more days, fighting for her life, before Sufiya was summoned to come and fetch her. “She was a tiny little bundle and weighed only 1.5kg,” says Sufiya. “But after a few days she started putting on weight and was feeding well.”

Dr Morris Sack, the Care Cross doctor who saw Poppy at his Emmarentia surgery on 28 October, looked up his notes. He then confirmed the date and said: “She was complaining of a back pain and lower abdominal pain. I examined her and said: ‘Hey, you’re pregnant – and you’re going to have your baby!’”

“She was in labour; she had just started.”

Did he pick up the baby’s heartbeat? “I haven’t got a record of that here,” said Dr Sack. But he would, presumably have recorded any indication that the unborn child was dead.

Told of Sufiya Najjaar’s account of the rubbish bin saga at Joburg Gen, the GP echoes a general sentiment: “I’m absolutely shocked.”

Sufiya Najjaar has two children of her own and the family has now relocated to Cape Town. “Poppy was going to come to Cape Town with us, but the trauma of her treatment at Joburg Gen was too much for her,” says Sufiya. “She’s taken her baby back to her mother in Lesotho.”

We asked Barney Selebano, chief executive at Johannesburg General/Charlotte Maxeke Johannesburg Academic Hospital, to comment on Poppy’s claim that her newborn baby was tossed into a rubbish bin. There was no response by the time *noseweek* went to press.

■ Joburg Gen, in Joburg’s Parktown, has 1088 beds and, according to its website, has a professional and support staff of over 4000. It is the main teaching hospital for the University of Witwatersrand’s Faculty of Health Sciences. **W**

The heroes of Shaft 3

MID-APRIL 2010: staff of Shaft 3 at the Grootvlei gold mine outside Springs are joking about walking off the job. Most of the 30-odd workers have not been paid since January. For weeks now, senior management haven't given them a straight answer about money or equipment – or even about whether or not the mine should still be operating.

The equipment is old and keeps failing. Things are getting unsafe underground. Pipe explosions in the main shaft have ripped 200kg chunks of rock out of the walls – mercifully while no-one was around.

Anger threatens to overwhelm the normally calm demeanour of one of them. "I'm not going to just abandon the shaft suddenly without thinking, unless it gets too much and I strip my *moer*", he says, echoing the feelings of his workmates.

The directors of Aurora Empowerment Systems, which operates Grootvlei, have told many lies at press conferences. These meetings are held at a safe distance from the mine, as the directors' shiny new Mercedes-Benzs and high-end SUVs, some purchased in February, are no longer welcome in the main office parking lot, where angry, hungry workers regularly gather to protest.

Miners fight to stem the poisoned Grootvlei waters – but will anyone go to jail for allowing this mess to develop?

Shaft 3's men have not joined the strike embarked on by the majority of Grootvlei's 2,000-odd workers to protest their unpaid salaries – though some have had cars and houses repossessed since their pay stopped coming through.

Why are they still on the job? Because on the operations of Shaft 3 depends the future of the whole East Rand – Brakpan, Nigel, Springs, the surrounding farms and remaining mines, the Marievale wetland and its world-famous birdlife, the whole sorry lot. The crew of Shaft 3 know it: theirs is the last pumpshaft still in operation on the Far East Rand.

SPRINGS, EAST OF JOHANNESBURG, got its name from the many springs of pure, abundant water that European settlers found in the area. Good for farming. The water welled up from the massive

dolomitic formations that are a feature of the Witwatersrand ("Ridge of clear waters") – the giant underground rock sponges that were once filled with streams and caverns, constantly topped up by seeping rainwaters.

But the springs stopped flowing from the 1880s onward, when mining came to the area. As miners bored and blasted through the water-filled dolomites, their shafts constantly filled with water, and mining companies began installing pumping stations underground to suck the rock aquifers dry, pumping the water into rivers on the surface, and depriving the natural springs of their underground source. As the mines went deeper they pumped from deeper down. By 1955 24 mines had shafts deep into the Far East Rand Basin (impermeable rock formations deep under Brakpan and Springs form a giant "basin which isolates the underground waters in

it from other "basins" underlying the rest of the Witwatersrand).

The number of mines – and underground pumping stations – on the East Rand has dropped steadily since the '50s. Today, only one station is still running in all of the Far East Rand Basin, 775 metres down Grootvlei's Shaft 3.

If Shaft 3's pumps stop, the water level in the basin will rise at an average rate of 90cm a day, through the mine shafts and underground watercourses, into the now-dry dolomitic aquifers. Just over two years after that, huge volumes of water will begin flowing from old springs and mine shaft openings all over the East Rand. (The first "decant point" is predicted to be beneath an old taxi rank in Nigel.)

Besides the fact that it will signal the end of mining in the area, the "re-watering" of the Far East Rand Basin will bring catastrophe: this time it won't be pure "white" water gushing from boreholes and springs, it'll be toxic Acid Mine Drainage (the dreaded AMD) – with devastating consequences for anyone or any operation that depends on clean water, across the densely populated East Rand or anywhere downstream from there.

IN AUGUST LAST YEAR nose118 reported that AMD is threatening the West Rand, where high concentrations of uranium are contaminating aquifers and toxic water is beginning to seep to the surface near Randfontein. The AMD forming in the Far East Rand Basin is less radioactive, but there's more of it. Shaft 3's massive underground pumps push up about 80 to 90 megalitres a day during the dry winter, but have been stretched to 108 megalitres a day to cope with the massive water ingress during the extraordinarily rainy summer of 2009/2010. (A megalitre is a million litres, roughly a third of the volume of an Olympic swimming pool.) The main contaminants in the AMD that Grootvlei pumps are manganese and iron compounds, which give a muddy reddish colour.

By the early 1990s, government, made aware of the environmental threat, had forced Grootvlei to build a treatment plant to remove the iron, and some other toxic metals, from the water being pumped from the mine. Oxygen and lime are added to the AMD as it exits the top of the shaft, to make it less acidic and speed up cer-

tain desirable chemical reactions. After mixing in an aeration tank, a flocculant is added to induce the metals and metal salts to settle as a reddish sludge in large clarifying tanks.

The water, now clear, but still slightly contaminated, is then channelled into the reed-choked Blesbokspuit, just upstream of the world-reknowned Marievale Bird Sanctuary, listed under the Ramsar convention as a globally important wetland. The Blesbokspuit ultimately flows into the economically vital Vaal River.

Grootvlei mine's Water Use Licence stipulates that the mine must reduce iron concentration in the AMD it pumps to 1 part per million (ppm) before discharging it. (It's normally 200ppm or higher when it exits the shaft.) Aurora Empowerment System's directors can be jailed in terms of the Water Act, according to Water Affairs officials, should they allow contaminated water to enter a river. It would be interesting to see action taken on that one: *Noseweek* has established from various sources that Shaft 3's water treatment systems were not cleaning the water for a week in January, two weeks in February, for all but seven days of March and from 1 to 20 April (when this story went to press).

Contaminated water has been passing through the treatment plant without having lime and flocculant added, and, in the latter part of this period, without being aerated. At an average rate of over 100 megalitres per day, already over 5,000 megalitres of heavily contaminated water have been drawn from Shaft 3 and diverted into one of the country's most important wetlands – almost 2000 Olympic swimming pools since the beginning of the year. Each day now another 100 megalitres leaves the shaft, day after day.

Why has this happened? The electricity to run Shaft 3's mega-pumps costs about R3.5m per month, the lime another R1.5m. With salaries and extras, it costs a total of R5.5m per month to run Shaft 3 and its water treatment works. Since the AMD pumped at Shaft 3 flows in from all over the Far East Rand Basin, government subsidises Shaft 3's operations by R3m to R5m per month (different sources report different amounts). But Aurora spokesperson Thulane Ngubane claims that for some time now the subsidy has not been forthcoming from the state.

Officials in the Department of

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Striking workers at Grootvlei Mine

Minerals and Energy say they have been holding on to it because Aurora has given them three different account numbers – they’re not sure which one to use. Nor do they know where the money is actually going.

What is the government doing about this pollution disaster? Very little;

extremely late. Senior officials from Minerals and Energy have visited the non-operational treatment plant, tut-tutted, and disappeared without taking any discernible action.

The Blue Scorpions, South Africa’s water police, have taken two water samples, the full results of which

they’ve not released. (*Maybe the lab isn’t operational either?* – Ed.) In mid-April the mine was served with a “Section 53” directive, which will force them to explain to Water Affairs why they have not been treating the water; although a step forward, it doesn’t force the mine to actually start treating the stuff again.

And Minister of Water and Environmental Affairs Buyelwa Sonjica – ex minister of Minerals and Energy – told ID MP Lance Greyling that she’d never heard of Grootvlei mine, did not know where it was and had no knowledge of its role in water pollution management.

Aurora’s chief strategist for mergers and acquisitions, Fazel Bhana, has claimed that the treatment plant was out of action “for only two days in April”. And that, he further claimed, was only because striking miners blocked the entrance to Shaft 3, prevented a lime truck from entering.

Bhana is notorious among journalists and union officials for the stream of easily exposed untruths that stream from his keyboard and lips. *Noseweek* has monitored the situation at the mine for weeks and can confirm that striking miners have not come within a kilometre of the gates of the treatment plant.

It’s hard not to conclude that the reason Aurora’s directors have escaped serious repercussions, while presiding over one of the country’s more serious water pollution and labour crises, is their political connections: the chair



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of the Aurora board is 26-year-old Zondwa Gaddafi Mandela, Nelson's less-talented grandson, and eldest son of Zindzi.

Khulubuse Zuma, President Zuma's nephew (who styles himself as "son" to the Big Man – he was regularly present at Zuma's rape trial, to give support) is an executive director. The president's wheeler-dealer lawyer, Michael Hulley, is listed as non-executive director.

Along with his father and co-Aurora advisor, Solly Bhana, Fazel Bhana is alleged to have been involved in serious financial crime over the last decade, including massive tax evasion and insider trading on the JSE. Khulu Zuma told the media he asked the Bhanas to come on board because of their experience.

