

OUTSURANCE:
A bad history

SECRET NKANDLA TAPE
That nobody dared publish

FORD:
Another flaw

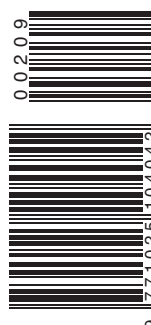
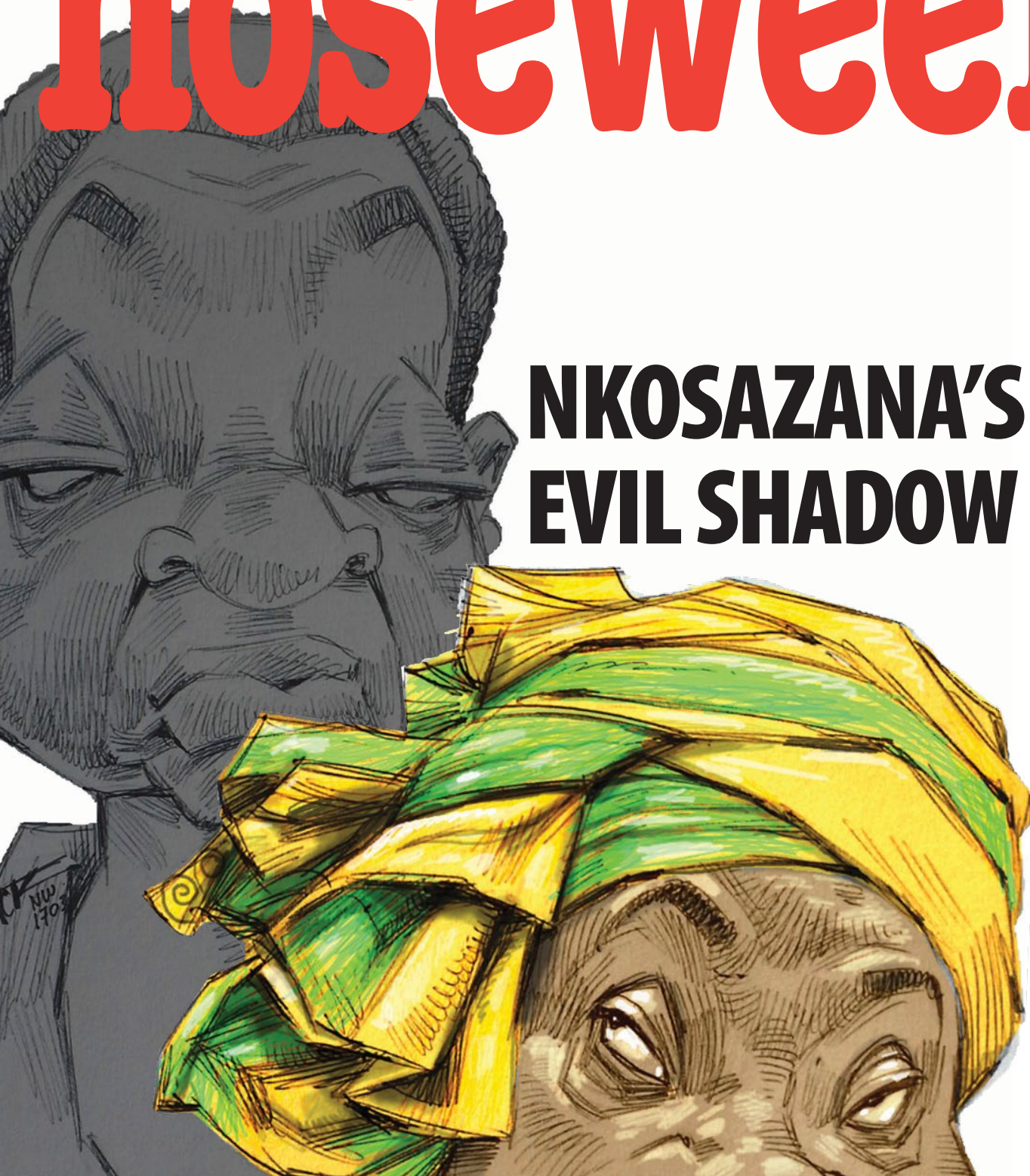
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Letters

Barry Sergeant an instant friend

I'M SO SAD ABOUT BARRY SERGEANT'S death. He was so kind to me even though we never met, and I felt him to be a friend and loved him. Two months ago, he spoke about his farm and things he was working on, and told me to visit. I should have gone then, if only to meet him and keep that moment with me.

