

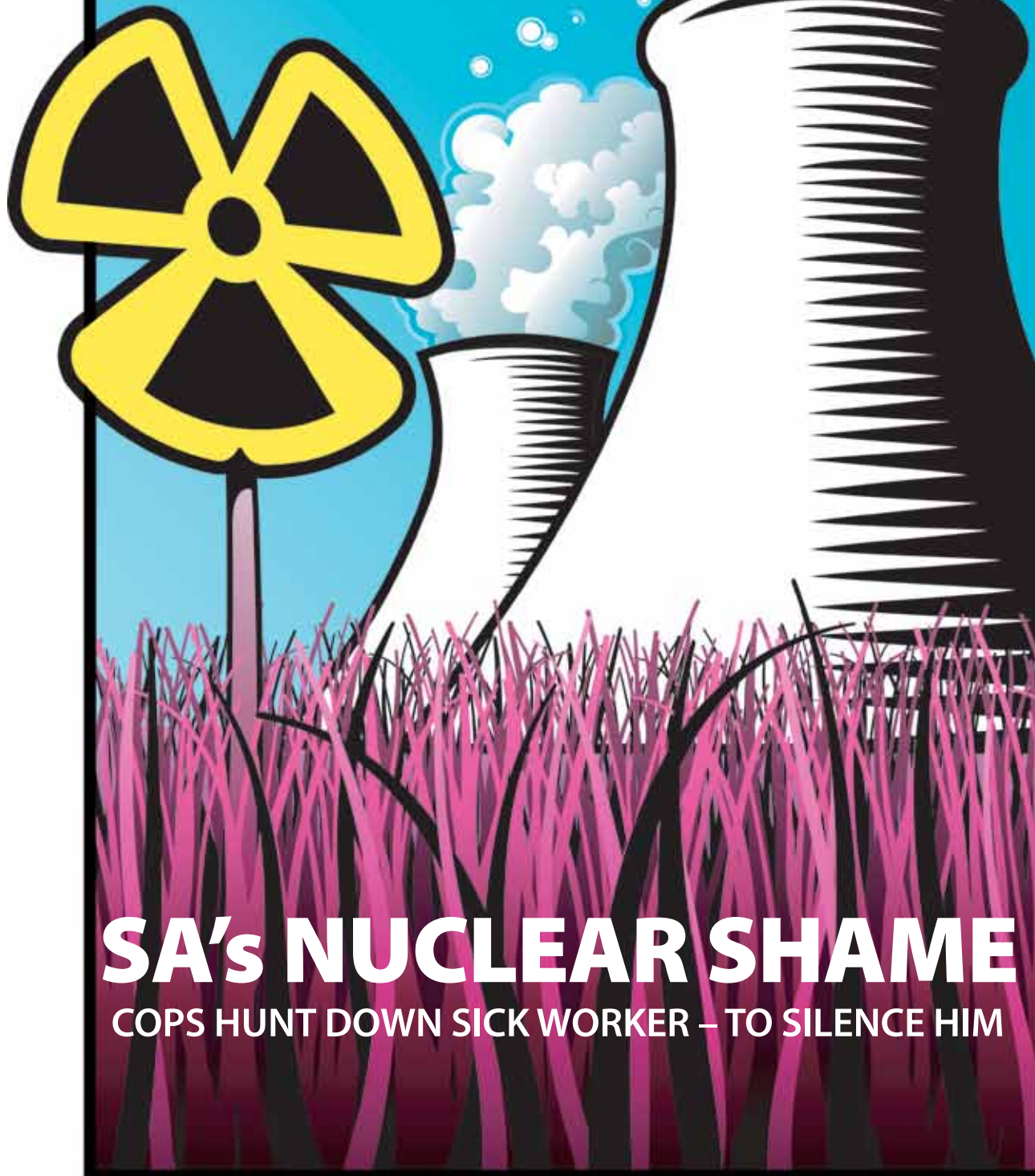
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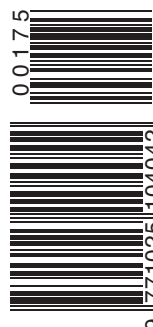
Bobroff, Booysen,  
Buchan & The Bubble

175 **MAY** 2014



## SA's NUCLEAR SHAME

COPS HUNT DOWN SICK WORKER – TO SILENCE HIM



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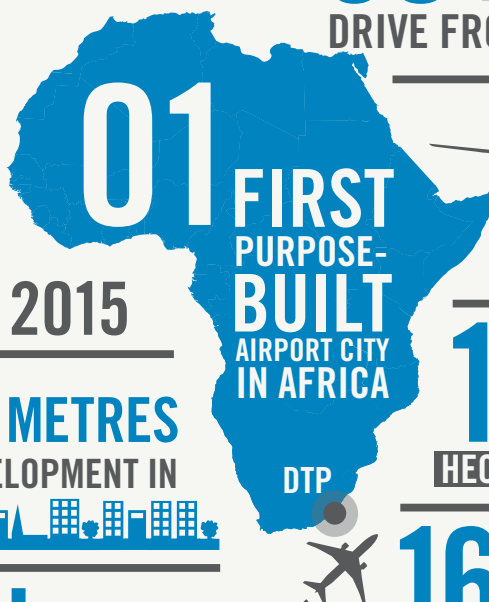
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# Letters

## Police Farce

IF POLITICIANS REALLY ARE MANIPULATING the SA Police Service in order to favour their own criminal activities, “Booyesen to sue *Sunday Times*” (nose174), then we really don’t have a police service or even an old police force any more. I guess it’s best described as a Police Farce.

**David Pearce**  
Centurion

## Sybrand to a tee

THANK YOU *NOSEWEEK*, THERE ARE A LOT OF people in the Noordhoek area who are very unhappy with Mr Sybrand van der Spuy and your article, “Fear and loathing around Cape Point”, (nose174) describes the situation to a tee.

**Patrick Wright**  
Noordhoek

■ AS THE CLICHÉ GOES, THERE ARE TWO sides to every story. *Noseweek* seems to be presenting only one. The vast majority of the neighbourhood around Cape Point Vineyards enjoys the weekly food market and, I believe, the City of Cape Town has now granted full permission for these activities, so the information is out of date. Anyone who wants to shut down this little slice of heaven must be a bit bonkers.

**Hardy Esterhuizen**  
Randburg

*Our story was completed prior to the municipality’s decision.*  
– Ed.

## Government we deserve

THE NATION, LED BY OUR MEDIA, IS over-reacting to the thieving that President Jacob Zuma has succeeded in achieving for the indecent growth in size and cost of his Nkandla compound.

I recall in Bulawayo in 1982 a prominent Nigerian professor addressed a public meeting of our Institute of Human Relations. Among all his good advice, one item really impressed:

“Democracy in Africa is the freedom to steal at your own level”. Raising your level is thus your main objective. The supreme leader in this regard – at least in this part of the world – is Zimbabwe’s Robert Mugabe.

By muzzling the media, killing the rule of law by appointing puppet judges, and controlling the army and secret police, he has raised his ability to steal. It matters not that the economy is shattered, millions starve or emigrate, infrastructure decays, agriculture, health and education are destroyed. What matters is that he is able to steal whatever he wants and thus becomes a political hero to most South Africans, and especially to Zuma who recently spurned an invitation to the Mandela remembrance event in Britain to attend a Mugabe daughter’s wedding.

To date our still-existing – if constantly attacked and diminishing – organs that work to defend our constitution have succeeded in restricting our president to stealing a far smaller slice of our GDP than Mugabe has achieved.

South Africa’s future is clear: either we preserve the personal freedoms guaranteed by our constitution, or we

don’t. We are a democracy, the choice is ours and as happened so tragically in Zimbabwe, we get the government we deserve.

**Michael Hill**  
Pinelands

## A brush with Interface Media

I WOULD LIKE TO TELL YOU ABOUT THE WAY Interface Media treat trusting and unsuspecting customers. I signed a contract with Interface according to which they promised me 600 hits a month on my small-business website for six months, for which I paid R3,000-plus-vat per month. I market a special ladies’ hairbrush called – what else? – Wonderbrush.

After the first pro-rata period of 10 days I received 28 hits. The first full month thereafter (January last year) I received 287 hits. The next month I did not pay and advised them I would pay again after I received 600 hits, as per the agreement. In February I received 17 hits and then they suspended the service due to non-payment. They started up again and in June and July I got 79 and 74 hits respectively. Over four-and-a-half months I received 569 hits, still 31 hits short of what I was promised per month.

I asked to cancel the agreement since I got the same number of hits managing my site myself. They refuse to hear my side, have blacklisted me and are suing me for the balance of the agreement – R17,100. Any advice? They have pages and pages of complaints on Hello Peter, so I am not alone.

**Erika Smedy**  
Johannesburg

*Irene Duarte, Client Services director of Interface, says: The under-serving on the campaign is purely due to the low volume of users searching for*





**Spuyside...** Sybrand to a tee

*“brushes”. We do guarantee to serve the clicks due as per contract; it just takes longer than anticipated with niche market categories such as this one. Possible solutions: We re-look at the keywords and continue to run until all clicks due are served; or we assist in reaching the click target by adding (at no charge) a Facebook campaign and a display ad on the Google network.*

*However, we would need to resolve payment of the outstanding balance prior to any campaigns going live.*

● *How about simply a refund for non-performance in terms of the contract?* – Ed.

## Medical screw-ups are cover-ups

YOUR STORY “HOSPITAL TRAINING IS SICK” (nose173) says the Health Professions Council of South Africa has a statutory obligation to both protect the public and serve the profession. I can sympathise with medical interns who say the HPCSA is not fulfilling its statutory duties.

I trained in nursing, midwifery and infectious diseases. Ten years of varied experience in the medical industry taught me that screw-ups had to be covered up. After suffering from far too many medical, surgical and dental disasters in my own family I eventually took a legitimate and serious complaint to the then South African Medical and Dental Council (SAMDC). My complaint was summarily dismissed.

I then took my complaint to the Small Claims Court because I wanted back the money we wasted on damag-

ing treatment. The practitioner had refused specialist referral saying he could do the work himself. He then made such a mess of the job that a specialist could only partly fix it. To escape liability for his error and to save his reputation, he alleged in court – among a load of other fabrications and defamation – that he had ordered me to go to a specialist but I had not listened.

I had no records to disprove his claims or prove my complaint and the injustice stuck in my throat. I then tried for three years, along with a small group of similarly angry people, to set up a rights organisation for medical consumers. We received complaints from over 500 dissatisfied medical customers. Thanks to media attention we eventually managed to have a meeting with a few executive members of the SAMDC.

We mainly asked that consumers be given copies of their medical records so they could prove complaints; free choice, so they could go to specialists without a referral; and copies of defendants’ responses to complaints so they could be answered.

They promised to discuss our concerns with the full council and come back to us. They never did. They simply stated via the media that medical records belonged to doctors, and that no one had yet been able to prove the council had not done its duty.

No one can prove anything without records. They also said complainants could get copies of a defendant’s explanation, but only if the defendant agreed. They spoke about “informed

consent” and “risks versus benefits” which are both a load of hogwash but even I couldn’t see that at the time. They treated us like idiots and played cat-and-mouse with us. We could not go on fighting a multi-billion-rand cartel with the resources we had, so gave up.

No one can now try to tell me that the HPCSA, the equivalent of the SAMDC, cares one jot about the public.

One of the council’s other duties is to advise the Minister of Health on health matters, and this duty it performs exceptionally well.

Over the past 20 years or more it has managed to manipulate politicians into passing legislation that allows public money to be poured into the private sector, pretending all the while that it would lighten the burden on the public sector. Anyone can now see that it was chicanery.

Fortunately consumers now have the right to get a report from a practitioner (HPCSA Ethical Rules, Rule 16). This takes time and trouble although practitioners who have confidence in their abilities, are honest, and respect their clients, do not object at all.

The fact that this rule has been on the statute books for years but kept under wraps by the HPCSA shows it could not care less about serving the public. When self-regulation becomes self-enrichment, self-aggrandisement and self-protection, it is no wonder public services in many provinces are chaotic, sans legislation or resources to police them.

**Mary Fanner**  
Oranjezicht

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# Democracy in action

**D**EMOCRACY, TO STATE THE OBVIOUS TO anyone over the age of 18, is not a perfect form of government. But it is one designed to keep most people happy most of the time. At worst, it is guaranteed to give voters the government that they deserve. It is openly competitive, more responsive to change and geared to compromise.

But as in any other form of government, even in a democracy power corrupts. Almost inevitably, it seems. Democratic changes of government are designed to ensure that the corrupt do not become too entrenched, too powerful, allowing their self-serving ambitions to grow too great. There are good reasons for seeing Nkandla as a signpost to Harare.

At least, a change of government allows a new set of hogs a turn at the feeding trough.

Democracy functions best when everyone actively participates in the process.

All that to persuade you to vote. By voting, you not only advance the cause of the party you think best represents your views

and will best serve your needs, you make the parties you don't support think again, perhaps reassess their position. But not voting, all you do is ensure you get the government you deserve.

My view? Anyone who votes ANC this time round is a fool. If you don't much like the DA either, vote for one of the minority parties. Many of their representatives – Bantu Holomisa, Mosiuoa Lekota, Pieter Mulder – have made important and constructive contributions to intelligent debate both inside Parliament and elsewhere.

And Mamphele Ramphele, despite her unhappy vacillations, could bring a touch of class to the House. There is no such thing as a "wasted" vote. For three decades just one woman, Helen Suzman, was able to keep the ideals of liberal democracy alive in South Africa. Lest we forget.

Any *Noseweek* reader who fails to vote on 7 May is guilty of a serious dereliction of duty. Do better: volunteer your assistance in the campaign to mobilise voters. Invite a friend to join you in the queue at the polling station.

## Cape Point for Point

**T**HE UPROAR THAT HAS DEVELOPED "SOUTH OF the mountain" – Table Mountain – triggered by the development ambitions of Cape Point Vineyards' owner Sybrand van der Spuy – highlighted in April's *Noseweek* – appears to have helped bring matters to a climax – and a possible resolution, at least for now.

It also brought Van der Spuy to *Noseweek's* offices for a three-hour discussion. Our story had largely been told from the conservationist point of view. We make no apology for that. But, Van der Spuy explained, quite apart from not fairly acknowledging the advantages of development, the conservationists we quoted had often got their facts wrong. For that we do need to apologise.

Taken through his criticism and complaints, paragraph by paragraph, made for an instructive afternoon. The full list is on *Noseweek's* website, at the foot of the story in *nose174*.

A few examples paint the picture: "Although he initially applied for permits, the applications were turned down, so he 'simply stopped applying,'" said the *Noseweek* story. Van der Spuy's response:

**"False. All my eight Lupo (Land Use Planning Ordinance) applications have been approved. I had to appeal many conditions set to the different approv-**

**als. An 'events' application was initially rejected but approved on appeal. I have submitted an application for everything I do."**

*Nose174*: "...he's been known to use the developers' favourite race trick: stop opposing my commercial plans or I'll put sub-economic housing here."

**Van der Spuy: "Without foundation. I've offered a portion of land to the city for low-cost housing. It had nothing to do with any application. They thought the land unsuitable. I still disagree."**

*Nose174*: "I'll tell the poor you're depriving them of jobs and I'll arrange for them to protest outside your property."

**Van der Spuy: "All my applications involve the creation of jobs. The effect of objections and delays has been to postpone the creation of jobs."**

*Nose174*: "Van der Spuy is equally firm with officialdom. In 2012, after the city issued an order that he stop hosting certain events at his estate, he sent a defiant email to officials: 'Be advised we will not comply with the attached notice as we do not believe our activities are unlawful... I have ...alerted you that we have suffered damages regarding your actions and intend to claim it jointly and severally from you.'"

**Van der Spuy: "We were being clear**



with our intentions, it was not a threat."

Nose174: "There is now even talk of Kirstenbosch-style concerts, 12 a year."

Van der Spuy: "I have notified neighbours that I wish to apply for 12 charity concerts a year. We raised R450,000 with the approved concert in December. The money is applied to feed more than 400 children daily. I fund the costs of the event, the gross gate goes to charity. One objector said: 'It is not my problem these people are poor. I wish to sleep in peace.' The concerts would end at 21h00."