Rounding out the core team is Bash-eer Moosa, a financial manager who began arriving at the mine in February in a brand new Mercedes worth almost R2m, just as the company announced it had no money to pay workers.

AURORA EMPOWERMENT SYSTEMS took over the running of Grootvlei mine in October 2009 in terms of a deal with the liquidators of Pamodzi Gold East Rand. Aurora persuaded the liquidators to allow them to begin operating the mine immediately, rather than leaving it in "care and maintenance" (i.e. mothballed, with only basic functions running) so that it could generate revenue instead of being a liability to the liquidators. Full ownership and all relevant licences were meant to be transferred to them between January and April this year.

Of the five joint provisional liquidators of Pamodzi Gold East Rand, Enver Motala (see *noses* 113, 115 & 126), took the lead in promoting Aurora's bid over others, primarily on the basis of their "good names", the R390m they were offering for Pamodzi East Rand and their promise to retain all workers and assume the environmental liabilities of the mine. Much of Aurora's capital was to come from Malaysia. (*It didn't. When the Malaysians learned something about their new partners' business practices, they wisely decided to hang on to their cash.* – Ed.)

Aurora was to compile monthly reports to the liquidators, detailing the amount of gold mined and sold, as well as all financial flows. They were also to start paying back the R205m

Pamodzi owes the Bayerische Hypo und Vereins Bank AG (HVB), with an almost immediate payment of R15m, the balance of R190m to follow on transfer of ownership and licenses.

According to well-placed sources, Aurora has paid only just short of R10m for Pamodzi's East Rand assets. They've failed to submit monthly progress reports, failed to pay HVB, failed to pay workers for months, failed to pay Eskom, Rand Water, SARS, Protea Coin Security, Fraser Alexander (who maintain the mine's waste dumps), Equity (the hostel caterer) and a host of smaller suppliers for everything from pumps to vehicles. The state of the mine's hostels is worse than during the apartheid era – raw waste water runs past rooms that each house eight men, with shattered windows and leaking roofs. General miners are paid a mere R1,350 per month.

Miners told *noseweek* that two of their colleagues died underground this year (a shift boss and his "picannin") after they were overcome by mine gas. Their gas-sensing equipment failed due to lack of maintenance.

Millions deducted from workers' salaries for unemployment insurance and provident funds has not been paid over. An amount of R7.5m for gold processed in the Grootvlei plant for Copper Eagle 108 CC has disappeared, and mineworkers of all ranks tell *noseweek* that truckloads of ore brought up from Grootvlei shafts are not processed on site but quietly driven on to other plants on the East Rand, presumably so the gold does not reflect on Grootvlei's books.

Tens of millions seem to have been paid to the Bhana family for various services including "consulting fees", but Aurora is strongly resisting a forensic audit.

Directors, advisors and mine managers all clearly mistrust each other. Workers have been on strike for a month. Many have left to seek work elsewhere.

Will anyone go to jail for this mess? Will the sacrifices made by the men at Shaft 3 prove worthwhile? Is Ms Sonjica capable of taking prompt action?

Don't hold your breath. If you think the crowd running the Grootvlei mine are bad, remember this: it's their uncles and aunties who are running the government. Same taste in flash cars, same distaste for audits and book-keeping. ■



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COVER-UP

The squalid tender scandal the director-general of trade doesn't want you to know about

IN AN EXPLOSIVE new twist to the Cipro/Valor IT tender scandal (noses114,115,117), *noseweek* can reveal how a top official in the Department of Trade & Industry has killed a high-level investigation ordered by Minister Rob Davies into the R153m award.

Although Minister Davies and, to a certain extent, his director-general at Trade & Industry, Tshediso Matona, were determined to establish the truth behind the controversial ECM (Enterprise Content Management) tender 398, deputy director-general Zodwa Ntuli appears to be winning the battle to keep the squalid affair under wraps.

The big question is: why the cover-up? Did something go on in this tender award that could prove deeply embarrassing to government (i.e. the ruling party)? How come a deputy director-general feels free to countermand the orders of her minister? Is someone at a higher level pulling strings?

Last April *noseweek* broke the story of the 2008 ECM tender award to unknown Valor IT (nose114). The tender, to upgrade the information technology system used by the DTI's Companies and Intellectual Property Registration Office (Cipro) had been quietly awarded to Valor IT, despite a near 50% lower bid of R60m by JSE-listed Faritec.

But it is through events connected to a parallel investigation that the rebellious and devious hand of deputy director-general Zodwa Ntuli is now displayed.

Last year Trade & Industry minister

Rob Davies decided it was imperative that the right or wrong of the ECM tender award to Valor IT be established once and for all. The minister ordered a forensic report.

This was to be conducted by Specialised Services Group (SSG), a body of private, somewhat controversial, sleuths, headed by Warren Goldblatt. In its previous life SSG was Associated Intelligence Networks, or AIN, whose activities in the Brett Kebble saga and its evidence-gathering techniques on behalf of SA Eagle make it no stranger to readers of *noseweek*.

Minister Davies gave SSG a clear mandate: a significant part of its terms of reference was to probe the Valor IT tender award. A secondary target was to investigate the growing problem within Cipro of cloned companies and identity theft. (More than 140,000 companies have supposedly been cloned, resulting in rampant VAT fraud and providing "cover" companies for organised crime networks).

SSG drafted a business plan and terms of reference based on the minister's mandate. The investigators were instructed to report to the "project manager": deputy director-general Zodwa Ntuli.

And Ntuli sent the minister's contract back to SSG. The job, she decreed, was to focus almost exclusively on company cloning. The probe ordered into Valor IT and the R153m ECM tender award was to all intents and purposes eliminated from the inquiry.

Ntuli also dropped a bombshell

concerning payment for SSG's work. The original contract stipulated a period of three to six months, with a payment of R1m per month. When Ntuli sent the contract back, the payment had been reduced to R1m for the entire stipulated period.

SSG had already contracted a team of nine professionals, including an advocate, forensic accountants and ex Scorpion investigators, to do the audit – and at an average fee of R50,000 per month apiece, their wages alone came to R450,000 per month. After a couple of months SSG would be running the probe at a loss.

However, by the time Ntuli had juggled the contract, the SSG sleuths had already uncovered enough to realise that *noseweek's* Valor IT revelations (which were rubbished by Cipro chief executive Keith Sendwe, whose denials the media then dutifully reported) were in fact substantially correct. There was something very wrong with how tender 398 had been handed on a plate to Valor IT.

For a start, the investigators asked themselves how tiny unknown Valor IT managed to get onto the approved vendors list at Sita, the State Information Technology Agency? Sita's head of procurement at the time was Fantas Mobu. Mobu, who describes himself in his blog as "very political", was in 2006 revealed by *Beeld* and *Die Burger* as one of several high profile individuals with ANC links who were shareholders in Sondolo IT, which had been awarded prison tenders worth almost R500m by

the Department of Correctional Services.

Mobu left Sita in 2008 to become head of procurement at Airports Company South Africa. When SSG investigators questioned Sita staff about Mobu's role in putting Valor IT on the approved vendors list, there was much mirth at mention of the man known to one and all as "Mister Five Percent".

Chief operations officer Melanie Bernard-Fryer, who had been suspended for refusing to sign the ECM business case in 2008, gave the SSG investigators a list of some 30 individuals at Cipro who might assist with whistleblowing. Interviews began, and eight or nine affidavits taken – some with devastating content.

Then, without warning or explanation, deputy director-general Zodwa Ntuli terminated SSG's mandate. The entire investigation was to cease with immediate effect.

The background to that extraordinary edict? Some weeks ago a video conference was set up to discuss the SSG audit. Minister Rob Davies and SSG investigators were in Cape Town; DTI director-general Tshedisio Matona and deputy director-general Zodwa Ntuli were huddled together in Pretoria. By all accounts it was a heated exchange: Ntuli insisting the audit must concentrate on company cloning; Minister Davies retorting that SSG's mandate must revert to his original brief – get to the bottom of the ECM tender to Valor IT.

At first it seemed that Minister Davies had won the day. Cipro acting chief executive Lungile Dukwana circulated all staff on 3 March, requesting that they assist the investigators with information into possible fraud and corruption at Cipro. Then Michael Twum-Darko was abruptly put on "special leave". And two days later SSG's mandate was cancelled.

Although it has not received a single cent for its months of work, SSG felt obliged to submit its final, final report (Zodwa Ntuli had routinely rejected all previous offerings). And the latest tome has infuriated Ntuli, since the investigators have gone out of their way to fulfil Minister Davies' original mandate to a T – in the process giving the finger to Ntuli's directive to sweep the Valor IT probe under the carpet.

SSG's report names four individuals, with a list of recommended charges against them, including gross negligence, criminal negligence, misman-

agement and corruption.

The four are: Cipro chief executive Keith Sendwe; his chief information officer, Ghanaian-born Michael Twum-Darko; Valor IT chief executive Josias Molele; and Mantra Consulting boss Abe Mbulawa.

SSG says the Valor IT tender award must be cancelled and there should be a complete revision of an ECM solution for Cipro.

The few affidavits SSG managed to take from Cipro sources before they were pulled off the job have been passed to the police, who are supposedly investigating. For example, Peet Pienaar, an independent consultant, was contracted by Cipro as enterprise architect and tasked to compile a business case and request Sita to get quotes from vendors for tender 398.

Pienaar stated in his affidavit that, as enterprise architect, he should have been part of the tender evaluation panel. However, he was excluded. "There was no panel to scrutinise the evalu-

THERE WERE SOME intriguing side issues to the Valor IT tender award – which *noseweek's* latest revelations (see main story) go a long way to explaining. *Nose114* told how: Melanie Bernard-Fryer, Cipro's chief operations officer, had been suspended for refusing to sign the ECM business case in 2008; that external individuals had been controversially wheeled in to evaluate the tender bids; and perhaps most intriguing of all, that Cipro chief information officer Michael Twum-Darko had allegedly claimed that in return for Valor IT winning the contract, 5% of the tender price (R7.65m) should be delivered to the coffers of the African National Congress.