Khadija Sharife
Durban

See Editorial on page 8. – Ed.

Gassed out of our homes

HAVING READ YOUR ARTICLE IN *NOSE205* on Enviroserve's dumpsite near Hillcrest, I thought you need to be told about how we – here in Midstream, Thembisa, Glen Austin and Brakfontein in Midrand – have an even worse problem with the Interwaste dumpsite.

They are allegedly dumping hazmat (hazardous materials and items) waste from platinum mines at this site, which is creating hydrogen sulphide and sulphur dioxide, both deadly gases.

As a result, we are being gassed out of our homes. People everywhere are sick and animals are dying. The government has been "investigating" for two years already and it is getting worse by the day.

Please can you look into this, as we get threatened by Interwaste lawyers when we post on Facebook or message.

Paul Treleven
Midrand

Noseweek is no stranger to sniffing out Interwaste's stink (see nose194). We suggest you contact environmentalist Desmond D'Sa, of the South Durban Community Environmental Alliance, for assistance. D'Sa travels the country to help communities battling with toxic companies. We also suggest you visit the Upper Highway Clean Air NPO to see how that KwaZulu-Natal community has rallied in their area. A Noseweek journalist will be contacting you shortly to get your story and to ruffle

the scales of the legal minions slithering around Facebook instead of respecting your right to a healthy environment. Because that's how we roll. – Ed.

Discrimination in death

I AM GLAD YOU PUBLISHED "FORGOTTEN but not yet buried" in *nose208*. It tallies with my experience with Claremont Shul. My late mother belonged to the Jewish Seniors Club that met in Claremont/Wynberg regularly. In fact, she left money to them.

She also used to go to the Claremont Shul for the high and holy days and paid her annual dues there too.

When she died – and despite my father having been Orthodox – I had her cremated, but I asked the Rabbi to say prayers for her. When he refused. I asked a devout shul-goer pal to intervene and try to sort this out, as I thought that my mother, who didn't really want to be cremated but left it up to me to decide, would appreciate having prayers said in any shul for her. In the end it created such a problem situation that I don't know whether this was ever done.

I do believe that these self-serving judgemental humans will get a taste of their own meds in due course.

Pam Herr
Sun Valley

'Last Word' always first class

I HAVE FOR YEARS BEEN A HAPPY subscriber to *Noseweek*. This weekend, again, Harold Strachan's contribution (in *nose208*) was a masterpiece of humour.

Does *Noseweek* have a "Last Word" collection of his contributions in print? If so, then I am a keen purchaser. If not, then how about putting one together?

John Barbardt
CEO, Bonnievale Wines

Mother's Sassa account raided

I HAVE SPENT A YEAR TRYING TO GET THE money Sassa's paymaster appointed stole from my mother's pension.

After all the paperwork and phone

calls and trips to various places they have told her it's her own fault and said someone has been buying airtime from her account.

This is rubbish. They have perpetrated a fraud and need to take responsibility.

Jenny McLeod
Meadowridge, Cape Town

Bled dry by Hermanus

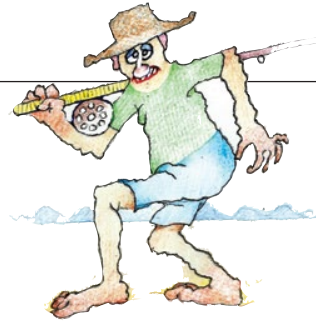
RECENTLY WE HAVE READ IN YOUR Letters pages about municipalities that do not charge sufficient rates on properties because of too-low valuations. Well, let me tell you that there is one municipality where such a state of affairs will definitely not happen: the Hermanus municipality of the Overstrand. This municipality is run to show a healthy profit and, whereas business has to deliver to show a profit, Hermanus municipality has the advantage of not having to do so.

President Jacob Zuma's example of government has been readily embraced by the Hermanus councillors *en bloc* – DA, ANC, same difference. Where Zuma bribed the justice department, Hermanus employs the smartest lawyers the region can provide, paid for by the rates and taxes levied on the property owners.

Municipalities used to be instances of service – in Hermanus it has become an instance of imposition. Valuations of houses are decided unilaterally by the lawyers – every four years a higher figure, despite the fact that in the market, house prices have dropped considerably during the last five years. In my case, our house was revalued for almost R1 million more, to R2.735m, while surrounding houses had been sold for an average of less than R2m. The result was an increase in rates of R3,600/year.