Nose174: (Quoting complaining neighbour) "This market... has a profoundly detrimental effect on the daily life of its neighbours. Noise levels produced by thousands of people partying ...from so called 'charity' concerts..."

Van der Spuy: "We only had 14 objectors to the market - 1,350 people signed a petition in favour of it and 2,000 - 3,000 attended; they vote with their feet! About 56% of visitors are from the area. Neag (Noordhoek Environmental Action Group) has only about 40 members."

Nose174: "He sent an email to the [Council] Spelum committee... with a

show of defiance: 'I wish to alert you beforehand that we have commenced the erection of buildings... to this end please find attached a legal opinion from [attorneys] Werksmans...'"

Van der Spuy: "The Werksmans letter simply said the city could not hold up the process because of alleged illegal structures. Lupo states the only consideration is desirability. Contraventions of building rules are dealt with in other legislation."

Nose174: (Quoting Van der Spuy) "I alerted the council that I was going to proceed with activities regardless."

Van der Spuy: "Note the context: I said if they exceeded the legally prescribed timelines for dealing with my application, I would do so. About 70 employees depend on the application... [another] application... caters for another 70 employees... I would rather explain my commencement of activities to a judge than let 140 people be unemployed... in RSA each employed person supports 10 people... thus 1,400 people would go to bed hungry if I curtailed my activities."

Nose174 reported that Neag had asked the city to bring a civil action against Van der Spuy for a demolition order, and that

the city seemed to be "up for it" ...but six months later Van der Spuy had the last word: "I have not heard from the city."

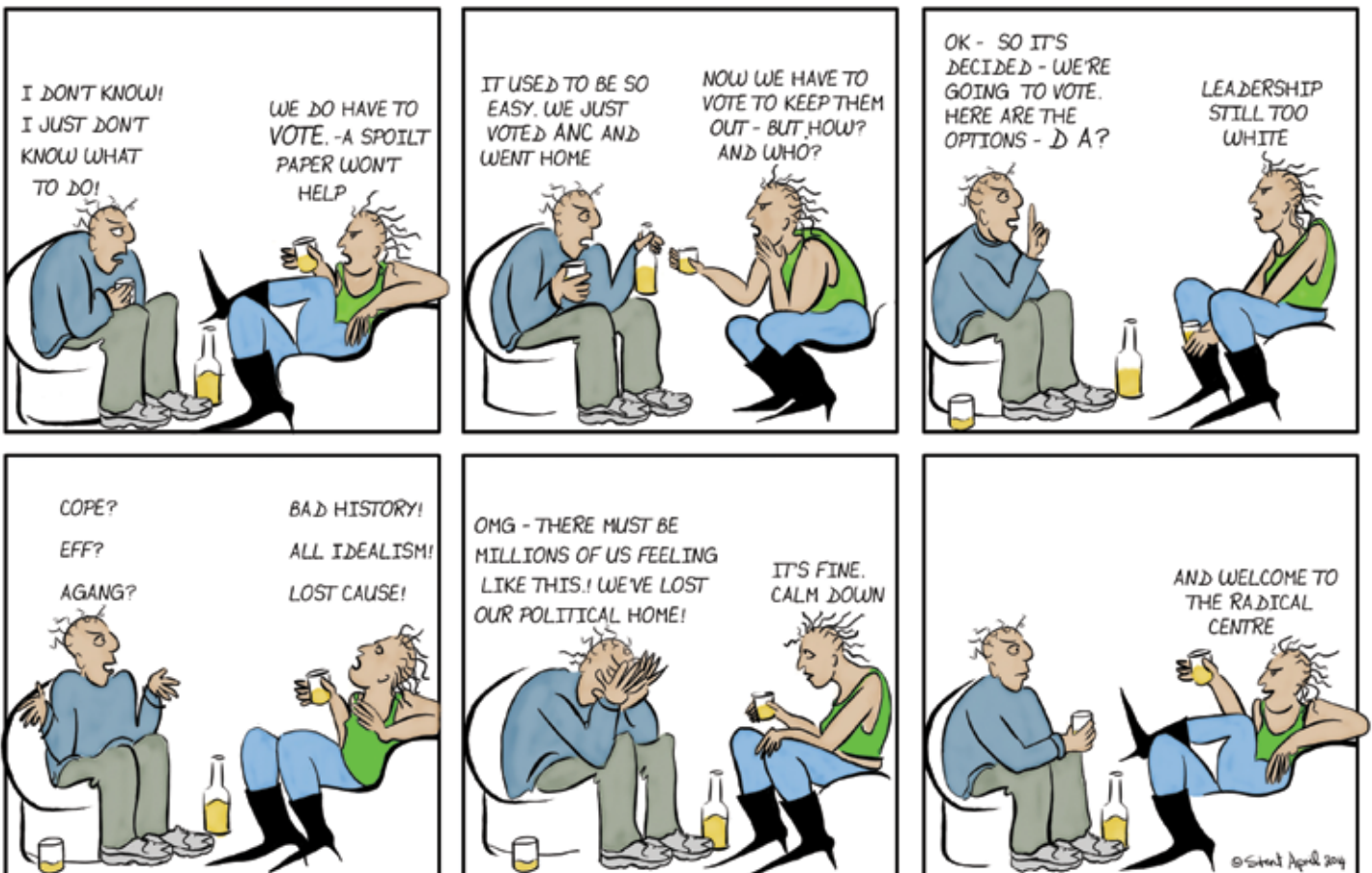
A week after nose174 appeared, about 100 Noordhoek residents, both the "lentil munchers" and the "looters", including Van der Spuy and most of his main antagonists, gathered to air their differences and float compromise solutions and peace pacts. There were offers to call off litigation all around.

An older, wiser resident summed up the situation: The problem is that the 'developers' in the valley (and their followers) have a mindset that views economic activity (some would say greed, conspicuous consumption, unsustainable exploitation, unbridled hedonism, whatever) as the be-all and end-all of life itself. The 'environmentalists' on the other hand are all for the preservation and conservation of Noordhoek as of old - an under-developed peri-urban area without street lights in which commercialism is limited and conservancy holds sway.

Rare leopard toads hop, horses thrive, children play, dogs get walked, waves get surfed and commercialism is kept at bay.

It seems that the majority prefer turning a semi-rural agrarian idyll into a shop-till-you-drop mini-Hout Bay.

The Editor



Stent

# DEAD MEN WALKING

Decades after being employed by the apartheid government's secret atomic weapons programme, hundreds of workers are nowhere closer to getting compensation for debilitating illnesses that were probably caused by exposure to radiation or harmful chemicals. Mandy de Waal and Jon Pienaar investigate

**A**LFRID SEPEPE FEARS FOR HIS LIFE. He claims his health was irreparably damaged after working for the Uranium Enrichment Corporation of South Africa (Ucor) in the 1990s, where he says he was illegally exposed to nuclear radiation and toxic chemicals used in uranium enrichment. After fighting for decades to get compensation for himself and hundreds of others like him, Sepepe says he no longer sleeps at his Atteridgeville home. He has good reason to believe he is being hunted by the police, accompanied by "men from Necsa" the state-owned Nuclear Energy Corporation of South Africa (Necsa).

"I went to the Atteridgeville old age home at the beginning of January and the elders there said a Necsa car and a Saps car with two white policemen arrived at the home. I was told that those people were looking for me. That they wanted me because I had held a meeting of all the former Necsa workers looking for compensation," Sepepe tells *Noseweek* when we meet at a KFC in Atteridgeville. (A resident of the home later confirms to *Noseweek* that the police had called there asking where they might find Sepepe, as they knew he had addressed a meeting there and was "causing trouble". They had left with the threat "Ons gaan hom kry! [We'll get him!]"

Sepepe adds that the pensioners phoned him two weeks later to say that

his stalkers were back, but that this time the police and Necsa officials arrived in six vehicles.

"This past Sunday we had a meeting in Atteridgeville, and the wife of one of the former nuclear workers with us phoned to say that the police were at her house. They were looking for me again," says a worried-looking Sepepe.

(France Maluleka confirms: "The police came and dragged me out of my house, demanding to know where they could find Sepepe, as he was causing trouble. I took them to his house but he wasn't there.")

Sepepe says: "I haven't been sleeping at my home since the beginning of January. Why are they looking for me? What do the police and the men from Necsa want from me? The problem is that I have been organising for people who used to work at Necsa. I am afraid if I go home they will catch me. And what will they do with me? They said to the old people: 'We will catch him'. What did they mean by that?"

Asked for comment, Necsa's spokesperson replied: "At no point were any of Necsa's ex-employees sought out for making health impairment claims. Necsa did not lay charges against Mr Sapepe or any of the claimants."

Sepepe worked at South Africa's nuclear programme at Pelindaba from May 1989 to 31 January 2000. He was retrenched shortly after getting sick.

(*The stories on Koeberg in noses* 53,54

&55 in 2004 suggested this was already standard practice at the country's nuclear installations. Access at [www.noseweek.co.za](http://www.noseweek.co.za) will be free for the month of May. – Ed.)

Sepepe is one of hundreds of fellow nuclear programme workers – or deceased workers' surviving dependents – who want compensation from Necsa for health problems they claim are a consequence of their work.

This nuclear programme goes back to the 1940s when the Atomic Energy Corporation was formed. It subsequently undertook research funded by the ironically named "US Atoms for Peace program". In the late 1990s the AEC (together with the Uranium Enrichment Corporation, formed in 1970) was restructured as Necsa.

But the nuclear programme only got serious in the mid-1970s after John Vorster recreated South Africa as a country under siege. Amid strikes, mass protests and the liberation of South Africa's neighbours, Vorster was at war and he wanted an atomic bomb. The atomic bomb project was started by the AEC but Armscor, in collaboration with Israel, soon took over and these bombs were built at a place called Advena, 4km from Atteridgeville. "I first worked at Advena, then I was moved to Pelindaba," says Sepepe. "There I saw for myself that the place was bad. I saw how they worked with all of these chemicals. I asked my foreman why we





**Pelindaba nuclear power station and Alfred Sepepe**



had to work with chemicals, and why we didn't wear protection. He chased me out."

The atomic bombs conceived by Vorster were ultimately disarmed or destroyed soon after FW de Klerk came to power in 1989. Greenpeace states in its report "The True Cost of Nuclear Power in South Africa" that "De Klerk ordered that 12,000 pages of documentation covering the project should be shredded, protecting the hundreds of people involved in the programme".

Sepepe, isn't aware of the names of the chemicals he was exposed to, but the death of Victor Motha shows just how deadly some of the substances used at Pelindaba were.

"When Victor Motha went to work at the Necsa Pelindaba complex, on the morning of 8 November 2001, it seemed to be a normal day for the young chemical engineer," the Greenpeace report reads. "But when the 21-year-old came home that night, he suffered from nausea, a burning throat and chest. In the course of the evening he started vomiting. His father rushed him to hospital where he died. Fluorine inhalation was the cause, the post-mortem examination concluded. To process uranium as a fuel in nuclear reactors, fluorine, a highly toxic gas is used."

In the wake of Motha's death his family received a letter from Phumzile Mlambo-Ngcuka (then Minister of Minerals and Energy) which promised "no

stone will be left unturned" in the investigation of their son's death. Eleven other workers were injured at the same time but they were instructed to keep mum on the incident. Four years later Motha's family was given a cheque for R6,000 from Necsa by way of compensation for his death. The family was not given sight of a report compiled by the Minerals and Energy ministry, and received no further correspondence from the department.

Back in Atteridgeville Sepepe says he was repeatedly shifted between different sections at Pelindaba where he did cleaning, operated machinery and poured chemicals into machines. He repeatedly challenged his superiors about working with the chemicals without protective gear. In the late 1990s his health began to deteriorate.

"I started getting sick. More and more sick. When I went to urinate I would see that the colour and smell of my urine was different."

After seeing a private GP, Dr Russell Marivate in Soshanguve, Sepepe was transferred to a specialist at a private clinic near the Morula Sun in Ga-Rankuwa in 1999. "I had an operation there. They asked me how many children I had. I told them I had three. They said that I would not have any more children." He was advised by doctors to have his testicles removed for the sake of his health. Sepepe was retrenched early in January 2000 after returning to work. "The money that I got with my retrenchment was about R15,000 but I still lost my house," he says.

Sepepe is one of 500 former workers who flocked to the anti-nuclear and environmental activist group Earthlife Africa in 2000 to get help for illnesses they claim were caused by working in the apartheid government's nuclear programme. They wanted help in getting their medical files from Necsa, and assistance seeking compensation in terms of the Compensation for Occupational Injuries and Diseases Act.

The workers said they had been retrenched by Necsa after showing signs of being ill, or after complaining they were ill. Sepepe, and others *Noseweek* talked to said that they walked off Pelindaba with only their last month's pay. They received no other compensation.

Of the 500 workers, only 208 could be examined by a team of medical profes-



Sipho Jaca

sionals, led by Dr Murray Coombs, an occupational health expert hired by Earthlife Africa, before the project ran out of funds.

The medical survey commenced in 2004 and was completed two years later. After releasing his report in September 2006, Coombs told *The Star* that “The occupational diseases rate [at Necsa] is at 50%, which is heavy, it is the highest I have seen. The norm is about 10-12%.” [The Coombs report can be found with this story on [www.noseweek.co.za](http://www.noseweek.co.za)]

As part of the study Coombs was granted permission by the workers to obtain their medical files from Necsa. The doctor said: “I would have been embarrassed if I had compiled those files. Many were not in sequence, and there were gaps.” Necsa failed to give Coombs the files of some 62 workers. In the time

senior maintenance man called Van Rensburg had suffered from Uranium Hexafluoride exposure. Other labourers had leukaemia, cancer, asthma, and Graves’ disease (an auto-immune disease of the thyroid). The survey concluded that, of the 208 people examined, 40% were suffering from illnesses that were probably occupation related.

Workers who contract a disease because of their work are entitled to compensation under the Compensation for Occupational Injuries and Diseases Act 130 of 1993. In tandem, nuclear facilities must be licensed by the National Nuclear Regulator Act No 47 of 1999 which stipulates compliance to specific safety codes. As Coombs states in his report: “In the case of nuclear operations specifically, all diseases that arise from ionising radiation give rise to claims for

may cause cancer.” The document adds that at above-standard levels, exposure can “maim or kill”, while “even at very small dose levels, radiation harms the body’s cells.”

In his report on the 208 ex-Necsa workers, Coombs concludes: “It is clear from the findings that an investigation into occupational disease for ex-Necsa workers is valid and necessary. The burden of disease, both occupational and non-occupational also indicates the need for further occupational disease, economical and social studies.”

He goes on to say: “Anecdotal information from personal interviews and telephonic contacts indicates a much larger group of ex-employees with radiation related illness. These employees are covered by pensions and medical insurance and are reluctant to come forward to join the study [for fear of being retrenched, resulting in their losing those benefits].”

Earthlife Africa and Coombs tried to get additional documentation from Necsa, but the state enterprise blocked the efforts. When the files did arrive – after years of waiting – they were woefully incomplete. Media interest in the case was high, and off the back of activist action and worker protests, Parliament decided that Necsa had to launch an investigation.

In June 2005 Necsa announced that the R3.5-million investigation would

## A Parliamentary committee was shocked at the evidence

it took for the survey to be completed, 15 of the 208 workers he examined had died.

*The Star* reported that no follow-up medical examinations were done on any of the workers once they had left Necsa. The paper quoted Coombs: “The radiation and chemical industries should follow people through to their deaths.”

Coombs’s survey showed that 45% of the workers in the study had been exposed for ten years or more to radiation and/or hazardous chemicals, and that each of the former Necsa employees he examined had at least one disease. The research showed eight confirmed cases of radiation exposure. The medical reports from the survey showed that a

compensation.” Importantly, as Coombs states: “It is not the prerogative of an employer to decide whether an illness was caused by exposure at the workplace. This is done by the Compensation Commissioner.”

What kinds of maladies does exposure to radiation, chemicals, lasers or other components typically found in a nuclear programme cause? Necsa’s 2006 Annual Report has this answer: “Radiation can cause disease by two routes. High levels of radiation will destroy enough cells in certain organs and systems that the body is made gravely ill or is killed. Low levels of radiation react with the DNA (the information system of living organisms) and this

be headed by “independent” radiation expert Mogwera Khoathane and committed to having a report done within a year. But Earthlife Africa claimed the effort was “a whitewash”. Coombs and a former Earthlife Africa activist, who did not want to be named, said a second tranche of funds was requisitioned and allocated by the state for the report Khoathane was to produce.

