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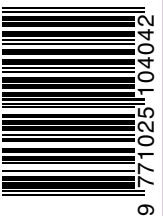
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# noseweek

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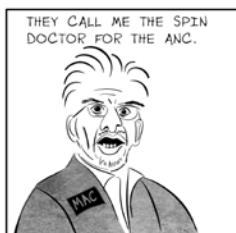
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# Letters

## Tied up in knots

IN NOSEWEEK'S 167TH EPISTLE TO THE Unencumbered on the subject of off-shore oil and gas prospecting, more particularly the chapter titled "A Bigger Boat", you allude to a vessel "moving at four-to-six knots an hour".

I regret to inform you, there is no such speed measurement as "knots an hour" A knot is itself a measurement of speed and describes a nautical mile-per-hour, aka 2,000 yards-per-hour.

I look forward to the Ed's correction.

**Ian Melville**

By email

*Ask, and it shall be given.* – Ed.

## Thuli for president!

THANK GOD FOR THULI MADONSELA WHO IS so important to improving accountability in South Africa. She and her team are doing great work. We are truly grateful.

**Mark Sandison**

Kloof, KZN

■ WE HAVE A GREAT AND HUMBLE LEADER: Thuli Madonsela for president!

**Heather Cassingham**

Pinelands, Cape Town

■ I HAVE A GREAT DEAL OF RESPECT FOR Advocate Thuli Madonsela, both personally and for the excellent job she does, and I enjoyed the sympathetic profile presented in *Nose167*.

However, my experience of her Cape Town "team" has been far from the ideal of "doing a thorough job in establishing the facts...". When I failed to get answers from officials in the city's valuation department, I submitted my complaint to the City Ombudsman who, in turn, was unable or unwilling to properly investigate the issues.

I then turned to the Public Protector on the basis that the city had not complied with the Municipal Property Rates Act of 2004 in that it had misused its rating processes which resulted in a failure to rate my property at market value as required by the Act.

But from the Public Protector's Cape Town "team" I have got little more than



a white-wash. While Ms Madonsela applies her undoubted skills to high-profile cases, I am led to question whether ordinary citizens receive the same level of support for their concerns.

**Brian Brown**

Cape Town

## Defence against banks

NOSEWEEK'S ACCOUNT (*NOSE167*) OF HOW Navy Captain Teboho Molotsi sought to do what every responsible professional does on retirement – settle all loans and other debts before going on to pension – and how Absa Bank thwarted that to milk him, made chilling reading.

For our own protection, we should all learn to recognise the techniques Absa used. First, Absa used terminology confusing to even professionals who are not in the finance industry; second, Absa failed to reply to the customer's letters asking for clarification; third, Absa failed to return the title deeds and failed to provide other paperwork.

All verbal understandings inexorably culminate in the mantra: "that person no longer works for us."

Fourth, Absa relies on the unaffordable expense of litigation while simultaneously blocking lawyers from defending you, by their conflict-of-interest contracts with those lawyers.

The customer's only defences appear to be:

- Never accept verbal assurances from bank officials; always insist (in writing) on getting their undertakings in writing. Always immediately make and keep a copy of any bank document you sign. Never accept an assurance

that they'll "post you a copy tomorrow".

- Should any bank fail to reply fully to a letter within a month, lodge a complaint with the Banking Ombudsman (whose independence, I know, *Noseweek* doubts.)

- If Parliament holds hearings on law reform, we need to propose that the Law Society be made to list – on an updated website – the contact details of all lawyers who are free to represent clients against banks.

Could readers propose any other defences?

**Keith Gottschalk**

Claremont, Cape Town

## Alli all for honest engagement

SANRAL STRONGLY REJECTS THE LIES AND innuendo, based on hearsay, in *nose167* about our CEO, Nazir Alli.

The article relies heavily on a picture of Mr Alli taken at the Competition Tribunal, uses this picture to insinuate that Mr Alli is corrupt because he was captured in conversation with executives from the companies found guilty of collusion.

To read anything into that picture is ludicrous. Surely, readers would want to have the assumptions made about the picture tested by asking the accused some questions? Mr Alli, at the same hearing where the picture was taken, placed a statement on record about how disappointed Sanral was with the collusive practices of the construction industry and that the agency was going to take action against the guilty parties.

That *Noseweek* could publish such an article without seeking the views of Sanral or Mr Alli shows how low it has stooped. Aren't people subjected to adverse coverage supposed to be given the right to respond in the very same article?

Do what any self-respecting and responsible journalist should do – pick up the phone and speak to Mr Alli.

We challenge *Noseweek* to make use of the opportunity to engage Mr Alli on any of the things it alleges. His door is open to honest engagement.

**Vusi Mona**

General Manager: Communications, Sanral, Pretoria





Thank god... Thuli for president! (opposite page)

*Noseweek is happy to accept the challenge and will report the outcome in our next issue. The picture referred to was not presented as evidence, but rather as an uncomfortable reflection of information contained in the piece. You appear to find it equally uncomfortable. Also see Mr Nose on page 8. – Ed.*

■ THANKS FOR THE STORY ON COLLUSION in the construction industry and the role of Sanral (Nose167). As you know, the Opposition to the Urban Tolling Alliance (OUTA) is in litigation to try to stop the whole e-toll debacle.

Sanral's behaviour on this one has been atrocious. The *Sunday Times* last year also highlighted a lot of evidence related to what you have exposed (see "Taking their toll", *timeslive* 2012/11/25). If one scratches a bit deeper, one will find enough evidence to put a stop to this sham.

**Wayne Duvenage**  
OUTA Chairperson  
Johannesburg

### Smell the coffee

YOU PUBLISHED A LETTER FROM CLIVE Verejes (in Nose167) in which he made unflattering comments about the Douwe Egberts coffee served at an airport lounge. Kindly furnish me with his contact details. We would like to send him a hamper which we are confident will restore his faith in our product.

**Phindi Ntuli**  
Customer Care Administrator, Inco Labs,  
Bryanston

*Happy to oblige. – Ed.*

### Trading needs cool discipline

YOUR ARTICLES ABOUT GLOBAL Trader, aka *GT247.com* (noses166,167) have been of particular interest to me as I work in the industry and have been involved in the set-up of a competitor. We focus on the historic shortcomings of GT and other CFD providers and turn those into advantages on our end.

Contracts for Difference (CFDs) by their nature are not for everyone, but if you trade through a reputable counterparty who trades DMA (direct market access) into the underlying market, they can be very powerful instruments to gain exposure to JSE-listed companies cheaply and easily. The key is to understand the product, and trade responsibly, with cool discipline.

Home-frozen's desire to "turbocharge" his investments by trading futures (Letters, Nose167) suggests a dangerous level of emotional involvement. In reality, trading has inherent risks. Trading any geared products should not be viewed as an investment. If you want to invest, buy shares; to speculate or hedge, trade CFDs or futures.

We offer clients a platform to trade Equity CFDs and futures DMA (with direct market access, in this case, to the central order book of the JSE). That way, the client can see their order from any integrated system, independent of our own, and their trades can be seen in public JSE information, guaranteeing transparency and avoiding the old CFD provider tricks like hunting stop losses, re-quotes and price manipulation.

If you hold a CFD, all you own is a piece of paper which is a contract for the difference between the purchase and sale price of the CFD entered into between the trader and the CFD provider. Therefore, if a trader makes R100, the CFD provider is obliged to pay the trader R100 and vice versa. The trader assumes that the CFD provider will stand good for the difference – a risk. Many CFD providers historically don't hedge their client positions, which means they effectively bet against the client. *[In theory, equally risky for both parties – unless the CFD provider manages to devise other ways of reducing his risk, secretly increasing his client trader's risk of losing the bet by means of the tricks you refer to. – Ed.]* All client losses go into the provider's pocket. As *Noseweek* has suggested, this may be the reason for GT's inflated profits.

By trading DMA (with direct market access), the CFD provider automatically hedges the client position and the profits and losses are passed through. Here, the provider only profits in the brokerage charged and takes zero market risk – this is what a true broker is. The DMA model is more admin intensive from the provider's perspective and profit margins are much smaller. However, this is global best-practice and is the best way to ensure sustainability and avoid the likes of the MF-Global and Worldspreads implosions which leave clients in the lurch.

**Brendon Johns**  
VelocityTrade, Cape Town

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# Editorial

## Moonshine

**N**OSEWEEK HAS ALWAYS BELIEVED IN sunshine journalism. We expose sin in dark corners and alleyways to the bright light of day. Our job is to keep those with power on the straight and narrow; to contain their ability to abuse power; to keep the sun shining on them so that we can see what they are up to.

What happy new Independent Newspapers' boss Iqbal Survé, and the happy Gupta brothers who own the *New Age* and ANN7 TV, and the happy SABC are really promoting is moonshine journalism that allows them to get up to mischief in the shadows while we're seduced by the romantic atmosphere.

Those who still know their Latin will know that moonshine journalism is lunatic journalism. Those of more colloquial bent will know moonshine journalism is intoxicated, out of touch with reality and irresponsible.

Happiness in South Africa is having a job; a roof over your head; food on the table; your children taught compe-

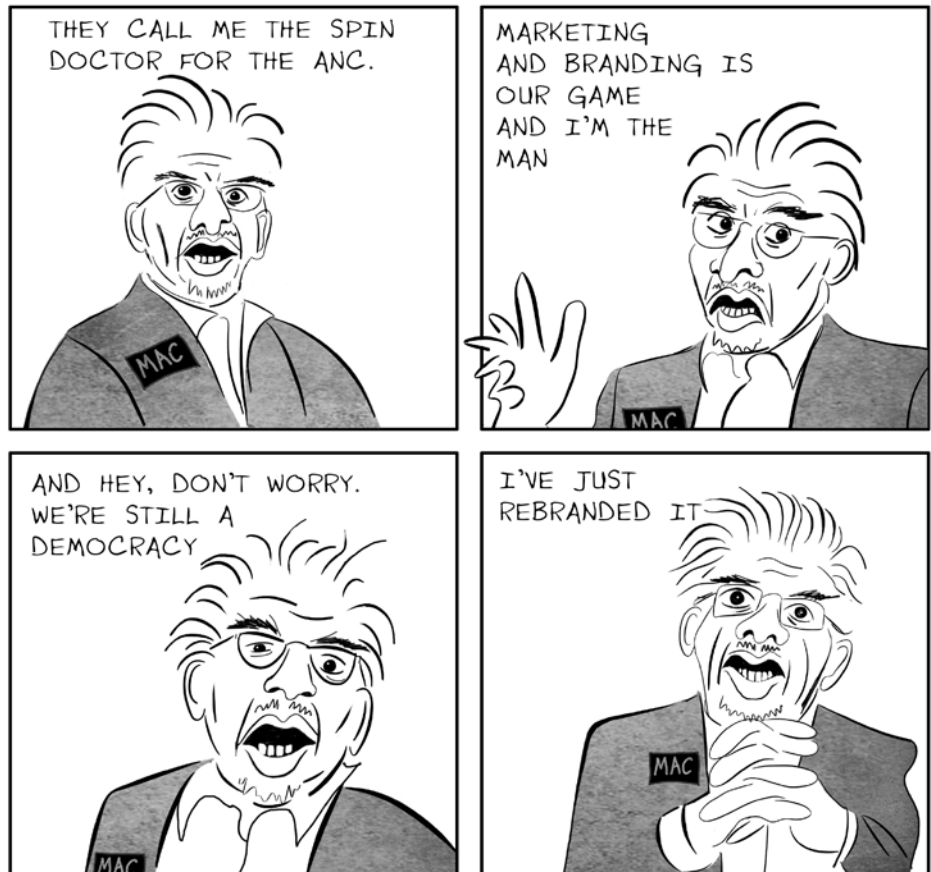
tently, feeling safe in the streets; and being able to trust those in power to serve the public interest. Most don't.

President Jacob Zuma has four (is it five?) wives; numerous children in fancy schools or in fancy BEE directorships; a fancy R250-million-odd country palace (in addition to his wives' city mansions); he has benefited from handsome bribes; has a fancy salary; a fancy jet liner; and is surrounded by fancy bodyguards and fancy sycophants.

Zuma is happy and moonshine journalism would have us all be happy for him. Ditto for everyone who is anyone in the ANC, Cosatu and the SA Communist Party. Which should make us all ecstatically happy. And should they be stripped of all those goodies, we will be sad, sad, sad.

Since we can't allow that to happen, we'll drag ourselves to the polls to vote for them again next year to keep them happy, happy, happy. So we can continue happily drunk on moonshine.