If you protest, the next month you will find an increase in your electricity deposit of R5,000 to be paid directly, in order to punish you.

Hermanus municipal lawyers' law is Law, house owners had better not forget. To fill the coffers, the lawyers invented an additional payment on car licences – a transaction fee of R36 – to get more fines. You won't be told



when your car or driver's licence is to be renewed, so quite a few people who were used to a "service" municipality find themselves riding around with out-of-date papers. The municipality has appointed a crowd of youngsters with yellow vests to pounce upon car owners in order to fine them.

All this might not be legal but house owners who built or bought a house in their younger days now find it difficult to defend themselves against the demands of the Hermanus Municipality.

Lawyers are too expensive, already the habitants have paid for the municipal lawyers that attack them in our zumacracy and so far there does not seem to be any defence against the persecutions of Hermanus Municipality.

Nick Dekker
De Kelders, Gansbaai

Unfairly tainted

I WAS DISTRESSED TO DISCOVER THAT in Mandy Wiener's piece on Mahen Munsamy's money laundering schemes (*nose208*) you say I "aided

and abetted" him, suggesting that I had assisted him in some illegal or morally reprehensible activity. All I did was assist Munsamy to source and develop the properties he purchased. I am a property developer (not an architect) and was doing my business as I would for any client.

The acquisition of the first two properties occurred well before the Sasol/FNB saga. I also lost a considerable sum of money when Munsamy reneged on our agreements for the development of the properties after much work had been done. I would appreciate a note clarifying this.

Andrew Botha
Johannesburg

Slimy sorts duping others

I AM ONLY ABOUT HALF-WAY THROUGH the February issue (*nose208*) and it sort of leaves me speechless to read about all these slimy people who defraud and harm others. But I really enjoyed the Editorial and the comments about BEE. BEE will be around for ever as it is a crutch. It is also a form of racialism that is bad news for our

country but, ironically, is government policy.

Keep up the really good work that you and your staff do. One of these days I guess I should subscribe to the digital version of *Noseweek* but maybe I'm a bit old fashioned and still enjoy the printed version.

Dave Nicholls
Durban

Where's my money, SARS?

IN 2006, R105,000 WAS UNLAWFULLY removed from my personal bank account by SARS. After repeatedly failing to get any kind of information from SARS regarding this, in 2013 I contacted the Public Protector. SARS – suddenly, after seven years – now said I had been audited in 1999 but were unable to provide audit reports, assessments or any documentation to substantiate this claim.

The Public Protector advised me to try the Tax Ombud. For the past two-and-a-half years my matter has been with the Tax Ombud, whose mandate is to determine maladministration or whether SARS followed the correct procedures before removing my money.

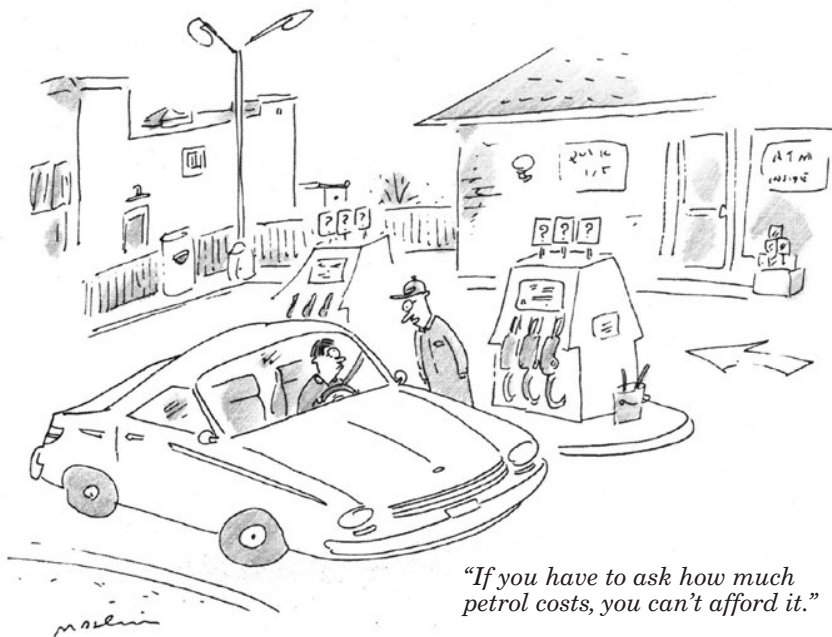
To date, SARS has been unable to show any documentation to justify the removal of my money, and it is clear to the Tax Ombud that not one single procedure was followed by SARS.

