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202 AUGUST 2016

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TOO MUCH**

**SOMETHING NASTY
IN THE COALSHED:
TOXIC FUMES FROM
GUPTA-ESKOM DEBACLE**

**WHO IS THE FIFTH
MRS BRINK?**

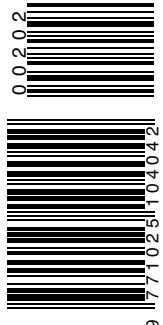
**HOW SA POLITICIANS
SOLD OUT
TECHNOLOGICAL
BREAKTHROUGH**

**CALLING TELKOM
TILL HEL KOM**

WANTED



**FOR EXPOSING PROPERTY
VALUATION RACKET THAT'S HAD
ULTRA-RICH SMILING FOR YEARS**



9

CELEBRATING CONSUMMATE CRAFTSMANSHIP.

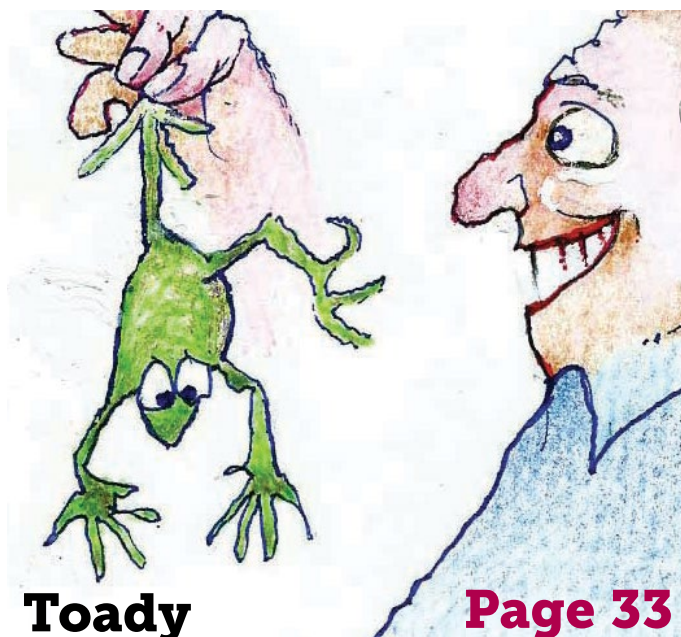


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Letters

Socialist conspiracy of silence?

YOUR REPORT ON THE EXTENT TO WHICH South Africans are dependent on social grants (*Nose201*) reminded me of a report Emma Hurd did on Sky TV back in 2013 about a pregnant woman in Port Elizabeth who was drinking in excess in order to damage her unborn baby, so she could claim the disability grant on it, which is higher than the standard child grant. That case did rather sharply contradict socialist claims that child grants are not a reason why poor people have children. There was no follow-up in the media, prompting the question: was this news we were not supposed to know?

Ian Hurst

Groot Drakenstein

While there probably are cases of such cruelly irrational behaviour, ordinary human reasons – that don't require a financial incentive – undoubtedly account for the vast majority of infants born to rich and poor alike. – Ed.

Moroccan all over the world

IN *NOSE201* WHERE YOU DESCRIBE HOW AN innocent man was persecuted by SARS, you report that “Hicham Gamroni, a flamboyant Moroccan ... mentioned he and the late Jackie Selebi had received military training together at an ANC training camp in Russia”.

No history of the ANC nor Umkhonto weSizwe mentions any Moroccan links, still less a Moroccan sharing their military training.

If this claim is true, will the Moroccan ambassador to South Africa and the

Moroccan security services be interested in questioning Mr Gamroni?

Keith Gottschalk
Claremont

■ SURELY MR DOZETAS COULD FIND A LEGAL “investor”, similar to the kind that supported the “Call Me vs Vodacom” case, and take the state to the cleaners for this? The magistrate found malicious prosecution so there must be a strong case. This sort of behaviour needs not only to be nipped in the bud but to be investigated to find out who was behind it. I guess it could all be pinned on Mr Selebi now that he is unable to answer for it.

Questioning Mind
Noordhoek

The SARS folk that did the actual dirty work are the ones who will have to answer for it. – Ed.

In defence of Jansen

DEAR ALISON GWYNNE-EVANS [*LETTERS, Nose201*: “Prof Jansen’s imperfect opinion”], you are clearly one of those people who feel that their opinion, no matter how misguided, and despite the actual facts, is so utterly superior that anyone or everyone who has a different opinion, is not only wrong and ignorant, but must not be allowed to express it.

And you only reported your well-thought out and considered opinion to the Advertising Standards Authority and Broadcasting Complaints Commission? I am sure the ANC Central Committee, and a plethora of compliant institutions such as the SABC would welcome your thoughts on the matter.

Clive Varejes
Gallo Manor

Swingdoor attorney

RE “KANGAROO COWBOYS GO WILD ON THE West Coast” (*Nose201*): So Debbie Ntombela is Tormin’s swingdoor attorney! I remember her well – she took over as Department of Mineral Resources Regional Manager for the North West from Koos Komane, who went to jail for his corruption (amazingly enough)! She was not much better – won a few court cases against the DMR under her custodianship. And again when she was promoted to head office. Not surprised to see her name here in this context!

Ian Ashmole
By email




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On First Creeping into a Poem by Dylan Thomas

I might be slime and calcite shale,
The common stuff of man and snail,
But yet my consciouness is pure.

One principle I know for sure:
The force that curls my spiral shell
Unwinds the universe as well.

Gus Ferguson

To all those readers who over the past year or more have sought to befriend or link up with me on LinkedIn or Skillpages and such-like – and have received no answer: thank you, I am flattered, but I regret I am unable to accept your invitations as I simply cannot man all these social media channels. The 100-plus emails I receive daily and the occasional venture on to Twitter are already more than I can handle. So thank you, but it has to be ‘no thank you’.

Martin Welz
Editor

Hell to pay at Telkom

IN MARCH I RECEIVED A CALL FROM Telkom offering a 24-month package with increased internet speed. (I already had an existing service.) I accepted and went to the Musgrave branch to fill in forms. I was told the modem for the improved service would be delivered a few days later. Well, I stayed home on the specified day and no modem appeared. Another date was given, and again I stayed home for nothing.

When I called the Telkom customer line to find out what was going on, I got different stories: one agent told me to visit a Telkom branch and restart the process; another said to go get the modem myself. At that point, completely dissatisfied, I requested a cancellation form, which I handed in at the same branch where I had signed the contract. I heard nothing for several weeks, eventually phoning in to be told cancellations were “taking a very long time”. Then, on my April bill, I was charged R1,430 for cancellation, despite still being charged for the non-delivered service. So I logged a complaint.

In response I received this sms: “Dear customer, please contact Ncumisa regarding the dispute you

logged. The DSL is not removed yet and you need to confirm the cancellation”. I called the East London number given, but Ncumisa said she was busy and would call back. She didn’t, and none of my numerous subsequent calls to her were answered. Back on the customer care line, I was told that only Ncumisa could deal with the situation. Another agent made the staggering suggestion that each time Ncumisa saw my number appear on the screen she did not answer. Various agents and supervisors were unable to help, and it got to a point where any call to the customer line got the busy signal. I suspect my calls were being blocked.

So there it is: since April Telkom has charged me for a service linked to a modem that was not delivered – and, furthermore, has billed me for cancelling something that never existed. Attempts to get this all rectified have been hugely time-consuming (never mind stressful) and got nowhere. At this rate is there any point in my approaching the Telkom ombudsman?

Simon Milliken
Durban



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The big solar pivot

THAT TIME HAS, INDEED, COME FOR SOLAR – BUT not in the form of home solar installations, as so many of us had wished. Home solar power is simply not compatible with the existing electrical grid. Outside of completely rebuilding the system (at enormous cost, we are told), home-based solar power generation has to exist alongside the traditional distribution system, resulting in a measure of duplication that only drives up costs and reduces efficiency. Rebuilding the system is not only very costly; it is also, as it happens, not in the interests of the existing political structure of the country, which relies on electricity distribution as a convenient form of taxation. Regardless of their political affiliation, local municipalities could not function without the markup they make on the electricity they distribute. Consumers will have noticed that most municipalities have been cancelling schemes they introduced not that long ago, to subsidise the installation of home solar systems, because it's simply not in their interests. Right now, Eskom and the major city councils have the political clout to push their agenda through, no matter how unenlightened it may seem. In theory, home solar generators should

be feeding any excess power they generate into the communal system, but in practice it simply isn't happening: the system's not designed for it. While experts anticipate that the number of home solar installations will continue to increase for a number of reasons, the real solar development is going to be in big solar installations by public utilities such as Eskom. The news is not all negative. As Reuters recently noted, electricity generated by unsubsidized utility-scale solar installations costs significantly less to generate than electricity from residential rooftop panels, and marginally less than electricity generated by gas turbines. And, as technology advances and competition in the field increases by the day, so the costs are also decreasing by the day.

PS: If for any reason you do not trust Eskom and the government to keep your lights and TV on for the next 10 years, ignore all the above. Buy as many solar panels as you can afford and your roof can accommodate. And, what the hell, throw an illegal extension cable over the fence to help out your neighbour on those nights when the only lights still burning are those in the Presidency.

The Editor



The ultra-rich just hate having their cover blown when it comes to how they avoid/evade paying tax. See our stories on pages 10 and 14.

Notes & Updates

All that glisters...

THE 2015 ANNUAL REPORT FOR GOLD Fields provides further insight into costs in the on-going scam (see *Nose192*) based at South Deep, the company's "developing" gold mine west of Johannesburg. In the latest year of sham, the Gold Fields board and its top executives were remunerated to the tune of R187 million for 2015. This takes the total for the con-artist scions to R919 million over the past five years, and to more than R1 billion since Nick Holland took the CEO seat in May 2008. For the immense pain of fanning one of the tallest stories in gold mining history, Holland has managed to pocket close to R200 million since taking occupation of that office.

Shareholders might recall (they are meant to have forgotten) that, in its 2009 annual report, Gold Fields boldly announced that "at full production, South Deep should produce approximately 750,000 ounces to 800,000

ounces of gold per year; it should achieve this by December 2014". In 2015, production at South Deep was 198,000 ounces. The mine's "total all-in costs" during the year were \$1,559 an ounce, compared to an average price received by Gold Fields of \$1,140 an ounce. The mine continues to rank as one of the biggest disasters in the history of mining, subsidised for years by other group mines that do turn in profits.

Back in 2009 the Gold Fields directors solemnly declared that "following a comprehensive, external review of [the South Deep] project between August 2008 and January 2009, we now have greater confidence in the overall integrity of this project, and its ability to deliver exceptional value to our shareholders for approximately the next fifty years". Rather than heads rolling for the violation which South Deep has long been, the Gold Fields board have fleeced shareholders to the tune of R1 billion, and rising.

News from the 2015 annual report is that Gold Fields now plans to "deliver South Deep to cash breakeven by end-2016 and communicate a long-term plan by early 2017". When this also flops will heads roll?

The year 2017 would mark a decade since Gold Fields acquired South Deep, at a cost of \$3 billion. Back in the 2001 Gold Fields annual report, then-chairman Roger Kebble wrote that full commissioning of South Deep was scheduled for August 2003.

"The company", Kebble added, "expects gold production to increase from 400,000 ounces in 2002 to 700,000 ounces per year by 2007." (He has since taken his own life.) The Kebble curse came back to haunt Gold Fields in 2008, when Randgold sued Gold Fields Operations (the new name for its subsidiary company Western Areas, which, in turn, owns South Deep) for more than R10 billion. The basic allegation is that most of the hundreds of millions of rand Western Areas received in development funding was stolen from Randgold. Gold Fields is vigorously defending the case, which is ongoing. ■



Nick Holland

Solara Anytime



Jana Loots

Organic Sauvignon Blanc

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Something nasty in the coalshed

Toxic fumes rise from the Eskom-Gupta contretemps.

By Barry Sergeant

THE RECENT UPROAR AROUND THE Gupta coal scandal has completely overlooked two crucial points – what the infamous “prepayment” was actually for, and why Eskom has, anyway, any kind of relationship at all with a company owing it huge fines. The prepayment, apparently made this April, of R587 million in cash by Eskom to Tegeta Exploration and Resources, the Gup-tas front for their coal ambitions, was allegedly made to enable Optimum Coal to continue producing coal. But there’s a missing piece of story here, indicating a rather peculiar hidden agenda.