**The Editor**



**Stent**



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# Slow train coming

**N**OSEWEEK READER RORY NOTTINGHAM smelt a rat last month when he tried to make a booking for December on the Shosholoza Meyl, from Port Elizabeth to Johannesburg, only to be told that all the trains were fully booked. He was suspicious because the system had not even opened for bookings.

Shosholoza Meyl, a division of the Passenger Rail Agency of South Africa (Prasa), operates long-distance trips on various routes across South Africa and was formerly a division of Spoornet.

Nottingham, from Summerstrand, Port Elizabeth, had tried to book for his wife, her daughter and her two grandchildren, to travel from PE to Johannesburg.

“They say the booking only opens 90 days before the season – so I called on 3 September to make my booking for 15 December, returning to PE on the 20th of December.”

Nottingham complained after his booking request was turned down, and a reply from Shosholoza’s booking agent David Webb confirmed his suspicions: “Hallo Rory, The December/January peak season Tourist Class trains on route Johannesburg/Cape Town and Johannesburg/Port Elizabeth routes are already fully booked... yes, before the system even opened.

“Every year, someone is able to block-book these routes at a time when the system is supposed to be inaccessible. This year, these block bookings were made at 2am on 1 September.

“We share in your frustration.”

Said Nottingham: “I thought this was unbelievable. It appeared that somebody had bust into the computer and booked not only the whole PE/Joburg train, but the Cape Town/Joburg one too, for the whole holiday period – and that this had happened in previous years, too.”

When *Noseweek* called Shosholoza Meyl for answers, we endured the usual fobbing-off from one department to another; switchboard to switchboard; spokesman to spokesman.

But, within hours of *Noseweek’s* call, Prasa had issued a statement, suggesting that they had been aware of the issue for some time and, coincidentally, had decided to make an announcement that same day.

The press statement, issued in the name of Main Line Passenger Services’ executive head Mphefo Ramutloa, and headlined: “Five employees brought to the book for train bookings hiccups” read as follows:

“After the public outcry over frustrations experienced by commuters when doing train bookings, Main Line Passenger Services (MLPS), which operates Shosholoza Meyl and Premier Classe has swiftly investigated the matter and has subsequently suspended five employees.

“The five were put on suspension on Monday (9 September) after being found to have committed irregularities that led to the hiccups experienced by the commuters.

“They were found to have – among others – colluded with tour operators and travel agents, blocked public bookings, and allegedly closed most of the bookings as early as 12am.

“These employees were based at customer services, and one of them was responsible for the booking system.

“They had been colluding with tour operators and making group bookings without collecting the booking deposit. The employees concerned would break the company policy by allowing agents to have unlimited seat reservations as opposed to our standard procedure to reserve a seat for only 48 hours. As a result of their corrupt activities, the com-

pany has suffered great loss in terms of revenue collection as in many occasions the travel agents/tour operators who benefit from their scheme would fail to pay for the reserved tickets and we end up running empty trains.”

Ramutloa said the organisation “had to prioritise getting to the bottom of the matter”, hence they wasted no time in investigating and then taking action.

“We cannot afford to allow a situation whereby our commuters suffer as a result of some unacceptable acts by our employees. These employees’ actions have not only hindered our commuters’ travelling experiences but it has also harmed the company’s image. We will pursue all the cases thoroughly until justice is served on those who have been found to have committed any wrongdoing,” he said.

Ramutloa added that investigations would continue and should they find more people to be involved, they would be “brought to the book too”.

Questions asked by *Noseweek*, but not answered, remain:

- When did Prasa discover that somebody had been block-booking the service?

- How was it discovered?

- How long did it take them to take action?

- What are the names of the staff members?

- Which travel agents and tour operators are involved?

- What are they going to do to ensure it does not happen again?

- In recent years, how many trains on these routes have run empty in peak periods as a result?

Meanwhile, a happier Nottingham confirmed that he now has a booking from PE to Joburg and back in December. ■



# Absa tries slithering out of it

**A**BSA HAS MADE A SQUALID attempt to save face in the wake of *Noseweek's* story (*nose167*) about the way newly retired naval captain Teboho Molotsi – who'd been trying to clear his debts with his pension payout – was duped into accepting a rebate the bank later claimed was a re-advance on his old mortgage.

Defending the bank, Frank Mohale of Absa's complaints division wrote to Molotsi and his debt counsellor Derry Burge, insinuating that Molotsi was responsible for the confusion over the nature of the R100,000 the bank gave him after he'd settled his bond in full.

Molotsi understood that it was an early settlement rebate – as had happened when he settled his car loan.

In a paragraph curiously prefaced "Without Prejudice", Mohale claims that Molotsi, "does not state whether he told the manager assisting him about the rebate amount he says he received from the bank". He continues: "It seems he [*Molotsi*] only went to the branch to inquire about the arrears amount after receiving a text message notifying him of same." Absa seems to accuse Molotsi of some kind of misdeed or neglect. The logic that a client would go into a bank to question a demand for payment only when and if they receive such a demand, seems to escape Absa.

Mohale says: "...the funds were not withdrawn from the bond account at the same branch..." but Molotsi had at no stage suggested he'd withdrawn the full amount from "the same branch".

The banks says: "An amount of R60,000 was withdrawn from Central Avenue Branch. [*Agreed, that was paid*

*towards his daughter's student loan.*] A second amount of R30,000 was withdrawn via an ATM Service in Pretoria [*He disputes that – and besides, there is no ATM in the country that will dispense R30,000 in a single go.*] and lastly an amount of R10,000 was withdrawn at the Moloto branch."

Molotsi says Absa paid all three amounts directly into his Capitec "flexi" account – transactions reflected on his Capitec bank statements.

Mohale concluded his letter by confirming what Burge had already told *Noseweek*: "...the bank offered those home loan customers who are eligible the option to take funds from their 'advance portions'. Before they could withdraw a lump sum from the bond, the relevant branch had to request the signature to verify such transaction."

Unfortunately for Absa, their bank manager at the time, Elize van Jaarsveld, did not get Molotsi to sign any documents. And in the various sets of high court applications brought by the bank to repossess his house, there is no reference to "refinancing" – perhaps because, to prove their contention, they would have had to produce the signed refinancing document.

Instead, Absa implied that the amount claimed was simply a balance outstanding on the original bond of 1998. There is no provision in the National Credit Act for what Absa calls an "Advance portion". A fresh loan requires a fresh affordability assessment.

As a pensioner, Molotsi would not have passed any credit checks permitting a fresh R100,000 loan.

Was Absa trying to circumvent the legislation?

In sworn affidavits, Absa officials Angelique Ryan (8 April 2010), Karien Slabbert (7 June 2010) and Petrus Jacobus Bosman (April 2011) all avoid mentioning the issue of re-financing. Ryan, who does not disclose her position at the bank, simply says: "I have access to the books and accounts relating to this matter and have perused such books and accounts." Molotsi initially took out a mortgage in 15 July 1998: "...a written loan agreement contained within a mortgage bond..." She makes no mention that Molotsi had paid off the loan. She also makes no mention of rebate or refinance (advance option).

Ryan gives the impression in her affidavit that the amount being demanded by the bank stems from the 1998 advance: "Pursuant to the said agreements, the Applicant (Absa), duly advanced the said monies to the Respondent/s during July 1998..."

However Bosman's affidavit confirms that Molotsi settled his entire home loan in November 24, 2008; "As a result of the payment... the account showed a credit balance... [*of nil*]."

Of course, for the bank to have any legitimate claim, it must produce any documents they have from Molotsi asking for additional funding. Bosman slithers past that one thus: "On 24 April 2009, the respondent [*Molotsi*] requested the applicant [*Absa*] to transfer R60,000 from his account..."

Really? Simple as that? Perhaps we should all try asking our banks to transfer a few thousand from that other account? ■



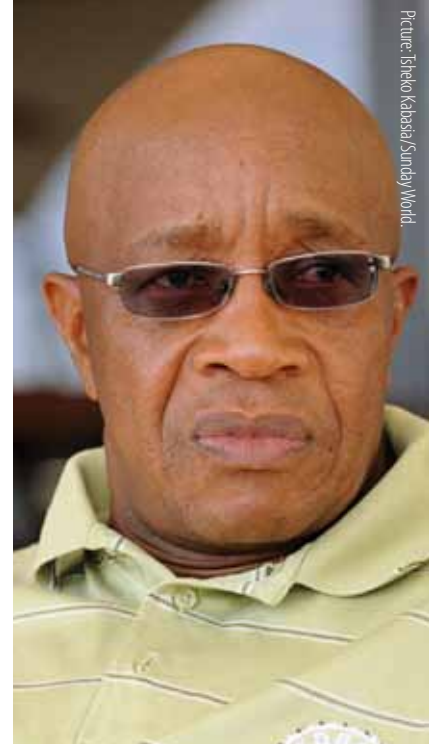
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# Free-for-all at SABC

## Key news personnel use their positions to boost private business



Picture: Sphelo Kabasa/Sunday World

**S**ABC STAFFERS WERE RECENTLY asked to declare their extramural interests – not only to check which employees were doing business with the state broadcaster, but also to ascertain whether any senior journalists had connections to companies that perform public relations services for businesses or government departments.

One veteran SABC staffer told *Noseweek* that the move was welcomed by “the few” serious journalists who work for the corporation.

“Everyone claims that the SABC dances to the tune of the government but that’s just not the case, there is very little government interference in the SABC; the problem is that half the senior staff either own or have an interest in companies that do business with provincial MECs and state departments. Their editorial decisions are based on whether or not the business interests of the news editor or journalist will be advanced by a specific story.”

The decision that business interests have to be declared didn’t really make news, having been overshadowed by the far-more-newsworthy annual report released by the Auditor General.

Appalled, Cosatu spokesman Patrick Craven said the Auditor General had given “the worst possible audit opinion – a disclaimer – because he “could not obtain sufficient, appropriate audit evidence” [*that funds were spent appropriately at the SABC*]. In other words,

record-keeping is so bad that the Auditor General simply could not work out where the money given to the SABC had gone.

Craven’s summary:

- Supporting documents for the hiring of consultants and other service-providers at a cost of R1.5 billion could not be produced;

- A further R106m was spent irregularly as proper tender procedures were not followed;

- Tax payable to the SA Revenue Service was understated by more than R47m;

- No provision was made for any financial liability the SABC might incur despite being a defendant in a number of lawsuits;

- Around R913m in TV licence fees that SABC officials claimed to have collected cannot be backed up with evidence.

In the light of those bombshells a little bit of editorial dishonesty could hardly be expected to have made news.

*Noseweek* has not (yet) discovered who’s declared what, but initial research turned up some tidbits.

- **Eben Jansen**, formerly of e.tv and now a rising star at the SABC, with special responsibility for the new 24-hour news operation, is also the subject of hot debate in-house.

Jansen, who has scant experience in hard news, came up with the great idea that in order to fill space on the 24-hour news channel, there would be live crossings to the various provinces

where the regional news editors would discuss stories they were working on for that day.

As any journalist knows, many stories simply don’t pan out and a good number of tip-offs turn out to be false leads, never mind the fact that reading out one’s news diary would neatly tip off the competition and scupper any scoops.

Jansen is reported to have thrown his toys out when he learnt that his idea was unpopular. Mr Nose understands there are even internal grievance procedures under way as a result. But Jansen won’t back down; he is determined that every news diary should be read out on air.

What most SABC staffers opposed to the idea won’t know is that Jansen has several interests in the media world. Former e.tv journalist Faizal Cook is Jansen’s business partner in SBS Content Solutions, a company that provides material for television shows. And Cook also heads the media consultancy Cut 2 Black which offers various PR services including “Journalist Networking and Management”.

It would be a boon to SBS Content Solutions to know exactly what stories every region of the SABC is working on at any given time – especially since the firm promises its clients that it can insert in the media pieces tailored to promote their image or divert attention from negative issues.

Cut 2 Black boasts “strategic media management” in its company profile.





Picture: Judy de Vries/The Herald



Picture: Simphwe Mkwali/Ausca



Picture: Jhemhokos Dweyisa/Ausca

Left to right from facing page: former SABC MD Snuki Zikalala, Janine Lee, Vuyo Mvoko and Xolani Gwala

It also offers “reactive media interventions” or “campaign-specific media interventions” and “tactics for refocusing media attention” as well as “reducing or increasing media noise as required” and “commentary and opinion pieces through identified strategic or campaign champions”. Under the heading “Journalist networking and management” Cut 2 Black says it will: “Design journalist interaction strategy based on profile of media houses, journalists and nature of the media. Tactics in the strategy include ‘buddy’ emails and releases.” It will also supply customers with a “Personal profile of each journalist” as well as “Anecdotal, but useful information” (on the journalist, presumably).