Despite the Tax Ombud having recommended that SARS repay my money, SARS has shown the middle finger to the Tax Ombud who has no legal powers.

All that SARS has shown me over the past 11 years is computer-generated made-up figures, which I have told them in writing were fraudulently compiled... as without substantive documentation, where did these figures come from?

SARS has shown me a simulation of account, as to what they think might of happened. When I asked if they would accept a taxpayer providing them with simulated expenses, they refused to answer.

I have repeatedly asked the Tax Ombud to request SARS to take me to court, however the Tax Ombud just laughs at me, saying SARS would



Letters

never go to court with this matter, as they know they are in the wrong.

The lack of transparency, accountability and integrity within SARS is disturbing. They appear to be a law unto themselves, with total disregard for the man in the street.

Can *Noseweek* please help me in resolving this long ongoing saga?

Dave
By email

Hard to keep track of corruption

I'M SURE I'M NOT THE ONLY READER WHO battles to keep track of the endless flood of corruption by the various government departments, as well as the SOEs and also crooks in the private sector, and I'd hate to think that they will be allowed to quietly disappear, leaving the guilty unpunished.

As a result, I suggest that *Noseweek* publish regular updates reminding us of what scandals remain unresolved and guilty parties unpunished, along with the details of the issue in which the story was published.

In this way, we can continually raise the issues until the appropriate action is taken.

Mitch Launspach
Noordheuwel, Mogale City

Democracy/capitalism is flailing

THE DISCUSSION ON RALPH MATHEKGA'S book *When Zuma Goes* (nose207) has prompted me to order a copy so that I can study his ideas in detail.

For some time I've been concerned that the Highway to Light long championed by the (North-) Western World (in other words, Capitalism/Democracy) has run into swampy ground. No longer do the ideals espoused under that scheme appear to be sufficient to provide a smooth roadbed for the carriage of the advancement of society.

We've seen, among other phenomena, the Arab Spring, Brexit in the UK, and the emergence of Donald Trump in the US. There are close similarities between what is happening in the US and what happened in South Africa in 2008 – a system effected by an intellectual, aloof leadership (Obama and Mbeki) that was elbowed aside by a scheme espoused by successors perceived to have a populist agenda.

The same emotion that has bubbled to the surface in other societies has resulted in the demise of numerous Muslim leaders in North Africa and

the Middle East, and Cameron in the UK. In fact, South Africa pretty well pioneered this phenomenon within the structures of its own liberation movement.

So what happens next, worldwide? Should we, together with Asia's teeming millions, attempt to replicate the social democracies of Scandinavia across the globe? Should we all emulate Japan and South Korea?

I'm hoping Mathekg's peek into the future for South Africa will give us a world view for our grandchildren to look out for.

A J H Long
Tzaneen, Limpopo

High at the wheel is hazardous

MEDICAL CANNABIS – BEYOND ANECDOTES (nose208) refers. Much has been written about making dagga (*Cannabis sativa*) legal. Very few have had experience with it, as it is a banned product.

I remember about 1974 the police helicopters coming into the Karkloof hills and forests looking for dagga, and when found, cutting and burning the plants. I can also remember some plants hidden deep in the forests that were 4m high.

During the early 1980s, after good rains and lots of sunshine, the dagga crop was good, the Africans working on my father's farm were smoking dagga on a daily basis. Smoking blue smoke as they say.

A worker under the influence, who was asked to hit a part on a plough at a moderate speed with a 5kg sledge hammer, instead lifted the hammer and with all his might, hit the part and broke it.

A young African, also under the influence, driving a tractor, descended a steep hill at full throttle with heavy plough in tow.

When he tried to brake, the tractor swerved to the right, he over-steered to correct and the tractor overturned and squashed him.

I have no doubt at all that the nation will rue the day that "it is easy to smoke dagga". Accident rates of vehicles and road deaths on the roads will increase exponentially.

And in the workplace schizophrenia will also be a problem in the workforce.

Peter Dawie
KwaZulu-Natal



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De Lille has no interest in Cape Town's heritage

REGARDING CAPE TOWN EXECUTIVE Mayor Patricia de Lille's recent resignation as provincial DA leader so that she can "concentrate on her mayoral work", the Habitat Council has launched a Review Application in the Western Cape High Court (case no 16920/16) against inter alia the Executive Mayor of Cape Town and the Mayoral Committee.