The following month *nose115* told how a large chunk of Valor IT's website had been stolen word for word from the website of technology solutions and services group GijimaAst. And in April this year, *nose126* revealed the existence of two affidavits filed with the police's commercial branch alleging that Valor IT boss Josias Molele had made a secret payoff to a senior civil servant he had managed to have installed as one of the bid evaluators.

Our April issue also revealed the inconclusive contents of the auditor-general's long-delayed report into the ECM tender award. This report has yet to be laid before parliament.

ation members," he says. "All external evaluation members were appointed by Twum-Darko himself."

The evaluation team members did not understand the concepts and content of the required ECM solution "and therefore could and did not evaluate the various tenders correctly".

Pienaar stated that he refused to verify the disqualification of the lowest priced vendor (Faritec), insisting there was no reason for disqualification. His protest was "discarded".

His affidavit continues: "I was under the impression that Cipro would compile a shortlist of the three vendors to schedule a presentation and site visit. The vendor Valor IT CC was, however, appointed without the above proposed presentations and site visits.

"We were only able to scrutinise Valor's proposal/solution after they were formally appointed. From scratch it was clear that their proposal was not based on a complete solution but consisted only of various products from different manufacturers, with major overlaps in functionality. I presented this information to Twum-Darko. He discarded this and told me I must stop being petty and work with them.

"The technology architect, Alfred Smith, found that major portions of the content provided by Valor were copied from other websites and were presented in such a way as if these were the frameworks and processes of Valor. This was reported to Twum-Darko's office manager. Again he was also told to stop being petty.

"The very first work session between Cipro and Valor again confirmed that the proposed Valor solution did not fulfil the requirement of a composite solution and that Valor was not even sure which product was to be used for which functionality. I again reported this to Twum-Darko."

After expressing his misgivings, Pienaar was excluded from Valor's design workshops and, shortly after, his contract with Cipro was terminated.

■ At the time of writing, Cipro chief executive Keith Sendwe was still on extended sick leave. Chief information officer Michael Twum-Darko was still on special leave and chief operations officer Melanie Bernard-Fryer had resigned. And Zodwa Ntuli, deputy director-general at the Department of Trade & Industry, had her knickers in a twist, wondering how she could possibly bury SSG's final, final, final, final forensic audit. ■

ON 11 JANUARY, JIMMY DE LANGE, whose story featured in *nose92*, should have walked through the gates of Leeuwkop Prison, a free man after 14 long years. He's still behind bars.

The question is: why has Leeuwkop Prison security head Bonn Müller made it his mission to keep Jimmy incarcerated? And why has the Department of Correctional Services supported Müller's apparently unregulatory attempts to block Jimmy's release, which was ordered last September by the Correctional Supervision and Parole Board (*nose120*).

As told in *nose92*, Jimmy was sent to jail for the 1996 killing of 19-year-old Meloney Kriel, in Braamfontein, Joburg. *Noseweek's* investigation exposed the role played by then Captain Hansie Prinsloo and partner Henry Beukes, of the Pretoria Murder and Robbery Squad, who apparently intimidated witnesses into changing their statements to secure De Lange's conviction. (*Noses61&82* had fingered Prinsloo for producing witnesses to bolster a charge of arson, later proved false, brought against a fire-insurance claimant.)

Over the years Jimmy made numerous requests to the Leeuwkop parole board, but was not given a hearing. *Nose106* then revealed that Prinsloo, as investigating officer on the case, had filed a report to the Department of Correctional Services, in which he described Jimmy as "a pathological liar and manipulative drug dealer, who spent his leisure time taking drugs". Apparently, though no evidence was led in court to support Prinsloo's claim, his report convinced the parole board that Jimmy should stay in jail.

When Jimmy finally got an audience, the board took less than a day to grant his release. But Jimmy then discovered that he would not be allowed to go home on weekends – usually granted by right to all prisoners awaiting parole release. When he challenged this in court, it turned out that Leeuwkop security head Bonn Müller had opposed Jimmy's weekend parole. Jimmy also discovered that Müller was attempting to have the parole board's decision to release him overturned, by referring it to the parole review board.

Area Commissioner of Correctional Services, Mr Walter Mashiya, told *noseweek* that he didn't know who exactly had referred Jimmy's parole for review. He told *noseweek*: "Parole deci-



Long wait for freedom

sions can only be referred to the review board by myself, the Commissioner of Correctional Services, or the Minister and her deputy... I never referred the matter to that board."

Hearing that the referral had, in fact, been made by Bonn Müller, Mr Mashiya assured *noseweek* that he would have the matter investigated. We'll never know what that investigation might have turned up: a few weeks later Mashiya was suspended. *Noseweek* then contacted Deputy Minister for Correctional Services Hlengiwe Mkhize, to be told once again that the Department would investigate what was going on.

Then, on 16 March, a Johannesburg High Court ordered the Department of Correctional Services to release Jimmy "from incarceration, on parole, by not later than 12:00 on 19 March 2010, by virtue of the decision of the Correctional Supervision and Parole Board of

Leeuwkop Correctional Facility, dated 2 September 2009." The court also ordered the Department to pay the cost of De Lange's application.

However, less than 24 hours before the hour of release, the Department appealed against that court order, and Jimmy is still in jail (again, as it were). *Noseweek* has been unable to discover, so far, who exactly is behind the application. But a little bird has been heard, whispering in the bushes: it transpires that Bonn Müller may well be an old connection of the man who helped send Jimmy to jail in the first place. Hansie Prinsloo and Bonn Müller, it is claimed, served together as security policemen in the bad old days. Does Prinsloo want Jimmy kept in jail, so he won't come after him in an attempt to clear his name? – as Jimmy has indeed vowed to do.

And who, we wonder, is really in charge of our prisons? ▣

Butcher in the house?

FOURWAYS LIFE HOSPITAL simply refuses to disappear from the radar screen. The latest complaint involves 14-year-old Blayde Wearne, who was taken to the hospital's casualty department, with severe abdominal pains, in the late afternoon of Monday 8 March 2010. The casualty doctor ordered blood tests, and told Blayde's parents that he was fairly sure their son had a ruptured appendix and it would need to be removed. The doctor ordered Blayde's admission, and said the surgery would be done by the hospital's general surgeon, Dr Bhavesh Gordhan.

So Blayde's parents signed the documentation (including a consent form), and sat with Blayde in the ward waiting for Dr Gordhan. By 9.45pm Gordhan had not appeared, so the couple went home. Blayde's mother, Yvette, phoned at 11.45pm and learned that Gordhan had called to say he would operate between 8 and 10 the following morning.

The next morning, Yvette phoned the hospital at 7am and was told by the ward sister that Blayde had had a good night's sleep, and was still in the land of nod. So Yvette dropped her daughter off at school and arrived at the hospital at 7.30, where a shock awaited her – Blayde was indeed asleep; in fact he was still under anaesthetic. He had been operated on, and ruptured appendix removed, at six that morning.

In a written complaint to the hospital, Yvette described her feelings as follows: "There are no words to describe the feelings that filled me ... shock, anger, pain, guilt. I felt I had let him down, because I was not there when he needed me. I should have been informed that the procedure was to take place and been given the opportunity, as his mother, to be with him. I am sure any parent can appreciate my feelings.

I think the manner in which the situation was handled was utterly disgusting."

Yvette spent the whole day at the hospital, but there was still no sign of Dr Gordhan. In fact Yvette first saw the surgeon the next day, when he told her that Blayde could be discharged and gave her instructions on how she should dress the wound. And that was that – no card, no talk of a follow-up appointment, no mention of the stitches that would be removed. So Yvette took Blayde home, but things didn't go too well – Blayde had a fever, and his wound began bleeding. As Yvette was unable to get hold of Gordhan (she was subsequently told that he was abroad), she took Blayde to Casualty again, and two days later to a wound clinic.

This prompted Yvette to ask in her letter: "Is it normal for a doctor to leave, go on holiday or wherever, and not even hand their patients over [to a stand-in doctor], in case of emergencies?"

When *noseweek* spoke to Dr Gordhan he seemed genuinely perplexed, asking what the issue was, as consent had been signed. He said the boy seemed fine to go ahead with the operation, so there was no need to call the parents. (Blayde insists that he only saw Dr Gordhan when he was wheeled into the operating theatre.)

Asked why the parents had been told that nothing would happen before 8am, Dr Gordhan said he'd made it clear to the hospital staff that he would be operating at 6am. He had a full day's surgery planned, and didn't want to delay the procedure for another day, as the blood tests taken the night before had shown there was an infection.

With reference to not being available for consultation after the op, Dr Gord-

han said he'd been out of the country between 11 and 22 March, and that the family should have consulted his locum, Dr Naidoo.

Shortly after *noseweek* spoke to Gordhan, he phoned Yvette Wearne and apologised for what had happened. He again blamed the hospital staff for the lack of communication, and claimed he had assumed the parents were contacted before the operation.

Because no-one from Life Hospital's head office bothered to reply to *noseweek's* requests for comment, we leave you with a couple of questions, from Yvette's letter: "Have our surgeons become butchers in a cattle market, eager to take your money then get you out of there as soon as possible? And what happened to the 'bedside manner' we once took for granted from medical practitioners?"



Kenya's PM Raila Odinga (right) and his administrative secretary Caroli Omondi receiving a PricewaterhouseCooper forensic audit report in February



SOUTH AFRICAN GRAIN TRADER Afagri Trading (Pty) Ltd, stands accused of fraud and corruption in relation to procurement of a contract to supply maize to Kenya's National Cereals and Produce Board. A PricewaterhouseCoopers forensic audit has recommended criminal investigations into the conduct of Afagri Trading and various Kenyan officials. Two of these, Caroli Omondi and Dr Mohamed Isahakia, have already "stepped aside" from senior posts in the Kenyan Office of the Prime Minister, following the February release of the PwC forensic audit. (Omondi also owns the building that houses Prime Minister Raila Odinga's party headquarters, while Isahakia headed Odinga's fundraising campaign.)