In 2011 and 2012, Swiss-based Glencore paid \$783 million (more than R10 billion at current exchange rates) to buy a controlling stake in Optimum, which in 2010 claimed to be the fourth largest coal producer in the country. Glencore would buy further parcels of shares, spending close to R15 billion in all. Its “broad-based BEE” partner was a single person, one Cyril Ramaphosa. However, by early August 2015, Glencore – which sports one of the biggest balance sheets in global mining and commodity-trading – had placed Optimum in business rescue. As reported in *Nose 197*, it later emerged that Mineral Resources Minister Mosebenzi Zwane had attended meetings last December with Glencore CEO Ivan Glasenberg, apparently at the behest of the Gup-tas.

This is where our tale twists, on the

nature of coal itself, because Eskom and domestic coal producers operate with a mutually beneficial agreement on coal standards. This is that Eskom builds power stations which burn low-quality, high-ash coal, and that coal gets supplied at long-term prices favourable to Eskom. For the coal miners, the cherries lie in the significant profits to be earned from selling their high-quality coal in export markets. While low-quality (lower energy) coal has always been used in South Africa – often travelling only a few kilometres if power stations are built at ‘the mouth of the mine’, high-energy coal goes to international customers. High-grade coal produces less pollution, as required by the international environmental standards adhered to by many importing countries, such as Japan.

But, as things go, long-term studies indicate that sea-borne thermal coal prices tend to move in Biblical seven-year cycles. Profits at the top of the cycle can be exceptional, and, traditionally, there is enough to be made even through the trough. But after the severe assault on financial, currency and commodity markets in 2008, there were signs the troughs would get deeper and more aggravated. Glencore had spent a fortune buying into Optimum, but it would run into bitterly lower prices in export markets, as part of the breakdown in the so-called commodities super-cycle. Eventually, in January 2015, Optimum announced a total shocker: it would be curtailing some

operations, halving its coal output of 10 million tonnes a year (half export, half domestic).

In honouring contractual obligations, Glencore would continue to supply Eskom power-station Hendrina, but Optimum was, in effect, out of the sea-borne coal market, stockpiling rather than exporting its high-grade coal. Oddly, from this time, Eskom targeted Optimum, complaining about the quality of its coal, eventually levying fines running to around a billion rand. With hindsight, the signs point to an ulterior motive.

In August 2015, as mentioned, Glencore placed Optimum in business rescue, and, subsequently, deconsolidated it, determining Optimum’s fair value to be zero, recognising a loss of some \$1.034 billion. Another R15 billion or so down the tubes, doubling Glencore’s woes. Also clear, moreover, was that Optimum was losing between R50 and R100 million a month. In a normal world, Optimum Coal would have been placed under liquidation and auctioned off, its creditors paid derisory amounts. The Eskom fines would, in effect, have been shed. Optimum might have got a fresh start.

However, just as Optimum had been mysteriously singled out about low coal quality (with Optimum denying this), the company was now managed by its business-rescue practitioners as if subject to a secret agenda. Against all odds, something bizarre and invisible was keeping Optimum afloat.

ZAPURO M&G
18-3-16



(Hallo, is that Investec? Wrong number?) A massive lump of cash was needed to justify the non-liquidation of Optimum. For the Guptas, the solution was not easy, but it was big, and in cash.

Eskom tender-board minutes dated 11 April 2016, and first dug out by *Carte Blanche* journalists, make clear that the R587 million cash prepayment to the Guptas is for *export* coal sitting in Optimum's stockpiles. The Eskom minutes show a regrettable degree of naivete with a scheme so contrived it simply can't be covered up: "Tegeta has requested that Eskom consider some form of prepayment to enable it to meet production requirements from the export component of the mine." There is of course no production required; the same minutes refer to "600,000 tonnes of coal from Optimum's export stockpile".

Eskom has been at pains to point out that other suppliers have, in the past, received prepayments to fund production costs, but the prepayment to Oakbay/Tegeta did something else: by ensuring Optimum Coal's solvency it enabled its purchase by the Guptas. The same minutes also admit "the coal from Optimum's export stock is a higher grade coal than is suitable for Arnot and Kriel Power Stations". Basically, shovelling export-quality coal

into a power station designed to burn the low-grade stuff would amount to sabotage. So, there you have it: the Guptas were paid a huge stack of cash for coal already mined, at Glencore's expense – coal that would melt a South African power station to the ground unless carefully diluted with the very low-grade stuff.

It also became apparent that Eskom has been playing footsie with the Guptas for quite a while (see *Nose197*). Eskom, aware its long-term contract with Exxaro for supplying Arnot power station would finally expire on 31 December 2015, did not however request proposals for an alternative to that contract until August 2015. No bid was received from a Gupta company, but in December, Eskom added Tegeta to a list of "emergency suppliers" for Arnot.

On 24 June 2016, Corruption Watch, an NGO, wrote to the National Treasury, asking for an investigation into the Gupta-Optimum saga. One point drawing attention is this: "It is worth noting that, in light of the failure of Eskom to award the tender timeously, the self-created emergency resulted in a contract with Tegeta for the emergency supply of coal until September 2016."

Corruption Watch raised a number of other issues: Did Eskom conduct a

proper due diligence, either of the quality of coal being supplied by Optimum, or of risks involved in doing business with Tegeta/Oakbay? Why is an Eskom debtor – delinquent to the point of being slapped with a billion-rand's worth of fines – nearly drowned in cash by the same client? Eskom is surely obliged by its own rules to block its suppliers when they're under business-rescue proceedings? Standard Bank, by comparison, recognised that continuing business relations with the Guptas' Oakbay entailed an unacceptable risk, and intimidated Oakbay may have violated national and international laws. Audit major KPMG also terminated business relations due to a high association risk. (KPMG has yet to address the reputational damage caused by its partnership with Investec in managing – for huge fees – to keep the Kebbles' criminal, effectively bankrupt, empire 'solvent' and its ill-gotten assets beyond the reach of creditors: see *Nose199*.) But Eskom happily concludes multi-million-rand transactions with just such an entity.

All told, Corruption Watch boldly complained that Eskom had breached its own supply chain policy and the Public Finance Management Act, as well as requirements of section 217 of the Constitution. The latter provides that any entity in the sphere of government is required, when contracting for goods or services, to do so in a manner "fair, equitable, transparent, competitive and cost-effective".

● Eskom CEO Brian Molefe changed his tune on the Gupta coal deal at a presentation on 6 July. He now quoted Tegeta as asking: "Would you consider advancing to us the money to re-open the export side and we will give you the coal?" Sorry Mr Molefe: as noted above, official Eskom minutes dated 11 April 2016 make it crystal clear nothing is being re-started: "Tegeta's short-term contracts are for 600,000 tons of coal from Optimum's export stockpile". And, again as noted, that coal is not suitable for the Arnot and Kriel stations. Presumably 600,000 tonnes makes a fair-sized pile, and so is the one on display in statements defending Eskom's relations with the Guptas. ■



Investec's Panamania

Shady offshore ventures were veiled in bland corporate spin.
By Barry Sargeant

“If a man is sufficiently unimaginative to produce evidence in support of a lie, he might just as well speak the truth at once”. – Oscar Wilde

SO WHY THEN DID INVESTEC BOTHER (finally) to issue a haughty statement early in June, trashing the notion that it is active in offshore tax havens? Investec had, once upon a time, the statement suggested, *briefly* entered the offshore banking world by accident (in 1998 it bought a UK bank which made it something of a speciality), but – as soon as possible (in 2013) – had got shot of all that shady stuff. You have to do some arithmetic to work out that this “briefly” lasted 15 years – and that’s on the unlikely assumption that Investec hadn’t been doing its own offshore business before that.

Come to think of it, why would Investec have bought a bank called Guinness Flight Trust Services if it

didn’t want to get into the offshore “Trust” business.

A great deal has happened since the year 2000 that has made doing business in tax havens a lot riskier (see box opposite), but the chief effect has been that the business has simply become ever more devious. Keystone legal vehicles continue to persist across the world, permitting opacity to reign globally. These lawyer-constructed “structures” include trusts, nominee companies, shell companies, “intellectual” property transfers and entities, charities, and other supposedly benevolent structures, such as foundations.

Investec certainly did reconfigure its tax haven segment, most recently during 2013 when it sold certain of its “trust” entities – a common euphemism for tax haven entities – to the Salamanca Group. But for Investec, a seasoned architect of managing “bespoke” money for its clients, perception is always more important than reality,

and its broad over-emphatic denial of any culpability in the tax haven world has context. It was prompted by the release of the so-called Panama Papers, the largest data leak in history and seemingly the entire database of Mossack Fonseca, the Panama law firm that has become an international hub for anonymous offshore financial “structures”.

Investec was seemingly revolted by even the mere mention of tax havens: “Investec has sound anti-money-laundering policies and processes in place and does not condone or support transactions or tax structures which have the intent of evading tax,” it declared.

While conceding involvement in tax havens since at least 1998, Investec seems determined to create the impression that it had long exited activities in such dodgy places. Here is what we are being told: “As part of the group’s objective to simplify its Specialist Banking activities, Investec un-



pers table (see box overleaf) are most certainly not supplied by Investec; rather these indicate computer “hits” on the name of an individual or entity in the Panama Papers database. Investec Trust (Jersey) has its name on nearly 10,000 documents leaked from Mossack Fonseca. This indicates a considerable degree of activity; easily enough to inspire amnesia. As noted below, Investec has also claimed to have no relationship with Mossack Fonseca.

It can be noted that while Investec sold/liquidated most of its interests in Jersey, its bank there remains as a group subsidiary. At the time of writing, the Investec website advertises a plethora of services from its “business in the Channel Islands”. The target market, offered “bespoke services”, are the usual list of potentially dodgy tax haven clients: “high net worth individuals, fiduciary companies, fund houses and the insurance sector”. There is a specific service aimed at what may be described as the hallmark of a tax haven creature: “bespoke offshore banking for UK resident and non-domiciled individuals.”

What about Guernsey, the other Channel Island? Well, the indication is that none of a dozen or so entities were impacted by liquidation or sale. Investec Trust (Guernsey), with more than 6,000 hits in the Panama Papers, remains an Investec property. All it has done is change its name to its ac-

dertook a strategic review of its trust operations in 2011, which ultimately led to the sale of all of its Trust businesses in 2013.”

That is, at very best, a half-truth. Which begs the question: why is Investec so determined to create an impression that doesn’t tally with the records? Has experience allowed them to be comfortable in their reliance on the laziness or naivety of South African media and politicians? Indeed, the evidence contained in the Panama Papers – and there is no real shortage of it, if you know where to look and have the stamina to deal with thousands of tedious pages – points in the opposite direction.

Let’s examine the situation in Jersey (one of the Channel Islands, along with Guernsey). According to a disclosure made to the UK authorities, Investec sold (or liquidated) practically everything it owned in Jersey during the year to 31 March 2014.

The numbers in the Panama Pa-

Tax noose tightens

SINCE THE TURN OF THE CENTURY, there has been a global bid to tighten regulations applicable to tax havens. The Organisation for Economic Cooperation & Development (OECD) instituted a Financial Action Task Force (FATF) to deal with Non-cooperative Countries or Territories (NCCTs) perceived as possibly being involved in money laundering and the financing of terrorist activities. FATF published its first (long) blacklist in 2000. This has been highly successful. By now, only a few countries remain on that list.

The best-known, and most active tax havens include Panama (corporate rate: 25%; individual rate 0% to 27%), Switzerland (18%, and 0% to 13%), Cayman Islands (0% and 0%), Bahamas, Guernsey (10% and 20%), Jersey (0% and 20%), Mauritius (15% and 15%), and British Virgin Islands.

ronym, ITG Limited. No doubt, given ITG’s contingent liabilities running into hundreds of millions of pounds, Investec would have done anything to sell ITG. But what buyer in the world would touch ITG and/or its Guernsey associates with a bargepole?

During 2013, the Investec “trust” businesses sold to the Salamanca Group included only those in Jersey, Switzerland, Mauritius, and, curiously, on Investec’s home ground in South Africa. The relationship between Investec and Salamanca (possibly based in London) is as clear as mud. Early in 2014, Salamanca announced that the business it had acquired from Investec had (at that time) “over £4.5 billion in assets under administration, and will be run as a stand-alone Trust & Fiduciary business unit of Salamanca Group.” The entity employs around 100 people of over 20 nationalities across offices in four countries.