De Lille's resignation is a cause for genuine concern to all who care about preserving heritage in our city. Her obvious delight at the prospect of being able to concentrate on her mayoral work fills us with dread at the thought of what the focus of her attention will be. Much of her mayoral work reflects her mantra: "Away with red tape; roll out the red carpet for development". Her value system would seem not to include an appreciation for heritage. The erstwhile Spatial Planning and Land Use Management committee (Spelum) has been stripped of all decision-making powers. The Planning Bylaw bestows virtually boundless discretionary powers on her on appeal.

A Development Forum with which she works closely – and which consists exclusively of architects, developers, builders, etc – has closed-door meetings with De Lille on propositions for development.

With respect to the current application for development on the 18th century warehouse alongside the Lutheran Church in Cape Town, the Habitat Council has become aware of this increasing centralisation of power in recent times. It has endeavoured, so far unsuccessfully, to have the warehouse along with the historic street block it stands on declared a national heritage site.

This property is situated on the only remaining street block reflecting the low-slung 18th-century architecture of South Africa. The warehouse in question was built from 1764 to 1767 by the Malay slaves living at the Cape, and is directly linked to the origins of the Lutheran Church in Africa.

When the plans to build a multi-storey'd office block on the roof of the warehouse became known,



The Lutheran Church in Cape Town

spontaneous objections flooded in. A municipal team of experts was put together to assess the application and advise Spelum. Their unanimous finding was that the application was to be turned down – which Spelum, in an unopposed vote, did in 2011. An appeal to the Planning Appeal Board in 2014 against the rejection was unsuccessful.

A somewhat changed proposal was submitted towards the end of 2014. Again a team of officials was tasked with assessing the application. This time, however, they chose to support the proposal.

But the councillors serving on Spelum were highly critical of it. After a site visit in June 2015, one councillor described the proposal as "brutal, ugly and unforgiving" and "undesirable, unsuitable" and "impacting negatively on the environment". Their request was that the officials should revisit their report, explaining the merits of their recommendation.

Both the June 2015 and the July 2015 Spelum meetings recommended that the application be turned down.

The Habitat Council noted an appeal against the mayor's decision

and the matter was referred to the city's Appeals Committee. Four DA Councillors voted for the development and the two ANC Councillors voted against it.

In a subsequent meeting, on 3 November last year, the mayor and the mayoral committee took exactly two minutes to approve the development on the Melck warehouse.

The Habitat Council believes there is a systematic bias in favour of developers and that the DA Councillors are obliged to follow the instructions of their leadership (De Lille).

What happened to the so-called "open opportunity society" slogan of the DA?

It has become clear to us that the DA under De Lille has no regard for our unique Heritage and Environment. We can only hope that she comes to realise that preserving our heritage is a constitutional and legislative mandate.

Habitat Council has received the full record of the Appeals Committee and had until 15/02/17 to amplify their papers in preparation for the court case to follow.

ML ROUX

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Farewell Cowboy

IN DECEMBER 2012 *NOSEWEEK'S* BOOK reviewer found it necessary, despite it being the season of peace and goodwill, to review Barry Sergeant's 469-page exposé of the Byzantine criminal shenanigans of Brett Kebble – although, as the reviewer acknowledged, it was hardly festive reading.

"In a sense, the wicked frauds perpetrated by the ingenious Kebble and his cast of accomplices are too big for South African comprehension and action," the reviewer wrote. "The scale of the R26-billion fraud is clearly too daunting for officialdom to handle. Besides, many fingered by Sergeant are powerful and influential players. The murder of Kebble in 2005 remains a mystery, and, like various other loose ends, is likely to remain so."

It's issues like that, the ones everyone else found too daunting, that Barry saw as a provocation to action. No matter what it took, or who it offended. He was critical of the liberties habitually taken by lawyers and bankers, because he could afford to be: he had himself been a lawyer and an account analyst.

He was a *Noseweek* sort of guy.

While elsewhere Barry was unravelling Kebble's Byzantine corporate schemes, *Noseweek* was unpacking his shockingly self-indulgent character and lifestyle – and challenging the revenue authorities' extraordinarily benign view of his failure to pay any tax. We could only guess why he had it so easy on the tax front until we discovered that amongst Kebble's many acquisitions were several ANC Youth League leaders (for a few Ferraris, a mansion here and there and a cuppla millions in cash).