When shown Cut 2 Black’s company prospectus, a former SABC news editor was incandescent and said: “Basically this tells me that the head man of the new 24-hour channel has a direct conflict of interest. It certainly looks like he has interests in doing things other than informing the public and working like a proper journalist.”

*Noseweek* has also discovered that:

- **Deidre Uren** and **Janine Lee** in the SABC Eastern Cape owned **JDC Media Consultants**, which was deregistered in January this year after it failed to submit annual returns to the Companies and Intellectual Properties Commission (CIPC).

- **Busani Mthembu**, SABC’s Kwa-

Zulu-Natal Television News news editor, is – or was – in business with the Radio 702 presenter **Xolani Gwala** and with a government spokesman, **Malerato Sekha**. Their **Imvunge Media and Communications** business, started up in 2004, was deregistered in 2010 for failing to submit annual returns to CIPC – just like Uren’s company. Mthembu’s other companies, **Sonalisizwe Foods**, **Central High Trading and Efficient Media and Communications**, all appear to be going strong and still trading.

A Mthembu company, **Lylacap**, has **Bheki Nkwanyana** of the Office of the KZN premier on its board, while yet another Mthembu company, **Kuyasa Investments**, sees Mthembu and Nkwanyana joined on its board by **Siyolo Jafta**, the former CEO of the Eastern Cape Parks Board, **Ellsworth Mbhele**, a director of **Rainbow Chickens**, as well as several other businessmen.

- **Kalesakhe Mbhense**, a Durban-based award-winning SABC journalist, registered **Gewele Communications** in 2008. Official documents reveal that this company has since been deregistered. In 2011, Mbhense registered the more innocuous-sounding **Gewele Trading Enterprise**.

- **Abbey Makoe**, SABC bigwig, who has only recently joined the broadcaster, is also listed as a director of a number of different companies - all operating in the media field. However, SABC

staffers at Auckland Park pointed out that **Makoe**, having only recently joined the broadcaster, may well have resigned in the past few weeks from various companies.

- Group political editor **Vuyo Mvoko** is listed as a director of several media companies – from which he, too, may have resigned. But he only quit his **Matlotlo Communications** business in June 2012, more than a year after taking up his position at the SABC. Mvoko, who was once the SABC’s political editor, fell out with former MD **Snuki Zikalala** (PhD Bulgaria) and resigned in 2005, months after he took up a directorship at **Matlotlo Communications**. A 2005 publication describes **Penny Tshongweni**, the CEO of **Matlotlo** thus: “The CEO of **Matlotlo Communications** has extensive experience in government relations, a lot of it garnered while working as head of government relations for the **Absa Group**. Penny also worked very closely with two former Gauteng premiers in the PR, Communications and Stakeholder Relations Department. She also headed the political offices of the Gauteng departments of Health and Sports, Recreation, Arts and Culture.”

Several insiders told *Noseweek* that **Matlotlo** specialised in working for the public rather than the private sector. No wonder SABC political coverage has always been more than a little questionable. ■



# COWBOY TAKES CATTLEMEN FOR A RIDE

KwaZulu-Natal dairy farmers left sucking hind tit in cow-leasing ponzi scheme.

By Gavin Foster

**R**EMEMBER THOSE OLD WESTERN movies where the bad hombres are seen making off over the plains with other people's cattle herds? The action was usually accompanied by shrill yells, crackling of whips and gunshots fired wildly in the air, and the audience clapped and cheered when, in the concluding scenes, the villains were shown in silhouette against a golden sunset – twitching on the end of a rope. South Africa is maybe not quite the Wild West, but a bunch of victims of what could turn out to be this country's biggest-ever cattle scam are still waiting for justice, if not for quite that final sunset scene.

Robyn Joubert of *Farmer's Weekly* broke the story in August by reporting that dairy farmers and investors who'd leased cattle to an unnamed farmer in Koppies near Parys in the Free State could have lost up to 5,000 cows, worth an estimated R50 million, when his business went belly-up.

When the lessors of these cows – yes, cows can be leased out – heard of this and rushed off to recover their cattle they were horrified to find the beasts had all disappeared. The aggrieved lessors went to the police, who opened dockets for 22 cases of stock theft. But the unhappy cattlemen have been told that, to recover their losses, they'll have

to turn to the civil courts.

One such farmer, Bruce Taynton, told *Farmer's Weekly* that he had leased out 215 cows and pregnant heifers worth R2.5m to the Koppies farmer. He had later recovered just 30 of them from the farm, and suspected the rest had been illicitly taken to abattoirs or sold to other farmers in the area.

*Farmer's Weekly* speculated that the number of animals that had disappeared – and the fact that many identity tags were replaced to disguise the animals' origins and make it difficult to identify them – indicated that this was a complex, well-planned crime rather than just another bad-luck story.

The investors involved included three elderly women, a Botswana citizen and a number of farmers from the KwaZulu-Natal Midlands who'd been suckered just as the cow-ponzi-bubble was about to burst. Although they mostly knew each other, none knew that the others had also leased cattle to the farmer in numbers far larger than the leasing dairy farm could ever have accommodated. Had they known, they might have guessed that, as in any ponzi scheme, new participants' cows were being sold to sustain the unrealistic monthly interest payments promised to earlier participants – and, of course, the operator's lifestyle.



Most *Noseweek* readers probably don't know that farmers frequently wheel and deal with leases when it comes to cows. These farmers are wont to quote that crude old adage that "if it has tits or wheels, it's cheaper to rent than to buy". In dairy farming, this is, indeed, often the case. Farmer A has lots of cattle but his milking facilities are running at full tilt every day, and he doesn't have the capital to expand.



Farmer B has a very nice farm but has over-invested in great milking facilities, so can't afford to expand his herd to make the most of the equipment. Farmer B leases cows from Farmer A to use as his own for, say, five years. He feeds them, maintains them in good health and keeps the revenue they bring in, but the cattle remain the property of the lessor, who is entitled to check physically on his livestock at



**Bruce Taynton, one of the farmers stung in a cattle-leasing ripoff, and sons**

any reasonable time.

All animals must be kept on the lessee's land, and theft, death or veterinary culling must be reported to the owner and the animals replaced immediately. Once the lease is up, the lessee must return to the lessor an equal number of animals as were originally supplied, at the same level of health and production as the lease cows were when delivered.

Because cows are kept more-or-less permanently pregnant to keep the milk flowing, a fair number of calves are born to the leased cows, and the lessee can, depending upon the contract, either keep them, sell them or pass them over to the lessor as part of the deal. There's usually what the Americans call a hell-or-high-water clause built into the contract, ensuring that the lessee has to honour payments even if the leased goods or property are defective, unusable or destroyed in an accident – in this case stolen, fallen ill or dead.

The term "come hell or high water" is particularly apt in livestock leases. It originated when the American cattlemen, contracted to drive cattle across deserts and through raging rivers to

feed enormous numbers of railway construction workers, had to deliver, come what may.

For cattle-leasing to work for both the lessor and the lessee, a large degree of trust is involved. The hirer expects the animals to be in good shape, productive and disease-free, while the owner needs assurance that the lessee is an honest, competent farmer who will look after them properly, keep paying the monthly charges and return equivalent livestock at the end of the term. Leasing works best between family members or friendly neighbouring farmers, and when this is not the case an agent is usually called in to look after the interests of both parties. Although there have been cattle-lease frauds carried out in the past, none in South Africa has approached the magnitude of what is said to have gone on in Koppies.

*Noseweek*, intrigued what could turn out to be a pyramid or Ponzi scheme-with-a-difference, set off to the KZN Midlands to get to the – um – meat of the story, and soon found out that the unnamed alleged cattle thief mentioned in *Farmer's Weekly* was well-known cattle farmer, Cornelius Andries Petrus Loggenberg – Corné, or Klein Cor or Cap for short – who runs his dairy farm, Kirkdale, in the name of a family trust. The 32-year-old Loggenberg comes from a family of cattle farmers and breeders, many of whom operate in the Parys area.

Most of the unhappy KZN farmers who earlier this year had leased their cows to him, declined to talk to *Noseweek*. One of the accusers explained that he and other victims were jointly trying to trace the whereabouts of their missing cattle, so preferred not to comment yet.

The SAPS investigating officer, Warrant Officer IJJ "Sakkie" Mynhardt, was equally reluctant to talk, saying the matter was still under investigation and no arrests had yet been made.

Now here's the strange thing: *Noseweek* has discovered that Loggenberg *had* been arrested – a while ago – by Mynhardt, for an earlier alleged cattle theft. In fact, he had just been arrested when his agent was busy signing up previously mentioned farmer Bruce Taynton in KZN, to supply him with more cattle.

The facts: some time in May 2012,



Dirk Jacobus Eksteen laid a charge at the Koppies police station (case number 83/5/2012) in which he accused the same C A P Loggenberg of having stolen an “unknown number” of cattle on 17 April 2012 from the farm Kirkdale, Koppies. Over the next ten months the investigating officer assigned to the case, IJJ Mynhardt apparently found enough evidence to support the charge, because at 7am on 21 February this year he arrested and detained Loggenberg on a charge of livestock theft.

He was subsequently released on warning and the case is still pending.

Was he perhaps using the KZN farmers’ cattle to settle up his earlier Free State victims and get them to withdraw charges against him?

On the KZN front, the evidence seems pretty damning: of the few cows recovered, some were found to have had their brands overwritten by new ones, which is illegal. Many cows had

they are required to be milked.”

While nobody’s making allegations against the broker who recommended that the Midlands farmers deal with Loggenberg, there are a number of questions hanging in the air:

Why did Gerrie du Preez carry on recommending that farmers lease cattle to Loggenberg, when he knew that Kirkdale had already taken on far more than it could possibly milk? With rumours having spread in the Free State that Kirkdale was in trouble, why had Du Preez waited until the farm was forced into liquidation before telling his investors in far-away KwaZulu-Natal? *Noseweek* phoned him early on to ask for his version of what had happened, but he declined to comment.

When *Noseweek* followed up with specific questions in an email, he replied, “Your questions are too broad and vague to answer. However, I am happy to answer any specific questions

wealthy; business was tough and the long-term view wasn’t positive”, says Bruce. “With my father having worked hard on the farm for 37 of his 74 years, we decided to sell up and buy two houses in Howick: one for him and my mom and one for my family. The cattle were worth R2.5m, but with the depressed market it wasn’t a good time to sell the lot. When Gerrie du Preez came up with what he described as a good, sound farmer who wanted 215 cows on a five-year lease, it seemed perfect.”

The return would be a realistic 12%-per-annum or R26,000-per-month, providing a handy passive income for the older couple, and, five years down the road, they would have 215 new head of cattle to lease out or sell.

The Tayntons received four payments between March and June 2013, and then in July came the news that Loggenberg had folded and the cattle were missing.

“We worked out that some of our cows were probably sold off within a week of arriving in the Free State,” says Bruce.

Investors were initially told there had been a disease scare with the cattle having brucellosis, which is not fatal for cows but can spread to humans, so the cattle have to be slaughtered. This was later changed to “may have been” and eventually their questions were met with the response that Loggenberg had been “declared insane” and his lawyers had advised him not to comment on anything.

The big, question is: where are the cattle, or their carcasses, now?

Nobody’s talking. But Bruce has recovered some of his cattle – their brands almost completely erased – from other farmers in the Free State.

“All hell breaks loose when you arrive on a stranger’s farm and say you want your cattle back. We’re dealing with two groups of people here: those who unknowingly bought leased cattle from Corné, maybe a few years ago, and those who bought for cash without documentation, in a rush and at very low prices towards the end. They’re the ones who’re giving us trouble.”

There may well be a reasonable explanation for what happened to all those cattle while they were in the care of Loggenberg at Kirkdale, but it’s hard to imagine what it could be.

All our calls and emails to Loggenberg went unanswered. ■

## Du Preez carried on recommending that farmers lease cattle to Loggenberg, when he knew he already had far more than he could possibly milk

been sold by Kirkdale at ridiculously low prices towards the end, despite their not being owned by the farm and, in terms of the leases, were not supposed to be removed from the premises.

When the KZN investors leading the charge for justice got together for the first time after the collapse in July, they worked out that Loggenberg had had 1,200 cows on a property where the dairy couldn’t milk more than 300-400 daily; maybe 500 at a real push.