Kenyan officials arrived in South Africa soon after a May 2008 declaration of a "famine emergency", following the political clashes that had brought violence to the normally peaceful East African nation. The forensic audit discovered that Afagri Trading had secured an initial untendered contract to supply 18,000 tonnes of maize when the Kenyan delegation paid an unpublicised visit to Afagri's Centurion, Pretoria, headquarters. A few weeks later a formal tender committee awarded Afagri a contract to supply 55,000 tonnes – and this was later adjusted to read 75,000 tonnes, to include the untendered amount. The entire contract was worth around \$34m to Afagri.

The improprieties involved might never have been exposed, had a portion of the first maize consignment to reach Mombasa not been declared unfit for consumption. Some 6,300 tonnes of that 18,000 tonnes consignment were found to be contaminated by aluminium phosphide, a compound used in the fumigation of grains, but which may become toxic if not properly handled.

Officials of the Department of Public Health, which is headed by Beth Mugo, of President Mwai Kibaki's Party of National Unity, discovered the contamination and barred the consignment from being released from the port.

Prime Minister Odinga, of the Orange Democratic Movement, whose office was involved in the procurement, then accused his opponents in the power-sharing government of fabricating the story in order to stir trouble. In an effort to clear his officials, Odinga contracted a British laboratory, Intertek, to examine the maize – but issued

The mysterious case of the vanishing maize

instructions to test only for possible Aflatoxin contamination. This added fuel to the fire, and soon the Kenyan parliamentary portfolio committee on agriculture was accusing Odinga's son and some of his friends of having benefited from the deal.

The public uproar that followed prompted the Ministry of Finance, which had funded the procurement and importation of the maize, to retain PricewaterhouseCoopers to undertake a forensic audit of the procurement procedures.

The PwC auditors, led by one of their Kenyan directors, Martin Whitehead, quickly tumbled to the fact that the first contract was awarded without a tender process being conducted, and that the figures on the formally awarded tender were then fiddled to reflect the difference, apparently in collusion between Afagri and Kenyan officials.

Hubert Jarlet, chief executive of Afagri Trading, a subsidiary of JSE-listed Afagri Ltd, told *noseweek* that the company was awarded a contract for 60,000 tonnes, which included the 18,000 tonnes. This contradicts the official Kenya version – and a statement by Afagri Ltd CEO Chris Venter, carried by the South Africa Press Association on 13 February 2010. According to Venter, Afagri entered into a writ-

ten contract with the National Cereal and Produce Board of the Republic of Kenya (NCPB) for the supply of 18,000 tonnes of white maize, on 25 July 2008. Venter added that Afagri had entered into another contract for 60,000 tonnes (5,000 tonnes more than was actually awarded) on 8 August 2008.

The Kenyan National Cereal and Produce Board's books show that Afagri was paid for 75,000 tonnes. Could it be that 15,000 tonnes were paid for without delivery being made? Afagri have not questioned the official Kenyan figures, which clash with their own – and apparently refused to co-operate with PwC forensic auditors.

Also at issue are upward price adjustments made by Afagri, which apparently led to an increased profit of around \$24m. On 25 July the South African white maize price was pegged at \$313 per tonne, with the rand at R7.61 to the dollar. The documentation shows that when signing on that date for the first untendered 18,000 tonnes, Afagri offered to sell at \$422 per tonne. Less than a week later, on 31 July, with the market price now at around \$250 per tonne and dropping, Afagri offered to supply 60,000 tonnes at \$452 per tonne.

Asked by *noseweek* to explain the reasons for the upwards adjustments,

How the rot started

UNTIL THE TURN OF THE millennium, corruption in public procurement was simply part of life for public servants in Kenya. As with the South African arms deal questionable contracts were veiled with the banner of "National Security Contracts", which enabled public officials to secretly plunder the public coffers and foreign loan-funded contracts.

This began to change with increasing pressure from foreign donors, civil societies and opposition politicians, who all campaigned for transparency. Nevertheless, corrupt public officials continued to have their way – and were constantly on the lookout for new terrain. It was soon discovered that tender procurement processes could be circumvented by declaring national emergencies – food security has been one such exploited area.

Food Emergency procurement for private gain was first tried out in 2004 when an emergency was declared and businesses with the right connections were allowed to import maize, either duty-free or at state-subsidised rates.

In 2008 three factors played into the hands of the corrupt: Post-election violence affected most maize-growing areas of the country; the allocation of maize from the Strategic Grain Reserves to politically connected individuals saw the depletion of the Reserve; and post-conflict power-sharing arrangements failed to clarify whether the prime minister or the president was in charge of the cabinet.

The result of this was the declaration of a "famine emergency" – which led to the arrival in South Africa of Kenyan officials on a buying spree.

Afagri Trading chief executive Hubert Jarlet responded that there were no upwards adjustments made to the signed contracts. He said there were, however, demurrage bills that were payable due to a slower discharge of cargo than agreed in the contract.

Another curiosity of the Afagri deal was that the company chose to channel their shipment through Maputo instead of Durban – at a significantly higher cost. Jarlet told *noseweek* that this was due to a lack of rail capacity for carrying grain to the ports, and to a lack of export slots for bulk grain through the port of Durban. The next best was to ship via Maputo.

An independent grains exporter told *noseweek* that Afagri's explanation doesn't add up. Why would the Kenyans have accepted the higher price of shipping via Maputo? Our source says that Durban harbour actually has a high capacity for loading grain – but the grains are carefully examined to prevent contaminated shipments from leaving SA shores. Which suggests that someone was aware that part of the shipment was contaminated, and knew that this was unlikely to be picked up at Maputo.

Shortly before PwC released their report, the Kenyan National Cereals and Produce Board released a media statement claiming that an insurance company had paid the state agency for the contaminated maize. The alleged

settlement was widely reported in Kenya and public interest in the matter died down.

However, two months later, *noseweek* contacted Precious Shipping of Thailand, operators of the *Fanarun Naree* when it was used to ship the grain from Maputo to Mombasa. According to the company: "There has indeed been a claim by NCPB that around 6,000 tonnes of white maize discharged in Mombasa in January 2009 were contaminated, or otherwise damaged. These claims are strongly denied and are being contested. We regret that, since the matter is the subject of arbitration in London and litigation in Kenya, we are not presently at liberty to enter into further correspondence."

So who actually settled the claim?

Noseweek's latest investigations have revealed that the allegedly contaminated maize mysteriously disappeared from the port of Mombasa, and was apparently later found being sold in rural locations around the country.

■ Last month a ship carrying 40,000 tonnes of genetically modified maize from South Africa was prevented from docking at the Port of Mombasa, after protests by the Kenyan Biodiversity Coalition, which accused Monsanto (see *nose116*), producers of three of the four maize varieties in the shipment, of seeking to "contaminate the continent". ■

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Nedbank's Money Maze Account

How investing \$100 can lead to an identity crisis

ONE THING TO BE SAID for banks is that they are truly democratic: they stuff the little guy and the big guy around equally.

Take the case of Steven Linde, a diving instructor whose work takes him right around the globe. In late 2008, Steven went into the Seapoint branch of Nedbank (where his family have banked for years) to open a current account. He told consultant Hashiem Cornelius that he was on his way to work in Malawi for a few months, and wanted internet access to the account in order to monitor his affairs and make online payments.

Internet access? said Hashiem, I think Nedbank can just about manage that. Great said Steven, and I also want to deposit a cheque for \$100 – please make sure it goes into the old investment account my mother opened for me many years ago when I was still in short pants. But though Hashiem could locate that account on the computer in front of him, he told Steven that he couldn't access it. So Hashiem suggested depositing the dollar cheque into the new current account. Fine, said Steven, but please do sort out this old investment account so I can access it.

So Steven moseyed off to Malawi – but got no correspondence from Hashiem. So he emailed Hashiem, who now changed his tune somewhat – listen my friend, this internet banking stuff is very difficult, especially if the customer is out of the country, and we need all sorts of forms signed. When Hashiem stopped responding to emails, Steven contacted the branch manager, Marie, who told him that Hashiem was no longer with the bank, but that Niel would sort things out. But Niel was as useless as Hashiem. So Steven had to start making phone calls from Lake Malawi. Which was hugely frustrating, because each time he was either cut off, or left holding on forever, or he left a



message which was never replied to.

By now Steven was getting a tad panicky, because he couldn't make important payments back home. In desperation he cut short his stint in Malawi, which cost him some R10,000 in wages. He then wrote an email to the bank: "Nedbank cost me far more than a phone bill and an air flight... they cost me my job and a decent reference... they cost me additional phone calls... they cost me transport to the airport – a three-and-a-half hour car journey – and an overnight stay in Blantyre... they cost me a lot of hassle, income and time, among other things."

Steven found himself dealing with Nedbank area manager Anton Paterson, and demanded proof of deposit of his US dollar cheque and repayment of his telephone and travel costs. Paterson's response revealed that the

Nedbank middle management literacy programme is not going quite what it should be – he apologised for the delay in getting back to Steven by blaming it on "an unfortunate injury to my write arm".

Paterson went on to say: "We can provide proof of the deposit of \$100... no investment account can be traced but if you do have proof of this in any form we will do further searches .. The banker that handled your application for internet banking is no longer in our employ and it is therefore impossible to ascertain why this was not done initially... I'm prepared to authorise the payment of R1,260 to cover the telephone costs ... but the travel claim I unfortunately cannot authorise as there are other channels that could have been used which would have resulted in your complaint being resolved, namely the

next level of management or lodging a complaint directly with our complaints hotline.”