Kebble's willingness to "produce the goodies" had made him the most influential white man in Africa, we said in our first profile piece published in 2004.

But it took a while longer for Barry Sergeant to pop round to *Noseweek* to say hullo.

The first piece he wrote for *Noseweek* appeared in *nose178*, published in August 2014. The story teaser reads: "Randgold as explosive as the Arms Deal. Investec claim they are, effectively, free to benefit from crime."

You need only read a few of the teasers for his stories in *Noseweek* over the ensuing two-and-a-half years to appreciate the quality and character of his journalism: *nose180*, October 2014: "Peter Gray was Brett Kebble's bankroller and laundering stockbroker. He was also Investec's lead cover-up man."

Nose185, March 2015: "A careful scrutiny of BEE deals shows that individual enrichment

is at the core of most, if not all, of them. The US\$64m-question is whether the individuals in any particular deal have elsewhere concluded silent, unwritten deals. Why do obscure foreign-owned entities so often appear, seemingly from nowhere, to participate in major BEE deals?

Nose186, April 2015: "IDC cannibalised to fund misadventures. Billions written off as 'impairments', while executives paid like royalty".

Nose189, July 2015: "The minutes that Investec wants obliterated from the history of the world."

Nose191, September 2015: "Eskom plays Russian roulette with Glencore."

Nose192, Oct 2015: "Digging into the South Deep scam. Bosses will probably pocket R1bn in world's second-greatest mining scandal."

Nose194, December 2015: "Investec scores R2bn from Brett Kebble's shady empire, while lawyers walk off with R600 million of his tainted loot."

Nose196, Feb 2016: "Top mining executives commit fraud with impunity, confident their highly paid lawyers will make criminal charges 'go away'."

Nose200, June 2016: "The judgment in Vodacom vs Kenneth Makate has been applauded as a victory for the small man, a case of David versus Goliath. True but misleading. This David would never have reached South Africa's judicial battlefield had he not had the backing of some serious financial musclemen."

Nose204, October 2016: "Maduna's battle with his ex-wife unearths a curious patronage gratuity worth more than a quarter of a billion rand. Was it a payoff for...?"

All Barry Sergeant's obituary writers refer to him as somewhat eccentric, a bit of a cowboy. His eccentricity, it emerges, was reflected in his preference for wearing flash riding boots and a cowboy hat. He was a romantic idealist. In this Wild West he saw himself as a bit of a cowboy – but a good one, able to lasso and bring down a long-horned bull on the run.

In the days after his death, friends and admirers have wished him rest in peace. On the contrary, I see him in that other place, dressed in his boots and hat, walking in the veld with his beloved dogs, squinting at the sky, breathing deeply and thinking: how next do we skewer the bastards?!

We'll make sure those bastards don't quickly forget you, Barry.

This issue of *Noseweek* is dedicated to his memory.

The Editor

Appeal bid after Tongaat-Hulett told it can keep its pension booty

By Jonathan Erasmus

A CHALLENGE IN THE HIGH COURT BY pensioners to force Tongaat-Hulett Limited to reverse a controversial ruling on the winding up of its now defunct pension fund that scored the sugar giant a R363-million windfall, has failed.

A total of 73 pensioners (previously 77 but some have died in the meantime) challenged their former employer who they believe systematically looted their pension fund between 2008 and 2013.

The current dispute has its roots in the outsourcing and closure of the Tongaat-Hulett Defined Benefit Fund (THDBF) with assets of R1.8 billion, to Old Mutual's Platinum 2003 Category A Benefit Fund, in April 2013.

But having heard the matter in the High Court, Durban, in October 2016, Judge P Koen in his ruling, delivered on 23 December 2016, sided with Tongaat-Hulett's counsel Alistair Franklin SC and the THDBF's lawyer, Samantha Davidson (Shepstone & Wylie), who said they had no case to answer.

He found against the pensioners in every aspect of their legal challenge to have THDBF's surplus pay-out to the employer reversed, going further, to give them a cost order, as the applicants were "pursuing the matter...in their own particular interest".

(A bizarre judicial observation, as all litigants are generally required to have a legitimate interest in an action they bring before the court. – Ed.)

The pensioners' and Tongaat-Hulett's arguments were extensively covered by *Noseweek* (*nose199*) and were the subject of impassioned letters to the Editor (*nose205*).

On 17 January the pensioners applied for leave to appeal to the Supreme Court of Appeal.