Salamanca’s target market is also individuals and entities that would be as happy as piggies in mud in a tax haven or two: high net worth (HNW)

The target market, offered ‘bespoke services’, are the usual list of potentially dodgy tax haven clients

Investec subsidiaries and branches with number of Panama Papers “hits”

(All numbers in the table indicate mentions in the Panama Papers; source: not Investec)

Jersey

Investec Administration Services (Jersey) Ltd ^o	16
Investec Corporate Services (Jersey) Limited ^o	1,718
Investec Co-Trustees (Jersey) Limited ^o	34
Investec Fiduciary Services (Jersey) Limited ^o	1,628
Investec Foundations (Jersey) Limited ^o	16
Investec GP (Jersey) Limited	6
Investec Holdings Limited ^o	99
Investec Nominees (Jersey) Limited ^o	2,679
Investec Secretaries (Jersey) Limited ^o	3,272
Investec Trust (Jersey) Limited ^o	9,739
Investec Trustees (Jersey) Limited ^o	1,950
Radinvest Limited ^o	28
Investec Bank (Channel Islands) Limited ^o	812

Guernsey

Bayeux Trustees Limited	47
Finistere Limited	658
Finistere Nominees Limited	5
Finistere Secretaries Limited	1,122
Hero Nominees Limited	24
Investec Bank (Channel Islands) Limited	812
Investec Bank (Channel Islands) Nominees Ltd	59
Investec Trust (Guernsey) Limited*	6,126

Notes

^o indicates sold or liquidated in the year to 31 March 2014

Source: Investec

* Previously Guinness Flight Trustees Limited, now ITG Limited

and ultra-high net worth individuals (UHNW), entrepreneurs, financial and professional intermediaries, family offices and corporate entities.

While the Salamanca deal lessened Investec’s overt activities in traditional tax havens, was it enough to justify a statement that: “Investec is not aware of why it has been named in the Panama Papers as we have no relationships with Mossack Fonseca”?

Assuming this to be the case at present, the evidence is certainly there that during a long period Investec did indeed conduct a roaring business with the Panama law firm. As

recently as 9 September 2015, the BVI office of Mossack Fonseca was certifying as true, documents, relating to a company called Acia Aero, bearing the letterhead of Investec Bank (Mauritius). Why is this now so embarrassing, or so it would seem, for Investec? The answer is that tax haven business is never simple. There are schemes, structures and transactions in which Investec has been and remains directly involved which continue to have a connection with Mossack Fonseca. To outright deny direct dealings begs the question: why is Investec so strident in stating its half-truth on the matter?

Investec did close its Panama branch (called RTC Nominees) during 2013. But why bother with running an office in Panama when Mossack Fonseca is there to do all the grindwork?

And, yes, Investec exited much of its BVI business during 2013 – but it retained Finistere Directors and GFT Directors, which both feature in the Panama Papers (with 1,121 and 1,932 hits respectively). Finistere Directors, it may be mentioned, is intimately involved with Investec Trust (Guernsey)/ITG. Ditto GFT Directors, which, however, is also intimately involved with Finistere Limited. The latter is, or has been, connected to a plethora of entities, such as Agro-Chemicals Worldwide, Alphen Holdings, TVM International, and Hennessey Investments.

All told, the name Investec appears on no fewer than 24,732 documents in the Panama Papers.

Investec’s reaction: “In respect to the number of references, Investec does not have access to the database and does not know the context or how many of these references are duplicates or how many in fact might relate historically in any way to the Investec Group.”

There are certainly some duplicates, and certain references pertain to business involving entities since liquidated or sold by Investec. But ...

IN INVESTEC’S 2015 ANNUAL REPORT the following note appears under the header “legal proceedings”: “A claim has been made in the Royal Court of Guernsey against ITG Limited [formerly Investec Trust (Guernsey) Limited], a subsidiary of Investec PLC, for breach of equitable duty for skill and care with a related

claim for liability for the debts of a client trust.”

That’s the only, oblique, reference you will find to their little problem with the Tchenguiz brothers, but it’s exactly in the ongoing saga around brothers Robert and Vincent that Investec’s categorical claim to have sold “all of its Trust businesses in 2013”, really falls to pieces. At one time private bankers to the Shah of Iran, the UK-based Tchenguiz brothers are extremely wealthy, and ever resourceful – litigation appears to be among their favourite pastimes.

In common with its general modus operandi (the antithesis of its carefully-manicured but superficial public persona), Investec’s approach to the Tchenguiz case has never been pretty: very serious questions have arisen over Investec’s role as trustee in the case.

In London, the Queen’s Bench Division of the High Court of Justice held on 31 July 2012 that: “It would have been very simple to have explained the arrangements made between RT [Robert Tchenguiz], TDT [Tchenguiz Discretionary Trust] and the offshore companies, the role of Investec and how transactions were carried out [...]. It is a matter of great regret that the Information [in an Investec document setting out the evidence] adopted the tone it exhibited and did not clearly

Investec’s categorical claim to have sold ‘all of its Trust businesses in 2013’, really falls to pieces

and properly explain the arrangements.”

This kind of dodgy conduct has become Investec’s hallmark. The Serious Fraud Office (SFO), based mainly on reports by audit firm Grant Thornton, at one time arrested Vincent Tchenguiz. Grant Thornton’s work, had it been trustworthy, would have benefited Kaupthing Bank and Investec. Sadly (for these two parties) Vincent Tchenguiz was – no surprise – exonerated of everything.

Stephenson Harwood, another firm of professionals, reporting for “the other side”, noted on 31 August 2012, in the wake of the SFO abandoning its investigation of Vincent Tchenguiz:

“Consideration of the SFO’s evidence and disclosure has shed further light on the genesis of these misrepresentations [against Vincent Tchenguiz], and it has become clear that the SFO’s conduct was founded upon inaccurate, misleading and partial information supplied by Grant Thornton.”

A number of Grant Thornton’s allegations proved totally false and there were also a significant number of material omissions. Core to the latter was the conspicuous absence of reference to Investec from the SFO’s understanding of the case.

“It is obvious,” Stephenson Harwood stated, “from the SFO’s explanations in the judicial review process, and, indeed, from its counsel’s submission in the Judicial Review hearing in May, that Investec’s central role was never properly understood [.and..] by excluding or marginalising the role played by Investec from allegations placed before the SFO, Grant Thornton helped create a highly misleading picture of what actually took place.”

Grant Thornton has a history suggesting a cordial relationship with Investec, and an unusual understanding of its modus operandi. To mention just one instance, Grant Thornton had, in its capacity as liquidator of the Oscatello Group (part of the Tchenguiz saga) improperly paid to Investec proceeds from the sale of shares in Somerfield, to the tune of £137 million.

The Tchenguiz brothers had no bother bringing the cases against Investec onto the UK mainland, as well as conducting litigation in the Channel Islands. Investec’s overall business model is vulnerable to jurisdictions



Robert Tchenguiz (left) with Touker Suleyman

where prosecutors and judges are experienced and well-qualified in seeing through the insidious muck that Investec thrives on.

Investec’s willingness – and ability – to influence the law enforcement process has been exhaustively investigated in South Africa, in and around the Keble saga and its aftermath. This included the temporary capture by Investec of the National Prosecuting Authority (NPA) during 2006 (see *Nose199*). Here Investec was assisted primarily by KPMG, which, with Investec’s blessing, earned hundreds of millions of rand in fees in return for its role in covering-up the most significant unprosecuted fraud in South African history. Investec has also made a mockery of the country’s insolvency laws, having prevented JCI from going bust for 19 years (*Nose180*), and profiting in the billions.

If one follows the kind of script Investec appears capable of, then the arrest of Vincent Tchenguiz on false allegations is no surprise. Likewise, the frustration of everyone – including the courts – in trying to get to the truth of

a savage saga, again confirms Investec as an elusive player, bent on profiting from any situation.

In the end such tactics have proven ineffective within the UK system. While ITG may be an international pariah, the taint has spread a lot further. Investec has also been unable to play the fool with Finistere Directors, an ITG-intimate, in the British Virgin Islands. And for once, it may be that Investec has met its match in the Tchenguiz brothers, who are proving a serious handful, still capable of taking the bank down the spout. There seems little doubt that the Tchenguiz brothers were the single main factor in Investec’s decision to exit – at least partially – the “trust” business in certain tax havens. It is all about the reputational damage to Investec proper, and its increasing lack of credibility.

The papers from the Mossack Fonseca law firm, first leaked to German newspaper *Suddeutsche Zeitung*, are being managed within a web-based database by the International Consortium of Investigative Journalists (ICIJ). ■



The Oppenheimer family's Johannesburg residence, Brenthurst

Valuation scandal

Maverick activist exposes ludicrously low property rates for the super-rich. By Jonathan Erasmus

A PROPERTY RATES CRUSADER HAS had his mission for tax justice cut short – by the Oppenheimers. Dr Robert McLaren had been running a remarkable one-man campaign to ensure that property owners, particularly the very wealthy, shoulder their fair share of the municipal tax burden.

Dr McLaren had exposed major deficiencies in the valuation system applied in Durban and various towns in KZN, and most recently extended his campaign to Johannesburg, where the same company which operates in KZN is contracted to do the city's property valuations. He found that their system tends to overvalue low-end proper-

ties, while massively undervaluing the properties of the very rich, in many cases not valuing them at all.

Most recently Dr McLaren took it upon himself to lodge formal objections to the valuations of 961 properties in the upper-class suburbs of Johannesburg, as found on the general valuation roll of 2013, which came into



Nicky Oppenheimer



force on 1 July 2013 and runs to 2017, when the next general valuation will take place.

In the first objection phase McLaren had a success rate of 65%, and the mammoth exercise as a whole has the potential to add R65 million per annum to the city's rates income (excluding yearly increases), and add more than R4,6 billion to the city's property values.

Most of these (all those entailing an increase of more than 10% in the initially assessed value) are, however, subject to a review – where the next major flaw in the system emerges. The review system is so cumbersome and the number of objections lodged so vast that, at the current rate, reviewing the objections to just the 2012 valuations will take decades, reducing the process to near absurdity (See “Two Very Different Accounts” on pg 21.)

McLaren subsequently appealed 363 findings made during the objection phase, still believing the city valuers had erred.

Through his research he discovered that, remarkably, many properties belonging to some of the country's

wealthiest citizens have been grossly undervalued, some given no value at all. For example the Oppenheimer's famous Brenthurst Estate, encompassing four large properties covering several hectares in Parktown, was val-

These include the Gupta brothers, Douw Steyn, the Ruperts, Zunaid Moti and Limpopo property tycoon David Mabilu, as well as financial service firms

ued at a fraction of actual value. The three main properties which include two luxurious residences, the famous Brenthurst Africana Library, and the historical Herbert Baker-designed Brenthurst mansion (used for a while during and after the Second World War as a clinic for reconstructive surgery on injured soldiers), were together valued at R5.5 million.

The Oppenheimers were apparently outraged that an “amateur enthusiast” should suggest this was not a fair valuation of their properties, to the extent that they set about persuading Johannesburg Rates Appeal Board to throw the case out of court, lumbering McLaren with the R24,000 cost of the day's proceedings.

Before he was cut down by the appeal board when he attempted to argue his reasons for his 361 appeals in November 2015, McLaren had already scored an astounding number of major successes, ensuring that some of South Africa's ultra-rich (and invariably well-known to *Noseweek* readers), no longer get away with murder on the municipal rates they pay. These include the Gupta brothers, Douw Steyn, the Ruperts, Zunaid Moti and Limpopo property tycoon David Mabilu, as well as financial service firms, property investment firms (the multi-billion rand Melrose Arch shopping centre was valued at nil rands before McLaren objected), JSE-listed companies and even a relative of Angola's dictator President José Eduardo dos Santos. (See “Going up... and up...and up...and up!” on pg16.)

McLaren, a thrifty pensioner who catches the bus, and walked the streets of Johannesburg at the dead of night to gather his “intel” on properties he felt were undervalued, hails from sleepy Howick, in the KZN Midlands.