Anyone who has had the misfortune of trying to sort out a problem with a bank should identify with the sheer frustration evident in Steven’s response: “You mentioned that I cannot lodge a claim successfully because other channels were open to me, namely the next level of management or the complaints department. I did try the complaints department, several times... when I did this I did little other than learn the tunes on your pre-recorded systems by heart and develop brain tumours... not once did I get through to an operator without being cut off. I contacted your branch manager – are you implying that it was my responsibility to know that the branch manager appointed by Nedbank was not sufficiently capable of dealing with

investment account to SA Linde at Steven’s mother’s address. Yet now Nedbank’s records showed that the account belonged to one Sean Andre Linde of the same address, but with a 94 ID number. Steven’s response was that of a man totally at his wits end: “According to you, I have been receiving statements addressed to me for the last 10 years or so, detailing the balances on an account that’s not mine. Whose fault is that? According to me and Sheree Linde [Steven’s mother], who opened the account herself on my behalf, I have been receiving statements since its inception accurately detailing balances. We have not touched the account for at least as long as memory serves and when I was in the branch in May the receptionist pulled up details of this account, registered to me – no problem. Now, several months later, it seems that nobody can find the

saw the stand-in manager and a clerk. Steven asked the Nedbank employees to produce the documentation that had been submitted when the account was opened all those years back. But even that request was inexplicably refused.

After further negotiation, Nedbank agreed to pay the money that was in the investment account into Steven’s mother’s account, on the basis that she was a co-signatory of the account. So Steven eventually got his money back. But by this time he was so pissed off with Nedbank that he wanted an admission from the bank that ID fraud had taken place, with Hashiem (who saw nothing wrong with the account when Steven saw him, and who then left the bank) being the most likely suspect. But Nedbank doesn’t do *mea culpa*.

So Steven took the matter to the Nedbank Ombudsman Arthur Campbell, who responded as follows: “It is therefore our view that the claim to cover your travel experiences is unreasonable since the matter could have been resolved and settled by alternative means like email, fax and through the Nedbank Contact Centre ... (we are) willing to pay an amount of R1,260 for the telephone costs ... in full and final settlement ... subject to the following conditions ... you agree that you will not disclose, publish, utilise, employ or exploit in any manner whatsoever the details of the settlement.”

So when all else fails, it’s back to “take some money and shut up”. But if you’re going to do that you’ve at least got to make it worthwhile. For a miserable R1,200, very few will forego the pleasure of exposing Nedbank for the clowns they are. And that’s how come you’re reading this story. ■

Take some money and shut up

this request. I did not ask her to build a spaceship – it was a relatively simple thing to get done.”

When he had calmed down somewhat, Steven asked Paterson to pay the R1,260, as offered, but Paterson mysteriously refused, saying: “I can’t do the transfer as you’ve not accepted this payment of goodwill.” (Presumably Linde had to acknowledge that payment was without admission of liability).

And, despite the fact that Steven also provided the account number of the missing investment account, Paterson’s response was even more astounding: “The account number that you furnished us is not in your name ... therefore the money cannot be transferred as per your request ... we checked the opening documents of the investment account and I can confirm that it was opened by a different individual on behalf of another with ID numbers not corresponding to yours... Due to client confidentiality I cannot disclose any specifics but I can assure you there is no fault on our side.”

So what on earth was going on? Well it took Steven some time to get to the bottom of it, but it was basically this: Steven’s full name is Steven Adam Linde, his ID number starts with 84, and for years Nedbank has been sending statements relating to the

account – and that it is now registered to a person who lives in my house, apparently born in the early 90s, called Sean Linde, that the four other people in my house, and myself, have never met. I think that either way you look at it, aside from the possibility of all my family members (aside from Sean) having serious mental problems, the fault is on your side. If you still disagree, explain to me why you are still sending someone else’s statement to me.”

Eventually Steven took his mother (who’d opened the account in the first place) along to the branch, where they



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Mr Nose's red telephone trills. On the line is an irate Eric Berman, partner in Johannesburg auditing firm Taback, Pelkowitz & Berman. He demands to know why his firm was not consulted for their view on the ongoing high court spat between property speculator Leslie Lob and his former partners, Martin Ettin and Derek Greenberg (*nose124*).

Taback, Pelkowitz & Berman are auditors of Ettin and Greenberg's company Caribbean Estates, and *noseweek* had stated: "Lob also seeks production of four lever-arch files delivered in a sealed box by Caribbean's auditors, Taback, Pelkowitz & Berman, to Ettin and Greenberg, in alleged breach of an earlier subpoena served against these auditors compelling them to deliver documentation to the Registrar of the High Court."

Splutters Eric Berman: "It's totally factually incorrect!"

We don't think so.

Says Berman: "One of our partners, Dirk van Breda, was responsible for Caribbean's audit. In June 2008 he emigrated to Ireland. None of the remaining partners were at all familiar with Caribbean and, to be totally honest, I didn't want to get embroiled in this."

Berman tells *noseweek* that when Lob's subpoenas were served on 28 October last year, he sought advice from attorneys Fluxmans. "The legal advice I got was to hand over the working papers to Fluxmans in a sealed box, marked 'To be opened only on my permission as a partner of the firm'."

He had no knowledge of the contents of the box, the auditor insists. "The box was subsequently delivered to the attorneys and it sat there." But, said *noseweek*, the subpoenas stated that the documents required – including annual financial statements for Caribbean Estates (Pty) Ltd from 2005 to date – should be handed over to the Registrar of the High Court.

"Yes, the subpoenas did say that," agrees Berman. "But the advice we got

from Fluxmans was 'hand it [the sealed box] over to us and then it's not your problem any more'. I was not trying to avoid the subpoena."

Why are Caribbean's financial statements from 2005 – especially those for 2007 – so important to Leslie Lob? Our *nose124* story centred around the 2007 sale of a small company, CBS Asset Management, to the Public Investment Corporation for R140m. Half of CBS Asset Management was owned by Ettin and Greenberg's company Caribbean Estates, so R70m of the purchase price was paid to Caribbean.

Ettin and Greenberg had previously paid Lob R1.26m for his 6% stake in CBS Asset Management, based on the duo's 2005 valuation of their 50% stake at just R11.3m. But after their 50%

fetched R70m, effectively valuing Lob's original stake at R8.4m, Lob felt he was due another R7.1m. But by the time he got around to asking for it, Caribbean Estates had no assets left.

Where, Lob wants to know, did that R70m go? To its shareholders as a dividend, Greenberg told *noseweek*. Which is why Lob wants to see those Caribbean accounts.



THE SEALED BOX

Tabacks have applied (without success) to have Lob's subpoenas set aside. In his founding affidavit for that application Eric Berman claimed "We do not have personal knowledge of the plaintiff's [Caribbean's] affairs." He also stated: "We do not have any of its documentation pertaining to the said period [August 2005 to July 2007] in our possession or under our control."

Berman's affidavit states that Caribbean's files in their possession were handed back to Ettin and Greenberg on 2 November 2009 – five days after Berman and his partners were served with Lob's subpoenas.

So why does Berman now say that Caribbean's papers were handed in a sealed box to attorneys Fluxmans?

In a later affidavit Berman relates how, after being served with Lob's subpoena, he took advice from Ms J Levitan of Fluxmans. "As a result I caused all the audit files which pertained to Caribbean's affairs to be placed in a box. I caused an index of these files to be made. I sealed the box and marked it: 'Not to be opened without the prior written consent of Mr Berman of Taback, Pelkowitz and Berman'. The box was collected by Caribbean on 2 November 2009." (He told *noseweek* that they had "never opened that box" – as if to suggest that he had no idea of its contents.)

A letter from Fluxmans, dated 2 November 2009, confirms that scenario. "We are advised that the auditing firm of Taback, Pelkowitz & Berman happens to be in possession of one or more of the auditing files kept by the former auditor of Caribbean, who has now emigrated. We have requested the plaintiff (Caribbean – i.e. Ettin and Greenberg) to collect same from the auditors."

All of which drew an angry letter from Lob's attorney, Errol Goss: "Most disturbingly, in flagrant disregard of the subpoena and allegedly on the advice of Fluxmans, the auditors have not handed the files which they have to the Registrar, but rather have returned the files to your client [Caribbean Estates]."

Concerned that crucial documents might disappear, Goss demanded immediate inspection of the files "in precisely the same unsanitised condition as same were returned".

Attorneys Glen Marais, representing Caribbean, replied: "Our client has made discovery of all such documents in its possession and/or control. We reiterate our instructions that apart

from such documentation that has been listed in our client's discovery affidavit, our client is not in possession of any further documents."

In an affidavit sworn on 1 September 2009, Derek Greenberg had declared that he was in possession of Caribbean's annual financial statements for the year ended 30 September 2006. But no mention of 2007's. Greenberg said: "The plaintiff (Caribbean) is not aware of the whereabouts of such further documentation. To the best of the plaintiff's knowledge such further documentation does not exist."

In a further affidavit, dated 28 November 2009, Greenberg states: "The plaintiff has not finalised its financial statements for the year ended 30 September 2007 or for the year ended 30 September 2008."

Just days later Ettin and Greenberg's legal counsel said he had no objection to Lob having access to the sealed box with Caribbean's files. Lob and attorney Goss duly attended Glyn Marais' boardroom, the box was opened, and, lo, what should they now find there but:

■ Caribbean's 2005 annual accounts, approved by the directors (Ettin and Greenberg), and signed off by Tabacks on 9 May 2007;

■ Caribbean's 2006 annual financial statements, approved by directors Ettin and Greenberg and signed off by Tabacks on 15 May 2007;

■ Caribbean's 2007 annual financial statements, approved by Ettin and Greenberg and signed off by Tabacks on 31 May 2008. Bingo!

So it seems that Dirk van Breda, Tabacks' erstwhile partner, miraculously managed to sign off those elusive 2007 accounts just before his departure for Ireland that June.

Attorney Craig Assheton-Smith of Glyn Marais refused to allow Lob and his attorney to make copies, on the grounds that the papers were confidential and privileged. He said there were "errors" in Caribbean's 2007 financials, but refused to elaborate.