The pensioners – led by Bruce Moor and Willem Hazewindus and represented by lawyer Nigel Carman (Fasken Martineau Inc) and Advocate Craig Watt-Pringle SC – had wanted the Durban court to set aside the decision by the pension fund trustees to pay out to Tongaat-Hulett Limited's Employer Surplus Account (ESA) R363.2 million from the pension fund.

Instead they asked for the fund to recalculate the actuarial surplus as it was last done on 30 June 2012.

They said they wanted two previous actuarial surplus allocations made to the employer's surplus account in 2007 and 2009, totalling R222.1m to be taken into account, where no surplus was paid to the members.

They also claimed they were misled by a rule specifically created for the liquidation of the THDBF. They said the rule divided – in an 80/20 split – the fund's "excess assets" (fund assets minus fund liabilities) in favour of the members.

They said their understanding at the time leading up to the liquidation of the fund was that "excess assets" was the same as "actuarial surplus", which, it transpires, it is not.

They said the "excess assets" that they received already belonged to them in any event.

The pensioners went further and said the R363m "excess assets" paid to Tongaat-Hulett's employer surplus account was a breach of section 15C of the Pension Funds Act.

They said that, according to the act, the surplus account can only receive funds from a determined "actuarial surplus" and not "excess assets" as had been the case. Actuarial surplus is excess earnings accrued by a pension fund and, depending on the fund's rules, can be allocated to both the employer and the members' surplus account.

The pensioners also argued that the THDBF's board of trustees had been weighted in favour of the employer, thus prejudicing the members.

"The applicants' case relied upon a too-narrow and – with respect – artificial interpretation of Section 15C which, if followed, would have consequences which could not have been intended by the legislature," said Koen in his judgment.

The judge said that even if he were wrong about the applicants' interpretation of the act, "granting the relief sought would involve an unscrambling of the proverbial egg" and the outsourcing process – which was accepted by members – comes with added offerings that cannot be separated.

"Where the applicants have accepted the other benefits bestowed upon them by the scheme, their separate and discreet attack on only one component of the composite scheme must... fail," said Koen.

He said the allegation that the board of trustees "was weighted in favour of the employer" giving rise to a conflict of interest and bias, was not unlikely.

"There will always be an inherent institutional conflict of interest on the board. This occurs in most boards of pension funds. The board was however lawfully constituted. What must be shown is that the board acted improperly. That is what the applicants failed to prove," said Koen.

Noseweek will update readers on further developments in the case. ■



Bruce Moor and Willem Hazewindus

Mpisanes: the paper chase

DOCUMENTS ARE DISAPPEARING from the Kwazulu-Natal High Court in Durban because some attorneys smuggle them out, while some judges are keeping high-profile files away from public view.

These were among the explanations *Noseweek* received from the Durban High Court Registrar Louise Bothma after documents, including four lever-arch files, disappeared from the court.

The missing files formed part of the South African Revenue Service (SARS's) civil claim against Durban's TeflonTwo, Shauwn and S'bu Mpisane (noses 103;109;125;150;195;203;204; &205). They couple are accused of owing SARS more than R203 million in back taxes (nose 208).

The files went missing on 23 January and it was only after sustained

pressure by *Noseweek*, including a letter to the KZN Judge President Achmat Jappie, that the documents – totalling more than 1,700 pages – reappeared on 13 February.

Except that then, one key document was still missing – the Mpisanes' replying affidavit – which should have been filed on 23 January, as ordered by Judge Kate Pillay in the high court on 17 January.

Registrar Bothma said that the Durban High Court was not unique when it came to files disappearing.

"If it is high-profile it's even possible the judge has kept it, as he wants to keep it away from the media.

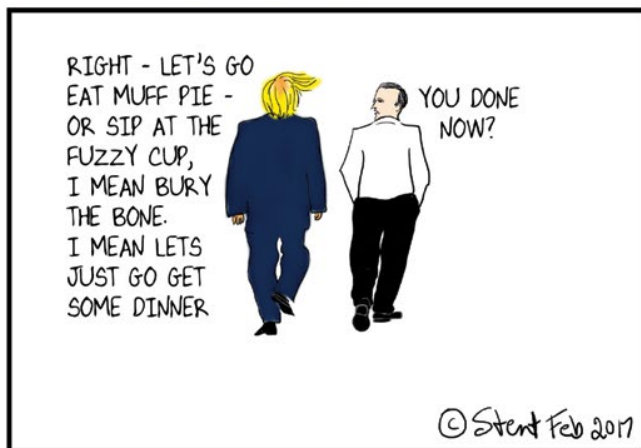
"They won't tell you that," said Bothma.