“In the past two years he’d taken 439 from one herd, a couple more hundred here, another 200 there, plus my 215 as well,” Bruce Taynton told *Noseweek*.

“The dairy itself was very nice – there were no problems with its efficiency or design, but the problem was that it only had a ten-a-side dairy machine that could milk, at most, 100-to-120 cows an hour. That meant that 1,200 cows would take 10-to-12 hours to milk just once daily. The machine was slow, so at 100-per-hour, even 500 cows would take 10 hours to milk twice a day, as

put to me by the Liquidator”.

A few days earlier he’d sent an email to disenchanted investors saying that he wanted to scotch rumours of his involvement with the Loggenberg/Kirkdale Trust fiasco. He wrote that he had acted as an independent broker, and was not involved in the running, management or profits of the Kirkdale farm or Loggenberg. He, his wife and his mother had lost all their considerable investments with C A P Loggenberg and Kirkdale Trust.

Cynics may wonder: Was the Howick-based agent perhaps afraid of starting a “run” that would cause the pyramid to collapse before he had managed to recover his own investment?

The sad tale of the Taynton family mirrors that of unsuspecting victims sucked into bad investments with shady offshore companies – except that the Tayntons weren’t motivated by the dream of unrealistic rewards.

“We farmed on my parents’ land at Creighton for decades. We weren’t





**Built on sand: Matthew Lester's Kenton house, described as a cross between an aircraft hangar and a McDonald's outlet, will soon be just a memory**

# Going down

**Court orders Rhodes tax professor to demolish multi-million rand seaside villa**

**I**N 2004 NOSEWEEK REPORTED THAT Kenton-on-Sea residents were up in arms about a brash three-storey house that Rhodes Business School taxation studies professor, Matthew Lester, was building on the crest of a sand dune, obscuring the sea views of his long-established neighbours (*noses*59,79).

The erection broke the law in several ways:

- Building had begun before plans were approved;
- Lester's neighbours were not given the chance to object;
- When the house was completed – Lester had simply ignored various stop building orders – it had an extra floor;
- The building was 10m higher than in the plans; and
- It was a second dwelling on a plot zoned for only one house.

Finally, in August, exactly nine years and seven high court applications later, a full bench of the Supreme Court of Appeal ruled in favour of Lester's long-suffering neighbours: he must comply with the Eastern Cape High Court's earlier order to demolish the house that cost him millions to build.

The Appeal Court judges said that when a building was erected without approved plans, the court had no discretion but to "enforce statutory pro-

hibitions". The law also authorised a magistrate to "make an order prohibiting any person from commencing or proceeding with the erection of a building, or authorising such local authority to demolish such buildings, if the magistrate is satisfied that such erection is contrary to or does not comply with the provision of the act".

Building a dwelling without approved plans, the appeal judges agreed, was a criminal offence. Local authorities who failed to implement a demolition order in the case of an illegal dwelling would be "undermining legal principles".

"The brash arrogance of the house Lester has built – what his equally arrogant architect explained away as a so-called 'third generation' house – echoes the sort of 'third-generation' accountancy that has overtaken the world, leaving all about it in chaos and misery," *Noseweek* said nine years ago.

Good news: now even South Africa's Appeal Court judges have had enough of it. At least on this front they've been prepared to draw the line. Might Mr Nose be so bold as to suggest to their lordships that next on the agenda should be "third generation" accountancy?

Meanwhile, Mr Nose is buying shares in the demolition business. ■

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# THE UNKINDEST CUT

Surgeon accused of failing three broken patients.

By Vivienne Vermaak

*Doctors will have more lives to answer for in the next world than even we generals.* – Napoleon Bonaparte

**N**EUROLOGIST DR PERCY MILLER recently positioned himself as a hero during a skirmish in the media with Discovery Health, which had refused to authorise a spine op he had recommended for one of his patients, Beverley Smith.

“Discovery is an awful scheme that manipulates doctors and patients,” Miller told *The Star* in July. “Anywhere in the world, a patient with this condition would have an operation. Discovery turn down patients when they think they can get away with it... a sort of social discrimination and it’s disgusting.”

Miller told the newspaper his patient’s leg was getting weaker and she could lose the use of it unless she had the necessary surgery.

Discovery capitulated and Miller performed the operation in August, at the Bedford Gardens Life Hospital in Bedfordview, Johannesburg.

But Smith’s condition is now “not great”. She is still experiencing pain and weakening of the legs, which the doctor attributes to the nerves having been squashed and compressed for so long. “We remain hopeful that she may still recover, the doctor said.

However Miller is not a champion in the eyes of all his patients; to some, he is a villain. *Noseweek* previously published a story about one of the specialist’s less-successful operations, “Spine Chilling Screw Up” (*nose124*).

Now three more of his patients, have each complained that they feel butchered or abused by a man they expected to be their saviour; and say they are in a worse condition than before Miller operated on them. ■

## Case one: Cornelia du Plessis

“HE GAVE US FALSE HOPE,” SAYS SHARON Batchelor, daughter of Cornelia du Plessis. “My mother is completely paralysed after the operations per-

formed by Miller. She used to be a very independent person; she helped us in the office; danced at last year’s New Year’s party... now she has brain



Cornelia du Plessis with daughter Sharon Batchelor (standing)



damage and has to wear nappies.”

Doctors’ reports and video footage corroborate the assertion that Du Plessis was walking normally before the operations, and is now paralysed.

Du Plessis consulted Miller in February this year when she began to experience severe headaches and neck pain. First, meningitis and encephalitis were ruled out as the cause. Du Plessis shared her full medical history with the doctor, including previous back and neck operations.

Miller recommended inserting a spinal cord stimulator (*see box, page 19*) to relieve the pain. He explained that it was a relatively minor procedure and that she would be in hospital for approximately two days, after which her condition would improve.

Du Plessis was admitted for surgery on 29 March. Afterwards, not only did the pain get worse but she lost all feel-

ing in one leg. Her daughter said Dr Miller had explained that the pain could be caused by a haematoma (the collection of fluid) around the area where he had inserted the spinal cord stimulator and suggested that it be drained – a procedure that was performed a few days later.

This time, the family was alarmed when Du Plessis emerged from the operating theatre with more pain, hallucinations and loss of feeling in both legs, so the stimulator was removed in yet another operation.

But the pain, paralysis and delusions continued. Miller advised that the patient needed some time in rehab, followed by more surgery. “Give it time, it will all be fine,” he soothed.

“As a family, we decided we could not let my mom go through another operation with Dr Miller and we got a second opinion,” said Batchelor.

That opinion confirmed that Du Plessis was permanently paralysed, and had sustained brain damage.

When *Noseweek* visited Du Plessis, she was quiet and resting peacefully. However, Batchelor said her mother goes through phases of lucidity that can change without warning. “Sometimes, she screams in agony for hours and talks incoherently. None of this happened before the operations. Our family is going through hell.”

Du Plessis still owes Miller R60,000 and there are other bills bombarding the family on a weekly basis: medicines; acupuncture; nurses – all while they have to take time off work to care for their mother.

“If we had been aware of the financial implications and possible physical

consequences, we might have decided not to go ahead with the procedure. Miller never mentioned to us that paralysis [*or brain damage*] was a possible consequence of the procedure.”

What makes matters worse, says the family, is that Miller “never took the time to explain what went wrong” after the first operation. “We organised a meeting with the hospital to discuss our options and he didn’t show up.”

Simply getting hold of Miller on the phone was an ordeal, says Batchelor. The staff at his consulting rooms often had “an attitude” and when Miller eventually did call with feedback, they had to pay for it: the “feedback fee” is reflected on their statement as “a telephone consult – R160”.

The family eventually resorted to ambush tactics, waiting outside the hospital’s intensive care unit until they saw Miller, then pounced, insisting on feedback on the spot.

Du Plessis has filed a complaint with the Health Professions Council of South Africa (HPCSA) and is considering legal action.

“We are financially and emotionally exhausted. If all we achieve is to send out a warning to others to be more careful before rushing into surgery with Dr Miller, then it is a good thing.”

● Back in 2010, Dr Miller told *Noseweek*: “Both my wife and myself have it as our policy, on these occasions when patients start throwing around the threat of going to the HPCSA, to tell them to do what they must, and cut off negotiations.

“We are then not interested in discussing with the patient any further and/or final accounts.”



## Case two: Winnie Shibambo

WINNIE IS A STRIKING AND GRACIOUS woman. Her generous smile and polite manner belie her desperate circumstances. She is confined to a wheelchair, works as a receptionist, and lives in a “matchbox” house in Thembisa.

“I could walk without help, before Dr Miller operated on me. Now I am stuck in this chair. My six-year-old daughter and my elderly mother who is also sick, have to help me get around. I am the only breadwinner, but I feel like a burden to them.”

Shibambo searches a kitchen cupboard to show us the demand for payment from Dr Miller: R35,237.

“Even if I thought he deserved to be paid that money, I cannot pay him. I don’t have money. My medical aid is depleted.”

Shibambo went in for surgery in 2011 after first experiencing a severe weakening of her legs months earlier, and had been walking on crutches for some time. After an MRI scan, Miller recommended that they drain fluid



from her spine. “He said that would fix the problem.”

An initial operation had no effect, so a second procedure was ordered. This time, there was a noticeable effect – she lost the use of her legs completely. Shibambo was alarmed and dismayed, but the instruction from Miller’s rooms was to go to a rehab facility, where her condition would improve. It didn’t.

Shibambo complains that Miller did not even take the time to explain what was happening to her – personal interaction she felt she badly needed to help her cope emotionally. She went through “anger, denial and a deep depression” all alone.

Shibambo said she realised Dr Miller was not going to cure her. But she still wants something from him: “I want him to look me in the eye and say he’s sorry. And if he can’t admit guilt, just to say ‘I regret that the operation didn’t work out – this or that is what went wrong.’ I wanted emotional support but he was absent.”

Shibambo admits failing to contact Miller to find a resolution, even though there might still be hope. Her silence stems partly out of fear of being asked for the outstanding money. Also, she said, it is not in her culture to tackle a figure of authority like a doctor.

Shibambo’s desperate journey from believing she would walk again, to merely wanting face-to-face closure, is not only heart-rending, but seems to illustrate why Miller is probably a likely candidate for more complaints and legal action: *see box, page 20.*



Winnie Shibambo

## Case three: Chris Alderson

CHRIS ALDERSON FEELS BETRAYED BY Dr Miller. “He never explained to me that things could go wrong or that my condition could worsen. He assured me he was a world-class surgeon and that the procedure would decrease my pain levels.”

Alderson, a former weightlifter, has been a paraplegic since an accident while in the military in 1984. Nonetheless, he had remained independent and lively, with enough movement and feeling in his legs to enable him to

run a drilling business. He consulted Dr Miller in December 2011 after experiencing increased pain in his back. At the time, he was paralysed up to the L3 and L4 levels.

Miller recommended inserting a spinal cord stimulator [*see box, facing page*] plus performing a decompression and fusion at the D10 level. The specialist explained that the stimulator would ease the pain in the lower limbs – and had a 70%-80% success rate – and the fusion would help re-

duce the chance of Alderson’s immobility spreading upwards.

But when Alderson came round after the operation, he “knew something was wrong immediately”. He said the pain was excruciating “and my paralysis had increased”.

When he voiced his concern to Miller, the doctor “openly admitted to me that the orthopaedic surgeon, Dr Julius Preddy, had made a bugger-up, placing the screws into my spine incorrectly. “The fucking orthopods! You

can never trust them,” is how Alderson recalled Miller’s explanation for the mistake.

This contrasts with the earlier case reported in *Noseweek*, where Dr Preddy was also blamed for inserting screws incorrectly. Then, Miller said of the misplaced screws: “Dr Preddy, the orthopaedic surgeon involved, is an excellent surgeon and his rate of misdirected screws or complications is very, very low.

(So the descriptions “spine-chilling” and “botched” or “screw-up” that he used in the *nose124* report, only apply if one is sensationalising.)

A subsequent operation to re-adjust the screws in Alderson’s back did not bring relief and he experienced paralysis up to the D10 level.

The operation had apparently caused the very condition it was meant to have avoided.

Alderson’s sister and carer, Penny, recalls the horror of slowly realising that

her brother’s condition was worse than before.

“When we confronted Miller, he merely accused Chris of being a morphine addict and that we should not pay attention to his complaints.”

Alderson also claims that conversations with staff at Miller’s consulting rooms were often hostile, especially when it came to money matters. He owes the neurologist R80,000.

“I did not want to pay them the outstanding money as I felt he was not due it. The person on the other side of the phone said I deserved everything I was going through. I was horrified.”