Khoathane went on to found African Radiation Specialists and on his website describes himself as “a radiation science entrepreneur with proven entrepreneurial flair”. He says his “career in Radiation Protection has been with South African Nuclear Energy Corporation (Necsa) and the National



Nuclear Regulator as a Scientist and Programme Manager respectively”.

(*So he wasn't as independent as Necsa's announcement had suggested.*)

A phonecall to Khoathane was all it took to establish the multi-million-rand report commissioned by Parliament was never completed, let alone published. “The best is to contact Necsa in that regard, I never finalised the report because of other issues. I can't discuss these issues because of contractual issues. I don't know if Necsa finalised it with someone else,” Khoathane told *Noseweek*.

In tandem with the multi-million-rand investigation undertaken by a Necsa scientist for Parliament (and paid for by taxpayers), South Africa's nuclear corporation also undertook its own study at the same time. Necsa called for workers to be a part of the study, but there was great concern expressed by Earthlife Africa and by workers about the independence of such an endeavour.

Necsa's doctors asked all the workers involved in the case to submit themselves to tests, but of the 500 originally gathered by Earthlife Africa, and of the 208 examined by Coombs, only 50 workers submitted themselves for tests. Two years later in 2007, Necsa CEO Rob Adam would tell Parliament: “Necsa can categorically state that not one of these former employees presents symptoms that relate to the adverse effects of radiation.” This was despite the limited number of people tested and Murray Coombs' report to the contrary.

Subsequently the case was taken up by the Legal Resources Centre and in 2007 a delegation of workers testified before a Parliamentary committee, who appeared shocked at the testimony and evidence presented to them. Promises were made, but years later the LRC case was abandoned because of a lack of funds. Today the workers are nowhere nearer resolving their case, and none of the promises made to them have been fulfilled.

The reason for this? As Greenpeace states in its report: “The workers' legal cases then hinged on the test case of Tilman Roux, 62, a former employee of the South African Uranium Enrichment Corporation (Ucor).”

“Roux applied for workman's compensation benefits in November 2007. He provided a diagnosis for multiple

myeloma which he believed was caused by exposure to ionising radiation while working at Valindaba's Y-Plant [*also known as Pelindaba East – an experimental uranium enrichment plant and which produced fuel for the Safari-1 Nuclear research reactor at Pelindaba*] between 1974 and 1983, at a time when South Africa was enriching uranium for its weapons programme.”

Roux's claim to the Compensation Commissioner was initially rejected, and it was later found that this was because it hadn't been “properly investigated” by Necsa. A high court ruling forced Necsa to open its files to the Compensation Commissioner after the nuclear corporation cited secrecy laws for not doing so. “Despite his appeal for urgency – dictated by the need for immediate treatment to prolong his life – Necsa took two years to supply information to the commissioner as ordered by the court and then hid the information to prevent any more access to it, making it impossible for Roux to pursue his case,” the Greenpeace report states.

At this time Sepepe told the Parliamentary Portfolio Committee on Environment that 60 of his co-workers had been buried already, and said they died suffering, in poverty. “Our former bosses are hoping we all die off one by one until the problem disappears,” Sepepe is quoted as telling the portfolio committee.

As far as *Noseweek* can establish, Roux went to court but at the time, was living on a cocktail of pills. As the court case dragged on, Roux – who was in his early sixties – was forced out of his Pretoria home and moved to Malawi where he had relatives who were prepared to care for him. After that experience he became a recluse and refused to talk to anyone.

Back in Atteridgeville, *Noseweek* spoke to Sipho Jaca who said he was relieved to get a job as a labourer, after he and a few friends applied for work at the gate of a Murray & Roberts construction site in Pretoria in 1981.

For the next few years Jaca too was employed at Ucor at Valindaba. In 1982 he started working in a section where

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he had to mix chemicals. After this, he said, he developed a bad cough and by 1984, other symptoms started to manifest: itchy skin, lack of energy, weight loss and dark mucous when he coughed.

Despite this, Jaca carried on working and didn't complain. "If you complained, you got fired."

Workers were given an ointment to help with the skin itching, "but it didn't help nothing," he said, adding that in 1986 they were given face masks – five years after joining the company. On a doctor's advice, Jaca gave up smoking and alcohol, in an attempt to become more healthy.

In 1991, Jaca lost his job due to illness. He was retrenched without any sort of severance package – just one month's salary. Now 60 years old, he is scrawny; his face is drawn, with bulging, jaundiced eyes. He walks with a slight stoop, like a much older man. He says he is a shadow of his former self;

cleaner in the early 1990s, through contractors Pritchard Cleaning Services. "They gave me urine and blood specimens to wash out at the Necsa clinic. They didn't even give me gloves. I wore no gloves or no mask. I washed those utensils with my bare hands," she said. "When I asked the doctor, a Dr Foster, why he wore gloves and I didn't, he just ignored me."

● Lydia Malatji spoke about her husband who worked for AEC and died when he was 77. "He was always complaining about the chemicals they used there. He said these were the chemicals they use when it is war. He started to cough up blood, and got sick. His left foot was swelling and turned black." Malatji went to Kalofong, a public hospital on the outskirts of Pretoria three times. On the third occasion he never came back.

● Elias Mahlangu died of oesophageal cancer when he was 54. He was re-

"Mamba" plants, where he had to clean out "red water" without protective clothing.

Two decades later and these "victims" of the apartheid government's secretive nuclear programme are no nearer any kind of justice. Their only hope now is the Public Protector. "We handed the case over to the Public Protector (in 2010) because we had run out of any avenues to make any change," says Judith Taylor of Earthlife Africa.

At one stage the case was being handled by the Legal Resources Centre, but one of the lawyers working on the matter died, and the other was retrenched and joined a private law firm in Pretoria.

"We spent a lot of money sending people to the National Occupational Health Institute and ran out of funds. The case has simply been ignored by Necsa," said Taylor. "Basically these people are being forgotten because they are too poor

## Two decades later and these people are no nearer justice

when he was younger he was active and enjoyed life. "God didn't punish me, but chemicals punish me forever."

In 2001 Jaca heard about a group of former workers who were getting together to try to get compensation. He was among the group of 208 workers examined by Dr Coombs and sent for testing at Kalofong Hospital, whose report diagnoses Jaca with "thyrotoxicosis from Graves' disease."

When *Noseweek* arrived in Atteridgeville expecting to interview a handful of workers, word had got out and dozens turned up. They had all brought with them their security badges used to enter Pelindaba, or work records, or doctors' records.

● Martha Masilela, 58, spoke about working at the site for five years, and how she swept white powder off the floor with her legs exposed to this substance in 1991. She has now been diagnosed with skin cancer, she says.

● Joseph Lebepe, 63, was a handyman from 1982 until 1985. He has been diagnosed with chronic obstructive airway disease.

● Anna Maponya, 60, talked about the time she worked at Pelindaba as a

trenched by AEC in 1990 after working for them for 14 years. By mid-1992 he was dead.

● Mkomasi Mkhondo worked in the "Rooi Gebied" – the Red Area – as a cleaner. He wore standard blue overalls and shoes and gloves. He recalled his foreman, a Mr Brink, telling him: "Working here, after 20 years your body won't be the same."

Many complained of deteriorating vision, digestive problems, kidney pain, high blood pressure, weakness and palpitations. Surviving relatives tell of painful deaths in hospital, of kidney failure, or lung disease.

Two *Noseweek* journalists sat in Atteridgeville with notepads and pens outside KFC, in the rain, as elderly person after elderly person told their heart-breaking stories.

The most shocking visual evidence was that of Steven Maleka who lifted up his trousers at the ankles to reveal a widespread skin aberration that in part looked like bleeding warts, and in part, skin cancer. A haunting sight.

Maleka told of 20 years of pain, itching and palpitations. He recalled working at Necsa's Area 28, "Cheetah" and

to be top-of-mind, which appals me. He added: "These people have now also been ignored by Dr Coombs who withdrew his position on this case."

It is ten years since Coombs was hired by Earthlife Africa. "I was a private consultant, and this was purely a contractual agreement. I was hired to do investigations on people who consented. We wrote a report and gave it to Earthlife Africa. My team and I filled in the COID (Compensation for Occupational Injuries and Diseases) form and handed our files over to Earthlife Africa's legal aid people," Coombs said.

"Earthlife Africa had limited funding, so the case was closed. I moved on with my life simply because there's nothing else for medical people to do in this case. It is now a legal issue. Last year I had a call from the Public Protector's office for the files and I handed these over," he said. "Millions were earmarked by Parliament for an investigation on the matter, but what happened to this report? Necsa is a government organisation and it appears that government makes the rules on nuclear issues that everyone must adhere to, but doesn't adhere to these itself.

"That government report seems to have just disappeared," said Coombs.

*Noseweek* phoned the National Nuclear Regulator to find out, and to get its comment on the case of the Necsa workers. National Nuclear Regulator spokesperson Tshepiso Mogorosi's voice-answering system announced: "The mailbox you are trying to leave a message for is full. Wait while I transfer your call," then the line went dead.

When *Noseweek* reached him on his mobile phone he said: "I have no information on that. Where did you get my number? No, no, no. I have absolutely no information on this and am not in a position to comment on this. You need to speak to Necsa."

Necsa's response to *Noseweek's* request for information about both the multi-million-rand report that was commissioned and paid for by Parliament, and the investigation Necsa had itself commissioned at the time, was an email stating simply: "A copy of the report is attached."

The single-page document attached to the email was indeed headlined "Report on Phase 1 of the investigation by an Independent Occupational Medical Practitioner on the state of health of employees of the South African Nuclear Energy Corporation" – a very grand title for a document compiled by Necsa's corporate communications department for publication in various media in March 2007 to counteract Earthlife's campaign. Much of it is devoted to a statement about Necsa's policy, good intentions and commitment to "best international practice". In it, reference is made to findings by the independent practitioner (who was not identified) appointed by Necsa, based, it says, on a medical examination of 45 former Necsa employees and five men still in its employ who voluntarily "presented themselves" for the examination. It is definitely not, therefore, a random sample from which any conclusions might be drawn about the state of health of employees of the South African Nuclear Corporation.

According to the statement, the independent practitioner found that not one of the 50 was suffering from a condition related to either radiation or chemical exposure. A handful were, however, found to be suffering from hearing loss due to their exposure to high levels of noise at work.



Steven Maleka

More interesting: in that 2007 Necsa "report" it is stated that Phase 2 of the independent practitioner's investigation was already in the pipeline: in this phase, Necsa's own practitioner's investigation was to be extended to a further 358 former employees whose records had been requested by Earthlife Africa, or who had been mentioned by Dr Coombs in his report.

"Given the depth and scope of this investigation... Necsa is not able to provide an exact indication when the final phase of the investigation will be completed," it is stated at the conclusion of the statement on Phase 1.

"Necsa is not willing to compromise the quality of the medical examinations by placing undue pressure on the appointed occupational medical practitioner, or publishing the results before they have been thoroughly concluded." But Necsa would publish the results "immediately they are available".

*Noseweek* asked Necsa for a copy of the "Phase 2" report. At the promised delivery time, Necsa's media spokesperson informed us that he had not yet received clearance to release a copy of the report to us. By the time we went to press we had heard nothing further about the matter.

Necsa has in the meantime made clear that in any event it will not be entertaining any claims for compensation by its workers.

"Necsa has repeatedly told the claimants that the company does not make payments for any occupational health claims but contributes to a fund created in terms of the Compensation for Occupational Injuries and Diseases Act (COIDA) and is administered by

the Compensation Commissioner to whom the claims must be forwarded," Necsa's spokesperson told *Noseweek*.

"The Commissioner will in turn verify the claims by referring to, among others, the results of medical examinations and then reject or accept a claim. The decision lies solely with the Commissioner and not with Necsa."

He also denied that Necsa had been hounding the organiser for former nuclear workers, Alfred Sepepe. "The allegation by Mr Sepepe that he is being sought out by Necsa, is rather serious. He must come forward with evidence such as a police case number," he said.

On to the Public Protector's office, where spokesperson Kgalalelo Masibi first told *Noseweek* that, four years later, their report into the Necsa workers' health problems is "still in progress".

A bit later we learned that they have been having difficulty extracting a report from the external investigator commissioned to do the job for them.

"The report was only received today [10 March 2014] and will be quality assured to ascertain if it is in line with Public Protector standards and the approved investigation plan," said Masibi.

A month later *Noseweek* got no response to its follow-up call.

Meanwhile Sepepe is in hiding, but was at funeral services for two of his co-workers in the past two weeks.

"Eish. These people are dying. My big fear is that I will die too. Who will help all these people then? What will they do then?"

● Read more: "The True Cost of Nuclear Power in South Africa" report can be found on the Greenpeace website. ■

# Sickly stench of careless greed

*Ronald Bobroff pips No. 1 to the post by R50m. By Tony Beamish*

**A** MAN IS KNOWN BY THE COMPANY he keeps, goes the old proverb. This is particularly so at this time for the former president of the Law Society of the Northern Provinces, Ronald Bobroff and President Jacob Zuma. Behind their friendly smiles in the vanity photograph we lifted off Bobroff's website, is the sickly stench of careless greed. Both have sought to avoid having to answer multiple allegations of theft and other impropriety and appear to share the belief that others will not see through their flimflam.

But when it comes to the misappropriation of public funds, Bobroff seems to have pipped Zuma to the post by about R50 million.

According to court papers, the Road Accident Fund (RAF) has, over the past ten years, paid out awards totalling more than R1 billion to road accident victims represented by the Bobroff law firm.

A large chunk of it never reached the often grievously maimed accident victims, ending up instead in the Bobroff directors' private bank accounts. Assuming the Bobroff firm's illegal contingency fee claims were calculated at 30% of these awards, Ronald's firm has pocketed R300 million-plus.

Since, three months ago, the Constitutional Court declared Bobroff's contingency fee regime unlawful, his firm will have to repay whoever sues them. Former clients have three years from February of this year to sue for recovery of the amounts they were overcharged. A class action against the Bobroffs could be in the offing – much like the one inspired by *Noseweek* against the Athlone, Cape Town law firm Hoosain Mohamed & Associates in 1999 (*nose26*).

Many pages of this publication have been devoted to the shenanigans of Ronald Bobroff and Partners (RBP). Ronald Bobroff is also the founder and chairman of the SA Association of Personal Injury Lawyers (Saapil). The once-bankrupt Saapil vice-chairman, Anthony "Tony" Berlowitz, has also graced *Noseweek's*



You're known by the company you keep

pages on a number of occasions.

Bobroff, his son Darren, and third partner Steve Bezuidenhout, do what litigators believe they do best: litigate – now mostly against their own clients.

Cases current include:

- **Juanne de la Guerre:** Bobroff claims to have charged his former client, Juanne de la Guerre, an hourly fee and presented her with a fee bill for R868,000. Apparently by virtue of a happy accident, when Ronald and Darren added up their hours, their total fee equalled precisely 30% plus VAT of the capital the RAF paid out on De la Guerre's claim.

Bobroff refused to give her a detailed account. Only after a high court judge ordered him to do so and much heel dragging, did he eventually produce an itemised bill. It now totalled R312,000 in fees. This bill must still be taxed (vetted) by the Registrar of the High Court and

RBP may end up being awarded even less. With interest, he could eventually have to repay his client as much as R1m.

- **Anthony de Pontes** was rendered quadriplegic in a motor vehicle accident and needed to have a curator appointed to help him manage his financial affairs. Bobroff tried to have the curatorship overturned to frustrate the curator in his request for Bobroff to produce proper accounting for his fee. The court dismissed Bobroff's application with punitive costs. He is appealing.

De Pontes himself is seeking an itemised bill too. Bobroff claims to have charged him an hourly fee, to arrive at a bill for R2,102,000 whereas Bobroff was only granted R83,169 by the RAF for his firm's fees. By unexplained coincidence, the amount Bobroff is claiming from De Pontes equals 30%-plus-VAT of the capital received (R6,146,000) from the RAF.

- **Matthew Graham** was brain dam-



aged in a collision in which he was the passenger. The driver died. Matthew and his wife Jennifer have taken the Bobroff firm to the North Gauteng High Court seeking two things: that the Law Society be ordered to pull finger and have a disciplinary hearing against them *poste haste*, and, that the Bobroffs be suspended from practise pending an investigation into their conduct generally, and not only their overcharging of Matthew Graham.