Leslie Lob tells *noseweek* that the contents of the long-sought 2007 accounts were "extremely revealing", but declined to elaborate.

After Eric Berman's initial irate call to Mr Nose about that "totally factually incorrect" paragraph in *nose*124, and a further little chat, the auditor had a change of heart. Now he didn't want a retraction: "I think we should just leave it," he said.

That he should be so lucky. **W**

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The Invisible walls

WHICH PROFESSION IS HOME to the shadiest characters around? Property developers! Are there more devious people anywhere? (Well – leaving aside auctioneers, bankers, estate agents, insurance brokers, lawyers, liquidators, politicians...)

There's a juicy case pending in the Cape High Court which involves a challenge to a developer's application to consolidate a bunch of plots in Bantry Bay (on the seaboard slopes of Lion's Head, just on from Seapoint) and construct thereon a seven-storey, 39-unit, luxury apartment block. It's currently being marketed off plan by Seeff as The Bantry Bay, and at R1.9m to R12m apiece the apartments are all but sold out.

The developer, Midnight Feast Properties 24 (Pty) Ltd, appears to be closely linked with Eco Ventures Property Development (Pty) Ltd. (Gregor Plotz and Adriaan Marais are the men behind the corporate masks.) Both companies are respondents in a court application brought by eleven residents of Bantry Bay, who want an order restraining the developers from doing any demolition or building work, as well as an order reviewing and setting aside the decision of the Council (City of Cape Town) to approve the plans.

Predictably enough, the opponents own properties in the surrounding area, and a towering seven-storey apartment block will affect them badly – sea views will be lost, property values could drop by 15-20%, and traffic in the area is already on the edge of unbearable. They claim that many residents in the area oppose the development, but for financial, business or other reasons, they can't all join the application.

The opponents say they invested in the area on the assumption that there would be no high buildings – Bantry Bay's apartment blocks are lower down, closer to the seafloor. According to the National Building Regulations and Building Standards Act, approval for construction should be refused if

The developers of a block of flats in an upmarket Cape Town suburb have produced two very different sets of plans: one for the council and one to attract buyers

refused to hand them over, as did the Council – despite submission of an Access to Information Act request. When the opponents sent town planning consultant Tim Spencer to the Council offices to look at the file, he was refused access by Council building control officer Bill Moir. Asked to explain on what grounds the development had been approved, the Council refused to talk. All a bit odd.

Finally the opponents got hold of the



approved plans from an estate agent, and were able to compare them to those being used to market the block – and there was the can of worms.

The Council-approved plans show large open-plan or loft-style apartments, with extended living areas serving as combined lounge, dining room and study, and one or two bedrooms. But the plans shown to punters, and incorporated into those already signed agreements of sale, show dotted lines in the living area – to indicate where extra bedrooms will be inserted later on. Hidden deep in the contracts is a clause that says “drywalls represented by dotted lines on floor plans will be erected after the completion date”. So you buy a two-bedroom apartment, happily knowing the extra bedroom or two you wanted will materialise later (after the building inspector's

the surrounding area will “probably be disfigured”, or if the construction will be “unsightly or objectionable” or “derogate from the value of adjoining or neighbouring properties”. The opponents argue, on the advice of David Polovin of Kritzingers, that approval should therefore have been refused.

Ho hum – another disgruntled neighbours vs greedy developers story. Except that the thing reeks. For starters, there's the secrecy. In late 2009 residents tried to get hold of the official plans, but the developers

final visit, no doubt).

This is exactly where these shady types love to operate – the arcane world of zoning and building regulations. The area of Bantry Bay in question is zoned for “general residential”, which means the permitted floor area of apartment blocks is linked to the number of “habitable rooms”. The plans handed to the Council show 68 habitable rooms – within the prescribed limit. But the plans shown to purchasers show 120 habitable rooms: for this rezoning would have been required – and, crucially, public participation.

So it's pretty obvious that the developer's application involved a scam to evade the zoning scheme and avoid endless delays and unwanted attention from neighbours who might react negatively to having a beautiful monstrosity suddenly appearing on their doorstep.

There's more. According to the court papers, the developers are also attempting to conceal the fact that their “basement parking” will be partially above ground. They've done this by depicting a soil retaining structure around the building, which hides the true ground level. If the developer had shown the parking garage to be partially above ground, a public participation process would've been required. The parking garage design on the approved

expert, open-plan apartments are not likely to be built in Bantry Bay area – such apartments are only likely in the city centre where commercial or industrial buildings are converted. Council officials should therefore have questioned the plans. Enquiries suggest the Council was aware of the issue, as the developer initially submitted plans, but these were rejected because there were too many “habitable rooms”.

Although the Council has thrown in the towel and indicated it will abide by the court's decision, the developers are opposing the application. Gregor Klotz has signed the answering affidavit but, though he has lots to say, it's difficult to discern what real defence he's putting up.

Klotz starts off telling the court that he studied law at UCT (the “trust me

won't negatively affect the neighbours' views, won't impact on their privacy, and won't have a detrimental effect on property values – an expert employed by the developer claims that property prices may increase because of the development.

Klotz's town planning consultant, Thomas Brummer, agrees, saying that the developer could quite lawfully build three double-storey dwellings on the plots that are being consolidated, and each could rise to 20m, the same height as the planned apartment block. Klotz also devotes a great many words to the basement parking, claiming that it will actually lie wholly below ground, so there's no “set-back” issue.

As for the really big issue – the difference between the two sets of plans – he deals with this in a most cursory, and perplexing, way. Klotz does admit that the sales plans envisage the creation of extra habitable rooms. Then he says the developers are “not contractually obliged to erect the dry-wall structures in the sales plans”. The developer “did not intend to mislead the City of Cape Town”, and that the developer “intends to build only what has been approved”. (Purchasers would be interested to hear this, wouldn't they?) The developer, says Klotz, is “not obliged to

create these structures [dry walls] if it is precluded from doing so in law and/or the dictates of [the Council]”.

And that's it. So what the hell does it mean? In the absence of further explanation,

it seems to mean this: Yes we did try to defraud the City of Cape Town, and the people of Bantry Bay – it's a fair cop gov. But look there's no problem here – we've been caught out so now we'll shaft the buyers too and give them fewer bedrooms than they've been promised.

In their reply the opponents point out that the developers aren't giving an unequivocal undertaking to building only according to the approved plans, and that Klotz hasn't explained why two sets of plans were created.

We can't imagine that the court is going to struggle too much with this one. ■



“Extra bedrooms will be inserted later”

plans appears to attempt to circumvent the regulation relating to “set back” – it pretends to be underground parking, because as such it doesn't need to be set back as far from the road as the building itself.

By this little deception, the block will have many more than the 69 parking bays shown in the approved plans. This adds more fuel to the opponents' fire, of course, because it will exacerbate the area's already serious traffic problem. Apparently no traffic survey was done before the development was approved.

The opponents claim that Council officials didn't apply their minds to this matter. According to an architectural

I'm a lawyer” defence). He says that if the court grants an interdict, the developer will suffer badly as it has already spent some R27.4m, and the bank may recall the R95m it has put up to finance the deal. He then makes the extraordinary claim that the opponents are “unlawfully in possession” of the plans, and claims that the Council was quite right to withhold the plans, as releasing them would infringe copyright.

Klotz somehow wants the court to believe that The Bantry Bay would be “in harmony” with the general pattern of the place, and says there are a number of apartment blocks in Bantry Bay. The development, he claims, therefore



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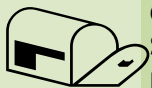
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Nedbank's designer jailbird

PRISON LIFE APPEARS to suit André Croucamp, now some 20 months into a 15-year sentence for a R26.7m scam involving 935 charges of fraud, theft, money-laundering and corruption.

As recounted in *noses111&112*, the ex-partner of one of Pretoria's oldest law firms, Findlay & Niemeyer, plundered the firm's trust account for seven-years – with the assistance (witting or unwitting) of senior staff in Nedbank's home loans division. Sentenced to a total of 47 years' imprisonment, a plea bargain allowed batches of charges to run concurrently, resulting in an effective 15-year sentence.

A recent visitor to Pretoria Central found the 43-year-old attorney "quite cheerful and resigned to his fate". The visitor, who works for Findlay & Niemeyer, needed his signature on some papers. She found Croucamp clad, as required, in the usual orange prison overalls – except that the usually shapeless garment had been tailor-transformed into a trendy fashion statement. "He's very natty," reports the visitor. "His overalls have a collar, buttons and pockets. I asked why they looked so fancy and he said he gets them tailored."

Croucamp has also contrived to have a cell to himself, instead of having to endure an overcrowded prison cell, with its dangers and discomforts. He apparently passes his time teaching prisoners in the jail's school. "He wasn't depressed or devastated," says his visitor. "In fact he looks 10 years younger. I think it's because all the stress has gone. He's



on a very long holiday."

So far, Croucamp has managed to evade the attentions of the prison gangs. "He said that as long as you stay out of other people's way, and keep to yourself, they don't interfere with you.

"He was very surprised that Findlay

& Niemeyer still exists – he thought we would be liquidated. He kind of had this idea that, without him, we couldn't function, or write fees, and wouldn't have any clients. He's still got a massive ego."

While André Croucamp relaxes in the slammer, the turmoil caused by his criminal rampage continues. Nedbank is claiming R17.4m from Findlay & Niemeyer, being monies misappropriated by Croucamp from recoveries made at auction sales on Nedbank-bonded properties.

Findlay & Niemeyer is counter-claiming for R45m. "This is trust money which is due to us," says senior partner John Price, 79-year-old grandson of the firm's 1892 founder. "It's pretty clear this amount was fees and disbursements that were due to us, but laundered through our trust account over seven years and into Nedbank. But 90% of it is our money."

Today, says Price, the firm is slowly rising from the ashes. "It's a hell of a fight, but I think we'll survive," says Price.