After a rehab period and psychological counselling, Alderson has accepted his new condition. He requires constant care and has had to cope with the realisation that he cannot run his company any more.

“People need to be warned about being operated on by Dr Miller. They should think twice,” he said.

## Dr Miller responds:

### CHRIS ALDERSON, “THE CHEAP CROOK”

MILLER DENIES OUTRIGHT ANY OF THE allegations made by Alderson. “It’s nonsense! He is not more paralysed than before!”

The doctor said he had expressly told Alderson the operation was “unlikely to work” but that he’d insisted on having the operation.

Miller said that a re-adjustment of screws in this type of operation was a possible and expected complication. “It is a situation that we can deal with, as we did in Alderson’s case.”

As for the outstanding bill of R80,000: “He is a cheap crook,” Miller said of his former patient. “He has kept the money that Discovery paid to him instead of paying it to me or using it for medical bills. He might be running a scam. If he wants restitution, he must put his money where his mouth is and sue.”

Alderson said he was investigating doing just that. *Noseweek* asked him and his lawyers whether they could produce medical evidence that he was “more paralysed” than before surgery. They said they were not prepared to implicate or involve other doctors at this stage, or incur costs “for the sake of a news story”.

Said Michael England, a medico-legal lawyer reviewing the case: “Chris



Chris Alderson

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says he is more paralysed than before. We can see it for ourselves and we believe him; that's good enough for us."

### WINNIE SHIBAMBO, "THE FORGOTTEN"

"I'M SORRY, I DON'T RECALL THIS PATIENT," was Miller's initial comment when asked about her story. But after he'd reviewed his files, he described her as "a very brave, but ill person". He said her multiple conditions included syringomyelia (cyst or cavities within the spinal cord), a condition which is very difficult to treat – and the one responsible for her immobility.

"There was something we could do for the pain and spasms she experienced, but not a lot that can be done for her level of immobility." Miller added that, when dealing with patients like Shibambo whose financial circumstances are desperate, he made concessions and would invite them to "make the telephone call" and pursue treatment.

### CONNIE DU PLESSIS, "REGRETTABLE"

ASKED ABOUT CORNELIA DU PLESSIS, Miller paused slightly and then said

with apparent sincerity, "I regret this case." He confirmed that the paralysis had been caused by the insertion of the stimulator but said that it was not done in error, rather, "It was a complication, albeit a very rare one."

Miller maintains he has not come across such a complication "in more than 20 years of doing these operations", and defends the fact that he did not explain to the family what had happened after the operation because "I simply did not know what had gone wrong at the time. It took me a while to understand".

And he dismisses allegations that he did not consult sufficiently with the Du Plessis family: "We (the doctors) explain the risks to people up-front. I had many meetings with the family."

To support his claim, Miller cites "excellent" ratings received in a customer-satisfaction survey conducted in the Bedford Gardens Life Hospital over the past few months.

"Granted, from now on, I will have to tell future patients that I did have one patient who sustained paralysis as a result of this procedure." ■

## Doc in the dock

WHATEVER THE MERITS OF THE complaints of the three patients, their families have certainly raised legitimate questions that deserve answers.

Dr Miller's interactions with *Noseweek's* reporters do suggest he may be seriously lacking when it comes to bedside manner and plain good manners. Take his blunderbuss approach towards Discovery in the media – and his response to a previous *Noseweek* article, for instance: he calls patients "stupid, jealous, bankrupt, addicts". He refers to a *Noseweek* reporter as "a real idiot, I would like to say baboon".

On a previous occasion he found it necessary to tell *Noseweek* that one of his complaining patients' problems "include a certain amount of instability of a psychological nature".

In short, Dr Percy Miller is a bit

of a jerk. He is not "nice". Does that make him a worse surgeon than others? Not necessarily, but *Noseweek* predicts that the three stories described here will not be the last of the complaints we receive about Dr Percy Miller.

American researcher Professor Wendy Levinson says the primary reason patients decide to sue for malpractice is not, actually, the technical aspects of their care, or medical mistakes, but how the doctor talks to the patient. "Nice" doctors don't get sued as often as doctors who are not nice, even though they make the same number of mistakes. Doctors who do not get sued spend more time with their patients, tell them what to expect, give them feedback and ask them to express their concerns.

"Competence does not stop with the technical, says Levinson.



# Paris is a sweetheart

While Swedish electronics giant Ericsson runs for cover, Dlamini pulls the tender strings in Pietermaritzburg

**W**HY WOULD ORGANISED BUSINESS JUMP TO THE defence of a R1.2-billion sweetheart deal brokered with a municipality that didn't bother to put the contract out to tender? Could it be because the tenderpreneur in question is president of the local chamber of business?

At issue is the roll-out of 119km of fibre-optic cable across Pietermaritzburg, capital of KwaZulu-Natal, to provide sorely needed high-speed internet connectivity for the region.

The kingpin in the deal is Mlingisi Paris Dlamini, who has a long history of cosy arrangements with the Msunduzi Municipality, which ran Pietermaritzburg's finances into the ground and only recently emerged from administration, promising to run a tighter ship.

After a short stint as a salesman for SA Breweries, Dlamini made his fortune by setting up a jobs agency, Ekuseni, to provide staff to – you guessed it – the Msunduzi Municipality, and later to the provincial government, which granted him an exclusive multi-million-rand recruitment contract that also did not go out to tender.

Earlier this year he landed a parking-management tender with the city, which has for years allowed motorists to park free of charge after it spectacularly bungled a previous attempt to instal parking meters a decade ago. His partners in this business include veteran Ladysmith ANC councillor and Executive Committee member Rienus Niemand, and Riquadeu Jacobs, CEO of the Capital Media Group in KwaZulu-Natal.

Ever alert to lucrative opportunities, Dlamini then set up a company called DuziWired which cracked the nod from the city to lay its cables at a cost of R10 million-a-kilometre. That is, until Durban's *Sunday Tribune* blew the whistle on the deal, catching the local newspaper (and PCB member), *The Witness*, with its pants down in the process.



Paris Dlamini

Exactly who hatched the plan? The *Sunday Tribune* claims that Dlamini himself took a proposal to the city, and that his ANC backers then ushered it through several council committees including the executive committee, which approved the award. All this is on the record in committee minutes.

However, industry insiders say that Dlamini was the Trojan Horse for Swedish electronics company Ericsson, which needed a local partner to get into Pietermaritzburg. Ericsson is already the main partner in the Johannesburg Broadband Network Project to lay 900km of fibre-optic cable. The project is being implemented through BWired, an “empowered Ericsson initiative” established for the purpose.

Ericsson has, however, denied having any “presence or project” in Pietermaritzburg. (See box.) Both true, and seriously misleading: DuziWired shares no fewer than four (of six) directors with B-Wired. The latter is described on its website as “a joint venture between Ericsson South Africa and the City of Johannesburg”.

*Noseweek’s* sources confirm that in the course of his negotiations with the Maritzburg council, Dlamini told them his company would be “piggybacking” on Ericsson’s Johannesburg contract. As a result, the Ericsson connection is an important part of the council investigation now underway.

With or without Ericsson, DuziWired got the inside track on the sweetest of

deals. *Sunday Tribune* points out, for example, that Durban’s Metroconnect Project – to lay 700km of fibre-optic cable – cost only R220,000/km two years ago, or 50 times less than what DuziWired will score. Who’s to pocket the premium – Dlamini, Ericsson or the regional ANC, whose appointees nursed the deal through, against opposition parties’ objections?

There’s an election coming up, remember, and the party needs funds. (Dlamini’s business partners leave no doubt about his business connections.)

Here’s where the DuziWired story gets weird. The Msunduzi Municipality claims, as expected, that it did nothing wrong: it was entitled not to put the job out to tender and besides, no

## Decoding Ericsson’s ethical code

ERICSSON PRESIDENT HANS VESTBERG:

“Integrity and ethics have always characterised the way we conduct business at Ericsson. Working with a strong sense of integrity is critical to maintaining trust and credibility with our customers, partners, colleagues, shareholders and other stakeholders. The Code of Business Ethics is our guiding framework.

“I expect all employees to share a commitment to the highest level of integrity and ethics in the conduct of business. As an employee and a responsible corporate citizen, you must acknowledge and follow the code in your daily work. It is up to each one of us to support Ericsson’s strong ethical reputation as a trusted partner to our stakeholders.”

A SELECTION OF QUOTES FROM ERICSSON’S CODE OF Business Ethics

- *Creating an environment of transparency in the conduct of business is a high priority for all of us. Our Code of Business Ethics is our promise to operate with candour and truthfulness in our dealings and communications to the marketplace.*

- *Managers must ensure that this Code is enforced through appropriate disciplinary measures. Managers may not turn a blind eye toward unethical conduct.*

*Waivers of this Code of Business Ethics may be granted on a case-by-case basis but only in extraordinary circumstances. Waivers of this code for employees may be*



Hans Vestberg

*made only by a member of the Executive Leadership Team. Any waiver of this Code for our directors, CEO or other senior officers with financial reporting responsibilities may be made only by our Board of Directors or the appropriate committee of our board.*

**Creating an environment of transparency in the conduct of business is a high priority for all of us**

- *Persons other than employees, such as suppliers, customers and other partners involved with Ericsson, may report suspected violations of laws or the Code of Business Ethics to the local operations manager.*

- *Ericsson is dedicated to promoting fair competition. Fair competition is the basis for business development and innovation. All Ericsson employees shall compete in the open market as vigorously and constructively as possible, while consistently complying with the law in each of*



award had been made. That's a technicality, because Exco approval meant that all that was required was the Municipal Manager's signature, but the controversy has now stayed his hand.

But the Pietermaritzburg Chamber of Business has, rather than call for open and clean governance, as one would expect, leapt to Dlamini's defence. An emergency meeting was called after the *Sunday Tribune* exposé, from which Dlamini did not recuse himself, and the PCB issued a statement that the newspaper's report was baseless.

(By the way, the prescribed term for the PCB's president is two years, but Dlamini is now in his third year at the helm, without any elections hav-

ing been held after his term expired. This has split the PCB board, with demands for more transparent governance.)

Taking a position usually adopted by politicians, the PCB has turned on the media, threatening to report the *Sunday Tribune* to the Ombudsman (for reporting on council minutes?) while refusing to release its own minutes from its emergency meeting.

This in turn has prompted local community newspaper, the *Maritzburg Sun*, to get them through the Promotion of Access to Information Act (Paia). PCB directors are divided on the matter, but CEO Melanie Veness, a staunch ally of Dlamini, maintains that they are united.

Why is business behaving so tenderly towards a deal that has turned so sour? ■

*the countries in which Ericsson operates.*

● *We strive to be responsible citizens in the communities where we do business and we believe that telecommunication contributes to economic prosperity and social equity. We actively work to reduce our environmental impacts and to maximise socio-economic benefits to society. This requires us to be sensitive to social and environmental concerns and to provide stakeholders with appropriate and accurate responses to inquiries.*

● *Noseweek asked Ericsson to comment on our story and received the following response from MD of Ericsson South Africa, Magnus Mchunguzi:*

*"In 2008 Ericsson received a Request to Tender to roll out a broadband network for the City of Johannesburg. The contract was won and has been deployed through a special-purpose vehicle, B-Wired, over the last three years.*

*"Ericsson has no presence and/or project in Pietermaritzburg."*

*That might be true, since, as of now, no one has that project: after the scandal broke in the media, the council hasn't dared sign the already approved contract with DuziWired.*

*What Ericsson does not comment on is the claim that it had been in negotiation with Dlamini and that the plan was for him to "piggyback" on their Joburg project, should he get the contract – which is confirmed by the presence of B-Wired directors on the DuziWired board. ■*

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# The grapes of wrath

## Farmers clash with would-be developers over bid to change Durbanville zoning

**I**T IS IN THE PERSONAL INTEREST of any farm owner within a city to seek rezoning. Farmland can be bought cheaply and sold at a profit, if there is political access to those who can effect such rezoning.” So says a man who’s opposing the creation of yet another gated estate in the Western Cape, in an affidavit filed at the High Court. The line pretty much sums up what the case is all about.

Legal papers were recently served in the case of the Durbanville Community Forum (DCF) and a number of parties including the Western Cape Minister of Environmental Affairs, Anton Bredell, the City of Cape Town, and a certain Boetie Louw. The DCF’s objectives include maintaining the rural and historical character of Durbanville, and the person who has signed the affidavit on its behalf is wine farmer Daniel Desmond St Dare.