Judgment in this application was expected as *Noseweek* went to press. The RAF paid R1,98m in capital, plus R293,000 for costs, into Bobroff's trust account for his client Graham. Two weeks after receiving this payment, Bobroff drew R758,000 of it in a cheque annotated: "Bidvest Bank – interim".

He told the Law Society it was an interim fee which was deposited to the credit of the RBP directors' private account. He then sent Graham a fee bill for R738,045 – 40% of the damages recovered from the RAF.

Meanwhile, Bobroff is particularly irked by the fact that Discovery Health has seen fit to finance the litigation launched by Graham, a Discovery client.

- **Manresh Haripersad** had sued Bobroff for a full and proper accounting. Bobroff said he had calculated his fee on an hourly rate and that came to R184,000. This also happened to equal 30%-plus-VAT of the capital received from the RAF. In addition, Bobroff had kept the costs contribution from the RAF.



Like father etc... Ronald and Darren Bobroff on a male bonding trip to the Jozi Supreme Court

Once Bobroff's account was taxed by the Registrar of the High Court, it was clear to Haripersad's legal advisors that Bobroff was liable to refund R360,000 plus costs, plus interest.

Bobroff has refused to pay and the matter is to be heard in the South Gauteng High Court – but only in a year's time.

- **Glen Vivian** emigrated to New Zealand a few years back while Bobroff finalised his RAF claim in his absence. In due course Vivian received a bill for fees totalling R1,254,000 from RBP. It equalled exactly 25% of the capital plus VAT.

Earlier this year, Vivian took Bobroff to the South Gauteng High Court demanding a full accounting. Bobroff, supported by his counsel Ian Zidel SC, opposed this and launched a counter application. He told the court that, since Vivian was for all intents and purposes a foreigner, he should be ordered to put up R500,000 in security for costs before his application could be entertained by the court – in case Vivian should lose the case and Bobroff be awarded costs.

Judge Ratha Mokgoatlheng's ruling in the matter is expected shortly.

- **Ursha Fourie** and her son, Lincoln, were injured in an accident in which her husband and daughter died. Bobroff took 30% of the capital amount awarded by the RAF, plus VAT. He then ignored Fourie's request for an itemised statement until she was forced to serve a summons on RBP.

Fourie is also suing Bobroff for professional negligence. The case will be heard in October.

- **The Hawks** are investigating criminal charges against the Bobroffs. A recent inquiry directed to one of the investigators was met with the terse response that all inquiries be directed to their spokesman, Captain Paul Ramaloko. He has yet to respond.

Meanwhile *Noseweek* has good reason to believe that the Hawks also have on their agenda a matter of R98 million in VAT, plus penalties, that the South African Revenue Services is said to be demanding from RBP.

Ronald and Darren Bobroff freely dish out vitriol to their opponents.

*Noseweek* staked out RBP's premises at a time when the Sheriff was there to collect money owing to De la Guerre. Ronald approached the reporter saying, "You are scum of the earth. I could



Is that a summons in your pocket or are you just pleased to see us? Darren Bobroff says hello to *Noseweek's* photographer

spit on you." He proceeded to spit on the ground in front of him.

[A few hours later this was followed up with a spiteful WhatsApp message to Tony Beamish, who happens to have been born with monocular vision. It started off: "Beamish you one-eyed freak. We going to sue you until you have nothing but your dirty suite [sic]." (Beamish owns one suit which is regularly dry-cleaned. He doesn't have a suite – not even a dirty one.) – Ed.]

Darren Bobroff's juiciest Facebook posts are reserved for De la Guerre's attorneys, Anthony Millar and Norman Berger. A sample: "Millar and Norman Berger must be prosecuted for theft and use of stolen documentation. Prison will be the only acceptable punishment for these despicable thieves."

The Law Society confronted Millar and Berger with complaints along these lines when they appeared before its disciplinary committee to answer to complaints made by the Bobroffs.

Evidence was given under oath and witnesses were cross-examined. Millar and Berger were acquitted.

The Bobroffs are truly a gift to journalism that keeps on giving and giving.

**Stop press:** Ronald Bobroff recently suspended himself from the Council of the Law Society of the Northern Provinces minutes before a vote to remove him was to have taken place.

Is now the time to say goodnight and goodbye? ■



# Bobroff and son

An easy to read A–Z of their life and times. By Tony Beamish

**A. Anthony Millar:** director of attorneys Norman Berger & Partners (NBP) – arch-nemesis of the Bobroffs – achieved a spectacular result against the Bobroffs in the Constitutional Court earlier this year for his client, road accident victim Juanne de la Guerre, who was ripped off of upwards of R500,000 by the Bobroffs. Millar tweets as @zunnelle. He clearly has a sense of humour (See Z below).

**B. Bernadine van Wyk:** courageous whistleblower, former RBP bookkeeper and one of many bookkeepers blamed by Ronald for his serial creative accounting.

**C. Criminals:** Darren Bobroff's whinge to all and sundry is: "The media portray the Bobroffs as criminals".

**D. Double Briefing:** The Bobroffs' counsel of choice, Ian Zidel, paid R150,000 into the personal bank account of Darren Bobroff. Zidel told *Noseweek* that it was merely a "refund to Ronald Bobroff". The Bobroffs blame their bookkeepers for Ian Zidel's error.

**E. Elaine Bobroff:** Ronald's loyal and long-suffering wife who, in an October 2012 phone call to Bernadine van Wyk, in reference to Ronald and Darren's thefts said: "I know lots of people who have done what they have done and have gotten away with it."

**F. F Pombo** was a road accident client of RBP. Brave bookkeeper Christy de Beer told of how Darren forged

Ronald's signature on an RBP cheque in order to divert R115,600 of Pombo's trust funds to Darren's personal Standard Bank account.

**G. Gobsnacked:** earlier this year, *Noseweek* reporter Tony Beamish was waiting outside RBP's office while the Sheriff was inside demanding payment of money due to De la Guerre. Ronald came out and said to Beamish, "You are scum of the earth. I could spit on you." He proceeded to spit in front of Beamish. Later that day he explained that it was untrue – he had bad hay-fever that day. Beamish was not quite gobsnacked...

**H. Hawks:** RBP staff were required by Ronald to impersonate members of the Hawks in an effort to fabricate a touting complaint against NBP before the law society. After a hearing, the Law Society dismissed the complaint against NBP.

**I. Ronald Bobroff** boasts of his membership of the Israeli Bar. They have never heard of him. It is a criminal offence to pretend to be a member of the Israeli Bar. His next visit to Tel Aviv could be an interesting one.

**J. Juanne de la Guerre:** notwithstanding her severe injuries, this feisty former model had the resolve to tackle the Bobroffs head-on, all the way to the Constitutional Court – and beat them hands down – when the court declared the Bobroffs' fees

agreement to be unlawful.

**K. Krystof Mon (Dr):** Ronald's connection at the Riverfield Lodge & Netcare Rehabilitation Centre which, for R10,000 per client, refers the injured to RBP. This payment is made to him ostensibly for a medico-legal report. Mon's unsophisticated one-page biographical reports containing the patient's biographical details are benignly called "medico-legal reports".

**L. Lisa Berman-Bobroff:** Darren's wife. The unknowingly grateful recipient of a R385,000 "referral fee" out of Juanne de la Guerre's trust monies. According to forensic accountant Vincent Faris: "The effect of the payment to Berman, and the fee raised, meant that there were insufficient funds available for De la Guerre to be paid in full."

**M. Mystifying narration** – Ronald's explanation regarding the theft of R758,000 from client Matthew Graham into the RBP Directors' Bidvest Bank account: "An otherwise somewhat mystifying narration."

**N. Noseweek:** Ronald to Law Society: "...That gutter publication, the article is filled with lies, half-truths and malicious speculation. It is beneath my dignity or that of any respectable attorney to endeavour to respond to this gutter journalism." He does however credit us with a sense of humour. *Noseweek* readers are invited to decide for themselves what constitutes "a respectable





attorney". When one has no answer, it is best to play possum. (See P. below.)

**O. Overreaching** – Bobroff's massive "common law" contingency fee, declared unconstitutional and unlawful, is just another form of that old legal practice called Overreaching, and is calculated on the attorney-and-fuck-the-client scale.

**P. Playing Possum:** the Bobroffs have never explained their unlawful conduct under oath. Not before the Law Society Disciplinary Committee, not in the De la Guerre matter and not before the North Gauteng High Court (NGHC), which is about to deliver judgment on whether they should be suspended from practice. Advocate David Unterhalter SC described it as "playing possum" – playing dead. Criminal defence Advocate Mike Helms SC, argued for the Bobroffs that "playing possum was a quite acceptable" game to play for attorneys who are facing fraud and theft charges.

**Q. Quo vadis:** Are the Bobroffs destined for Australia or Israel? Australia has no extradition treaty with South Africa. However, these days Sars and the Australian Taxation Office work hand-in-glove. Pretending to be a member of the Israeli Bar is known to be frowned upon by the good folk in Tel Aviv.

**R. Richard Treisman:** previously Netcare's in-house legal adviser who, without Netcare's knowledge, passed on Netcare's Casualty registers to RBP. His generosity was not without reward.

**S. Saapil** – formed in March 1999 to fight *Noseweek's* road accident Anton Pillar application against Hoosain Mohamed, thieves-at-law, and Judge

Willem Heath's Special Investigating Unit. Ronald Bobroff is President.

**T. Tony Berlowitz** – Vice-President of Saapil and once-sequestered bagman for Ronald. (*nose61*)

**U. Uncrossed cheques** – Bookkeeper Christy de Beer revealed how cheques made out to clients mysteriously ended up in Darren Bobroff's personal bank account.

**V. Van der Merwe, André:** the tame chartered accountant who has successfully turned a blind eye to the overwhelming number of financial and accounting irregularities in RBP's trust and business account – and continues to do so. Van Wyk told of how R40 million went from the Zunelle account (see Z below) to Van der Merwe's account for "on-go" to an exotic foreign destination. Our tracker says the funds passed Zimbali low level en route to the East.

**W. Warrant of Execution** – served by De la Guerre on RBP for some of the money owed to her. Ronald's hayfever suddenly got the better of him and set him spitting again (See G above.)

**X. Ex-bookkeepers** – According to Ronald, they are the source of all of RBP's accounting woes. The firm's revolving-door employment policy has so far managed to keep Sars and the Law Society at bay. Ronald: "At the time when the payment(s) were made we were going through a succession of wholly unsatisfactory bookkeepers." We know, we've spoken to several of them.

**Y. Yiddish** word for "son" is "zun". Zunelle means "my little son". *Noseweek* will shortly be sending a Yiddish dictionary to auditor Van der Merwe, Sars and the South African Reserve Bank.

**Z. "Zunelle"** is the title of the RBP's trust investment account where Ronald has hidden, for Darren's benefit, the trust monies siphoned off hapless clients.

● Subscribers to *Noseweek's* online edition can read the documents that we have linked to our A – Z. ■

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# BUBBLE TROUBLE

A South African economic meltdown is imminent, warns the analyst who forecast the last global financial crisis. **By Donwald Pressly**

**B**UBBLE, BUBBLE, TOIL AND TROUBLE lies ahead for the South African economy, at least in the opinion of seasoned *Forbes* columnist Jesse Colombo, who has set out clearly what South Africans can expect when – and not if – its economic bubble bursts.

Colombo believes the collapse will be triggered by a property market implosion that will happen this year. Then, he says, South Africans can expect various other nasty things to happen. His alarming analysis of the poor state of the economy was republished in *Moneyweb* at the end of March.

The nasty things to expect after a property market implosion:

- the huge credit expansion experienced will turn into a bust;
- over-borrowed consumers will default on their debts;
- banks will experience losses in their credit portfolios;
- unemployment will rise;

- the economy will contract.

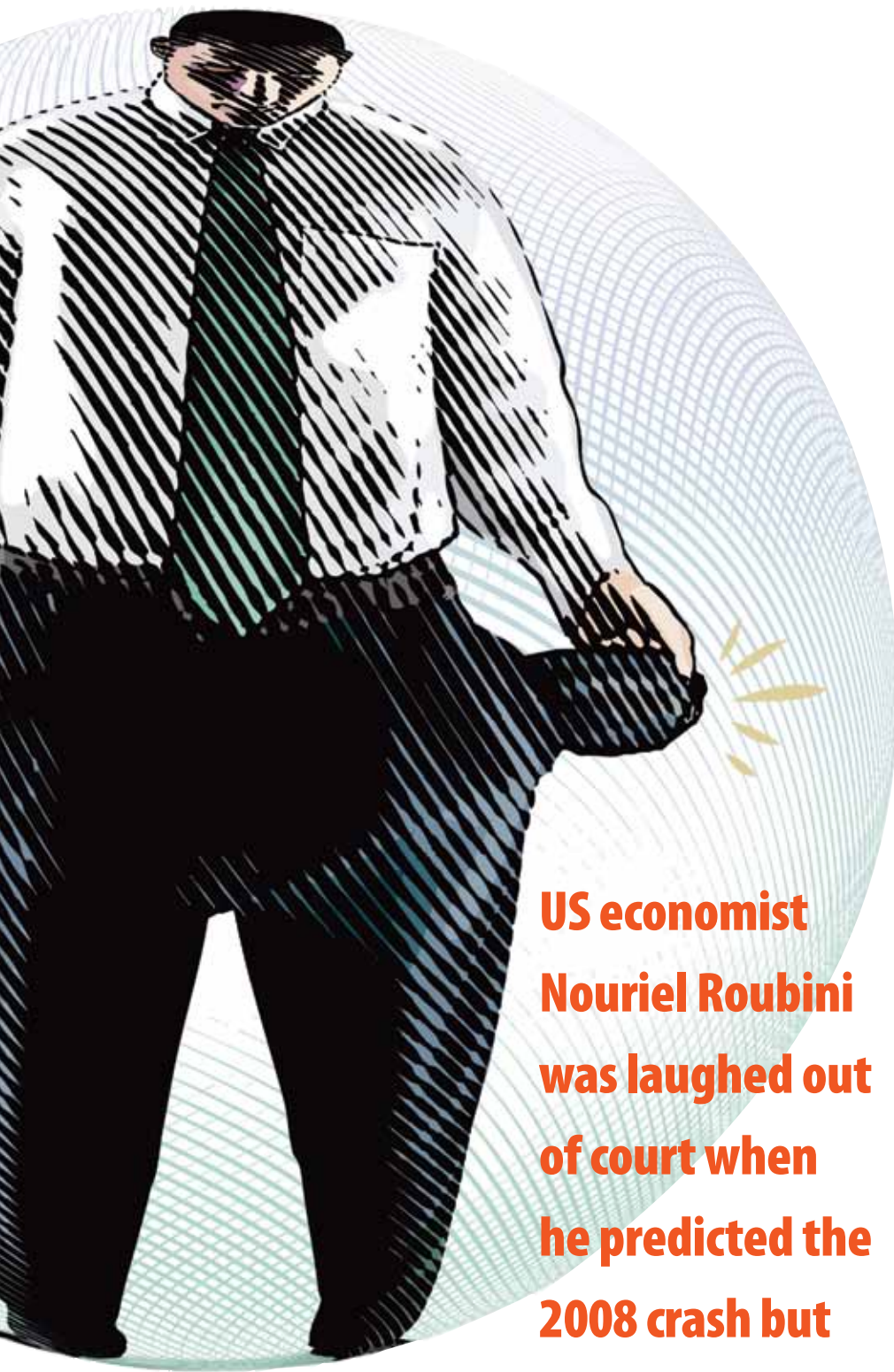
In addition to property, the rand and stock and bond prices will fall – the rand more than the rest – resulting in higher interest rates. The basic materials sector will experience pain as economically sensitive commodities fall in price. “Mine closures are likely,” he predicts encouragingly.

Colombo, who describes himself on his Facebook site as “analyst who is warning of dangerous economic bubbles” and who is recognised by London’s *The Times* for predicting the last financial crisis which started in 2008.

He argues that although South Africa has played a key symbolic role in the emerging markets boom that has transformed the global economy in the past decade, it is unfortunately experiencing an economic bubble that shares “many similarities to the bubbles that caused the downfall of Western economies in 2008”. The only difference is that South Africa, in his view, is much

more vulnerable to economic shocks than the United States was then, because its financial sector is a far bigger slice of the economy – about 21% of GDP – while the US was only about 10% at its height.