The staff, formerly 80 strong, has been slashed to 40, and the number of partners from five to three. "It's leaner and much healthier," says Price. "Under Croucamp's sway, Nedbank was the major client, because he was bribing Nedbank people to channel massive business to us. But

we've always had other clients and we're surviving nicely.

"When this sort of thing happens the Law Society gets very anxious. But we've made our books available and the Law Society carried out an investigation and has given us a clean bill of health." ■

Fifa and all its works

SUCH A PITY – the Emperor Nero would have benefited immeasurably if this magisterial overview of the bread-and-circuses business (currently dominated by FIFA) had been available to him before the barbarians became impertinent. Ancient Rome might well have survived to thwart the invading hordes.

Player and Referee is an impressive, densely researched monograph, which meticulously dissects the entire South African 2010 Fifa World Cup process and beyond. The book seeks to transcend the sum of its parts (contributions from nine award-winning journalists) and it does so successfully. It sounds a dreadful warning.

The research, presented in digestible chapters, deserves international attention from those who harbour ambitions to host future beautiful games. South Africa might have been a very

LEN ASHTON
REVIEWS
Player and Referee
Conflicting Interests and
the 2010 Fifa World Cup
(Institute for Security Studies)
Edited by
Collette Schulz Herzenberg

different place if we had been privy to this information before we tangled with the power of FIFA and all its works.

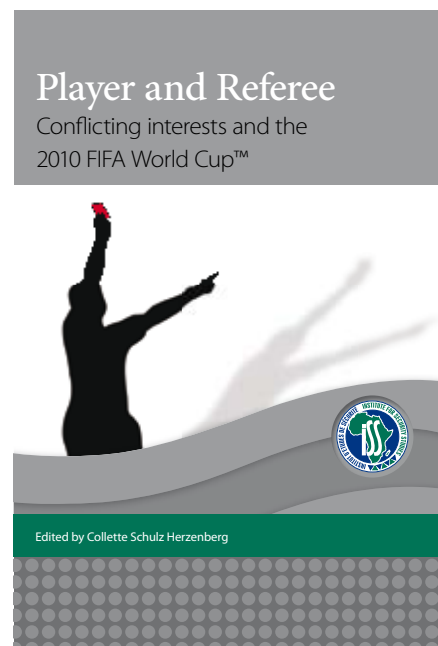
The evidence presented here depicts the majority of this country's leaders – sporting, political and business – as embarrassingly naive or greedy. Or both. Eye-popping amounts of money have been apportioned to vainglory when some sensible compromises could have been agreed to secure both the footie and major sustainable public benefits. Instead, the country has been plunged into enormous debt for a long time to come.

Player and Referee draws sober conclusions and recommendations, aimed primarily at South African policy-makers. However, writes Collette Schulz Herzenberg, they should also be of interest to future hosting nations to the World Cup, and to event organisers generally. “Where potential risk exists, policy-makers should regard that as sufficient need for integrity systems to be put in place. We hope that [this will] set an agenda for new anti-corruption interventions.”

The calm and sensible recommendations, rendered from the writings of all the co-authors, note that transparency is critical for proper governance. Tendering and procurement processes at all levels of government require far greater levels of openness than at present. One measure is to allow public access to decision-making and procedural bodies. Descriptions abound of opaque procedures and Byzantine legerdemain by officialdom and the

construction industry in the orgy of stadium-building.

Much corruption has been revealed to a confused public by investigative journalists – not excluding writers in this very publication. Confusion often arises from the conflict between



patriotic emotions – milked by politicians and those who stand to benefit financially – and justifiable suspicions of the financial implications of all that flag-waving. The suspicions, as the writers make clear, are more than justified.

In her conclusions, Herzenberg notes that the Municipal Finance Management Act 56 of 2003 requires revision. It does not at present allow for sufficient multi-party political oversight of municipalities' financial and tendering decisions. “The City of Cape Town has introduced measures to ensure greater transparency in their tendering processes and this may provide a model for other municipalities and other levels of government to emulate.” Fat chance. But it needs saying.

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She notes that Finance Minister Pravin Gordhan has stated that there will be a revision of the government's procurement and tendering system to ensure greater transparency, and a more systematic approach to rooting out tender fraud and corruption. "The case studies presented here echo many of these concerns and issues. They also contribute rich material and much-needed insight into key conflict of interest situations relating to government tendering processes, black economic empowerment and unequal elite access to state resources," Herzenberg notes.

The general lack of protection for whistle-blowers is, naturally, deplored. "However, there is some evidence of a gradual shift in attitudes towards a more supportive whistle-blowing culture." We hope.

It is perhaps naive to suggest that a corporate-minded organisation such as FIFA should prioritise the host nation's public interest. "Organisers are likely to regard these events as profit-maximising opportunities first and foremost. Nevertheless, sporting events of this nature are sold as a 'public good' and as development vehicles. And since these values underpin the rationale of the event it becomes imperative that its legacy is judged from that perspective."

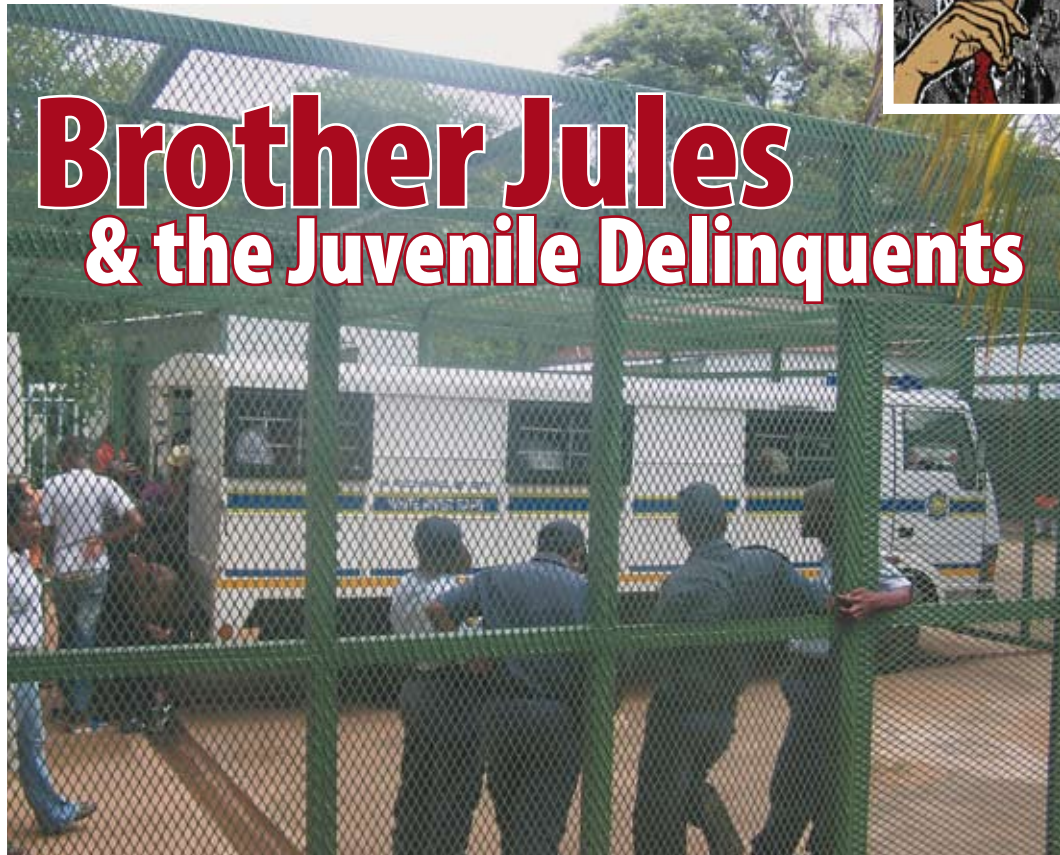
Do public interest values guide government's decisions on the 2010 World Cup? Whose interests are really being served? The book claims not to present specific proposals for reform, arising from controversial aspects of the event, but the findings of the writers do amount to a clarion call for national house-cleaning, particularly in context of Citibank researchers' recent impact assessment of the event on South Africa's domestic economy. It suggests that FIFA, the monopoly organiser, is the major beneficiary while the host nation carries a disproportionate share of the cost burden. Surprise, surprise.

■ *The authors are: Eddie Botha, Stefaans Brummer, Andrew Jennings, Gcina Nt-saluba, Rob Rose, Karen Schoonbee, Sam Sole and Col-lette Schulz Herzenberg.* ■



So, sue me!

Brother Jules & the Juvenile Delinquents



SO CRITICS HAVE BEEN SLAMMING brother Jules and his fellow juvenile delinquents over their insistence on the nationalisation of mines. We all know which Jules I am speaking of; he of outstanding oratory skills; he of brilliant entrepreneurial skills – or, better said, tender-entrepreneur skills.

Naturally, like many others in this mining-rich nation of ours, I keep tabs on the issue because it could net me some pieces (gold-nugget pieces, to you unsophisticated types). But, alas, I am being denied the chance, because my brother's calls for nationalisation are blown to smithereens at every turn.

However, as a citizen of Barberton, I have come to the conclusion that brother Jules' call is already being heeded. Several mines, right here, in our vicinity, have already been nationalised. Yes. Various nationalities – including Mozambicans, Swazis, and of course ZANU-PF victims from the north – have been helping themselves to Barberton nuggets for quite some time. For years, in fact.

But then, just when I thought my brothers and sisters and I were about

to benefit from the foresight of brother Jules, along comes a magistrate who decides it's time she were honoured with a Killjoy of the Year award. Mrs Magistrate Kruger was sprung into action by events last December, when nationalisation supporters decided they would not be denied their Jules-given right to gold, and decided to take over the mines by armed rebellion.

For nearly two weeks during the month of ho ho ho! this brazen bunch of tunnel rats held legal mine workers hostage (underground, mind you), and dared mine security to take them on. Well mine security did, and the rats were finally flushed out. Needless to say, their little takeover pissed off a lot of people, one of them being Magistrate Kruger. After all, many of those men had seen the inside of her court more than once, and she is said to have taken their mine takeover personally.