The DCF, which says that it is asserting its environmental right in terms of Section 24 of the Constitution, has asked the court to review the environmental authorisation granted by Bredell to develop a portion of the farm Uitkamp on the outskirts of Durbanville into a luxury gated estate. The proposed estate will have 700 residential units, a retirement village, a private high school, a small nature reserve and a conference centre – in other words, everything you need to escape the rigours of South African life.

Rumour has it that the company that will do the development is our old friend, the Rabie Group. Even though environmental approval has been granted, those behind the development will still need to go through more hoops; for example, getting an extension of the urban edge and town-planning approval for re-zoning and subdivision.

The DCF says the farm Uitkamp

belongs to Boetie Louw, a farmer who is described as being “well-connected”, and who is – if our calculations are correct – a venerable 82 years old. Louw’s family have been farming in the Durbanville area for generations and he has another farm, his main farm, (oh to have just one!) called Fisantekraal.

He acquired Uitkamp way back in 1969, apparently with the help of the family lawyer Gene Louw, who later became National Party administrator for the Cape Province.

The DCF claims that Louw always planned to develop Uitkamp and that he never properly farmed the land. He conducted some gravel mining there in the 1970s (without rehabilitating the land afterwards) and has more recently operated a small game reserve called Clara Anna Fontein. “He has simply

been biding his time,” says St Dare.

The DCF says Louw did manage to get another portion of the farm developed into an estate called D’urbanvale some time back, but it is quick to point out that this should not be seen as some kind of precedent.

Why not? Because this approval was given under an “earlier political

**The community forum says Louw’s claims that 85% of the land has been mined is wild exaggeration**





dispensation” (a euphemism for the National Party?) and “in ignorance of the environmental obligation to preserve high potential agricultural soils and wetlands as agricultural resources” (indeed it is, although it could as easily have been the ANC).

The DCF says Louw has tried (unsuccessfully) in the past to get the relevant portion of Uitkamp included in the urban area of Durbanville, claiming that the land is agriculturally useless, having insufficient topsoil because of the gravel mining, and insufficient irrigation water.

That’s a bit rich, says the DCF. “For decades he has failed to rectify the degradation of the environment due to his own past gravel mining.”

Not only does the community forum feel that Louw should not be allowed to rely on his own degradation of the land, but it also says Louw’s

claims that 85% of the land has been mined is wild exaggeration.

Local farmers who form part of the DCF believe that Uitkamp is, in fact, high-potential agricultural land and that its terroir is perfect for vineyards.

They have the support of a recently-retired soil scientist from Stellenbosch, Dr Freddie Ellis, who says that at least 60%, and potentially up to 75%, of the land is highly suitable for the cultivation of vineyards. These figures are apparently above-average for farms in that area. Boetie himself farms and produces sought-after grapes on land with lower potential.

The farmers also say that the irrigation water is sufficient for 40 hectares of vineyard, while some of the higher-rated soils can be farmed as dry-land vineyards.

Louw, who is an experienced



Durbanville vineyards (left); Pieter van Zyl (top above) and Alwyn Laubscher (bottom)



## Snuggling up close

ALWYN LAUBSCHER, THE MAN WHO'S representing Louw in his quest to get the development through, is not only a consultant/project manager but also the chairman of something called the Western Cape Property Development Forum. Some of the documents produced by this body suggest a relationship between developers and government officials that appears to be unhealthy close. A few examples:

● The forum apparently “discusses planning and environmental matters with Minister Bredell and DEA & DP and explores ways of shortening some of the approval processes”.

● The body's purpose is, inter alia, to “create a climate of co-operation between authorities and business forums”. To that end, it “should interact with high-ranking politicians and officials within the City and Provincial Administrations to ensure its effectiveness”.

● It is tasked with particular challenges that include sorting out: “the corridor run-around”; “the fire-breathing dragon at the gate”; the “slow turnover of applications”; the “legal minefield”; the “image of evil fat-cat developers”; and “the poor image of the development industry” and it should “try to pinpoint procedural injustices and obstructive attitudes from officials and the public (including professional objectors and attempts to bribe and corrupt)”.

Mmmm!

farmer, could therefore either farm the land or lease it to another farmer. The forum's farmers also say that a significant portion of Uitkamp comprises wetlands that should be protected. They make the point that Louw has good reason to exaggerate or misrepresent the state of the land: if 60% of it were removed from the development because of its high agricultural poten-

tial, and another 20% because of the statutory obligation to protect wetland systems, the development would no longer be viable.

Misrepresentation, in fact, forms a major part of the DCF's case. The forum claims that Louw used the services of a town-planning consultancy called First Plan, which prepared a soil-suitability map to support the argument that the land had low agricultural potential.

First Plan based this map on a 2003 soil survey by a man called Schloms. But the consultancy misrepresented Schloms's findings, confusing the terms low, medium and high agricultural potential. Says St Dare: “The claims of extensive ruinous gravel farming and the soil map presented by First Plan are not a misinterpretation but a misrepresentation.”

The DCF says that, although Schloms had chosen not to get involved in the legal proceedings, their expert, Dr Freddie Ellis, could confirm that the Schloms report has been misrepresented. The DCF goes on to say that the misrepresentation was accepted by all the other parties involved in the process, like the environmental consultants Enviro Dinamik and Doug Jeffrey.

In addition, a wetland delineation report undertaken in terms of guidelines issued by the Department of Water Affairs was omitted from the environmental impact report.

St Dare describes the assessment of the environmental impact by both the consultants and the department as “a farce and a dereliction of duties”.

Why would First Plan – which not only did the soil suitability map but also the town-planning aspect of the environmental impact report – want to misrepresent the Schloms report? Possibly because First Plan is in fact the firm of one of Louw's nephews, Andre Beukes, a man who has been helping his uncle get maximum development rights since 2002.

Environmental impact reports are supposed to be carried out by independent parties.

There is, in fact, a strong suggestion of boeties doing it for themselves in the court papers. The DCF claims that Western Cape environmental officials who've been involved in the process know full well that Beukes (of First Plan) isn't independent. The DCF

claims that, in his determination to get the development approved, Louw enlisted the help of a consultant-cum-project manager called Alwyn Laubscher, an ex-city engineer who happens to be great pals with his former colleague, Piet van Zyl, head of department in Anton Bredell's provincial ministry. As a result of this intervention, Louw's application got “the inside track” or “the red carpet instead of red tape” treatment.

The DCF claims that the City of Cape Town has made it very clear it doesn't support the extension of the urban edge. So Laubscher has been pushing his mates in the Western Cape environmental affairs department to persuade the city to find “soft” solutions in favour of urban edge extension; to put the urban issue on ice; and even to get the city right out of the decision-making process if necessary.

The DCF points to an email sent by a director in the department, one Rabie, to Bredell's relationship officer, Marius Du Randt, as proof of something fishy. It reads: “*Hierdie is 'n baie sensitiewe saak en daar moet ten alle koste verhoed word dat 'n vinger na ons gewys kan word.*” (This is a very sensitive matter and we must ensure at all costs that no finger can be pointed at us).

St Dare has harsh words for the way Bredell has handled this matter, the way he ruled that lay people were not competent to question the reports of experts, and the way he summarily dismissed the 15 appeals that were filed against the decision of his director to grant environmental approval. He says: “The applicant is not in a position to state whether the minister was in fact biased, or simply overloaded by appeals and signed in good faith whatever was placed before him. Nor does the applicant know what went on in the minds of the director or Rabie. Were they biased, incompetent or manipulated?”

The development is said to be worth R1.5 billion, and those who want it to go ahead say it will provide the city with an extra R45 million in rates and taxes. Farmers in the area who haven't joined the opposition are interested too – we're told that if this development goes ahead a number of farmers in the area will want to cash in too. Why bother farming when you can sell for a fortune? ■



**Had Lamborghini  
advertised in  
Noseweek, you'd  
have seen this.**



**But...**

● **6 September 2013, Crienglish.com reports:** “A Lamborghini catches fire on the 4th Ring Road in Beijing at around 9pm on Wednesday, September 4. The cause of the fire is still under investigation.”

● **14 April 2012, Jalopnik.com reports:** “A black Lamborghini Aventador burned itself up like a protesting Buddhist monk this morning in Southern California. The car actually belongs to a dealer and was on a test drive, which led to this awesome pose from ‘Aventador Guy’.”

● **7 June 2009, Jalopnik.com reports:** “Add another to the list of Lamborghinis lost to sudden and catastrophic fires. This latest bull-headed supercar to catch fire did so outside a pub in England. Two men were apparently out test-driving the car and had to bail when they noticed smoke billowing from the engine bay. It upsets us to see these pristine examples of rolling sex end their lives like this... Considering this kind of thing is becoming strangely common in the world of Lamborghinis, we’re wondering if this is some kind of planned obsolescence programme to ensure continued super car sales.” Now, keeping the above in mind, read the following, from the website *Wheels*, three years later.

● **14 September 2012:** “Lamborghini recalls 1,500 Gallardos for fire hazard: Lamborghini is recalling almost 1,500 of its 2004-6 Gallardo Coupé and Spyder models. In a report posted recently on the web, Lamborghini outlined a kind of thermochemical conga line of misfortune that could potentially lead to a fire. It begins with ‘power-steering thermal stress’ that might cause ‘a chlorine release from the high-pressure pipe surface. Now a few more steps. ‘If water is present, the chlorine could create a corrosive chemical compound that might damage the external metallic protection of the high-pressure pipe.’ That corrosive compound might produce ‘a little hole’, allowing power-steering fluid to leak. Should that fluid reach a hot part of the engine, a fire might occur, the automaker concluded.

“Lamborghini said it discovered the problem during routine internal testing, not from reports of crisped Gallardos from owners.”

Was anyone expected to believe a word of it? ■



# Here’s the news you’re not supposed to know



April 2012, California

## One or two more for the list of Lamborghinis lost to sudden and catastrophic fires

Sep 2013, Beijing



June 2009, London



June 2009, Athens







**W**HEN, IN LATE AUGUST last year, Cape Town building contractor Judd Smith decided to trade in his black 2010 Lamborghini Gallardo Spyder for an “approved” 2007 Lamborghini Murciélago priced at R2.5 million, at Imperial Collection in Cape Town, he hadn’t been on to the internet to google “Lamborghini”. That came later or, rather, too late. (See facing page.)

The bright orange vehicle has been described as a “bull-headed super car” and a “pristine example of rolling sex” – pretty-much what Smith felt about the car. His son and girlfriend refused to be seen in it – they found it too flash – but he and his Lambo were happy in one another’s company.

The fact that it came with a one-year warranty (according to the invoice) was a bonus, especially since, from day one, the airbag lights came on every time the car went over a bump. Imperial said it wasn’t worth fixing as the car would have to be stripped to reach the faulty switch.

Then, only three months after taking delivery, Smith had to get Imperial to sort out the battery: just starting the 12-cylinder engine used so much power there wasn’t enough left to turn on the radio.) Imperial told him the sort of battery really needed in the car wasn’t available in South Africa. They charged him R4,000 for a replacement,

but within a few months it was going flat again. This time Imperial gave him a charger he could plug into the cigarette lighter to help the battery along.

In July this year he took it in for its annual service – just to change the oil and filters came at the give-away price of R11,000. Imperial also replaced the battery – the third in less than a year – but this one was free, since the previous battery had had a year’s warranty.

On the evening of 29 July, Smith put on the Lambo’s roof and took it out for a 15km spin to Camps Bay and back, just for the joy of it. On the way home, on Kloof Road, he noticed other drivers frantically gesturing to him and saw smoke billowing out behind him. He stopped, managed to lift the wing doors and get out – he still has nightmares that they are jammed shut – just as his beloved car went up in sky-high flames. By the time the fire engine arrived, there was nothing to be done but have the burnt-out hulk loaded up and taken away. Imperial’s technicians inspected and photographed the wreck but were unable to tell him what might have caused the fire.

Disturbed by Imperial’s evasive, if not cagey, response to his disaster, Smith’s insurers brought in forensic scientist Dr David Klatzow to help determine the cause of the fire.

When Klatzow jokingly suggested the car was a “Weber on wheels”, one of the technicians retorted: “Oh, no, at Lamborghini in Italy it’s known as a bomb on wheels!”

Klatzow needed the space and equipment to take the wreck apart

for closer examination, so asked if he could use Imperial’s workshop. They said it would get in the way and create a bad impression, so it was taken to Dal’s coach works in Claremont for the forensic examination at which, it was agreed, all parties would be present: Smith, Klatzow, two Cape Town Imperial technicians and Angelo Pisanti from Imperial Johannesburg. After various obstacles were surgically cut away with an angle grinder, they reached consensus that the fire had originated in the immediate vicinity of the battery’s positive terminal, where a “high energy source” had set the adjacent oil tank alight.