Property analysts and economists have largely pooh-poohed Colombo’s alarmist sentiments, with the exception of Meganomics chief economist Colen Garrow who notes that the US economist Nouriel Roubini had been laughed out of court when he predicted the 2008 crash but had subsequently been hailed as a visionary. Garrow



**US economist  
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visionary**

notes that it is really difficult to predict an economic shock, so he does not entirely rule Colombo out. But even then, Garrow says that an economic bubble bursting – particularly the property-market bubble driving the process – is unlikely.

Colombo says low interest-rate environments are known for inflating credit and asset bubbles. While South Africa's GDP grew by 38% in the past 10 years, private sector loans had "surged" by 225%. (*Tradingeconomics.com* reports that loans to the private sector, both businesses and households, rose to an all-time high of R2.6 trillion in January 2014, up from R2.5 trillion the previous month and up from about R800bn in January 2004.)

It is conventional wisdom that a country is in troubled territory when its external debt reaches 60% of GDP. At last reading, South Africa's external debt stood at US\$138bn or 38.2% of the country's GDP – the highest level since the mid-1980s "due in large part to the emerging markets bond bubble that boosted foreign demand for the country's bonds," he warns. This figure has risen from around 25% in the last decade.

Another warning bell is that South Africa's citizens carried "an alarming" R1.44 trillion worth of personal debt – some 36.4% of GDP.

Unsecured loans, which Colombo describes as South Africa's own version of the sub-prime home loans which drove the economic fallout in the United States in 2008, have been growing exponentially. It is the fastest-growing segment of South Africa's credit market. The unsecured credit bubble is estimated to have boosted South Africa's GDP by R220bn from 2009 to mid-2013. The financial institutions liked to hand out these riskier loans because they could charge up to 31% interest, much more profitable than mortgage and car loans in a low-interest environment.

Credit bureau Compuscan reports that there are two main indicators to determine the financial strength of consumers: the household sector's debt-to-disposable-income ratio and the household sector's savings ratio. It provides some evidence that Colombo could be on the right track in his predictions. "The current position of both of these is not very promising," it reports. The first stood at 76% of disposable income, although it was "not as worrying as the 83.4%" in quarter one of 2008, but it is "significantly higher" than the 50% of 2003.

The National Credit Regulator's consumer credit market report states



that as of September last year, the total outstanding consumer credit balance was R1.49 trillion, slightly higher than the Colombo figure. In addition, the total of impaired-record consumers rose by 71,000 to 9.76 million from 9.69m, Compuscan reports – some 48% of credit-active consumers “are struggling to meet their obligations”.

Garrow agrees that there are key concerns about the health of the South African economy, including critically low savings levels. Compuscan puts the household savings level at a measly 1.7% of GDP. Garrow says the rate of savings is too low to withstand any sudden shocks. In addition, the state’s contingency reserve account – which had built up a healthy balance under

rally around the heightened expectations, buyers outnumber sellers, pushing prices beyond what an objective analysis of intrinsic value would suggest”. In short, this is a buying frenzy that drives prices to levels beyond the rational, beyond common sense.

While Colombo has a point about the pretty rampant JSE, a bubble doesn’t appear to be on the brink of bursting or even being formed in the property market, Loos argues. “While the domestic housing market has indeed been experiencing a relatively solid period in recent times... there don’t appear to be the signs of widespread ‘frenzied’ behaviour that we observe with the help of improved data from the boom years of the last decade.” Average house-price growth at

paid off”. A further 1.2m are “not yet paid off”. Another 2.1m are occupied rent-free.

Colombo says South Africa’s house-price surge in the last decade was financed by a mortgage-lending boom that was growing at a 30% annual rate at its peak in 2006, which caused household mortgage debt as a percentage of disposal income to rise from 27% to just under 50% from 2003 to 2010. This boom has been fuelled by the ultra-low interest rates “which makes it vulnerable to rising interest rates”. He believes stagnant economic growth and heavily indebted consumers are a significant headwind for the housing market.

Coinciding with a further weakening of the rand, rising bonds yields

## Average house-price growth at 7.8% year-on-year to October is nothing like “frenzied”, says an FNB property economist

former Finance Minister Trevor Manuel – was now being depleted. Some R8.5bn had already been drawn down to pay public servants’ salaries.

However, one hopeful sign that South Africa is likely not to be headed to an economic bubble burst is that the unsecured lending boom has started to taper off. Colombo himself acknowledges that the rate of mortgage loan growth has slowed to under 5% “albeit growing on a much higher base”.

Garrow points out that unsecured lending – which has no collateral such as building – is only about 10% of total household debt. *[Which is an example of how statistics can mislead: the percentage is much higher for the low-income, protesting masses. – Ed.]*

John Loos, FNB property economist, questions whether there is any bubble in South Africa which could burst. He writes that Investopedia defines a speculative bubble as “usually caused by exaggerated expectations of future growth, price appreciation, or other events that could cause an increase in asset values... This drives trading volumes higher, and as more investors

7.8% year-on-year to October was a case of creeping up gradually, said Loos. It is nothing like “frenzied”...

He noted that an indicator of “a world gone mad”, was relatively high levels of buy-to-let or holiday-home buying. South Africa’s figures are pretty conservative, once again, nothing like anything resembling madness.

The FNB Estate Agents’ Survey points to a relatively low level of buy-to-let – 7% of total buying as opposed to 25% back in 2004. Holiday buying is just 2% of the market as opposed to five percent in 2007. This means that primary residential demand is as high as 90% of total buying.

Mike Schussler, *Economists.co.za* chief economist, points out that about half of all houses in South Africa are owned and not rented. He points out that about 80% of these are paid off. This speaks to a pretty stable housing market which is not likely to crash heavily. Schussler points to the Statistics South Africa figures. Their latest household survey shows there are 14.6 million housing units in South Africa. Some 7.9m are “owned and fully

elsewhere as the US Federal Reserve completes its tapering *[see note below]*, could lead to ever-more rate hikes “which could eventually pop the country’s credit and asset bubbles”. This time he uses the word “could” rather than “will”. The stock market boom, which began when interest rates were cut and the property market took off, had seen R1.2 trillion in net capital inflows since 2003. It was now vulnerable, however, to the “eventual ending” of the global commodities supercycle that was driven by China’s economic bubble. BHP Billiton and Anglo American made up about one quarter of the JSE, making it especially vulnerable.

While Garrow jokes that “a crisis wouldn’t be a crisis if it arrived expectedly”, he wouldn’t put money on it that Colombo was wrong.

Schussler says South Africa suffers only from one type of bubble, “the bubble in the mind”.

● Tapering refers to reducing the US Federal Reserve’s bond-buying programme, known as quantitative easing, which is being scaled down as the US economy improves. ■



# SOS

## Save Our Seeds

**A** CONVENTION AGREED BY A SHADOWY inter-governmental group to protect commercial plant breeders and seed merchants may be foisted on Africa's farmers, threatening their age-old practice of saving and exchanging seed.

The International Union for the Protection of New Varieties of Plants (Upov, after its French title) has been around since 1961, comprising mainly rich countries working to protect the patent interests of global industrialised agriculture.

Even today, with a membership expanded to 71, only four African countries have signed up: South Africa (one of the founding nations), Kenya, Morocco and Tunisia. But that may be about to change. The big boys are leaving nothing to chance.

Upov seems to have been relatively uncontroversial – or maybe just invisible – until 1991 when it agreed in a secret meeting in Geneva to allow plant breeders unprecedented rights over the propagation of new varieties, not just those created by genetic manipulation, but those bred through conventional methods of selection and hybridisation.

Under the 1991 agreement, farmers are obliged to pay royalties to the breeders of new seed varieties if they intend saving seeds for cultivation or selling or exchanging them with other farmers.

Farmers were not consulted in the drafting of this convention, their attempts to contribute were ignored and their requests for observer status rebuffed. (A warmer welcome was apparently accorded to the likes of Bayer, Monsanto, Dow and Syngenta.)

It is some indication of the value of small farming to the African economy (widely estimated to produce as much

as 80% of the food consumed on the continent) that none of Upov's African members ratified the 1991 agreement. South Africa's own Plant Breeders' Rights Act is based on this convention, but specifically excludes farmers from the provisions against seed saving.

Big Agri, already annoyed at Africa's lack of enthusiasm for GM crops, is frustrated. But their friends at Upov are planning to draw Africa's most vulnerable countries into the net through less direct means, namely, through the offices of another low-profile, supranational entity, the African Regional Intellectual Property Organization (Ariipo).

By Sipho Mwanza

Ariipo governs copyright and patent issues in 14 of Africa's least developed countries\*, most of them in sub-Saharan Africa. Recently, it submitted a "Draft Protocol for the Protection of Plant Species" to Upov. If the international body is satisfied that the document conforms to the provisions of its 1991 convention, as is widely expected, it will welcome Ariipo and its 14 sacrificial nations to the club.

Opponents, including the Alliance for Food Security in Africa (Afsa), a network of organisations representing small farmers, pastoralists and hunter-gatherers across the continent, have warned that Upov 1991 will have devastating consequences for small farmers, most of whom are women.

Afsa co-ordinator, Dr Million Belay, said "Ariipo appears to be intent on handing over our food and seed sovereignty to foreign corporations, reducing the availability of local plant varieties, weakening our rich biodiversity, and denying millions of farmers the right to breed, share and sell farm-saved seed needed to feed their families and sustain livelihoods."

\* Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Rwanda, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe. South Africa is an observer. ■



"You can disregard that last tweet."

# I SHALL RETURN

## Suspended police Major-General Johan Booysen is saddling up to fight for his job. By Sue Segar

**T**HE DAY THEY ANNOUNCED THAT the Cato Manor unit was closing, there was a huge celebration at Westville Prison. “The people in Correctional Services told me so,” says THE suspended KwaZulu-Natal Hawks boss, Major General Johan Booysen.

“A lot of those guys in Westville Prison were put inside by the Cato Manor guys. It was not a popular unit among criminals. They had a huge respect for Cato Manor.”

“I firmly believe Cato Manor could still be making a huge difference to the crime situation in KZN. They are one of the best units of all time. Ask the public, ask the business sector.”

Booyesen, who was provincial commander in charge of all violent crimes units in KZN – one of which is the now-disbanded serious and violent crimes unit based at Cato Manor – is emerging from a lengthy and traumatic struggle to clear his name and those of his colleagues following the *Sunday Times* “death squad” exposé and the subsequent closure of the unit.

But now his phone is ringing constantly as well-wishers – colleagues, ordinary citizens, security companies, people from Business Against Crime and from his church – respond to news that the National Prosecuting Authority has abandoned its plans to appeal the high court’s decision that set aside all the charges against him.



Booyesen... Wheeling and waiting

“The only other time I had this many calls was four years ago when I was promoted to general. That was the pinnacle of my career.”

A shy man, who blushes easily, Booysen is at pains not to sound “corny or clichéd”. But he does concede that he feels vindicated, when we meet in late March at the Franschhoek home of a cyclist friend – he says he’s been doing some serious cycling in the months since his suspension from the Saps.

“What happened to us is diabolical,” he says of the unit’s closure two years ago and his subsequent suspension.

Recently he has been working intensively with his Durban attorney, Carl van der Merwe, and Cape Town advocate Anton Katz, on a high court challenge to his suspension and planned action against the *Sunday Times*.

In between dealing with legal matters he’s been “sitting at home”, keeping himself busy “fixing things”. And cycling. He has done about six races including the Argus since his suspension.

But his wish is to be back at work. “I’ve had to sit by idly, seeing what is happening on the crime front in KZN, with my hands tied. It really irks me.

“The crimes that the Cato Manor guys were responsible for investigating were under control at the time of the unit’s closure. The same can’t be said now. For instance there have been a number of pre-



election attacks on political leaders – you only have to read the papers – people have been killed, there have been cash-in-transit heists... We also had a number of ATM explosions in quick succession last month.

“I know that my guys have the intelligence networks and the skills to deal with them, as they have in the past. Those are the sort of cases we would have wrapped up in a week and I know the latest cases have not been solved.”

Far from being ashamed of his unit's work, he speaks proudly of the unit's skills. “One thing the Cato Manor guys had in abundance was human intelligence: information sourced from informers, people on the ground. You cannot be a good detective if you don't have good informers. In an investigation you have tactical intelligence and human intelligence. That's where the Americans fell short with 9/11; they had technical intelligence but no human intelligence.”

Booyesen's interest in competitive pistol-shooting has earned him the distinction of being the first general to win a medal in the Saps championships.

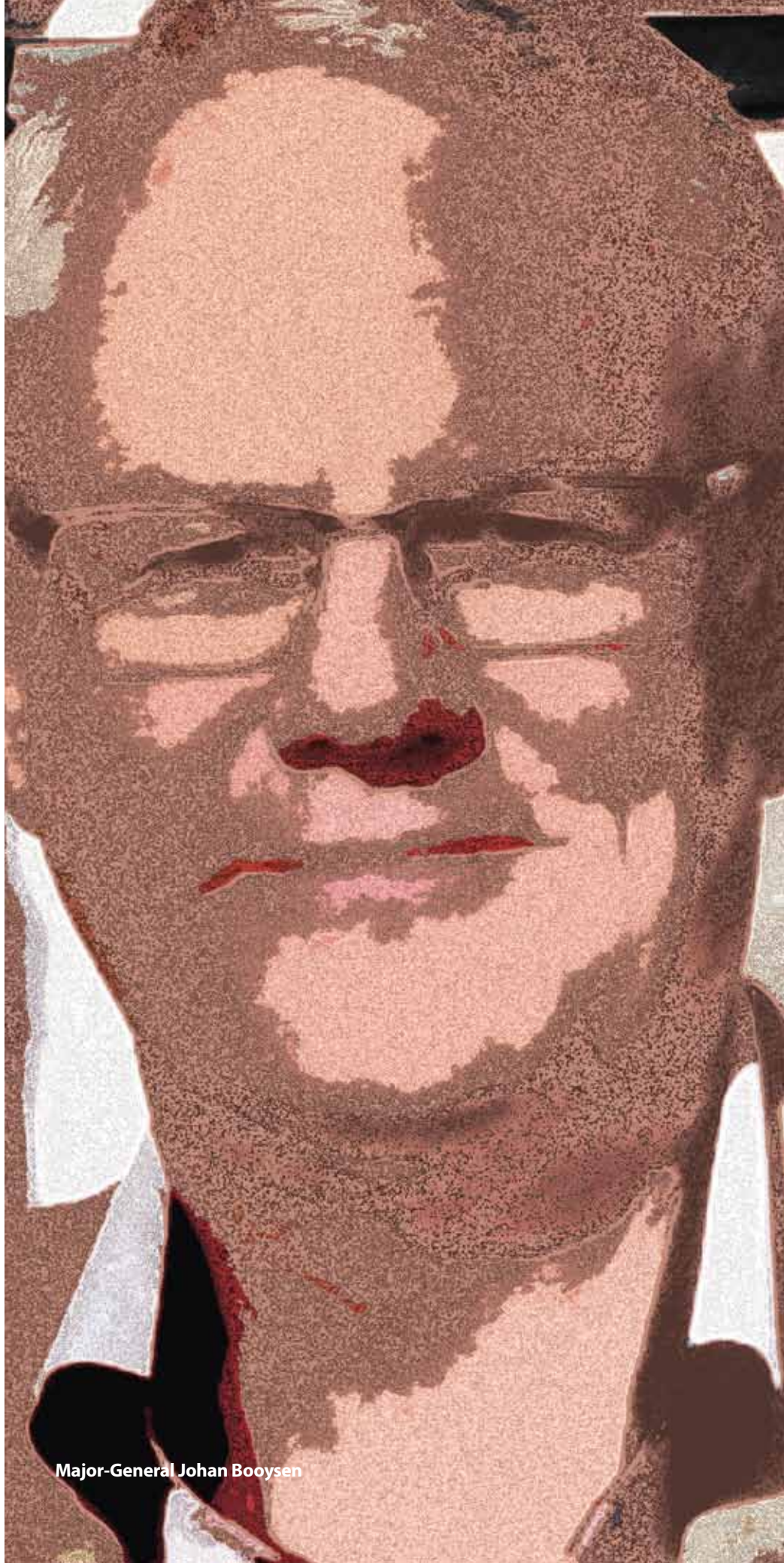
He says he loves having a braai and watching rugby with friends and spending time with his grown children, who all live in Pretoria.