In a personal profile submitted to the city's valuation department, he describes himself as “eccentric, unorthodox, unconventional, eclectic”. In his home town he walks, with his massive husky dog, around the town with what appears to be a hiking stick above his



Robert McLaren

Checking through the valuations done by Durban-based eValuations, he concluded that their valuations were often shockingly inaccurate

head, which has cloth tied on one end. He calls it “Hossu”, Sanskrit for the “talking stick” which is wielded by Zen Buddhist priests. He is equally famous in the town for having bought a property simply to save the massive old oak

tree that grows on it.

A St Stithians College old boy, he once ran a pharmacy in Rosebank, Johannesburg, then a nature-cure practice in Sandton. Retiring in 2001 McLaren set about various ventures including an attempt to strike oil in KwaZulu-Natal. But living in Howick as a pensioner, a town largely made up of pensioners (“God’s waiting room” is how former DA leader Tony Leon recently described it at a fundraiser in the leafy suburb of Kloof, Durban), around 2007 McLaren became actively involved in rectifying the rates of the town when the Municipal Property Rates Act, and the first valuation roll, came into force.

Checking through the valuations done by Durban-based eValuations, he concluded that their valuations were often shockingly inaccurate. So McLaren, then a member of the Concerned Ratepayers Group, lodged 1,100 objections – and scored an 82% success rate. He asked for some properties – including his own – to be revalued upwards, while some were decreased.

Inspired by this success, he took his campaign on rates to Pietermaritzburg, then to plush north coast Ballito,

Going up ... and up ... and up... and up!

OF 961 PROPERTY EVALUATIONS objected to by Robert McLaren – all in high-income suburbs of Johannesburg – he found at least 73% were under-valued – while several were officially listed as having no value at all.

No 25 Saxon Rd, also known as The Court House, is owned by Phembani-Remgro Infrastructure Managers – which is owned by former MTN tsar Phuthuma Nhleko (*Noses*42, 191) and, via proxy, Richmond magnate Johann Rupert (*Noses*37, 58, 66, 116, 145).

It was rated no value on the General Valuation Roll 2013. McLaren’s objection saw it raised to R88,8 m.

Not far away is a quaint property, tucked away in Toman Lane, Hyde Park, owned by Zamien Investments

72 Pty Ltd, a company controlled by Zunaid Moti (*Noses*118, 119, 120, 131, 139, 177), chairman of the Abalengani Group, whose interests include extensive commercial and residential property developments in Joburg’s Sandton and elsewhere, exotic cars, helicopters and mining companies. Originally valued at a paltry R3,2m, McLaren got it revalued at R35,1m.

At 34 Saxon Rd, next door to the exclusive Saxon Hotel, is a wonderful property with great security, owned by Napier Gardens, which belongs to insurance boss Douw Steyn (*Noses*106, 107, 109, 111, 114, 128). Initially valued at zero, McLaren had it revalued by the city to a cool R57m.

One of the city’s prized addresses, 42 Oxford Avenue, palatial and not understated, offering a tennis court,

massive landscaped gardens, pool and much more, is owned by a shadowy company with links to Bento dos Santos Kangamba aka “The Angolan Abramovich”, an Angolan army general close to Angolan President José Eduardo dos Santos and married to one of his relatives. Bento is also on the Interpol wanted-list for Brazilian police charges of trafficking Brazilian women to Angola, South Africa, Portugal and Austria. Thanks to McLaren its value was increased from R19.6m to R75m.

Just down the drag is a gorgeous Sandhurst property owned by Sovereign Seeker Investments 161, which a recent divorce revealed as belonging to Tokyo Sexwale (*Noses*55, 58, 66, 72, 183). It was valued at R20,6m. McLaren wanted R60m, based on its R59m

followed by the KZN South Coast and a host of small municipalities across the province. In almost all instances he came up against eValuations. Their biggest customer, Johannesburg, became his ultimate challenge.

eValuations was founded by Durban-based entrepreneur Willy Govender in 2004. The company handles valuations countrywide including Cape Town, Nelson Mandela Bay, Joburg, Ekurhuleni, eThekweni and a host of smaller municipalities, predominately in Kwa-Zulu-Natal.

“I wanted equity and harmony in the valuation roll so the rich aren’t carried by the middle-class. If we all pay our way it will improve services and ultimately lead to greater rebates,” said McLaren.

When he began his objections in Johannesburg in mid-2013, an article appeared in a Saxonwold ratepayer forum newsletter titled “The Curious Case of Dr McLaren”, in which the unnamed author states that McLaren is “someone with a lot of time on his hands and a genuine desire to do what he sees as the right thing, by getting people to pay their fair share”. The article said “Dr McLaren is a one-man municipal-



ity valuator who gets paid nothing. He is irritating the property-owning class, but fair value is fair value. Imagine if we harnessed the power of our older citizens like this more actively!” However in June 2015 on www.carforums.co.za, a Ballito resident named only as “Capt B Old Timer” said McLaren had asked for his property to be valued

at R800,000 or more. “I asked myself, what kind of a wankstain cock sucker would go out of his way to raise an objection over someone else’s property?!? Turns out some c***ish retired doctor has made a full-time hobby out of this. This cretin has raised over 900 objections in Joburg, over 200 in Kwadakuzza (Ballito and Stanger), and over 2,000 in Umgeni municipalities. All in the name of making people’s lives more difficult and getting them to pay higher rates. What a rancid douchebag! Anyway, here’s his contact details. I hope some dodgy f*** reads this and defrauds him out of his life savings.”

The cost implications of changes to be made to so many valuations are massive. Where a value is raised the owner might be required to pay the rates shortfall back to 1 July 2013. Similarly, if it decreases, the city is in credit to the property owner.

At the very least McLaren deserved to be treated with civility and gratitude by city officialdom when he arrived for the appeal hearings at the city council offices, chaired by attorney Raymond Mashazi on 16 November 2015.

McLaren’s scalps include the raising of rates on several of the Gupta brothers’ properties within their Saxonwold complex. One in particular, at 5 Saxonwold Drive, was raised from R480,000 to R22 million. Others include the Saxon Road Courthouse building, owned jointly via private companies by billionaire Johann Rupert and his partner, and former MTN CEO Phuthuma

sale price in 2007. It was bumped up to a nifty R30m on the roll.

The Guptas (*Noses105, 111, 164, 176, 183, 197, 198, 199*) whose fortified complex covers properties on numbers 1, 3, 5 and 7 Saxonwold Drive, saw their rates rocket when the property valuations for the four properties were increased from R7m, R3.8m, just R490,000, and R10,1m – to R9m, R6m, R22m, and R18m respectively. At the same time a fifth property nearby, at 44 Northwold Drive had its value more than doubled, from R3,3m to R7,5m.

Limpopo Property tycoon and one-time benefactor of EFF leader Julius Malema, David Mabilu (*Nose201*), saw his modest Sandhurst property, owned by the David Mabilu Trust, have its value raised from R4,3m to R40m. McLaren only asked for R14,4m – but the city valuer took fire and went all the way.

Steinhoff at Work, owned by retail boss Christo Wiese (*Noses13, 14, 36,*

37) saw its quaint 16 Jan Smuts Ave business property go from a lowly R480,000 to R8,2m.

Crawford College founder Graeme Crawford too, got to be “privately schooled” by McLaren: his modest Sandhurst home jumped in value from R5,8m to an astonishing R22m.

But the biggest movers were big listed companies. Melrose Arch Shopping Mall, owned by Amdec, jumped from a zero base to R720m, Growthpoint saw its Sandown property, housing Investec, jump from R608,4m to R1,2bn in value and Hollard’s Parktown head office went from a zero rate to R264m. Another Hollard-linked property, on 3 Dalrymple Rd, jumped in value from R10,3m to R35m. Standard Bank’s new office in Rosebank multiplied in price from R10,4m to R262m. Another big mover was Accenture whose 3 Girton Rd property went from R36m to R75m (the six story parking lot it owns stayed at zero). ■

Nhleko, from nil to R88,6 million, and a property owned via proxy by insurance tycoon Douw Steyn from a zero valuation to R75 million. The city itself had in 2013 objected to 67,000 rate evaluations. In total 86,000 rates valuations, in a city with more than 900,000 properties, were being objected to.

His appeals were set down to be argued before the Johannesburg Valuation Appeal Board (VAB) between 16-28 November 2015.

There are two versions of what happened on 16 November and which set the stage for the prosecution – or persecution – of McLaren. There is attorney Mashazi's, and there is McLaren's.

The schedule for 16 November showed there were 32 appeals set down for McLaren. Mashazi maintains only two matters were heard, and because of McLaren's allegedly deficient documentation – he could not supply detailed building plans for the Oppenheimer houses to back up his assertions – the board adjourned to allow McLaren to “get his documents in order”.

McLaren's version is notably different. He said three appeals were decided, one involving the Guptas. This version is documented in the “Dr RC McLaren Report, City of Johannesburg Appeals 16-17 November 2015” which he sent in June 2016 to the city's ombudsman, Advocate S'bu Khumalo, crying foul at his treatment by the VAB and pointing to a fatally flawed

‘Now I was nailed for this, although no-one needs to see the building plans to know that the Oppenheimer properties have been seriously undervalued,’ said McLaren

process where he was required to present building plans that the city had itself failed to provide him with, despite repeated requests.

One notable property owner who did not show up, though he was scheduled for an appearance, was the owner of a Hyde Park mansion – divorce lawyer Billy Gundelfinger. His property, bought in 2011 for R26 million, was valued on the 2013 General Valuation

list at R13,5-million. McLaren had objected in 2013 that, logically, it should be at least the price he paid for it. The city raised it to R22-million, which McLaren appealed.

At the day's end McLaren was cautioned to “get his ducks in a row” having allegedly omitted to take these key documents into account and, with the first summer rains pelting down on the city, the proceedings were adjourned to the following day.

(The ultimate irony is that, while the regulations relating to rates valuations do require account to be taken of the nature and extent of buildings on the property being valued, eValuations' computerised system used by the city itself clearly cannot have done so.)

The following day would see McLaren ridiculed out of the building with the suggestion that he should not return. He had already succeeded in the earlier objection phase to having the Oppenheimer residential properties valuation increased from zero (yes, nil rands) during the 2013 objection period to R5,9m for the 8,069sq/m Brenthurst Estate; R5,7m for the main Herbert Baker-designed house on its 1,6139ha erf; R6,2m for the more modern family house Little Brenthurst (on 1,238ha).

Prior to his 2013 objection, only the Brenthurst library was rated. The library on 1,5ha had previously been valued at R5,5m.

On appeal McLaren wanted the values of the garden, the two residential properties and the library increased to R10m, R16,4m, R12m and R13,5m respectively.

What happened on day two of the hearing is recounted by McLaren in his report to the Ombudsman: “Grant Fraser, of GC Fraser and Associates Professional Property Valuers, arrived to represent the Oppenheimers. He asked me for the building plans which I could not produce, since the city had failed to make them available to me, despite my requests. Now I was nailed for this, although no-one needs to see the building plans to know that the Oppenheimer properties have been seriously undervalued,” said McLaren.

McLaren told *Noseweek* he had asked the city council, days prior to the appeal hearing, via email, and as early as August and again in November for “building plan sizes” with his requests being ignored by the municipality's



David Mabilu and Phala Mokgophi at their wedding in Cyprus in 2011



Johann Rupert

plans department. He also maintains, quoting the MPRA regulations, that the burden of proof does not lie solely with the objector; the owner should provide documents (such as building plans) or any details required for the valuator to come to a fair conclusion.

Not only was his appeal rejected, but at Oppenheimer-valuer Fraser's request, he was hit with a costs order – a first, even for chairman Mashazi. According to McLaren, the ultimate gesture of ingratitude was delivered when Mashazi suggested he “go back to Howick” and “go back to pharmacy”.

He was nevertheless verbally instructed, before leaving, to hand over his remaining documents concerning all his appeals as the board, along with eValuations, would “deal with them”. While no reasons for this were given, it can safely be assumed that they commandeered his work, so they could cover their own sins behind closed doors.

In the appeal board's “Reason for decision” document, dated 14 December 2015, Mashazi, along with his two

valuators Sam Mabaya and Maryke Serfontein, said “the matter involves the Shakespearean comedy of errors” (sic). Maybe, but the question is on which side of the committee table was the comedy of errors being enacted? A reference to Shakespearean tragedy would in any event probably have been more appropriate.