At this stage Lamborghini Italy scheduled their own investigation for 27 August. On that day, everyone gathered around the wreck to witness a second inspection by a jet-lagged, white-suited Daniele Ranieri from Italy.

“Why-a you cutta da cah?” he demanded to know.

“Quite obvious really – to get access to where the fire started.”

“Parrts arra meessing.”

“Maybe, but none that weren’t already missing when the first examination took place before witnesses.

With that, Daniele Ranieri was gone, back to Italy.

At this stage Klatzow thought just maybe he ought to check on the terms of that one-year warranty referred to in Imperial’s invoice, so he called Imperial Collection’s after-sales manager, Alex Koen, to request a copy of the document. “Speak to our lawyer,” Koen snapped, then hung up. ■

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# Neighbourhood news



Arab Spring unsprung: Cairo protest

## Zambia. UPND attracts defectors and popular support

FORMER ZAMBIAN PRESIDENT RUIPAH Bwezani Banda's support for the United Party for National Development (UPND) is weakening his own Movement for Multiparty Democracy (MMD).

To oppose the governing Patriotic Front (PF), the UPND and MMD had formed a loose alliance. But that is also failing amid intrigue, recrimination and even violence. Conflict focuses mainly on contentious by-elections.

After losing office in September 2011, Banda hedged his bets between the two parties, having provided money for the UPND. Some of his key political allies left the MMD for the UPND while maintaining close links with him at the expense of the MMD leader, former Vice-President and television evangelist Nevers Mumba.

This reduces confidence levels within the MMD and observers now openly speculate that the UPND will swallow up the MMD and eventually become the sole opposition to the Patriotic Front.

Banda appears not to be fighting too hard to prevent the coming-to-pass of one of Africa's political clichés: the ruling party that simultaneously loses office and purpose.



Rupiah Bwezani Banda



Reports on these facing pages are from UK-based *Africa Confidential* ([www.africa-confidential.com](http://www.africa-confidential.com)), the authoritative fortnightly bulletin on Africa.

## Zimbabwe. Social media shutdown

PRESIDENT ROBERT MUGABE'S FINAL CAMPAIGN rally on Sunday 28 July struggled to fill half of the 60 000-seat National Stadium. To prevent odious attendance comparisons, the police first banned Morgan Tsvangirai's Monday rally, then backtracked and prohibited only the busing in of supporters. That acted as a stimulus and one of the largest crowds since Inde-

pendence turned up: 50 000 to 100 000 people. Traffic came to a standstill. The partisan media gave no coverage but claimed Zanu-PF was heading for a two-thirds majority.

The mammoth attendance at the MDC rally owed something to social media and the internet – a feature of the campaign that unsettled the seurocrats.



## Egypt. Curious bedfellows emerge

EGYPT'S NEW RULERS HAVE SET ABOUT stamping their authority on the country in brutal fashion, albeit with widespread backing. The generals have calculated that this support will allow them to remove the Muslim Brotherhood, in its present incarnation, from political contention and deal with any sanctions the West might apply.

Six weeks after President Mohamed Morsi was removed from office by his army commander, General Abdel Fattah Khalil el-Sisi, more than 1,000 people have been killed, mainly by forces under the command of the Interior Ministry. Muslim Brothers may have killed around a tenth of those.

Egypt's crisis is producing curious bedfellows. The confrontation between El-Sisi's regime and Brotherhood supporters divides the region. Governments are juggling their ideological orientation and strategic interests as they line up behind the two sides.

Since its initial condemnation of El-Sisi's ousting of President Mohamed Morsi on 3 July, the African Union has maintained a deafening silence, reflecting differences among its members.

Saudi Arabia has emerged as chief financier of the new regime and leader of the anti-Muslim Brotherhood alliance. That puts it in the same camp as Israel, which has been lobbying the US to maintain military aid to Cairo, together with Syria and Algeria. With Kuwait and the UAE, Saudi's aid pledges of US\$12 billion to Egypt will spare Western governments the embarrassment of being seen to bail out El-Sisi.

This boosts Saudi Arabia's regional clout, especially against its upstart ri-



General Abdel Fattah Khalil el-Sisi

val Qatar, which had sent \$4bn to Morsi's government this year. Yet it may puzzle African states such as Cameroon, Chad, Mali and Niger, where Salafist and jihadist groups, enjoying official and highly unofficial funding from Saudi over the past three decades, have launched several deadly insurgencies. The new alignment looks more like clever diplomacy than an ideological shift for Riyadh. Saudi Arabia has also been funding Salafist groups in Egypt such as Al Nour, whose leadership alternates between working with El-Sisi and debating how best to capitalise on the fall of Morsi.

Algeria's government, whose generals were irritated by Egypt's offers of advice during the bloody confrontations with Islamists in the 1990s, is showing solidarity with its military counterpart in Cairo. Their mutual neighbour, Libya, is officially neutral on Egypt but bitterly divided between the technocrats around President Mohamed Magarief, who would back El-Sisi, and the politicians and activists, particularly in Cyrenaica, who oppose

the crackdown on the Muslim Brothers. Such sympathisers have already attacked Cairo's consulate in Benghazi and could cause trouble on the Egyptian border.

Morocco looks equally divided, with King Mohamed VI offering discreet support for the new regime, while Prime Minister Abdelilah Benkirane of the Islamist Parti de la Justice et du Développement (PJD) is critical. Islamist groups organised a demonstration of some 10,000 militants in Rabat in favour of Morsi.

Among the backers of Egypt's Muslim Brothers, the most significant are Iran, Qatar and Turkey. In turn, they have shown strong support for Sudan and Tunisia, the Brothers' most vocal allies in Africa. Both regimes face their own deepening political crises. Leadership rivalries and economic collapse have not prevented Khartoum's ruling National Congress Party from bringing together factions ostensibly in conflict in demonstrations backing the Muslim Brothers. For Ennahda, the Brotherhood affiliate which dominates the interim government in Tunis, events in Egypt have a vital reality. Popular disenchantment at Ennahda's incompetent economic management, autocratic style and attacks on women's rights have prompted activists to call for the dissolution of its government. Mass protests have increased since the killing of the secular, leftist politician Mohamed Brahimi on 25 July. To head off this wave of opposition, Ennahda reluctantly agreed to restart a dialogue with its political opponents on 19 August.

Their response was twofold. In the final week of the campaign, the internet slowed to a snail's pace as service providers cooperated with "routine" maintenance and upgrading. The second prong of the strategy involved Zimbabwe's Postal and Telecommunications Regulatory Authority, which instructed the mobile phone networks to suspend bulk SMSes on pain of losing their licences. The prospect until then had been for relatively free – if not exactly fair – elections as some of the new constitutional reforms took effect...

It was a tactical masterclass from Mugabe and his high command. The MDC floundered, hit by trickery, bad planning and split votes.

Harare, eerily quiet since the elections, seemed in shock at the MDC's disastrous electoral performance.

Tsvangirai's triumphalist eve-of-poll rally had convinced the capital that a change of regime was at hand, so it was unprepared for Mugabe's win with 61% of the national vote, with Zanu-PF taking three quarters of the 210 parliamentary seats. ■



Robert Mugabe





## Sail ho! Pirates on horizon

*NOTE: THE FOLLOWING DOCUMENT WAS found, covered in Bovril stains, at the bottom of a box of notes submitted by the South African Navy to the Seriti Commission of Inquiry in August, to support its claim that the three Arms Deal frigates had been used to safeguard the 2010 World Cup.*

**Captain's log, SAS AmaTeurish, 08 June 2010. 21h00 Military Time, 13h23 African Time:**

Top secret briefing from the Deputy Minister's Deputy MEC's deputy spokesman, very hush-hush, mainly because his mic isn't plugged in. Gist of briefing is that the Navy is going to play a vital role in making the World Cup safe, but more importantly, so we know what to say in case anyone ever questions why we bought the frigates in the first place. Spokesman takes us through various role-playing scenarios, all of which feature us telling a commission of inquiry, "Yes, I know they cost R3 billion each, but you must remember that without them the 2010 World Cup final would have been played between Somali pirates and al-Qaeda terrorists, and that wouldn't have been very Waka Waka, would it?"

After brief trust-building exercise (spokesman orders us to trust the government), our World Cup duties are outlined. These include "sailing around to show the people from the overseas that we got ship what are got guns". Not entirely convinced, but must keep doubts to myself.

Supper: mac and cheese. Junior officers excited about possibility of contact with Somali pirates, lots of jaunty hornpipes danced on the mess table.

**10 June 2010. 21h00 Military Time, 10h23 Cape Town Time:**

Shiver me timbers, what a mare of a day. At 08h13 get an emergency call, four beluga whales have beached at Clifton and need to be dragged out to sea. On arrival, discover whales are in fact German tourists.

09h23 – Set course for Table Bay when radio room intercepts message clearly stating "North Koreans have landed". Try to raise HQ but networks keep dropping call. Send a Please-Call-Me to HQ, no response. Radio operator confirms that North Koreans have landed at OR Tambo International. I send a Please-Call-Me to Air Force Base Waterkloof, no response.

10h42 – Radio room reports that North Koreans have cleared passport control. With gas? Biological weapons? No, says radio operator: with passports. WTF?! Since when are rogue nuclear-armed nutters allowed to play international sports? What's next? Foreign nationals landing at AFB Waterkloof? (Am exaggerating because I am cross. Obviously that could never happen, because if it did, it would mean we've got way bigger problems than a non-functioning Air Force or Navy.)

14h32 – Great excitement on for'ard gun pod: pirate ship sighted! Mad rush to remove decoy ammunition (nine crates of bananas and five strings of pork sausages) and to load the 14 shells allotted to us in last year's budget.

14h45, disappointment in store as pirate ship revealed to be Table Bay tourist attraction flying a Jolly Roger. Brief introspective moment, wondering whether we shouldn't sink it anyway, just to prove World Cup is safe, but I want my pension.

**11 June 2010. 21h00 Military Time, 21h Whatever Durban Time:**

06h00 – World Cup kicks off, "Operation Floating Menacingly On The Periphery" officially under way. Deployed to Durban, which is very exciting: have moved fractionally closer to Somalia, which means better chance of contact with pirates. Men say they will settle for contact with Nicaragua-registered trawler stealing snoek; just really want to squeeze off one of our 14 shells to prove to HQ that World Cup is now in total security lockdown.

08h00 – Joint operation with new



**Great excitement on for'ard gun pod: pirate ship sighted! Mad rush to remove decoy ammunition (nine crates of bananas and five strings of pork sausages)**



SAS AMATEURISH

submarine, the SAS Glugluglug. Mission is to repulse a simulated seaborne strike on Moses Mabhida stadium by flotilla of football hooligans. Limited budget means that flotilla turns out to be five unemployed bricklayers in an inner tube. However, submarine performs its role incredibly well, sinking within seconds. By 10h56 it has not resurfaced, and we radio for a tugboat with a winch. Not sure if this is standard operating procedure in submarine corps, but must hide my doubts from the men.

15h33 – All day men have been sidling up to each other and saying, “Feel it! It is here!” Was about to read them the bit in *Genesis* about Sodom and Gomorrah when First Mate explained that it is World Cup slogan. Men clearly getting into the spirit, but just in case, will keep fire-hoses on standby in case I need to break up any trysts.

**13 June 2010:**

Still no pirates, although at 10h00 we get tipoff that Warrant Fouche in the kitchen is making mix tapes. I confiscate tapes, warn men of dangers of piracy, and spend morning rocking

out to Best Of The '80s in my cabin (although by fifth listen the tape is getting stretched and *The Locomotion* sounds like a sperm whale courting a depth charge).

13h20 – Anchor off Port Elizabeth to make sure the three pigeons inside Nelson Mandela Bay Stadium feel secure and supported. Alas, it appears we are too late: Port Elizabeth is a ruin, tumbleweed rolling through empty streets. What has happened here? Send another Please-Call-Me to HQ. Also summon Able Seaman Abel Zeeman to my cabin. He is from PE, and I want to break the bad news in person. He reassures me that PE always looks like post-apocalyptic wasteland, and that all is well. So that's all good, then.

**17 June 2010:**

11h25 – Finally get message from HQ (a fax, carried by a pigeon, delivered by a DHL courier), reminding us to stay on mission and to monitor harbours for “dangerous changes in the sea”. Meet senior officers to discuss what these might be. Waves? A particularly grumpy sardine? Still no pirates. And still no sign of SAS Glugluglug.