Booyesen has remained loyal to the police. “We even tipped them off about a recent robbery. I love my work and I still meet the Cato Manor guys once every two weeks. Most can't wait to get back to work, although one or two are fed up with what has happened.”

Booyesen is adamant he will clear his name and get his job back; the members of his Cato Manor unit too. There were 30 members, two have died and one has retired. “I will be vindicated and they will be as well.”

“I have not been fired, I was suspended, and obviously I look forward to going back and continuing where we left off. That is what I am planning to do. I want to serve out my career. There is nothing I enjoy more than being a policeman – and I will die a policeman.”

Asked about his philosophy on policing, Booyesen says: “If you study police science they tell you in the first year of your studies that a policeman is from the community for the community. My whole life I've liked to help people. I regard myself as an ordinary citizen but policing is a calling and passion.” ■



Major-General Johan Booyesen



# Who is Johan Booysen?

**J**OHAN BOOYSEN WAS BORN IN Johannesburg and went to primary school in Vanderbijlpark where his father worked as a fitter and turner. When he was 11, his father was retrenched and the family moved to Amanzimtoti on KwaZulu-Natal's South Coast., where he has lived ever since.

Booyesen was one of a close family of eight siblings – five brothers and three sisters.

“My dad was an artisan. My mother did not work during my childhood, but later, when we were out of the house, she was a clerk at the Amanzimtoti Police Station until she died. She was 60 when she did her matric.

“We grew up extremely poor. At one stage we were living in my grandmother's garage, for us it was normal: a curtain divided it into separate rooms. Then, when we moved to Natal, we stayed in a caravan with a tent for a year. There seven kids then! To this day I refuse to sleep in a caravan. If I go on holiday or on a hunting trip with my friends, they all know I want proper ablution facilities and a bed to sleep on.

“But one thing I can say about my dad is that we never went to bed hungry. He always looked after his kids. We always had school clothes, a roof over our heads and food on the table.

“We are all very religious. My parents were real church people. That is what has kept the family together. We grew up as a singing family and attended church every Sunday. I started singing in the church choir at the Old Apostolic Church in Amanzimtoti when I was 13 and have been singing there ever since. I conducted the choir for about 12 years, but gave it up six months ago. I also sang in the Durban Men's Choir for five years. These days, in church on a Sunday, I am the longest-standing member of the congregation.”

Booyesen says his father did not have high expectations of his kids. “He used to say to me, ‘son, just make your matric’. Except when it came to sport, he would really embarrass us. I was an athlete, a sprinter. My dad would stand at the start – and when the gun went off, he would cut across to the finishing post – and by the time you got there he

would be hitting the ground screaming.

“Sometimes he would run with us... in relays, you would be standing there trying to concentrate and he would be shouting ‘*hier kom hy nou*’.

“I always tried to ignore him, but he would grab me. I never got national colours but I was well-known as a short-distance athlete.”

At Kuswag High School in Amanzimtoti, Booysen was “a naughty little bugger, just scraping through” but one teacher, a Mr Van Wyk, “used to tell me I was not working hard enough and had so much potential”.

He left school in Standard 9 and found a job as a clerk on the railways. “I hated it, and after six months I realised I should have listened to Mr Van Wyk. I decided to go back to school. To start with a clean slate I went to Port Natal Hoërskool, where I got a good matric, but no distinctions.”

Booyesen says he had always wanted to be a soldier or a policeman. “I was an avid reader, particularly books about

squad operating under Booysen's command – say I joined the police in the ‘Soweto riots era’... But I was in Durban. I had nothing to do with the Soweto riots. Why did they have to bring that into it?”

Booyesen's first posting was in his home town of Amanzimtoti. “Seven years as a patrol officer and the detective branch, were followed by two years in Crime Intelligence in Durban – which I didn't like at all. It was too slow ... too much ‘wait and see’.” So he applied for and was sent back to the general detective unit, was promoted to lieutenant-colonel and became branch commander of the Brighton Beach police detective branch, where he did general investigations for three years.

Although the late 1970s and 1980s were times of chaos and conflict in KZN, Booysen says he was fortunate not to have got involved in “those sorts of investigations”.

“If I had, I might not have been where I am today. I was more involved

## His childhood heroes were Morné du Plessis and Chris Barnard. Today he loves and admires Desmond Tutu

the Second World War and the French Foreign Legion. I sat glued to the television every Tuesday to watch *The World at War*.”

Two of his childhood heroes were rugby legend Morné du Plessis and heart surgeon Chris Barnard. Today he loves and admires Archbishop Emeritus Desmond Tutu “in spite of where he comes from and I come from ... because, if something is wrong, he doesn't get caught up in maelstroms ... if it is wrong it is wrong and if it is right, it is right”.

Booyesen joined the police and was sent to police college in Pretoria in 1977. (He laughs, a little bitterly: “That is where Mr (Mzilikazi) wa Afrika and Mr (Stephan) Hofstatter – the *Sunday Times* journalists, who first claimed they had uncovered evidence of a hit

in general crime, the occasional homicide, the odd burglary or vehicle theft, a fraud case... Being a little coastal town, there were just the usual misdemeanours.

“I lived in the area, so I knew all the youngsters. Many of them smoked pot, so we used to play a kind of cat-and-mouse game. They would be hiding the pot, there would be fisticuffs, we would arrest them and we'd go to court...”

“Today, I can walk into any club and those same beach bums and dope smokers still greet me and chat – even though I have arrested 90 percent of them at some stage or another for pot! Some even write letters to the media in support of me.”

In the early 1990s, Booysen joined the Durban Murder and Robbery Squad and his career took off.



"From then on I was exposed to most of the high-profile cases in KZN. The Durban Murder and Robbery Squad was responsible for all the high-profile murders and bank robberies – and we got a lot of media exposure.

"It was also the time that 'the new South Africa' dawned on us. In terms of the new dispensation policemen were required to apply for promotions. In 1995, he applied for and got the job of head of Serious and Violent Crime. In 2001, he was promoted to Director of the Serious and Violent Crimes unit, equivalent in rank to a brigadier. He found himself involved in virtually every major investigation in KZN, including "endless cases" of political violence.

"I loved my uniform and the work. It was like being a full-time golfer: you work, but really enjoy what you do."

The very first investigation his team was involved in was the horrific massacre in which 19 ANC members were killed and hundreds injured by about 600 IFP members in the hilly, strife-torn area of Shobashobane outside Port Shepstone, on Christmas day, 1995.

The second was to probe an attack on the Zulu royal palace in KwaMashu township in 1996. Men armed with spears, machetes and knobkerries, had stormed the homestead of King Goodwill Zwelithini and bludgeoned nine members of his family.

Both the Shobashobane attack and the palace massacre took place in the context of more than a decade of factional violence in KZN.

Booyesen's response to allegations made at the time of police and "third-force" involvement in these cases, is that the subsequent court processes revealed that they had been motivated by "pure criminality".

"We have had a lot of successes over the years. I did not do the investigations myself: the teams under my command had numerous successes.

"Another high-profile matter the Cato Manor unit was involved in was the attack and rape, near Nkandla, on one of Jacob Zuma's wives in the late 1990s.

The unit was also involved in investi-

gating one of the biggest armed robberies in the history of South Africa, when a private company transporting cash for Standard, Barclays and Volkskas banks was robbed of R31m in a heist.

"Within two weeks, we recovered R5.4m from the roof of a house in Sea Cow Lake... We arrested two suspects, who were later acquitted on a technicality. It took us more than three years to finalise that investigation and, in the end, about 16 people went to jail, a large number of them police officers."

In the course of his career, Booyesen graduated with a BTech in Policing from the Pretoria Technikon. He chose

terrorism and organised crime as his fields of speciality. He has completed a presidential strategic management course, at honours level through the University of the North, and courses in counter-terrorism and crime-scene forensics presented by the Louisiana Police Academy at Baton Rouge, LA, for members of the FBI. He has also done a work-study course with the US Coast Guard in Miami, completed a narcotics course with the German police, and attended an international counter-terrorism seminar in Kenya. Four years ago, he attended a month-long forensics course in China. ■



**T**HE CATO MANOR UNIT HAS BEEN IN existence since 1995, albeit under different names. It was one of several units in KwaZulu-Natal that reported to Major General Johan Booyesen at provincial police headquarters, and had several different commanders in that time. "I have never been the direct commander nor have I worked at Cato Manor. This was a false perception created by the *Sunday Times*," says Booyesen.

He says at no time was he "opera-

tional" in Cato Manor, bar assisting with a few high-profile or international cases that required his particular expertise.

"The *Sunday Times* tried to create the impression I was the commander. But, as deputy provincial commissioner and KZN head of the Hawks, I sat in the provincial commissioner's office in Durban. I haven't been operational since 1995."

The Cato Manor unit was extremely successful at its primary function –

organised violent crimes investigations – and had won accolades and awards from national and provincial commissioners as well as the MEC for safety and security. Their rate of solving crimes was unparalleled, says Booysen, listing cash-in-transit heists – “usually gang- or syndicate-related” – ATM bombings, political attacks, and the occasional casino robbery.

Specific cases the unit dealt with included the simultaneous arrest of 26 gang members for a massive armed robbery at the Umvoti Toll Plaza in 2006. Twenty-four of the men – allegedly also responsible for a spate of other armed robberies – were found guilty last year and transported under heavy police guard to – yes – Westville Prison. “The fact that we arrested 26 suspects at the same time was groundbreaking. I don’t think that many have been convicted for one robbery in history.”

Then there was the 2010 Sibaya ca-

sin robbery by a gang, notorious for using sledgehammers to smash steel bars, thick glass and safes in the cash halls of casinos and in banks.

a command centre and spent the whole day on the scene... When we arrested one of the suspects, he admitted what they were up to. I asked him, ‘Do you still have any explosives?’. He said, ‘Let me show you.’

“On his bakkie was a big container with the fertilizer they used to make the bombs. I screamed to my men, ‘Let’s get out of here!’ and we phoned for the explosives experts. I am not the bravest when it comes to explosives!”

In another big case, Booysen was asked to lead an investigation with members of Interpol after the Greek oil tanker *Irene* was taken by pirates off Somalia. “The pirates kept the crew in custody for nearly three months before securing the ransom of about \$16 million and when the ship was released it came down the east coast of Africa. Interpol assembled a team, and we were approached to help.

“That was probably one of the biggest crime scenes the guys from Cato

was taught, if a detective is allocated a docket of murder, he has to attend the post-mortem himself. Even today, if I have to attend a child’s post-mortem, it affects me.”

How has the Cato Manor unit managed to be so successful? Booysen says KZN stats show they were the leading province in terms of solving cases.

“We had a unit that was dedicated to what it was doing. Apart from having great informer networks, it was all about attitude and passion.”

So why was the unit suspended? “Let’s just say, I believe I have become the collateral damage in conflicts between other people.”

The lowest point in Booysen’s career was when senior members of the Hawks in North West, together with a local task force whose help they had commandeered, marched into his office – “dressed in camo, lending drama to the scene” – to handcuff and arrest him in August 2012.

## The lowest point in Booysen’s career was when members of the Hawks marched into his office to handcuff and arrest him

Manor ever attended: the ship was 300m long and 62m wide. Most of the investigation was confined to the living quarters and offices on the vessel... One of the pirates had dropped a little medical card from a clinic in Somalia. I took a photo and gave it to an Interpol guy... The Interpol team had a photo album of known pirates and we identified one of the guys in the album. The suspects are in Somalia, yet to be arrested.

“At Sibaya, they shot into the casino with AK47s. The patrons had to hit the floor to avoid the bullets. The same thing had been happening at casinos in Gauteng. The Cato Manor men arrested them in Johannesburg after it turned out they had been robbing casinos in Gauteng as well.”

Booyesen noted that a robbery at Johannesburg’s Carnival City Casino last year was “almost identical to the raid on Sibaya Casino and was hatched by the same guys while they were in a prison cell in Westville Prison.”

Booyesen was asked to intervene personally in a few other notable cases including the bombing of the Umtamvuna Bridge between KZN and the Eastern Cape in November 2002. He subsequently testified in a “Boeremag” trial in this regard.

“In the Umtamvuna case, we received a call at 5am that people were trying to blow up the bridge. We set up

“What was nice is that months later, I received a certificate of commendation from Interpol for the way we worked.”

One of the “really sad scenes” he was asked to help solve was the explosion at a Chatsworth nightclub in 2003, in which 13 youngsters were trampled and killed when a gas canister was thrown into the club.

“The provincial commissioner insisted I do that case myself as the case related to a lot of things we’d just learnt on a major investigation course.

“Over the years you get de-sensitised but if there is one thing I don’t like to see, it is children lying dead. The way I

He emphasises the personal horror: “I am a career policeman, a general in the police! This happened four or five years before my retirement.

“I was taken, in handcuffs, out of my office and down the lift, in front of all my staff... There was a whole entourage of media outside, with the *Sunday Times* at the front. Then they searched my house. Two of my Indian staff members insisted on accompanying me.

“While my home was being searched I heard a commotion outside – and there were *Sunday Times* people in my yard. I chased them out and afterwards, my domestic worker, who has worked for me for 23 years, told me they were quizzing her about whether I was a racist.

“But what was really heartwarming was the support I had from the general public.

“I mean, one minute I was doing talks for Business Against Crime and the next, I was on the front page of a newspaper for allegedly being manager of a murderous criminal enterprise.” ■



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Joice Mujuru



Emmerson Mnangagwa

## Dogfight. Zanu high-fliers battle for control of Air Zimbabwe

**F** ACTIONS SUPPORTING THE TWO MAIN contenders to succeed President Robert Mugabe – Joice Mujuru and Emmerson Mnangagwa – are fighting for control of the state airline, compounding its problems of poor service and corporate debts. New Transport Minister Obert Mpofu (formerly minister of mines), a close ally of Mnangagwa, has been investigating several of the airline's leasing contracts that he deems ruinously over-priced.

Air Zimbabwe has been paying at least US\$600,000 monthly for the lease of the 50-seater Embraer ERJ 145 LR jet and two Airbus A320s, both currently grounded.

Last month, Mpofu terminated the lease of the Embraer aircraft but remains stuck with a more costly Airbus deal involving Zim's Central Intelligence Organisation (CIO).

The termination of the Embraer lease, for which Air Zimbabwe paid \$204,000-a-month plus a variable hourly rate, came straight after a briefing in March at which Mpofu told journalists about "serious problems with arrangements on the leasing contracts, serious problems with the pay structure and issues to do with tenders".

The Embraer (a contraction of Empresa Brasileira de Aeronautica) is owned by the Zanu-PF Chairman for Mashonaland East, Ray Kaukonde, and his business associates in a fast-food chain listed on the Zimbabwe Stock Exchange. Although Kaukonde has confirmed owning the plane, Air Zimbabwe was hiring it from a third party, South African company Solenta Aviation Ltd, with payment remitted offshore. Solenta has bases in six other African countries and flies to many more. Kaukonde belongs to the Zanu-PF faction led by Vice-President Joice Mujuru, which pits him against Mpofu and Mnangagwa.

Mpofu failed to deal with the Airbus leases. The craft were hired from the Chinese-Angolan venture China Sonangol under a five-year contract starting in January 2012. One of the two A320s went into service in May last year on the Harare-Johannesburg route but has been grounded since October. The other has never flown yet. Air Zimbabwe Holdings' CEO Innocent Mavhunga told parliament in February last year that Air Zimbabwe was paying \$410,000 a month to lease the two planes even before they had started flying. Both are accruing parking



The report on these two pages is reproduced from UK-based **Africa Confidential** ([www.africa-confidential.com](http://www.africa-confidential.com)), the authoritative fortnightly bulletin on Africa.

fees in South Africa, where they await an extensive maintenance inspection known as a C-check.

Former Transport Minister Nicholas Goche (seen as supportive of Mujuru) and Central Intelligence Organisation (CIO) Director General Happyton Bonyongwe (who has remained publicly neutral in the clash between Mujuru and Mnangagwa) were responsible for



the original deal. Air Zimbabwe's then Chairman, Jonathan Kadzura, claimed the pair had sidelined him.