They had set out to discredit McLaren as a man who “knew nothing about

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property valuation as he sought to venture into a field little known to him or by him whichever is more dangerous". They based this scathing judgment on his inability to recognise the acronym GBA (Gross Building Area). McLaren said he used terms such as BP (building plan) that to him meant the same thing. Not always that accurate themselves, the board members proceeded to refer to him as a "respondent" and a "valuator" in their ruling document, when in fact he was the appellant and is, on his own declaration, not a valuator.

Because he had no building plan to support his case, they ridiculed his "methodology" in arriving at the figures he believed the properties should be valued at, this despite the fact that he had already been successful in over 600 objections. After a sufficient hammering by board members and Fraser, the board said that when questioned and "after muttering some words signifying nothing" McLaren withdrew his appeal, including "all 961 appeals". This is incorrect. He brought only 363 appeals to the board.

According to the board's "Reasons for decision", McLaren, when asked to respond to the Oppenheimer-appointed valuer's request that he be ordered to pay the valuer's and the appeal committee's costs for the day, countered with the suggestion that "if any costs order be made, same should be paid by the [city] for whom he had collected approximately R260 million, and this was rejected".

At the Oppenheimer representative's suggestion, the appeal board then demanded he pay costs totalling R24,488 – R4,344 for the chairman's fee, R3,232 each for his two co-members, plus the "Property owner's costs" of R13,680 to be paid to Fraser.

Just days before the "Reasons for decision" document was released, McLaren emailed Fraser a document showing his success in the Howick area. Fraser replied:

"In this matter...you made a serious error in judging the value of a property by the owner (valuing the jockey instead of the horse). In these matters you would be well advised to do your research before making wild, and costly, claims – a simple Deeds search, inspection of the properties sold, and some basic knowledge of the property



Willy Govender

you are valuing, would have shown you sales of property directly across the road from the property we were dealing with at prices which clearly prove the Municipal Value is actually in the correct ball-park!"

The problem with Fraser's comment is that the Oppenheimer's premises are so big they are their own neighbours. One of the few neighbours is Irene Menell, a staunch supporter of the late Helen Suzman and a board member of the Nelson Mandela Children's Fund. Her late husband Clive was chairman of Anglo-Vaal Holdings and deputy chairman of Anglo-Transvaal Investment Company, then among one of the largest mining and investment companies in the country. The 2013 General Valuation also valued her home at nought. It has subsequently been changed to R3,9 million (McLaren's initial objection suggested it should be R4 million) while across the way Hollard's headquarters also had a zero valuation. That's been changed to R264 million, after McLaren objected and recommended a value of R240 million.

McLaren had paid the valuation

board costs but not Fraser's at the time of going to print.

Noseweek asked Fraser whether he thought the Oppenheims' Brenthurst properties had been fairly valued. His reply: "That question didn't come into it and I am not prepared to comment on my client. There were initial issues as the property comprises of a greater estate. I went to oppose him. He didn't inspect one of the properties." [*The gates were locked and the security man refused McLaren entry when he called to inspect the property.* – Ed.]

Fraser added: "He was unprepared and wasted the board and my client's money, which is why I asked for the cost order. It was his duty to prove it was wrong and he failed to do so.

"There is no doubt the [official] valuer made some errors but there are certain things that must be done [when appealing] and he was unprepared. He shouldn't expect anything less [than a cost order] He was unprofessional and should have known how to handle the appeal."

By implication Fraser appeared to concede that, by comparative residential standards, Brenthurst was undervalued, when he found it necessary to point out to *Noseweek* that the estate is "a registered national heritage site as is [sic] the gardens. It is specialized property."

Fraser's response when it was put to him that eValuations doesn't view the property physically or its building plans when arriving at a property value: "Their modelling on GIS allows them to make a reasonable assessment – while acknowledging there will always be errors."

He said McLaren, on rating zero valued properties such as Melrose Arch Shopping Centre, which was valued at nought in 2012 and then raised to R720 million when McLaren objected – on appeal McLaren wanted it increased to R1,4 billion – was an example of a wrong valuation.

"He has pissed everyone off. There are sometimes good reasons for zero-valuations. Often properties are linked but only one is bonded. Melrose Arch has a basket of rights. He may be right but he must prove the value."

Fraser said while he doesn't represent the Melrose Arch owners Amdec, he has "helped" their valuator Norman Griffiths. ■

Two very different accounts

THE JOHANNESBURG APPEAL BOARD Committee chairperson, attorney Raymond Mashazi, agrees with rates valuation activist Robert McLaren on at least one point: the valuation process in the city is a shambles.

“The valuations are done through a mass valuation process. There are 900,000 properties in Johannesburg. We have asked the compilers of the general valuation roll what they had in mind but they have no answer. Provincial Government has asked the Auditor-General to query the valuations. We have an enormous backlog in appeals and haven’t even started with the supplementary roll. We are still trying to deal with appeals in Johannesburg from the 2008-2012 general valuation roll.

“Most of the values are inflated. In areas such as townships shacks have been valued at more than R300,000 for instance. Yet they are under-valued in areas where McLaren raised objections,” said Mashazi.

He said the board sits daily and handles between 15 to 20 matters at each sitting.

To deal with the 86,000 objections raised from the 2013 general valuations roll alone, it will take them, at the current pace, 16 years and six months to finalise; providing they work on public holidays.

“The reason for the high number of appeals in Johannesburg is people are educated and have money, they know their rights and can afford an appeal. The 2013 roll was incorrect and inflated in many instances, plus there has been a flagrant disregard for the rates policy,” said Mashazi.

Mashazi is an experienced valuation chairman. He has been on the Johannesburg board since 2014 and prior to that was on the Ekurhuleni Metropolitan Municipality Valuation Board. He was once the chairman of the Gauteng Law Society and the holder of various other chairmanships past and current.

He is also the holder of a scathing judgment in September 2009, courtesy of Judge J Francis from the Johannesburg Labour Court, who said he “shows lack of judgment”. The com-

ment was made in a matter brought by the Ekurhuleni Metro against Mashazi and a former city official, Rabbie Tebane. The Metro believed Mashazi, who had presided at a disciplinary hearing where Tebane was found guilty of trying to solicit a bribe and taking a loan from a company tendering for a city contract, had imposed too light a sanction. Francis described the sanction, which saw Tebane’s pay frozen and him removed from tender-specific decision-making processes, as “shockingly inappropriate and a travesty of justice, given the seriousness of the misconduct”.

It seems McLaren may have collected the backlash on that, when Mashazi landed him with a R24,488 cost order for innocently being “unprofessional” in his citizen’s pursuit of justice.

“This is the first cost order I have made [at the VAB],” he told *Noseweek*. We can order costs when we believe the applicant was being spurious. We had set aside the time to accommodate him and then on 17 November he withdrew all 961 matters [actually 363 – Ed.],” claimed Mashazi.

Mashazi paints a different picture of McLaren, basing his ultimate downfall on what happened on day one of the appeals’ process.

Mashazi’s version was that only lawyer Claire Duggan and Advocate Daniel Smit, both of whom are property owners in River Club, were seen on 16 November and because of their objections the day’s proceedings were

postponed. According to Mashazi both claimed McLaren had failed to present a viable case, in particular, he had not provided building plans sizes as part of his objection, to validate his reason as to why they should be burdened with a higher rate.

Strangely, he also denied dealing with the Gupta matter. “The Guptas’ case hadn’t come before us. The two attorneys had raised points that the documents were not done properly. [On 17 November 2015] Grant Fraser (valuator representing the Oppenheims) said the duty was on McLaren to prove the general valuation was incorrect. He couldn’t prove it. He was wasting time with his objections which were spurious,” said Mashazi.

McLaren, shocked at the denial, points out that, besides the proceedings being recorded, there were eight people present (including two from eValuations) to witness that the first appeal called was the one relating to the Gupta property. The resultant increased value was subsequently recorded on the municipal valuation roll. The second case was Roux, the third a Mr Da Silva, a new owner, since the original owner, it was explained at the hearing, had been shot dead – a memorable bit of evidence. Advocate Smit was the fourth case to be heard – and the first at which the matter of house plans was raised.

Mashazi did however agree that McLaren had had a good measure of success. He went on to tell *Noseweek* that they are dealing with McLaren’s successful objections – a statutory requirement requires them to be reviewed as the majority had resulted in values increased by more than 10%.

Mashazi said while some zero valuations were in error and were being queried with eValuations, others were the result of the property scheme changing – for instance a property becomes sectional titled, therefore the total property has no value but each individual sectional title does.

A regular on the Houghton golf scene, Mashazi would not give an opinion on whether he believed the Oppenheimer estate was under-valued. ■

The 2013 roll was incorrect in many instances and there was a flagrant disregard for the rates policy

Eureka! (well ... almost)

How politicians deprived SA of major technological breakthrough. By Tony Robinson

IN 1994 OUR NEW GOVERNMENT CLOSED down the battery research unit at the CSIR in Pretoria. It was perhaps the worst decision on technical matters by any government since the central planners of the old Soviet Union decided there was no future in transistors and cranked up the production of vacuum tube radio valves. The unit, under the leadership of Dr Michael Thackeray, had just achieved a major breakthrough in the lithium ion batteries which now power cell phones, tablets, laptops and electric cars. Our government couldn't see it (see *Nose187*).

Professor John Goodenough of Texas is generally credited with the invention of lithium batteries, but it was Thackeray, a UCT-educated chemist, who invented the use of spinel oxides that turned the lithium-ion battery into the best battery we have today. Thackeray is now at Argonne National Research Laboratory in Chicago.

Further improvements in lithium-ion technology will soon find their way into the biggest lithium-ion battery factory in the world, at Reno, Nevada. The \$5 billion Gigafactory, being built in partnership with Panasonic, will produce more lithium-ion batteries than all other such battery factories in the world put together. It will be powered entirely by solar, wind and geothermal electricity. Gigafactory number two is already planned for Nevada. Number three will probably be in Japan. Here the story takes another South African turn, for the man behind the Gigafactory is Elon Musk, who hails from Pretoria.

Musk made his first fortune in his late twenties, developing the Zip2 pub-

lishing system, then Paypal. He invested much of that fortune in three companies. First was the bread-and-butter Solar City, run by his cousins from Pretoria, Lynden and Peter Rive. It is now the biggest domestic solar installation company in the US.

Next came SpaceX, which delivers cargo to the international space station, and has been contracted to transport astronauts in the near future. SpaceX rockets also put satellites into geosynchronous orbit and it boasts it can deliver double the payload into orbit at half the price of competitors. SpaceX is now bringing rockets back from space and landing them in the

Atlantic Ocean. Re-using rockets will further reduce launch costs.

The third company is Tesla Motors, of which Musk was joint founder. The first Tesla, an electric version of a Lotus, performed like a Ferrari, and, despite a \$100,000 price tag, some 2,500 cars were sold, many to A-list Hollywood stars. Mercedes and Toyota each invested around \$50 million and sold their shares for between \$700 and \$800 million. The big success has been the Model S, described as "Aston Martin on the outside and Apple on the inside", and selling as fast as Tesla can make them and Panasonic supply the batteries. In March this year Musk announced the Model 3, and within a week 325,000 people each paid \$1000 to get on a waiting list. Deliveries start at the end of next year and the plan is to make 500,000 a year.

In April last year Musk announced the Powerwall battery, which will allow homes with solar panels to go off grid. The Powerwall comes with a 10-year guarantee, and another 10 years at reduced performance. The unit bolts to a wall and requires very little space. A much larger version is available for industrial use. Orders streamed in and the first two years of production sold out before the first battery could be delivered. Most of the orders came from utility companies that will use them for grid storage and on wind farms.

Meanwhile, Solar City has bought a company that manufactures solar panels. The Silevo factory in Buffalo, New York, uses cheap hydroelectricity from the Niagara Falls. The original photo voltaic panels could turn only eight percent of sunlight captured into electricity. Silevo panels are 22 percent



Elon Musk



Dr Michael Thackeray

efficient, which may increase to 24 percent. It's clear the electricity business will never be the same again.

While it's great to see where some guys from Tshwane have taken the work of Michael Thackeray, that's just part of the story of rapidly developing technology, where each scientific discovery or invention seems to make a dozen more possible, which in turn make more inventions possible.