The good magistrate decided enough was enough – no mercy this time. No bail, and direct imprisonment if found guilty at trial. She certainly sent out a resounding message: "Ok you've gone too far now; I am woman – hear me roar." (Yes: Nothing like a woman scorned.)

As a result, roughly 400 men found themselves awaiting trial in cells in and around Barberton. Police presence was beefed up at the local magistrate's court, with the added impressive security measure of a cage that now surrounds the entrance to the court's holding cell.

So many gold-diggers are appearing in court that they are kept waiting in the transport vehicle, due to lack of room in the holding cell. But hey, you

granted bail – only to head right back underground. Her tunnel-rat guests no longer enjoy the revolving-door treatment. However, you don't, without a price, take away someone's chance of getting their hands on gold: Mrs Kruger is said to have received her fair share of death threats. Yes, I know what you are thinking, and I'm of the same mindset: Jules and Co. Who else would threaten a magistrate meting out justice?

gave was she did not want to have her court turned into a circus. Well, soon after, that's exactly what came about, what with the endless lines of illegal mining suspects, and the new cage that looks like part of a circus. So each time I visit the court and the "tent" is packed, I make a point of popping my head round Mrs Kruger's office door to say "Good day Your Honour. How's the circus?". (An American thing: I don't subscribe to "Your Worship".)

And, once again, I have been denied a photo request – to take a pic of Mrs Kruger herself. Her reasoning being that she's already under threat, and publishing her photo could make it easier to track her down. That reasoning I can live with.

Brother Jules says we media lot are scum, out to destroy people. But please forgive Jules; he is from Limpopo, and if you want to understand the people of Limpopo, pick up a copy of the *Daily Sun*. But be careful of the *tokoloshi* (little evil man) that might pop out from between the pages. **W**

Mrs Kruger has received her share of death threats

bleeding-heart liberals, do not despair – their grub is presented in the cage. This is better than what they are used to, i.e. eating in the same area were they crap, in the shafts underground.

Kruger's actions have produced remarkable results, and illegal mining has been dealt a vicious blow. Previously, these goldmongers would be

But my favourite outcome of the "Kruger crackdown" is a little joke between myself and the killjoy magistrate. Late last year she declined my request to take a camera into the courtroom, when I wanted to maximise the naming and shaming of constables who had been charged in an incident relating to illegal mining. The reason she

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Skitool

NOW I'D ALWAYS THOUGHT Skitool an insulting Fanagalo sort of name to give a man, but he didn't seem to mind it. Skitool was a shortish fellow, and when lying down if he put his feet one above the other, heel to toe, they reached up about half his body height, so when he was standing he looked something like a kangaroo with great long shoes. And in Fanagalo that's what *skitool* means: a shoe. He was also v. wiry and tough, and v. silent. You had to get used to his company; if he didn't talk much that didn't mean he wasn't comradely, also dedicated, and what he was dedicated to was Fosatu. The trade union federation of the '80s. Unracial, unregistered, unlawful, its leaders soon had banning orders laid on them, but straightway a new lot had come up, and they got banned too. When the third lot came up it started to dawn on the régime that once a trade union movement gets the bit in its teeth the only way to stop it is to seize all the leaders and stick them up the chimney at Auschwitz, and you'd have to seize power over the courts if you wanted to do that, but the electorate would never go so far so you'd have to seize power over them too. That's why we didn't have fascism here, see, just a nasty police state. They tried murdering a few union people and then strangely fell back on behaving as if Fosatu didn't exist. Maybe it would just go away. But it didn't, it went into confederation with other upstart unions and voila! it is with us yet.

I was a union man myself, when young. In London, that was, early '50s. The Brit unions were a fierce lot then, for sure, as Fosatu was in the '80s. Where Fosatu was plain sick of Race in South Africa and fierce about it, the Brits were plain sick of Class in good ole Albion and fierce about its perfidies, and after six years of dying for the bloody place they reckoned it was time they looked after their own interests, since nobody else was going to do it for them. So here I am in a uniform and cap with a truncheon in a special long pocket on my broeks, and I am a security guard at Lilley & Skinner's, London's biggest and best shoe shop, on Oxford



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Street. My mate is Jim Huggins, fourteen years a private in the British Army in India, and he's got comfortable with a cowboy book in the manager's plush swivel chair. Huge crowds mill and surge about the street below our window; this being a Sunday everybody's off work and Queenie Windsor newly crowned is coming by to wave and expose her great big teeth to her subjects. Suddenly there's a mighty cheer from a million throats. Hey Jim! I call, come and see the Queen! Imperial bullshit, says Jim. I'm reading.

So now it's '95 and I'm in London again and whom should I bump into but Skitool, he's with an SA delegation to meet British trade union people. Should be interesting, say I, the British unions are an emasculated bunch, Missus Thatcher castrated and spayed the bloody lot and enticed them into her nice new globalised gangster empire. Skitool nods, sadly. Come along, says he, as observer. So I go along. He was always dead against disinvestment in struggle days, I remember, all it did was create that huge pool of the demoralised jobless which voila! is with us yet. What Skitool wanted was huge investment to build up union strength. Anyway, we take a taxi to the Holborn Hotel, zero stars, and I sit to one side as Skitool joins a dozen or two gents in off-the-hanger suits round a big kind of conference table with carafes of water for people making speeches. The Brits kick off. They celebrate our victory over fascism in SA, though seems to me it's their own victory they're blathering about. Gleefully remember the arms embargo, hey? though SA was making the best howitzer in the world and an attack helicopter second to none plus an A-bomb with the aid of the Israelis. Remember the sports boycott, hey? though if Peewee Botha had never watched another game of rugby in his whole bliksems life he wouldn't have yielded on that one. But how about the big one, comrades? To strike where South Africa was weakest, in the economy, how about the disinvestment campaign? that's where we union people were instrumental! All this for an hour or so. But now it's time for a toast. We move downstairs to the private bar and sit at little tables. Waiters bring in big tankards of working class British beer. Everybody lights up a working class cigarette. Nobody really knows the protocol: who should propose the first toast? Skitool gets up on his size thirteen feet and raises his beer and says The Queen! God bless her fanny and tits!

An uncomfortable silence ensues. ▣

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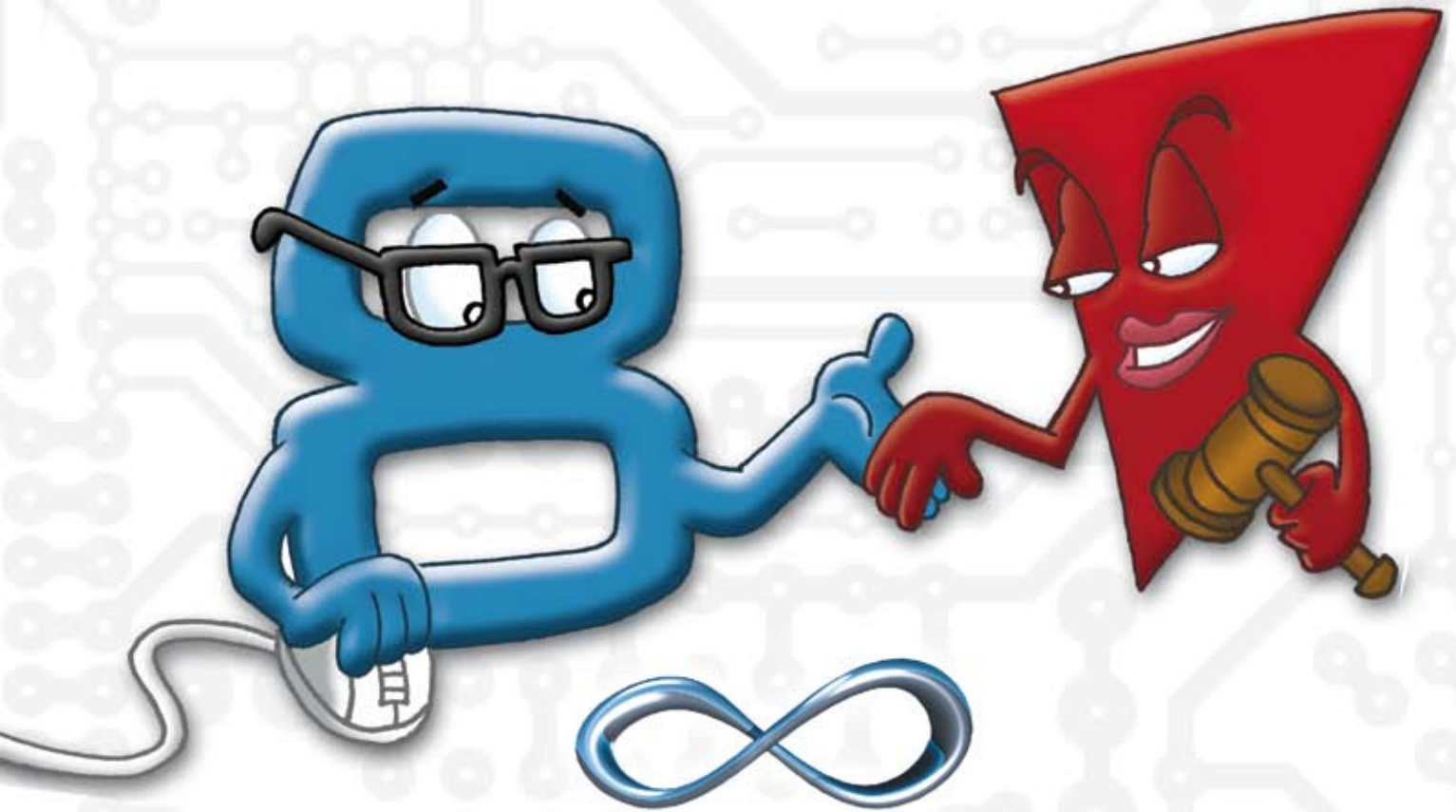
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