The details of this deal remain opaque. In October 2011 the government announced that China Sonangol had allocated an undisclosed portion of funds from an \$8 billion investment deal in 2009 to buy two Airbus long-haul planes for Air Zimbabwe. The Ministry of Transport, Communications and Infrastructural Development said it had agreed to pay China Sonangol, which was to advance the funds to a French aviation consulting firm, Reliance Aerospace Solutions, and eventually to Airbus.

"The new minister, Mpofu, has asked for details, including contracts, but management does not have any of these because they were kept by Goche and the CIO. We only signed commitments with [China] Sonangol for the payments and servicing of the planes and the payments have always been handled by certain members of the board," one of Air Zimbabwe's managers told *Africa Confidential*.

At least two senior Air Zimbabwe managers have claimed that China Sonangol acts as a front for Goche and the CIO DG. An associate of Bonyongwe, Chinese tycoon Sam Pa, owns China International Fund, which controls China Sonangol jointly with the Angolan government. Together with the CIO, Pa's company controls Sino-Zimbabwe Development Ltd which has been given rights to extract oil and gas, and to mine gold, platinum and chromium in Zimbabwe.

China International Fund was also believed to have provided \$100 million for vehicles and other accessories for the CIO, which it used in the violent elections of 2008.

A former Air Zimbabwe engineer now working for an international airline said: "The management was tricked because the deal benefited Zanu-PF and its functionaries. Reversing the deal would be very expensive but the interesting thing about the Airbus deal is that instead of the owners being responsible for major maintenance, it is Air Zimbabwe being asked to pay for such maintenance. But the question is, how could they accept aircraft which were not airworthy in the first place? Obviously the answer is that they left everything to the politicians who are

benefiting from this despite the cost to the airline."

Returning the A320s to service will be expensive, the engineer explained. "Once SAAT (South African Airways Technical) starts a C-check, they want all problems fixed regardless of expense." An Air Zimbabwe manager explained that the grounded Airbus had been cannibalised to support the one that had been flying. C-checks would require at least \$4m, he said, pointing out that Airbus parts were more expensive than those for Boeing planes.

Air Zimbabwe can't afford this level

around \$150m in 2012 to \$188m by the time Mavhunga and Transport Ministry officials went before parliament in February last year.

In addition to debt, AirZim faces leadership turmoil. Mpofu sacked its board, led by former Cricket Zimbabwe CEO Ozias Bvute, after the airline's management was caught up in an insurance scam that implicated Goche.

The AirZim Managing Director, Grace Nyaradzai Pfumbidzai, and Mavhunga were suspended and arrested, together with former CEO Peter Chukumba. They are currently out on bail.

## Failed attempts to train air force staff to service the Airbuses has drained about \$1m from the airline

of expenditure. The government did not make any allocation to it in the 2014 budget and there have been suggestions that support for the carrier, which President Robert Mugabe uses for his international trips, has often come from diamond mining firms. Failed attempts to train air force staff to service the Airbuses had drained about \$1m from the airline. Its debt rose from

Mpofu declined to comment when contacted, referring questions to Air Zimbabwe management. An AirZim spokesperson said the issues raised by *Africa Confidential* were for shareholders and not management. Goche did not answer calls to his mobile phone number. *Africa Confidential's* sources could not say who handled payment for the leases at the national carrier. ■



# Payback time for Bruce Winship

**W**HEN *NOSEWEEK* TOOK A SWING AT DODGY Durban businessman Bruce Winship's Grid Group in March (*nose173* – "Like a thief in the night") we pointed out that the man who, according to *Carte Blanche*, had repeatedly withheld payment from smaller contractors to the tune of R30 million was a trustee of, and spokesman for, evangelist Angus Buchan's Shalom Ministries and a key member of the Greytown farmer's Mighty Men conference organising team.

When preparing a follow-up for the April issue (*nose174* – "Fencing with the actual truth" and "The brotherhood of evangelic fervour") we tried to contact Buchan telephonically but were told he was "too busy" – we should try calling again in a week or so. After explaining the reason for our query we eventually received a call from Buchan's PA who said we should contact another trustee, Eric Tocknell. We insisted that only Buchan would do because we also wanted to ask him about his activities in the USA. We stressed that we were very close to deadline but would be available at any time of the day or night until noon on Monday 17 March. On Friday 14 March we backed this up with an email saying the same thing.

Come Monday, after no response, we went to print with our update on Grid's reluctance to share its cash flows with the contractors who'd done the work. We also ran an accompanying piece quoting from various published interviews with Buchan and bringing up the dodgy American preachers who were eyeing him hungrily. These included controversial televangelist Rick Joyner and his crony, Todd Bentley, who was barred from the UK and Australia because of his violent physical attacks on the sick and the dying who came to him for healing.

We received an email from Tocknell two days later with fantastic news: Buchan's Shalom Trust had finally intervened by establishing a team made up of church members, Grid executives, their accountant and a lawyer to investigate the outstanding moneys and establish a R12m fund to pay Winship/Grid's valid creditors on a last-in:first-out basis by 15 April.

"We make mention that there is full co-operation and commitment by the Winship family and the Grid Construction Group to clear all outstanding debt," he said.

Tocknell and Buchan have since met *Noseweek* to explain how the union between an evangelical trust and a multi-billion-rand family-owned construction company would work: the committee would assess the debt, determine its nature and then pay it, they said. Grid would – through loans

By Gavin Foster

and the sale of some of the many properties it owned – raise the R12m required. No funds would be contributed by the Shalom Trust and payments would commence on the following Monday, 7 April, and finish one week later.

The committee would decide the outcome of any counter-claims. "We've put the word out that anybody who has any outstanding debt, even if it was written-off five or six years ago, should contact us. To a large extent we've taken it away from them (Grid) and we have to make the decisions. Let's deal with it."

The committee had considered getting a public relations company to spread the word but then decided to communicate by word of mouth within the construction industry.

"It's a tight-knit community where everybody knows everybody and we want to generously pay back (what's owed). We're on a journey that has to end around 15 April."

Ken Hawley, who was left R360,000 out of pocket in the 1990s, tells *Noseweek* that he's been asked to dig out his brittle old paperwork and lodge a claim. We've heard from Anton Fouche who says Grid's accountant contacted him about the R640,000 owed to his company but suggested that he owed Grid more than that for penalties on incomplete work (they are negotiating), and Luis Morgado Rodrigues tells *Noseweek* that he's been contacted about the R2m still owing to his company.

*Noseweek* emailed questions to Winship about the arrangement whereby the Shalom Trust would effectively take control over a potentially huge outflow of cash from his business. His response? A terse email:

"You have in fact made eight incorrect statements in that article. We are taking advice on the way to deal with this situation and reserve our rights in this regard. I would suggest you meet with Eric Tocknell. Once that has happened we can take this further."

*Noseweek* contacted Tocknell on 10 April for a progress report.

"We're working our guts out to get the accounts proved and have paid out R3m so far and I'm hoping to accelerate that", he says.

"Where people haven't been paid firstly, because of retentions, secondly because of a dispute, or thirdly because the case is with lawyers, I'm trying to cut out the lawyers, meet these people and settle on something that's acceptable to them and for us." ■





# Angus Buchan bares his soul



Angus Buchan

**A**NGUS BUCHAN SAYS HE WAS DEEPLY HURT by references to him in two stories about his former righthand man, Bruce Winship, that appeared in recent issues of *Noseweek*, so we offered him an opportunity to respond. Here are his comments.

● **On televangelist Rick Joyner and preacher-thug Todd Bentley:**

“As far as Rick Joyner is concerned; I was invited by Neville Norden from *Lewende Woord* [Living Word] to speak at a prophetic conference in Pretoria. Joyner spoke on a different day but I did meet him there. He never sent me to America and I’ve never met Todd Bentley in my life.

“When I go to the States again next month, I go to Nashville, Tennessee. Joyner is in North Carolina. The time I met him in Pretoria is my sole connection. The fact that he’s singing my praises – I can do nothing about that. I will meet with other people [in the US] but I’m not going to name them here because you’ll put them in the magazine again. Wherever I go I preach the Gospel and some people like me, some don’t.”

● **On converting 5,000 Muslims to Christianity by performing a miracle:**

“You’ve gone back a long, long time and obviously done your research. That actually did happen. It was in a soccer stadium in the north of Mozambique and there were 5,000 people there. I don’t say they were all Muslims but a lot were. I did speak to them and they did come forward and they did accept Christ – all of them.”

● **On the woman who he apparently raised from the dead:**

“If you read my book you’ll see that it was on my farm that that happened. There was a thunderstorm and lightning struck her hut. They called me and told me that she was dead. I said I’d call an ambulance to take her to the mortuary and they said no, you keep telling us in the fields that Jesus Christ has this power and can raise the dead – we want you to come and pray for her.

“So I went there in my pickup and went into that hut and found the body lying on one side with blankets over it. I laid my hands on the blanket and prayed. Nothing happened, and I felt the Lord tell me to pray a second time and then I took her

by the wrist and I picked her up and she remained standing. Now I’ve got witnesses for that. That’s what happened. I didn’t say – and I’ve never said – that I raised the dead, but I didn’t say she wasn’t dead!

“When a person is sick, I pray for them. A lady flew down from Nelspruit – she’s got MS – and I prayed the prayer of faith. I don’t pray ‘maybe’ or ‘hope so’. She told me, ‘I’m sick of this. I want somebody who’ll agree with me that God’s going to heal me’. I did, and I believe she has been healed.”

● **On Buchan and money:**

“Everybody seems to know everything I’m doing; how much money I make... they know where I live, but I don’t mind because I’m the person in front. I surrendered my life to the Lord and he asked me three questions. The first was, ‘Are you prepared to be a fool for me?’ The next question was – and this is the one taking place here – ‘Are you prepared for people who say all manner of evil about you for my name’s sake?’ And I said, ‘Yes, Lord’. And then he asked me the third question, the one I’m really struggling on: ‘Are you prepared to see less of your family for my sake?’

“Next month I go to America, I come back and I go to England, Wales, Scotland, Northern Ireland and the Republic of Ireland. I come back and I go to Brazil. I come back and I go to Israel. Then I go to America again. I’m telling you, it’s hard work, it’s all I do. And everything I get, I put back in the ministry.”

● **On his books and movies:**

“These books cost money to print, man. I’m not trying to rip people off. I get a percentage, I don’t know... 3,4 or 5% per book. You’re not making money, but it looks as if you are. You walk into CUM Books [*Christian book store*] and there’s my picture up there, my books all over. I’ve got five awards for book sales but honestly, it doesn’t even put bread on the table because of the commitments I’ve got.

“I was a successful farmer before God called me to preach. My sons are farming now. I’ve given them the farms, the cheque book – and the debt. I’m free.

“But the bottom line is, I’m not doing this for money, I’m doing it because God called me to do it. And Eric [*Tocknell, a Shalom Trust trustee*] is my witness – he wouldn’t have anything to do with me if he thought I was a charlatan!” ■

# Do not swallow after reading



## Spot the triclosan

**I**N SPITE OF GROWING CONCERNS ABOUT over-use of potent antibacterials in the home, some manufacturers are determined to keep shoving these chemicals down our throats.

At the New York headquarters of Colgate-Palmolive there has been much trumpeting of the results of a recent study into the effectiveness of its antibacterial toothpaste, Colgate Total.

Colgate Total contains a not-inconsiderable 0,3% (\*1) of the antimicrobial chemical triclosan which, along with triclocarban, has come under belated scrutiny by the US Food and Drug Administration. (see *nose173*).

Inexplicably, the FDA ruling compelling manufacturers to remove triclosan and triclocarban from their soaps unless they could prove they were safe and effective, targets only soaps. Other products containing these toxins, including toothpastes and mouthwashes, are to be left unexamined.

Colgate-Palmolive, which was granted a licence to peddle triclosan-laced toothpaste back in 1997 (\*2), is therefore not obliged to present the latest

## By Hilary Venables

evidence for either the safety or effectiveness of its antibacterial dentifrice.

But of course it's only too happy to share when there is anything positive to say. In this case, however, the findings are less convincing than the manufacturer would have us believe. The study is by the Cochrane Oral Health Group, a US company which does no primary research, but reviews existing literature. It looked at 30 previous studies of varying quality. After six-to-seven months of use, Colgate Total was reported to have reduced the incidence of plaque by 22% and gum bleeds by 48%. After six-to-nine months of use, gum inflammation was reported to have decreased by 22%.

There was no evidence of a reduction in periodontitis and only a slight reduction in caries after 24 months-and-more of use.

In summary, the report says there was "moderate-quality evidence showing that toothpastes containing triclosan/copolymer, in addition to fluoride, re-

duced plaque, gingival inflammation and gingival bleeding when compared with fluoride toothpastes without triclosan/copolymer. The reductions may or may not be clinically important..."

Not exactly a ringing endorsement. And while the authors report that no ill-effects were recorded, the research under review wasn't looking for effects on general health. The longest of the studies lasted just 36 months, so long-term effects were not considered. And these – as doctors and microbiologists have been arguing for decades and even the FDA has now acknowledged – could be nasty (\*3).

Both triclosan and triclocarban (sometimes referred to by its full name, trichlorocarbanilide) are endocrine disruptors, proven to affect thyroid and testosterone expression in frogs and rodents. Triclosan has also been shown to have a "dramatic effect" on the functioning of heart and skeletal muscle in animal studies and in in-vitro tests on isolated human muscle cells. It has proved "highly toxic" to small aquatic animals and plants.



Both chemicals are fat soluble, rapidly absorbed by the skin, persist in the environment, accumulate in living tissue and are magnified as they move up the food chain.

Some studies indicate that the routine use of antibacterials is making people more prone to infection as their natural immune response is weakened through lack of use.

Most worrying is that laboratory experiments and new field studies indicate that triclosan can fuel the development of microbes resistant not only to triclosan, but to other antibacterials and even antibiotics – a particular concern in South Africa where multiple-drug-resistant TB is a growing threat.

Whatever its effectiveness for oral hygiene, there is no evidence that the use of triclosan (or triclocarban) for

comment on the effectiveness or safety of triclosan, which is still included in Palmolive antibacterial liquid soap, Ajax antibacterial dishwashing liquid and Colgate Total toothpaste.

Unilever's Unathi Mgobozi is quoted as saying: "Triclosan is an effective antibacterial ingredient which we use in a limited number of products where it has a clear role in maintaining health and hygiene".

The company, which counts among its brands Sunlight antibacterial dishwashing liquid (triclosan) and Lifebuoy soap (triclocarban), has recently launched a cheap multi-purpose antibacterial bar soap called Germiguard (triclocarban) for "low-cost earners".

Reckitt Benckiser claimed to have started removing triclosan from its products in 2009, but still uses triclo-

## Experiments indicate that triclosan can fuel the development of microbes resistant to antibiotics

hand-washing is any improvement on ordinary soap, so how do the manufacturers defend their continued inclusion in everyday toiletries?

*Noseweek* approached the most prominent culprits, Colgate-Palmolive, Unilever and Reckitt Benckiser asking for a list of all their locally-marketed antibacterial products, specifying how much triclosan or triclocarban each contained (none of this information is available on their websites). They were also asked whether they intended discontinuing the use of these chemicals, considering the rising tide of scientific and regulatory opposition.

After more than two weeks, none of them had replied, so we are forced to rely on secondary sources for the corporate spin.

In a piece on *Bizcommunity.co.za* in January – attributed to the *Sunday Times* – Colgate-Palmolive spokesperson Del Levin is reported to have insisted that their Protex soap containing triclocarban was "safe and had clinically proven antibacterial efficacy". He was not asked, apparently, to

carban in its Dettol hygiene soap.

Johnson & Johnson, makers of Savlon (triclosan) pledged to replace the chemical by the end of this year, but did not specify with what.

Without a complete list, the advice given in *nose173* stands: get out your magnifying glass and read the labels if you want to know what you are putting into your mouth or on your skin.

\*1. This amounts to 3 million parts per billion. Triclosan, at concentrations of 0.15 parts per billion, was enough to disrupt hormone signalling in frogs. The percentage of triclosan in antibacterial soaps is commonly 0.1% to 0.45% weight/volume or between 1-and-4.5 million parts per billion (before you add water, of course).