Look at it this way: All the calculations that went into the first computer were done on a slide rule. The resulting computer was used to design a bigger computer that was used to create a faster and more complex one, and

Who will buy Eskom power when it's cheaper to produce your own?

so on. Ray Kurzweil, who invented speech and music synthesizers as well as the flat-bed digital scanner, framed the Law of Accelerating Returns to describe the increasing growth of technical knowledge. The example he offered was the sequencing of the human genome. It was estimated the project would take 15 years to complete but after seven years only one percent of the work had been done, at enormous cost. There were calls to abandon the project but Kurzweil reckoned it was on schedule, for what the scientists learned in sequencing the first one percent would be applied to the rest and the pace would quicken.

In the next year another one percent of the work was completed and the doubling up process insured four percent for the next year, then eight percent and 16 percent and so on. It took the same time to sequence the last 99 percent as it did to sequence the first one percent.

But here's the rub. The world is driven by technology but decisions are made by politicians and lawyers, who don't understand science or technology. So decisions like closing down the CSIR's battery research unit are inevitable, and here we are with Eskom in trouble and a government which does not see the problem. The coal-fired power stations they want will be obsolete before they have been run in, and their electricity will be more expensive than power from the wind and solar technology now evolving. Solar panels already compete with municipal or retail electricity tariffs. Renewables become cheaper and more efficient while the price of grid electricity is guaranteed to increase every year, along with that of coal, wages, transport and payments on Eskom's mounting dollar debts.

In short, through new technologies the economics of power production has changed. Micro grids will serve neighbourhood communities while homes and businesses with moderate electricity needs will go off grid.

If, as Elon Musk says, solar power with battery support will far outperform fossil fuels and nuclear reactors, it leaves us, as Peter Haylett of the Cape Chamber of Commerce and Industry says, with one question – who will buy Eskom power when it's cheaper to produce your own? ■

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Love and loss

Karina was his fifth bride – and the love of André Brink’s life. Now she celebrates his memory. **By Sue Barkly**

“He knew all of me but never preyed on my weaknesses; he only ever believed in the best of me and thus made me thrive in my strengths.”

Karina Szczurek, widow of acclaimed South African author and academic André Brink who died last year, is explaining what she meant when she dedicated her first novel, *Invisible Others*, published in 2014, “to André who saved me from myself”.

Quietly spoken, yet engaging, the Polish-born Szczurek, who has made an impact as a writer and literary critic in South Africa, elaborates: “By believing in my writing and encouraging it every day, André made me finally realise that I was a writer and that it was a viable way of being in the world for me. Until I met him I mostly wrote for the proverbial drawer. Also, because he trusted me with his own writing, we became each other’s first readers. When somebody of André’s calibre believes in you, you can’t help but grow.”

We are meeting on a cold winter’s evening, in the large living room of the Victorian house in Rosebank, Cape Town, that Szczurek shared with Brink for the last ten years of his life. A stately grandfather clock stands in one corner; the walls are covered with artworks, including Hanneke Benadé’s double portrait of a youthful Brink with the poet Ingrid Jonker, which features on the cover of a special edition of *Flame in the Snow*, a compilation of letters they wrote one another, as lovers in the 1960s. A long table dominates the room, full of books and papers in orderly bundles left by

literature professor Leon de Kock, who is working on a biography of Brink.

As we chat beside the fire, visited occasionally by the cats who share Szczurek’s home, she relates how, as a young literature student, she met and fell in love with Brink at a conference, how he embraced her into his world, introducing her to his many fascinating friends, and how they travelled together to their dream destinations like Paris and Machu Picchu. And how he turned her into a rugby fan.

Szczurek holds a PhD in English and American Studies from the University of Salzburg and is the author of *Truer than Fiction: Nadine Gordimer: Writing Post-Apartheid South Africa* as well as the editor of, among others, *Touch: Stories of Contact by South African Writers*. Her work has appeared in a number of local and international publications. While she writes under her maiden name, in ordinary life she is known by her married name: Karina Magdalena Brink.

When we meet, it is just under a year and a half since Brink died while on a flight home from the Netherlands in February last year – and the graciously engaging Karina confides she is not doing well.

Slim and ethereally lovely in a knitted grey cardigan, she is one of those natural, unmade-up women who, one imagines, transforms into a ravishing beauty with just a slick of red lipstick.

“I have been in a phase of absolute lows again. André’s death was such a fundamental change in my life. I have survived. I am still here, but I do not think I have processed what a great loss this is,” she says.

“Still, I haven’t been idle. When I

look at the past year and a half, I have achieved a lot. I’ve been writing and translating. I put two books into the world and have nearly finished writing another.”

The past 18 months have also seen the publication of *Flame in the Snow*, which she worked on after Brink’s death, and *Water: New Short Fiction From Africa* (co-edited with Nick Mulgrew).

The book that’s keeping her busy at present is a memoir of her relationship with Brink, with the frank title *The Fifth Mrs Brink*. “I was approached by the publishers Penguin Random House about doing the book, at the Open Book Festival last September. I’d been talking about it for years. I always teased him about being the fifth Mrs Brink.”

The “so overwhelmingly wonderful” response to an article she wrote about *Flame in the Snow* clinched it.

“I got letters from people saying that, for the first time, they understood what love was. I suddenly felt the need to share our story.

“Even though I wrote through tears, there was, mostly, something healing in the process, and in February I went back to the publishers and said, I can do this.”

The story of how the two met is well known in literary circles and beautifully told in the book commissioned by Szczurek for Brink’s 75th birthday, *Encounters with André Brink*.

In December 2004, she was helping to organise a symposium on South African literature at her home university in Salzburg. Brink was one of the distinguished speakers and there was a mix up with his air ticket. Some-



André Brink and Karina Szczurek in Salzburg

body had to go to Vienna to accompany him on a train journey to Salzburg. Szczurek's thesis supervisor told her she should go as she had read most of Brink's work. She had also, earlier that year, done a 6000km road trip around South Africa with her brother, and fallen in love with the country.

As she relates it, "my compassion for an elderly man was taking me to Vienna International Airport." But when Brink strolled up in his well-worn jeans and an old leather jacket, he was nothing like she had imagined. "I was expecting, at sixty-nine, an elderly stooped gentleman in an out-dated suit.

"With his wiry brown hair, lively pale blue eyes behind elegant light-framed glasses and a cautious smile on his lips, André walked tall and straight towards my extended hand."

They chatted on the train trip from Vienna to Salzburg and then got to know each other a little better during the conference. The night before he was due to leave Salzburg, Brink gave a reading at Schloss Leopoldskron and Szczurek conducted the Q and A session.

She writes in *Encounters*: "Preparing for the evening, I had washed and dried my hair, letting it fall loose around my shoulders. As I sat next to André, I observed his hands for the first time."

He sent her gifts, including a box of sea urchins from a snorkeling expedition for her 28th birthday

Afterwards, as she was leaving the venue, she desperately tried to find a reason to go upstairs and knock on his door, but she didn't. She later discovered he was leaning against the door of his room, "just as desperately trying to find a reason to come down again."

At the time of their meeting, Szczurek was married, unhappily, to a philosophy professor at Salzburg University. "I knew from the beginning it was not going to work. We arrived at our honeymoon in Sardinia and I thought, 'what have I done?' We tried

to make it work, but by the time I met André, I was really in a bad state. The only thing that functioned in my life was work."

After the conference, Brink and Szczurek started corresponding. He sent her gifts, including a box of sea urchins from a snorkeling expedition, Umberto Eco's *On Beauty* and a gold chain for her 28th birthday. And they wrote letters to each other.

They met again in spring 2005, in Europe. "We were both free to listen to our hearts and it was André's turn to meet me at an airport. He says he kissed me then and there when I arrived, but I don't remember. What is vivid in my memory is the taxi ride from Charles de Gaulle airport into the city: our hands touched, knowingly and purposefully and I remember again thinking I had never seen more beautiful hands.

"It was spring, we were in Paris, there was also a conference about South African literature taking place at the Sorbonne and we walked hand in hand around the city discovering that what we had brought into being through words was taking real physical shape in the world between us."

The two soon travelled together to England, and she took him to her beloved Wales where she had spent a year studying. They had tea at Tintern Abbey and read Wordsworth aloud to

A tale of many cities

KARINA MAGDALENA BRINK WAS BORN KARINA Szczurek in January 1977, in Jelenia Góra, in communist Poland. Her parents fled to Austria when Karina was ten and her brother Krystian was six.

Without passports, they ended up in a refugee camp.

"We just didn't know what would happen. But my parents made us feel we were all in this together, that all would be well," she says.

After two years, the family moved to the US, and then back to Austria. The years of moving around meant Karina and her brother went to numerous schools.

"I stopped counting ... but the years, after leaving Poland were years of loss and more loss and of trying to cope and of not always coping."

By the time she was 13, Karina had never read a book, but a librarian in the US changed this.

"Because I liked her so much, I read my first book – in English ... then, for the next two years, I did little else!

"While a Masters' student in English/American and Slavonic Studies at the University of Salzburg, an exchange programme with Stellenbosch University sparked her interest in South African literature.

"When the time came to do my PhD, I knew it must be on South Africa and my choice fell on Nadine Gordimer."

In February 2004, she did a research trip to SA, during which she interviewed Gordimer – and also did a road trip through SA with her brother.

She met André Brink in December that year and moved to SA in 2005. She has her PhD from the University of Salzburg, for her thesis on Nadine Gordimer's post-apartheid writing. She has edited and collaborated on numerous books and her play for young adults *A Change of Mind* won the MML Literature Award in the Category English Drama in 2012. She also writes short stories, book reviews, essays and poetry.

each other in the middle of the ruins.

She came to Cape Town for Brink's seventieth birthday and then for winter the same year. In 2005, they travelled to Norway together, after which she "arrived on André's doorstep with two large suitcases and an invitation to stay forever."

"I walked around his soulful Victorian house with its walls covered in paintings from around the world and the rooms beautifully furnished with antiques and I immediately felt at home. We turned one of the guest bedrooms into a study for me and the adjoining little room into the biggest Brink library in the world."

One summer's evening in 2006, Brink returned home after a stressful day. Szczurek lit candles, made supper, opened champagne and proposed to him.

"*Jou poephol,*" he exclaimed, and cried, and they married a few months later, in June 2006.

It was not a simple relationship, says Szczurek. She was "broken by betrayals and almost paralysed by mistrust," mainly related to men. She was also affected deeply by her parents' marriage, which had eventually broken apart because of infidelity.

Coming to terms with their respective pasts was their greatest challenge. "Because we had both led compartmentalised lives in the past, it was a challenge to integrate all aspects of our lives and to live them fully together. Once we had sorted that out (and it took a long time and it was really hard, soul-stripping work), we were truly together."

Jonker was one of many women Brink introduced Szczurek to – in hundreds of letters in which the pair "wrote about everything and everyone who mattered". Of all his past loves, it was mainly Jonker she needed to understand, "because that relationship was a key to understanding all other relationships in André's life. Right from the beginning I felt she had left an indelible mark on him. It was obvious: she features everywhere in his work."

Szczurek was once quoted, saying of Brink: "I love the fearlessness with which he encounters every new windmill in his path and the eagerness with which he approaches every new adventure. To experience life with

André is to enter a space where the boundaries between the everyday and the extraordinary blur, where duty merges with passion, and a mere possibility becomes intoxicating reality.

"I am not the only one who says this about André. He was so passionate about life, and not even necessarily about the huge things. He built a whole career on huge themes and topics, but, living with him, it was often the everyday, little things he was passionate about.

"If there was food, it was consciously bought and enjoyed. A glass of wine, even if cheap, was thought about and enjoyed. He brought consciousness to ordinary things. He loved sport too. His passion for rugby and tennis, inspired my interest.

"When we first met in Paris, André took me to his favourite little restaurant around the corner from the hotel where we stayed. We had pan-fried duck liver. He had such joy in eating that and in wanting me to be part of the experience. He made little things special. He'd bring that same joy to making a little fire or sharing an article or a book. He always wanted to share experiences.

He was always highly aware of the people he was with, especially in his relationships. I have heard this from many of the women in his life. He was a man who made you feel completely special."

So, what did Brink bring out in you, I ask?

"André always told me that, until he met me, he lived his life in different compartments; the most wonderful thing about our relationship was that I made it possible for him to be completely himself at all times without having to put up these boundaries. For me, it was the same.

"I had a vision of how a relationship between two people should function; that people should be able to find a kind of calm, peace and understanding beyond the first excitement of falling in love and to be able to grow together and to wish the best for one another. I dreamt of being in a relationship where somebody really wants the best for you. I was afraid that was just an illusion one had to grow out of."