**20 June 2010:**

09h30 – Grim news from HQ. Apparently, at some point in the past

two weeks, the government has unconditionally surrendered to small contingent of Swiss and French football tycoons. SA sovereignty has been dissolved and replaced with vague colony status, brutally policed by European Union copyright lawyers. What to do? Do we surrender to the nearest Fifa official? Fight on until our food and ammo run out, which, given that we have 14 shells and just 87 Woolies ready-made lasagnas in the deep freeze, is two more days? Perhaps we should – hang on, alarms ringing.

10h45 – At last! Pirates! A rollicking engagement with actual pirates, just off Umhlanga coast! They were so piratical they even had “Pirates” written all over their jerseys! We fired all 14 shells, it was amazing, bang bang bang! Unfortunately all 14 missed (had to pawn our targeting system – those Woolies meals aren't cheap, you know) but we shot seven kinds of shit out the water. Can't wait to report to – oh, wait, being called to bridge.

11h55 – OK. So. Turns out that was the Pirates football team going for a pleasure cruise, and I am being summoned to HQ to explain. Still, look on the bright side. HQ might have a telly in the waiting room and I can finally watch some of the soccer. ■



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## Baywatch. Evil under the sun

**H**OUT BAY WILL NEVER BE THE SAME AGAIN. Margie Orford's dark vision of corrupt minds and hearts seething behind a facade of bland normalcy in that seemingly idyllic resort... well... it gives one the willies.

The local tourism officials may well take umbrage at her view, but, perhaps not; they have long had to cope with the problem of reconciling the pristine with burgeoning township blues and other worries.

*Water Music* is a truly pacey thriller. Orford has perfected the art of the cross-cut, with short, punchy chapters begging to be filmed. Newcomers to the detective exploits of Dr Clare Hart (the gutsy heroine of a whole slew of Orford tales) will recognise the realistic, tough-but-tender heroine as a harried creature of our time. She works hard, but squeezes in a little R&R for passion between police alarm calls.

The coppers are portrayed with startling accuracy. Clearly, the author has spent time with the guardians of the law, and she understands the world-weary attitude necessary to retaining sanity in servicing a violent society.

Their contempt for the political opportunists imposed on the leadership of the force is briskly conveyed, and a nasty new boss with Pretoria connections gets his come-uppance in a satisfying confrontation.

The nub of the book is the obscenity of child abuse, and we know all about that in Cape Town, don't we? Orford has taken the risk of exploiting this depressing depravity, but moderates the horror by dressing it in curiously gothic mode.

The turreted mini-Neuschwanstein fake castle which broods over Hout Bay clearly stimulated Orford's imagination. It figures sinisterly in the tale. Whether she also researched odd Hout Bay characters and characteristics in delineating the cast of killers, thieves and assorted creeps is not specified.

Nice, polite readers may be incredulous about the depths of evil depicted in the story, but credibility exists in the statistical facts of South African police work. Constant friction and fear in the execution of difficult duty is shown to take its toll on the front line, but essentially the cops are seen to persevere in mostly thankless jobs.

**WATER MUSIC**  
by Margie Orford  
(Jonathan Ball)



Orford is clearly sympathetic to the plight of the lawmen. In *Water Music*, wickedness is exacerbated in poignant contrast with the great natural beauty of the setting. Your average bobby is shown to plod on, despite confronting cruelty, drug ruins and sundry other horrors daily, and presumably he restricts gawping at the scenery to days off. Which ought reassure suburbia.

*Water Music* does not evoke Handel's glorious picnic entertainment for George IV, but it does suggest the plangent tones of the cello in imagining the plight of a desperate young musician in terrifying trouble.

Creaking-door enthusiasts are well served with dark forebodings, red herrings and lively characterisation.

The protracted denouement is handled deftly, but the actual ending is curiously perfunctory. Perhaps the unsatisfactory final scene is deliberately fudged because Clare Hart must return to fight the good fight. She sails off into the sunset with a giant cliffhanger unresolved.

Orford's international legion of fans will be waiting. ■



Margie Orford





## Rebranding Mpumalanga. Analyse the stench

**W**ATCHING TELEVISION NEWS and reading the Sunday newspapers has become a distressing pastime of late. On top of that we are once again bombarded with news about our own Idi Amin Dada wannabe and his crew of beret-wearing cub scouts, the EFF, or Economic Freedom Farts. Yes, he's got a good few of his beret-bedecked boys running around our picturesque dorp of Barberton too. How annoying.

Then of course there are the small mining houses that were reported to have "fairly and quickly" come to an agreement with striking workers – a widely welcomed development. This writer was pleased to hear that one of those small mining houses was Pan African Resources, which owns Barberton Mines Pty. It's a Cyril Ramaphosa entity. (Remember him, the mining mogul who reportedly insisted that the Marikana protest should be put down?). He and his crew have three mines situated in B-Town – Sheba Mine, New Consort and Fairview – so suffice it to say there are quite a few workers who claim they are being shafted by toiling in these gold-laden tunnels.

Certainly they have not exactly had it easy. Just like their counterparts on bigger mines, they have faced the same problems with Num and Amcu waging a battle for their membership. And most have gone with Amcu. But recently they told both unions to piss off and took to the picket lines to fight for their "promised" profit-sharing dividends. Well, that strike was quashed and as – many of them reported – they were warned that "any one heard talking of the profit-sharing issue risks suspension".

This is nothing new, workers have relayed stories of similar intimidation tactics to my Umjindi Guardian on many occasions over the years: "If you are seen as a trouble-maker you will be suspended". So perhaps Pan African's



Who's who: Idi Amin Juju and Julius Malema Dada (or something like that)

"quick agreement" over the wage issue has been a blessing in disguise for these "profit-share-denied" workers.

If history is anything to go by, it could have been worse, with intensifying intimidation, as reported in the past. Then, mine management was accused of being in cahoots with the Num leadership who held sway through the mine's recognition of Num as the union that represented most workers. Times have changed. Now, with or without Num or Amcu, the mine workers in this small town are determined to stand up for themselves – as the profit-share protest proved. And it's an issue that is not going away anytime soon. "Intimidation" or not, miners want their share of the spoils. This scribe is looking into whether the local mines are living up to their Social and Labour Plan obligations, as the government has said they must do by 2014.

Another story that had this news hound muttering "Oh s\*\*\*, here we go again", is that some piss-ass advertising or public-relations agency is about to make millions from Mpumalanga. Or more likely, is about to share millions with some Mpumalanga officials. In the September 1 edition of *City Press* I was arrested by a headline "Brand Mpumalanga gets a makeover". In short, the

Mpumalanga government is changing its slogan from "A Pioneering Spirit" to the more appropriate "The Place of the Rising Sun". And this will be done over a three-year period.

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Three years? They've got to be kidding. But hey, why limit themselves to milking the province's coffers with a short-term efficient PR/advertising campaign when you can drag it out, popping out the moola and getting kickbacks.

Kudos to the agency that gets the

as saying, "the repositioning of brand Mpumalanga will provide an opportunity to market it as a business and tourism destination of choice".

Well, first, Mpumalanga does not really have a problem as a choice business destination. Mbatha needs only look at business investments that have

develop their tourist-generating capabilities. Case in point: Umjindi Barberton's tourism office does not even have brochures any more and must beg Mayor Lazarus Mashaba for funds just to pay the salaries of its small staff contingent, let alone promote the town known as "Jewel of the Lowveld".

Mpumalanga has a brilliant team of art and graphic designers situated in the basement of the legislature building. Do the rebranding in-house. Use local companies to print the stupid T-shirts and all the other rubbish, and instead put the millions to good use in the provincial and municipal tourist campaigns.

Bob Marley once sang in *Buffalo Soldier*, "When I analyse the stench..." Rest assured, we will be analysing this rebranding. After all, the old "Pioneering Spirit" logo stank to high heaven after it turned out that the work was given to a Joburg agency in return for kickbacks for Mpumalanga officials. ■

## Why, hey, limit themselves to milking the province's coffers with a short-term efficient campaign?

brainless job of designing T-shirts, posters, placards and other money-wasting goodies in the name of re-branding Mpumalanga. My guess is they will probably charge a king's ransom just for coming up with the logo, which of course will be... a rising sun or sunset.

The article quoted the provincial spokesperson Nonkululeko Mbatha

come into rural areas such as Elukwatini.

Second, if Ms Mbatha and the officials she works for want to promote Mpumalanga as a tourist destination, they should rather clean up and strengthen the troubled Mpumalanga Tourism and Parks Agency and devise a strategy to help the municipality

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## Sunday best. PJs of many colours

**W**ELL IT GOES WITHOUT SAYING, when you're loading your backpack for the Berg you don't take the least little unnecessary thing. I remember from Air Force days: 10,000 feet (always feet in flying, hey?) that's oxygen altitude in unpressurised aircraft (always unpressurised because of bullet holes, hey?) Now up top of the escarpment at ten-thou without the O<sub>2</sub> your athletic legs get wobblier and wobblier with each gram of extra mass to schlep around.

For food it was soup powder, milk powder, powdered sweeteners for tea, powdered parmesan cheese, spaghetti and mielie-meal for carbohydrate energy and so on. Light, man. And for clothing: 1 pr extra socks, 1 jersey, 1 raincoat with hood, 1 hat. Shirt, and broeks long and short. That's it. Minimal.

But up the Berg I have to wear pyjamas. My boy Joe says it's psychological, I'm neurotic because my mother would never allow me to sleep in my school shirt, and that's why I would never allow him to sleep in his. But I know it's physiological, I get itchy all over if I try to sleep in stink-old clobber from a day's climbing and all those sodium salts in my day's sweat starting to crystallise against my skin just as I'm dropping off. So I'm off to Mahomedy's down Berea Road for something suitable, and there I espy exactly what I seek, winter pyjamas on one of those plastic male dummies, a Caucasian one sprayed brown as an act of defiance against apartheid. This outfit is of thick brushed cotton, but alas, of most vulgar pattern, vertical deep pink stripes against a creamy background, with genteel floral motifs. But whatthehell, where I'm going nobody's going to see me in this attire except my son, and he thinks I'm dippy anyway.

And we're off! It's the Ship's Prow Pass for us, as ugly a piece of geomorphology as you could hope never to see in a nightmare. As for the name, only a colonial Brit could think of something so inept as a sea-going vessel in the

sky. A horrible chute of loose rock dynamited by the colonial government of Natal back in the 19th Century to stop cattle thieves nicking livestock from the Natal Midlands and rustling them off to Basutoland. That menacing thing sticking up in the middle of the ravine is no ship, it is the great basalt clitoris in the fanny of Mother Nature, a merciless old bitch by anybody's measure. A steep 3-to-4km downhill gutter full of ill-balanced igneous chunks, some as big as your thumb, others the size of trucks.

Coming down last year, at the bottom of this lot we had come across the de-

bris of a party of three students from Stellenbosch, not their bodies, those were never found, but their sleeping bags ripped and ragged amongst loose rocks and their clothing hooked in shreds amongst the branches of the stunted trees along the edges of the ravine. They'd been caught in a flash flood of jumbled water and rock and stoned to death, Drakensberg style.

From our wee tent that last ghastly night we'd seen a rescue squad making their way up a track hacked from the basalt along one side of the chute, in search of people lost up top somewhere, they'd shouted down to us, and that's going to be our route now. Hard. But that's what we came for.

And here we are up top! Here's our dinky little tarn of the purest H<sub>2</sub>O, rainwater, and here we pitch our wee tent and tuck into the dehydrates and by nightfall we've settled our bones we're fast an innocent sleep. The dawn is crisp and clear and bloody lovely at ten thou. I make coffee and strut about in my fancy pyjamas, and suddenly appears a goatherd and goats nibbling at almost nothing edible but stunted straw. Gently smiling, he admires my Sunday suit. All these subtleties in body language, Fanagalo and bits of English and Zulu. Indeed he wishes he had such a suit. Oh go on, says young Joe, give him your bloody pyjamas, you can sleep in your stink shirt for one night and tomorrow we'll be home.

So I fold up my jammies proper daintily and hand them to him with a smile. This renders him speechless but he signals us to wait and eftsoons reappears with a lump of goatmeat in a canvas bag. For us. With some sticks of wood from somewhere, there are no trees at this altitude. We sort of blast this goatmeat with flame from the sticks plus any old flammable stuff at ground level and I tell you it's snobbery that disallows us to eat goat in fancy restaurants. Tastes something like whisky, this lot, from the smoke, and really yummy. Better'n venison any day. ■





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