\*2. Environmental organisation, the Natural Resources Defence Council, is suing the FDA in the Manhattan Federal Court to try to force the release of the full record of its decision to approve Colgate Total. The NRDC was instrumental in compelling the FDA to issue its latest ruling on triclosan and triclocarban.

\*3. There are comprehensive reference lists at <http://en.wikipedia.org/wiki/Triclosan> and <http://en.wikipedia.org/wiki/Triclocarban>. ■

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# PROMISES, PROMISES

## So where's the cash?

How to weave a tangled JSE property web. By Donwald Pressly

**W**HEN IN 2006, ESTATE AGENTS Engel & Volkers introduced Sue and Erik Howland to a prospective buyer of their historic Gerard Moerdyk house in Pretoria, they believed they'd got lucky.

A company owned by former Anglo American computer-audit specialist Morrison Smit and his business partner Kobus van den Berg, was prepared to pay R4.3 million for the house – and give them a share of the company.

The Cape Dutch house, at 163 Charles Street in the once-leafy Arcadia, features an olive tree in the large grounds that was planted by General Jan Smuts, a friend of the first owner, Judge Farrell. Architect Moerdyk is famous for designing the Voortrekker Monument.

The Howlands were selling because they had decided to leave their busy

city lives behind. Sue ran a successful medical glove and sock company called Soo Concepts and Erik was sales manager of Hall & Pickles Labelling. They planned to try their hand at farming macadamia nuts in Mpumalanga.

The purchase offer was accepted and a few months later R2.6m of the selling price was paid on transfer, as agreed. The outstanding balance of R1.6m was treated as a loan to the purchasing company, Dartingo Trading (Pty) Ltd, of which Smit and Van den Berg were the directors. Sue Howland was to get interest on the loan, a third of the company's shares, and a share of the profits when the house was re-sold after refurbishment.

Within months of transfer, the Dartingo pair had altered the house, turned it into offices and had sold it on to attorneys Van Rensburg for R6.2m. The Howlands would only later discover that Dartingo was de-registered soon after that sale.

Sue Howland subsequently received a single instalment of R300,000 paid on the loan debt. But eight years on she is still owed R1.3m plus all the interest that has accrued over the years. She is also out of pocket by the R450,000 that she's had to pay lawyers to try to get the two men to pay up. She has been denied access to the company's accounts and records, and has never received a dividend or an accounting for the re-sale of the property.

Smit and Van den Berg have simply ignored high court judgments ordering them to account and pay up. "So, imagine our surprise when we learned that the same two men were wanting to raise nearly R370m from investors for yet another property company that, this time, they planned to get listed on the JSE by means of a reverse takeover!" exclaimed Erik Howland when interviewed by *Noseweek*.

An internet search reveals Van den Berg was once a property broker, resident in George. He is listed on LinkedIn

simply as CEO at African Focus Property Fund Limited (AFPFL). There are no other details of the business, but it is understood to be a shell company based at Morrison Smit's sprawling Waterkloof Ridge residence. AFPFL was mentioned in a JSE cautionary as underwriting the listing of Ardor SA Ltd as recently as December last year.

"Smit was always the more aggressive one," says Sue of her dealings with the two men. But when *Noseweek* phoned him, he seemed far from aggressive. A tad sheepish actually. He promised to respond to written questions by email. He then wrote saying Van den Berg had dealt with "the Howland issue".

*Noseweek's* emails to Smit's Ardor email address bounced, but eventually an email was successfully sent to an address associated with another of his companies, The Makings.

The Howlands are determined that Smit and Van den Berg should not get away with the listing of Ardor. "If they can do what they did to us... who knows what could happen this time?" said Sue Howland.

Various publications including *BDlive* reported in 2012 that the JSE would gain a new listing on May 1 of that year, when property portfolios of Ardor, Lashka and Oakwood were reversed into a company called Decillion. It described Decillion as a "cash shell" – and Smit was the managing director at the time. That did not happen and recent attempts last year and early this year to revive the listing came to naught.

Ardor claimed in a report on *BDlive* in August 2012 to be associated with Pretoria's leafy Furrow Lane Hotel & Conference Venue, with Die Werf in Brooklyn – which closed at the end of February – and various shopping centres, including the Raslow Retail Mall in Centurion (registered in the name of the Bentel Group of Companies).

In a December article on *SA Com-*

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Waiting: Sue and Erik Howland

*mercial Property News*, it was reported that Ardor had entered into a memorandum of agreement with Van den Berg's AFPFL, agreeing to "effectively provide an underwriting platform for the reverse listing of Ardor".

It went on to report that the security would comprise three repurchase guarantees by AAUG Insurance Company issued to three vendor companies of the assets: Lashka 132 Ltd, Ardor Properties Pty Ltd and Oakwood Fourways Development Pty Ltd, as well as a pledge of the shares to be issued to the three vendor companies and an undertaking in respect of the unissued shares in Ardor prior to subscriptions by the public.

Ardor had said it needed an investment of over R300m "to enable the originally approved transactions in terms of the minimum portfolio to proceed and for the company's suspension to be lifted".

The *Financial Mail* reported in April last year that the Cyprus banking crisis had put paid to Ardor's hopes of listing and that investors who subscribed for shares worth R395.5m in Ardor were unable to have their payments released from Cyprus banks.

The plot continued to thicken as the year passed with no firm news on whether the listing requirements could be met and when Smit was asked whether these properties still formed the backbone of the Ardor reverse-listing, he said he did not think so. It is not clear where the financing of Ardor

will come from in the absence of these properties.

Smit told *Noseweek* he did not know whether Ardor's listing would go ahead. But as recently as March, the Stock Exchange News Service (Sens) sent out a cautionary that Ardor wished "to advise shareholders that the company is still in the process of finalising the required funding and aims to conclude various acquisitions of properties as a public non-listed company and, once finalised, will apply for a listing to the Johannesburg Stock Exchange".

When *Noseweek* eventually tracked down Van den Berg, he said there was "no nexus" between Dartingo, the company that bought the Howlands' house, and Ardor; the only thing they had in common was that both he and Smit had been involved in the Dartingo business. He was – and continued to be – involved in raising the finance for the reverse listing of Ardor but had resigned as a director of the company two years ago.

Van den Berg said he was dependent on raising capital for the Ardor project to pay the Howlands what they were owed. Although no recent figures have been provided by Ardor, two years ago it was reported that the valuation of its property portfolio was R651m, less R4m debt.

When the deal was meant to go through Decillion, Ardor was expected to earn R92.3m for its property assets. Decillion would pay R84.3m in cash to Ardor and issue R8m in shares valued

at R2.45 each. It is not known whether another property company, Lashka – which four years ago owned the various properties including the Bergville Mall in KwaZulu-Natal and the Uitenhage Regional Mall – would still be part of the deal. Decillion was expected to buy its properties for R239.5m.

*Noseweek's* second communication from Morrison Smit revealed his aggressive side: "I never dealt with the Howlands in my personal capacity and any judgment they obtained against me was incorrect. Interesting to see that *Noseweek* has become a debt collector.

"The Howlands should use the remedies of the law. If the Howlands believe that fraud was involved they should seek their remedy via the Saps. Please do not bother to contact me again."

Kobus van den Berg was a little friendlier at first: "I will definitely speak to you, as I have nothing that is not transparent or honest and truthful in the matters.

"I will be back in Cape Town on Monday [after *Noseweek's* print deadline] ...to discuss facts and detail. Let's set up a meeting before we jump to conclusions."

But then he changed tack: "I do agree with the general sentiment of the mail from Mr Smit to you."

He reminded *Noseweek* that a civil case had been through court and a judgment made ("Unfortunately the judgment was not only against the company but against me, in person, which happened as our legal team did not respond timeously") and added: "I found it despicable that the Howlands, who have a civil judgment, have gone to the press to actually use the press as a debt collector.

"We do expect the press to be absolutely responsible in reporting, especially where there are many people's lives at stake.

"That said, we also respect the press and would rather like to see a positive outcome from this."

Earlier he had told *Noseweek*: "I simply did not have the means to pay the debt. If you know me, I am not a person who will turn my back on anybody.

"The idea was – and still is – to settle the Howlands from the proceeds we are going to eventually get from the listing. We were going to reverse list some assets into Ardor SA Ltd." ■



## Visionary. Watch out!

**T**HE REVEILED DR ALBERT HERTZOG WAS right after all. Mature persons will recall the former Minister of Posts and Telegraphs' desperate attempts to forbid TV and all its works in South Africa. Equally desperate and bored citizens raged against the *verbod* for years before the regime caved in and permitted us to view sinister productions like *Biltong and Potroast* and *Liewe Heksie*.

Now along comes Joe Moran to question the effects on communal life of Dr H's derided little black box. It seems that, instead of binding the nations of the world in glorious harmony, TV is isolating families and individuals. Moran should know: this formidably accomplished British writer and academic has researched mightily to produce *Armchair Nation*, which seduces the reader with a treasury of witticisms while subtly imparting fascinating research.

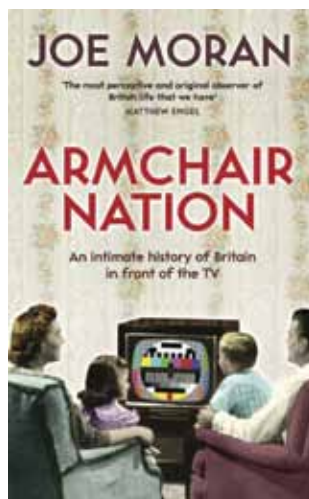
His take on voyeuristic pop TV series like *Big Brother* and *The Weakest Link* is amusing, but more than faintly alarming as it notes fan adoration fading to passive goggling for the lonely sleep-deprived. High-minded commentators – who imagined TV would educate and elevate a grateful world – are shown mostly to have become disillusioned about those prospects. The people have spoken, the advertisers have heard, and it seems the populace are generally not too keen on improving themselves.

Moran is not being sniffy about popular taste. This professor of English and Cultural History at Liverpool John Moores University, who writes regularly for *The Guardian*, records with wry amusement the innocent early hopes for TV as an uplifting social leveller.

Television did start out as a communal activity in Britain, with major events like Queen Elizabeth's coronation and the first Moon Walk being witnessed mostly on tiny screens in crowded spaces.

Among the memorabilia recorded in *Armchair Nation* is an account of the first TV play broadcast in Britain: on 14 July 1930 Luigi Pirandello's *The Man With a Flower in his Mouth* was shown. The technical difficulties were enormous: the viewing area was so

**ARMCHAIR NATION**  
by Joe Moran  
(Profile Books Ltd)



small that only one actor could appear at a time. Fortunately it was a two-hander, so, as the *Daily Mail* noted excitedly, viewers saw “even to the lifting of the eyebrows”. *The Manchester Guardian's* reporter apologised: he missed the performance because he arrived at the head of the queue at Selfridges store just as it faded out.

It has been suggested that the mass purchase of TV sets in Britain in 1953 was sparked by coverage of King George VI's funeral, when the largest number of viewers yet, some 4.5 million, watched the procession in shared sitting rooms across the country. But there were reservations about permitting cameras to reveal intimate moments of the ceremony. Some felt the coverage was too intrusive when, for instance, it dwelt on the Queen's veiled face.

Moran quotes playwright Dennis Potter liberally. Potter got the job of TV critic through illness. The young reporter became the *Daily Herald's* viewer when illness forced him to sit at home and watch everything from *Wagon Train* (liked) to *Emergency: Ward 10* (great stuff). At the time (1961) ATV permitted scriptwriters only five deaths per year. By 2014 standards, that limitation would be exceeded in South Africa within milliseconds. And that's just on TV.

The idealistic young Potter, of modest origins, then proceeding to Oxford, had hopes of reaching both his parents and university friends through TV, rather than the “middle class” medium of theatre. He yearned for at least the possibility of a common culture in Britain. But he knew the dominance of the “undemanding pap” he had peered at from his sickbed.

Encouragingly, Moran believes the habit of communal viewing is now turning out to be much more resilient than people had “hoped or feared” at the beginning of the digital era. He says programmes like *Who Wants to be a Millionaire?*, *Strictly Come Dancing* and *Doctor Who*, bring families together.

Judging by that menu, touring Brits must feel right at home in South Africa. For a touch of the exotic, they could switch to one of the other ten official languages. ■





## Memorable. Fiddler on the roof

**W**HAT ON EARTH HAPPENED to Tony Leon? I mean where on earth is he? Last I heard of him he was doing a samba Carmen Miranda style in South America, you know: Ay ay, ay ay, did you ever kiss in ze moonlight, in ze grand and glorious gay notorious Sous American way? And the food, my dear, and the wine, and that lovely rippling river. Please please tell me he's not back here slugging away at a dismal thick *Mein Kampf* with the aid of Willy Jimson, his "ideas man". And for that matter where is Willy Jimson?

Last I heard of Willy he'd gone swimming in a smallish estuary down the KZN coast where stands his Winter Palace, described by his Murmansk missus Eulabia "Sweetlips" Stampova thus: But Haaarold, you don't understand, it is so paradisaical.

Whenever she speaks to me she says first that I don't understand, but anyway, Sweetlips, said I, what I do understand is that this lagoon on the rich toff side of the N2 is fed by a stream from the other side where live the desperate rural poor, and they pee in it and wash their clothes in it and drink it and die and nobody even notices their departure. So don't get so paradisaical that you swim in it nor even dip your tippy-toes in it or you will die too.

But Haaarold, you don't understand, said she, and Willy went aswimming and apaddling in it and nicked a foot on something sharp under the water and a certain bacterium got inside his skin and ate one of his legs.

It was all very difficult, because a chopper came and took Willy to Saint Augustine's Hospital in Durbs where a tiptop specialist name of Chetty set to work on him, and Sweetlips, nou ja, jy weet mos, she dislikes Indians, but maybe she'll have to start liking them now because this one saved not only Willy's bollicks but his brain and all. And dutifully issued daily a dispatch to all Willy's disciples who were holding their breath worldwide, including

Rupert Murdoch for whom also Willy is an ideas man who writes homemade factoids about SA in the British Sunday Times.

And lo! here I discover that I too am listed as a disciple, which God forfend. Indeed I have a nasty warped sense of humour which my mother never could fix: my mind turns now to Lord Alfred Milner who done the dirt on Paul Kruger and took to basking in heroic fame after the Anglo-Boer War; Mama Africa



bode her time and when he went to the Eastern Transvaal to do a bit of basking there, a tsetse fly bit him and he died of sleeping sickness, the bastard. And now I sense Mama A doing something similar with her necrotising fasciitis on Willy for all that deceitful kak he does on SA in the Pom press.

But where is Willy, where his proph-et? The argument blathers on as to whether they are racist or not. Well I don't know. I note that on an FM talk

show with Eusebius Mckaiser listeners called in and mobbed our Willy and tore him to bits for saying that right inside there black people know that white leadership is best. But that's not our skop-en-donder racism as of yore, is it? He can still call himself a liberal because white leadership is equally good for all races, hey. Why, I recall sitting on Willy's sundeck in the middle of the night whilst he got steadily pissed and laid out for me his view of South Africa's future. What Africa needs, said Willy, is recolonisation. Benign, of course.

Ja, he built this Winter Palace down the way from Durbs, not with the help of any architect, Lord love you no, he sat down with a Port Edward draughtsman and with unerring ineptitude designed this vast double-storey heap in the style of Field Marshal Rommel's Atlantic wall.

The way you get inside is by tipping up the big steel garage door and edging past the bloated 4x4 there and all the garden tools, wheelbarrows and chopped wood for the big upstairs fireplace with a chimney in sweaty KZN, and at the back, you find a sort of ordinary bedroom-type door which leads to further storage goeters on shelves. But duck to the left, you'll find some steps which take you upstairs where people live and this sundeck where Willy and draughtsman with unfailing philistinism have installed a Colonial Feature, namely a wooden railing round the edge.

There we now sit, just Willy and I, and I'm thinking to myself were I just a bit younger, true's God's my bleedin' father, I'd get up right now and hitch-hike back to Durbs regardless of midnight.

Willy's heroes, he declares, are R. Reagan and Dubya Bush, purposeful men. Willy lays out his plans for a new economy and quite suddenly, hang on! I become aware of what Robert Mugabe's big banners mean at election time: "Zimbabwe Will Never Again Be A Colony". Maybe he's Not-so-mad Bob after all. Maybe I'll email him saying Mazaltov. ■

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