The couple remained happy right up until Brink's death, even though in the last year of his life, his health was

deteriorating. “It was difficult for both of us, for him to accept he was so frail, but he always said ‘I don’t want you to have to be my nurse.’”

“Despite everything, we managed remarkably well. In the last few months it was horrific to watch him suffer so much. Yet we always woke up next to each other with a smile, no matter what.”

Szczurek was with Brink on the flight when he died, aged 79, from a blood clot that formed in his leg while returning from Belgium where he had gone to receive an honorary doctorate.

“I had never seen a dead person. I’d never seen anybody die. He started breathing differently on the flight and, though I did everything I could, I knew he was dying. It was so quick. In my heart I knew I had to say goodbye. It was one of the most painful things I have ever been through but in retrospect, I am grateful I was able to kiss him, to tell him I loved him and to say goodbye.”

As fate would have it, there was a nurse and a doctor – a professor from Harvard – on the flight, both of whom were remarkably helpful. “The doctor told me afterwards nobody could have saved André. Everything that could have been done was done. The kindness and respect I experienced on board the plane was incredible. I only found out afterwards that the doctor had read André’s work. The nurse knew who he was and so did some of the passengers, which is how the media found out about his death.”

As she recalls the stress of that flight, Szczurek relates how she knew that, with 300 people on board, the chances of his death being made public were huge.

“I was desperate that his children and other family members and friends did not find out about his death through the media. The pilot on the plane allowed me to make a phone call from the cockpit so I called some dear friends and asked them to fetch me at the airport. Then I started phoning the family.”

Asked about her plans for the future, Szczurek is adamant she will stay in South Africa. “I have lived here for 11 years and this has become my home. Even though my parents and brother live in Austria, it would kill me to return there. And if I went back

to Poland, I would be completely lost. I haven’t lived there since I was ten.”

She recalls her early life in communist Poland and subsequent experiences of fleeing to the West with her family: “Coming from a very migratory, unstable background, this is the first home I have had which I have been allowed to keep. And nobody is taking that away from me. People from Pam Golding have been enquiring whether I would be willing to sell this house because the Rosebank area is hot, but I have told them to take me off their lists because I hope to die in this house.”

“I felt connected to the place from early on. I am sure it had a lot to do with the fact that SA is such a multi-cultural place. Austria, for example, is mono-cultural. Here, I am one of millions of people who all have their complicated stories! That makes me feel at home.”

There are, of course, times when political developments in SA frighten her “because I do understand how quickly political situations can change, and

Of all his past loves, it was Jonker she needed to understand, “because that relationship was a key to understanding all other relationships in André’s life.”



Karina Szczurek

you can end up threatened or dead. I witnessed the whole Yugoslavia conflict while living in Austria.

“I watch events in South Africa with great interest. I watched the disruptions during the State of the Nation Address in February and I thought, this can’t be real! It was surreal. Yet, I also see how strong and active civil society in SA is and I believe it will all be alright. It’s going to be OK.”

Authors she loves include, “obviously” the “holy trinity” of Brink, Nadine Gordimer and JM Coetzee, as well as Ivan Vladislavić and Damon Galgut, and she will read anything by Johnny Steinberg, poet Antjie Krog and Pumla Gobodo-Madikizela. Other local favourites include Sindiwe Magona, Niq Mhlongo, Mary Watson, Craig Higginson, Alastair Bruce and Nthikeng Mohlele – “his latest work, *Pleasure*, blew my mind”.

Two new voices she will be watching are Ghanaian/Zambian Efemia Chela and Liam Kruger. “Both show brilliant insight into human nature combined with sharp, beautiful writing. And they are both very young, mid-twenties.”

In terms of career plans, there are a few things she has been dreaming of for a while. “I would love to become a publisher myself. André knew this dream and he said I would be brilliant. I know what I want to do and how, I just need the financial and emotional resources.”

She also has two novels to complete

as well as the memoir. “And I want to continue writing smaller pieces. I love being part of the review process in South Africa.” She would also love to travel again, but right now that’s too difficult. “I have not been on an overseas flight since André died.”

Did André Brink stay engaged with South Africa’s issues and politics, to the last? “Definitely. He was very concerned – and vocal – about many things that were happening in the country. But he was always the optimist. He’d say, ‘yes, we are struggling and things are going horribly wrong’, and he was scathing about Zuma, but he always said that, on the whole, there was a positive undercurrent. He believed in the future of South Africa and that, somehow, we would make it work.”

The local outpouring of love and admiration for André after his death was quite overwhelming. “I sometimes wished he could have witnessed it ear-

lier because it would have made the last months of his life so much easier.”

Knowing this talented and fascinating man so well, what was it about him, in her view, that saw him marrying five times? Did he finally meet his match?

“This is how I see it: André married five times because he was a hopeless romantic and believed the real thing was out there, and he never gave up on it. Thank goodness. His first marriage to Estelle ended after he met Ingrid. It lasted seven years. His second marriage to Salomi ended because she wanted out. It lasted about a year, most of which they were not together. His marriage to Alta lasted 17 years. Towards its end he met Marésa, divorced Alta and married Marésa three years later. They were married for 13 years. The last two marriages before me lasted quite long, but they were not working, and André and his partners had the guts to get out in the

end. Sometimes it takes much more courage to leave than to stay. Most people stay and persist in their misery for years. I don’t know why. I am very proud of the fact that I asked for a divorce when my first marriage wasn’t working. And I am proud of André that he was brave enough to risk it all again. It was worth it. Yes, I was his match and he was mine. And, as a friend told me a few months ago, there aren’t many men out there who are. I accept that, and have promised myself never to compromise in the future. It will have to be all or nothing. I can do solitude, but I can’t do permanent misery, or worse, emptiness.”

At the time of his death, André Brink was working on a novel called *Gold Dust*. It opens with these words: “There is nothing like a barefoot girl to restore one’s faith in the future.”

A still sad woman, having experienced the love of her life, must face her own future, alone for now. ■



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Bad medicine. Speaking ill

DR WYNNE LIEBERTHAL, IN recent years a much-loved Sabie GP, died at his home in that town of a heart attack, on 5 June. He was 61. Dr Lieberthal featured in a 2004 *Noseweek* story that exposed his drug addiction, his physically debilitated patients, and a set of highly-questionable dread-disease insurance claims for his friends and family. (His twin brother Hugh collaborated in the dread-disease fraud.) Lieberthal was suspended from practising medicine in 1991, but managed to get reinstated soon after coming out of rehab. After qualifying as an orthopaedic surgeon, he was again struck off the roll, in July 2004, when the Health Professions Council of South Africa (HPCSA) found him guilty on seven charges of unprofessional conduct relating to botched spine operations (*Nose57*). One of the botched procedures resulted in a teenage girl being rendered paraplegic, after he accidentally severed her spinal cord.

In 2007, the HPCSA once again reinstated the persuasive Dr Lieberthal as a surgeon, but only for operating under supervision. In 2009, the council lifted even that restriction, but less than a year later he was suspended for a third time, after the HPCSA received 13 fresh complaints from unhappy patients, some of whom had been permanently crippled by his handiwork. And yes, believe it or not, only shortly thereafter, he was reinstated yet again, but only to practise as a GP.

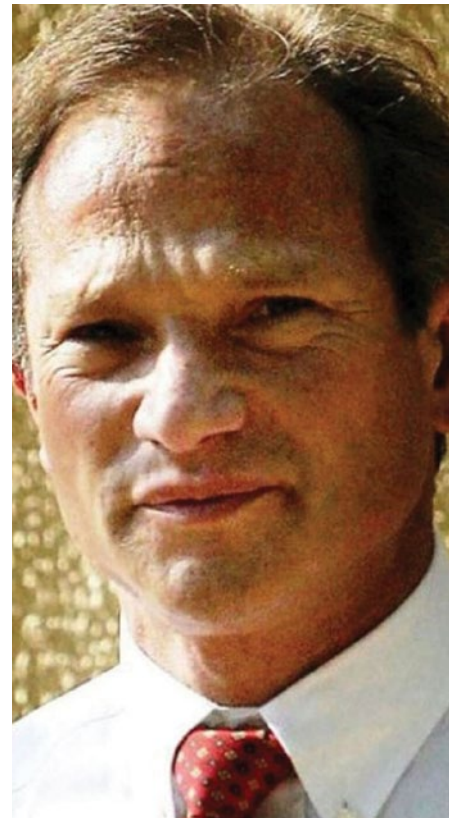
Even when it came to hobbies Lieberthal could not resist cheating. As a Fellow of the South African Photographic Society he had the dubious distinction of becoming the first person to be disqualified by the Society after being awarded first prize in a

By Jon Abbott

prestigious wild life competition. On closer examination, experts agreed that the mongoose and cobra in mortal combat in his winning photograph were stuffed.

In his last years in Sabie Dr Lieberthal appears to have gone some way to redeeming himself. The social media tributes and condolences from people in the town portray a gentle, caring and much-loved family doctor, far removed from the Lieberthal once known as “the butcher of Rosebank”. On 5 June the town’s Facebook page declared: “Today Sabie mourns the loss of a great man. Not only was Wynne Lieberthal our doctor, we will remember him as the doctor who became everyone’s friend. A brilliant mind who was passionate about helping and saving. He lived to serve. May God bless and comfort his family.” This was followed by a post from Jenny Moolman: “Very sad news. Dr Lieberthal, you will be missed by many. You were a very gentle, caring man, and one of the few doctors in this day and age who would see and attend to patients any time of the day, even on Sundays. RIP and condolences to your family.” Cathy Rees added to the accolades: “Wonderful GP and man. Compassionate and caring. Has left a huge hole in Sabie. Love and support to his family.” Dr Lieberthal will clearly be long remembered by his patients, but for quite different reasons.

He is survived by his twin Hugh – the insurance fraudster – and nephew Jayson. The latter was described in *Nose164* as “a small-time not-very-bright crook”, a man constantly moving from business to business, taking cash for orders not delivered,



Wynne Lieberthal

and conning suppliers into delivering stock with dud cheques and forged EFTs.

A Durban pharmacist who had Jayson’s father Hugh arrested in her pharmacy for credit fraud, recalled that when a staff member exclaimed she had read about the Lieberthals in *Noseweek*, Hugh had responded: “Why do people believe what they read in *Noseweek*, but not what they read in the Bible?” Fortunately, neither Hugh nor Jayson were trained in the use of a scalpel.

Jon Abbott publishes a blog: dearjon-letter.blogspot.com ■



Brexit. Through the looking glass

THERE IS NO QUESTION ABOUT IT: THE UK's response to the Brexit vote amounts to the most confusing event in British history. To get to the bottom of the mess, consider for instance, that not once, but twice, Charles de Gaulle prevented the UK from joining the forerunner to the EU. In his time as President of France, De Gaulle was concerned by "a number of aspects of Britain's economy, from working practices to agriculture". He fretted that these had made Britain "incompatible" with Europe. He was convinced of a "deep-seated hostility" to any pan-European project. After De Gaulle, the UK joined the EEC in 1973, an event that easily survived a 1975 referendum. Even so, there have all along been individuals, advocacy and other groupings which have campaigned for an exit. Finally, on 23 June, in the Brexit referendum, 52% of votes cast were for exit. Only 72% of the electorate had gone to the poll.

The outcome triggered shockwaves across the world, not least in currency markets. British Prime Minister David Cameron resigned.

Why such awe and amazement, such horror? The outcome of the vote, at the end of the day, was a vote not so much against anything to do with the EU, but, rather, against the unrelenting and unchecked greed of the elites. If this sounds too easy an explanation, naïve and homespun, consider that we are living in a very different world to De Gaulle's. Since his time as French President, the financial and economic elites in the world have become increasingly wealthy. According to Oxfam, an NGO, the richest 1% in the world own as much wealth as the rest of the world combined. Oxfam found that just 62 people held as much wealth as the poorest half of the global population: billions of people.

In the West, these growing inequali-

ties (which continue to widen, not narrow) have seen democracies refashioned to increasingly suit the demands of the ever more influential elites. Voters are expected to behave in a certain manner, toe-ing this line here, that line there, and tolerating changes and modifications that only entrench the powers and influence of the elites. Elites actively power-monger across all avenues of life, but the cream focus is reserved for the political classes and, most important, the media.

As NYU journalism professor Jay Rosen recently put it: "Journalists today report on hostility to the political class, as if they had nothing to do with it." The mainstream media is, however, itself a cornerstone of the political class; "if the population – or part of it – is in revolt against the political class, this is a problem for journalism." Brexit shows that the population is now in revolt. The mainstream media, facing increasing marginalisation by social media, continually reacts with anger, typically blaming, no matter how indirectly, the underclasses. The Brexit vote was a massive vote against elites, not against the EU at all. The elites, as voiced by an obsequious media, continue to react with puerile anger.

The alternative to this atavistic anger is for the political classes and the media to engage in honest self-assessment, and examine just why the increasing detachment of the average voter has been ignored for so long. Brexit shows that people are sick and tired of being shoved around like pieces of sheep meat. Anti-elite sentiment has been further aggravated by the immunity of the modern "ruling classes" from any kind of meaningful discipline, never mind punishment, even when there is clear and unambiguous evidence of wrongdoing.

Take the instance of Wall Street investment bank Goldman Sachs, once

described by Matt Taibbi in *Rolling Stone* as "a great vampire squid wrapped around the face of humanity, relentlessly jamming its blood funnel into anything that smells like money". This ultimate elite bank earlier this year agreed to the largest regulatory penalty – a cool \$5 billion – in world history, resolving allegations over its manner of selling mortgage bonds ahead of the 2008 global financial crisis. In 2005, the US Chamber of Commerce said this about (then) New York State Attorney-General Eliot Spitzer (who was taking on Wall Street's untouchables): "the most egregious and unacceptable form of intimidation we've seen in this country in modern times".

That is a vintage example of how elites demand immunity, with impunity, and, at the same time, craftily invoke sympathy from all and sundry.

The principle of elite immunity can be traced to the pardon handed down on 8 September 1974 by president Gerald Ford to Richard Nixon, one of the grubbiest and most repulsive little criminals of the modern era. Ford told the nation that the Nixon family's situation "is an American tragedy in which we all have played a part. It could go on and on, or someone must write the end to it. I have concluded that only I can do that, and if I can, I must".

If prosecuting authorities are to act without fear or favour, and if everyone is equal before the law, democracies need to revert to basics, and to respect law enforcement (subject to all the normal safeguards) as a basic human right. Democracies will have to somehow move to start re-attaching voters, or voters will continue to move in directions that offer even vague alternatives to the ongoing and heinous reign of elites. Until then, the Brexits will continue and increase, and Donald Trumps will spring up all over the world. ■



Ethnicity. To BEE or not to BEE

THE PROTEST AROUND THE ANC'S candidate mayor for Tshwane recalls that *Idols* audition snippet which went viral in the township a few years back. In it Gareth Cliff asks a contestant what he does for a living.

"I sell things" he answers.
"Like what?" asks Gareth.
"Cigarettes, airtime, sweets!"
"Oh, so you are vendor?"
"No!" is the indignant answer.
"So what are you?"
"I'm a Zulu!"

One of the mistakes we make in our country is to believe our population is completely Westernising. We see a black person in a BMW, wearing a suit and the accoutrements of Western culture, and we feel they are a 'Coconut', brown on the outside but white inside. Big mistake. The reality is that while people are modernising, their culture remains strong, even as it evolves. There is a big difference between tradition and culture, and while tradition

is in the past, culture is very much with us. We see this in food, social life, music, and in ethnicity. The ethnicity of people is important to them and in most ways positive. Look around and you will see many reflections of this: I just love the way culture has revived in the opening of Parliament. When Mandela opened Parliament he and Winnie dressed no differently to PW and his wife in their day. Today the dress is a wonderful Afro-chic reflection of our cultures.

The problem behind the Tshwane protests comes not from ethnicity: it comes of friction between traditional and modern culture. Thoko Didiza is a KZN Zulu, not a Gauteng Zulu. KZN Zulus are known as traditionalists, but not the Gauteng ones. One of the townships with the most trouble was Soshanguve, a name standing for the ethnic groups stuck there by the apartheid government: Sotho, Shangaan, Nguni, Venda.

I was brought up in a Zulu village,

and I not only spoke the language, as many white people in KZN do, but was brought up in the culture of my Zulu compatriots. When my father was killed we returned his spirit the traditional way, fetching him from the dusty roadside where he had been shot, and carrying his spirit home on the branch of a Mlahlankosi tree, wrapped in a grass *cansi* mat, speaking to his spirit in Zulu all the way home.

Reading about mitochondrial DNA, I became curious whether I might have Zulu blood in my veins. My heart leapt in anticipation when I got back my genetic ancestry test. Here was proof of Zulu ancestry – I could claim BEE benefits, and to being a "white Zulu". It was not to be.

"When we compared your mtDNA profile on two international databases, with 10,600 mtDNA haplotypes, we found 17 identical matches in eight Europeans, three Sri Lankans, two Indians, two Caucasian Americans, one Iranian and one Afro-Caribbean.

"A search of our own database yielded 15 identical matches in 11 South African Whites, three South African Indians and someone of unknown ethnicity."

So, no Zulus but lots of Indians! Kind of strange, but very funny: I'm closer to Shaik and Gupta than Zuma. I was forced to confront my Zulu-bred prejudices.

Does this make me black enough to claim BEE status? I suspect so, as I am, statistically, 35% darker internationally, and in SA, 21% darker. Or can I claim only 21% BEE? As for the Iranian ancestor, I suspect he's in black robes with flowing beard, so that's another tick for BEE – unless she's a Persian princess.

Meanwhile, my wife Sue is getting a dot on her forehead, and I'm off to claim a mine and a coal-delivery contract. ■





Blue period. Maggie to the rescue

LIE BACK AND THINK OF MYSTERIOUS KZN. WE are, once again, in the presence of the redoubtable Maggie Cloete, scourge of contemporary Zululand villains and their fiendish post-apartheid accomplices. No, this has nothing to do with Nkandla: it is the reassuring reappearance of gutsy Maggie, affectionately known to Charlotte Otter fans in South Africa and Germany from her previous adventures in *Balthasar's Gift*.

Certain vivid *Balthasar* characters reappear in steamy Pietermaritzburg for this second plunge into the wickedly subversive contemporary society that confounds the old image of that sleepy colonial town – now tottering in shock at its dangerously jazzy reincarnation. Never fear, Maggie is near.

Maggie is a strong woman. She has known bad times and expects more of the same. But there is a crusading bravery beneath the tough exterior of this journalist, whose sanity rests on professional principles which are increasingly threatened by cowed newspaper management, manipulated by strictly political and commercial interests. Well, we know all about that. Don't we?

Maggie had endeared herself to a growing German readership (Otter worked in KZN as a journalist before being posted to Heidelberg by her leading international technology employer and her thriller-writing abilities have impressed a lot of South Africans). For a woman with a demanding full-time job, husband and three children, Charlotte O is doing very nicely, thank you.

Clearly, the author is not a model for fierce Maggie, who has a close relationship with her powerful motorcycle, survives on junk food and thinks it *sissy* to primp for a date with a man. Nevertheless, despite her feminist broodings, she manages to attract a lot of male attention. Which is just as well, given the fact that her investigative journalism tends to arouse the ire of the establishment, both Zulu and white, so the assistance of a some male muscle is welcomed.

This time around, Maggie's woes include an occasionally psychotic brother, incompetent colleagues, and melancholy memories of a deprived childhood. All of which is useful back-

KARKLOOF BLUE
A Maggie Cloete
Mystery
By Charlotte Otter
(Modjaji Books)



ground for a Nancy Drew who wishes to understand the sufferings of the underprivileged in order to comprehend her society emotionally and professionally.

All this is conveyed sympathetically, but it would have helped if she had been better served by the proof-readers. The text suggests that the tale went to the printers in a hurry, with a score of uncorrected literals, tautologies and other errata. Was it translated from the German, or written in English for translation?

Karkloof is an exciting exercise, so it's a pity that the telling should have been marred by such careless sub-editing. We trust that Maggie will wreak colourful vengeance on the guilty parties. And we could also use her services in sorting out absurd news priorities and sloppy reporting in sundry South African newspapers right now.

Otter has the rare ability to sustain dramatic interest – the whodunit factor that forces the reader to plough on regardless, in order to unmask the villain. The *Karkloof* cast includes a choice selection of nogoodnicks, from sneaks to killers, and there is some excellent characterisation of the in-betweens.

Much of the action focuses on a greenies campaign to save the natural forest habitat of the beautiful Karkloof Blue butterfly from corporate baddies. The goodies are a rich mix of New South African relationships.

With a little bit of luck, Maggie might just make it to a TV series. Otter has created a memorable character, and readers will want more of her. ■



Charlotte Otter



Toady. Hop and skip

LOOKING BACK, I RECKON THE MOST horrible people I have known have been highly intelligent. Boring too. Which doesn't mean in order to be nice you've got to be stupid, it just means I don't mind folks being a bit dof so long as they're interesting.

Mfanwe van Cohen was one such. Mfanwe, said I to her one morning in my little art-restoration studio back of the Elizabeth Gordon gallery, are you Welsh or Afrikaans or Jewish? What? she replied, are you some sort of racist then? My family name was Van der Koen, which sounds like I am some sort of Zulu so I thought okay change it to something Caucasian, what's wrong with that, hey? Well Jews aren't Caucasian, are they? said I, and anyway it sort of doesn't match with the Mfanwe bit, does it, and where on earth did you get a name like that? My great-great grandmother on the farm Tweetarentalemorsdoodmeteenskoot in the Kranskop area, said Mfanwe, was the love-child of a very handsome lieutenant in the Welsh 24th Regiment of Foot in the Zulu War, and his mother's name was Mfanwe, see? and this memorial artwork which is before us for restoration is in celebration of a long line of Mfanwes.

But I must explain, dear reader, what this work of fine art was, which I was required to restore. It was a 1,5 x 2 metre piece of stretched deck-chair canvas and on it were attached left to right and top to bottom assorted symbolic possessions of more-or-less a dozen Mfanwes, mothers and daughters, over 130 years or so. A menu with an Eiffel Tower pic, from a French restaurant in Babanango in 1913, then came a hoofprint on calico from a horse called Bles, then feathers from a budgie name of Squeeky, then a sad last love letter from a German

lad who wrote farewell alas he was about to be blown up in WW1 but in fact had fled to Woolloomooloo Australia to hunt rabbits rather than face marriage into the Van der Koens and Kranskop culture.

That sort of thing, about six across and four down, the last being a two-dimensional run-over toad about the



size of a matzoh cracker and of the same texture, well-dried and crisp. The present Mfanwe had found this luckless creature on the N3 where it appeared to have met its fate under the eighteen wheels of an army tank transporter, and symbolised to her the transience of life and the evanescence of love, her latest paramour having yomped off to Yarra Australia to grow grapes. What dismay, then, when recently she noticed certain flies settling

on this her toad and realised it was neither matzoh nor biltong and was, in fact, putrifying.

Well I know the materials and techniques of art restoration all right, I have never given up on any job. And thus it came about as I stood in a till queue at Pick'n'Pay one day, pondering the process of decay, that I found myself in conversation with a plump genial man who declared as follows: My friend, you have met the right person. I am a PhD specialist in buffology, which is to say a frog expert, and I assure you your only way out is to find a new toad, which I shall be happy to provide from my garden. Place yourself in my hands. So we're off to his garden where after a bit we find a nice one about the right size, and he folds it up in the *Sunday Times* which is a good thick newspaper and puts it in front of a wheel on his 4x4 and runs over it a few times with more newspapers until it's squashed about one mm thick like a matzoh and the same size and there's no juice whatever left in it. He turns his deep-freeze to minus sixty and sticks the toad in there for the afternoon then rubs all the frost off with a nail brush and sticks it ten seconds in the microwave to boil off any last molecule of water and puts on a face mask and sprays it with formaldehyde. We drive about with the toad hanging in the slipstream to get rid of the pong and I take it home and dip it in polyurethane nice and thick so the residual pong can't escape and I stick it back on Mfanwe's memory lane canvas with epoxy. I rub it with a bit of turps so it doesn't look too fresh and dab on a bit of umber oil paint for antique effect.

Mfanwe declares herself enchanted. A tear comes to her eye. It-it-it's so beautiful, she whispers, and natural. It-it-it's as if it died only yesterday. ■

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