"The only other explanation I've then got is that, you know, attorneys can come any time and look at their

files. Here I am sitting with files that came back to us after they went off-site by the attorneys which they are not allowed to do. I have criminal cases against them (now)", said Bothma.

The court record consists of two parts – four lever-arch files and a brown file which is a summary of the lever-arch files. They contain documents including confidential tax records, an assets register, trust documents, a 128-page founding affidavit and contract documents.

Bothma had no explanation as to why the replying affidavit was not present, referring *Noseweek* to the attorneys. SARS's attorneys referred *Noseweek* to SARS, who in turn referred *Noseweek* to the court. The Mpisanes' attorneys did not respond to requests for assistance. ■



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Stent

If America's first, who's second?

THESE DAYS NEWS CAN BE VERY depressing – especially where politics is concerned. It is widely recognised that for this sad condition laughter is by far the best antidote. Right now, who couldn't do with a laugh or two?

And with so many creative people out there who have online access readily available, it is hardly surprising that when someone like Donald Trump storms on to the political scene, the laughter machine instantly moves into top gear.

On the 3 November 2016 a music video *America First! Trump Song* made its appearance on Facebook. It was created by Prankstanomers and had soon notched up 46,312 views, starting a worldwide frenzy of competing video parodies.

The first response came on 25 January from the satirical Dutch TV show *Zondag met Lubach*. The video was created tongue-in-cheek to introduce Trump "to the small country of the Netherlands," and they called it *America First, Netherlands Second*:

Welcome to this introduction video about the Netherlands.

It's going to be a great video, it's going to be absolutely fantastic.

We speak Dutch, it's the best language in Europe. We've got all the best words all the other languages failed. Danish, total disaster. German, it's not even a real language it's fake, it's a fake language.

We built an entire ocean, OK? An entire ocean between us and Mexico – nobody builds oceans better than we do.

And last but not least we've got a great, great dependency on the US.

It's huge.

If you screw Nato, you're going to make our problems great again. We totally understand it's going to be America first, but can we just say, The Netherlands second. Is that OK?

Soon it was available on both YouTube and Facebook and had clocked up a total of 48,681 views – and was at nearly ten million when *Noseweek* went to press.

... and the Wolf chewed up the children and spit out their bones ...
But those were Foreign Children and it really didn't matter."



This Doctor Seuss cartoon drawn in 1941 commenting on the America First movement's anti-Jewish immigration stance has been doing the rounds on social media in response to Donald Trump's ban on Muslims.

This was just the beginning. The next to respond with their own version was Kazakhstan, claiming to be the greatest country in Asia. They start off their video by saying they are not in the EU but why should they care?

Since Trump is a ready-made caricature, it is no surprise that the *America First* videos have gone viral. Most are little gems and some give very interesting snippets about their country and its own peculiar humour.

New Zealand was next with their spoof video and Slovenia; Czech Republic; France; Iran and Hogwarts followed the trend. The contribution from our neigh-

bour, Namibia, deserves special mention. Other countries that also responded (and whose videos can be found on YouTube) are – in no particular order – and there'll probably be more by the time you read this: Slovenia, Romania, Swabia, Finland, Italy, Moldova, Luxembourg, Switzerland, Bavaria, Morocco, Germany, India, Poland, Croatia, Australia, Spain, Austria and Mordor (Tolkien's Middle Earth in *Lord of the Rings*).

One website where all the videos can be accessed from a world map is everysecondcounts.eu/index.html

By Nicci van Doesburgh

Keeping it in the family: Bathabile Dlamini (left) and Nkosazana Dlamini-Zuma



Nkosazana Zuma's evil shadow

THE COMPANY THAT DISTRIBUTES millions of state social security grants has not only the government but all South Africa hanging from a cliff.

Over the past year Cash Paymaster Services (CPS), a subsidiary of the US-based Net1 Group was responsible for distributing R130 billion (close on R11bn a month) on behalf of the state to 17 million South Africans – 30% of the population – who are dependent on the grants for their survival.

But on 31 March the company's contract comes to an end. On April Fool's Day the Department of Social Development, by way of its division, the SA Social Security Agency (Sassa), was to have taken on that mammoth responsibility itself.

But, it can't. Just weeks before D-Day, it has finally come clean: it does not know how to do the job. It has no plan. It is "still considering options". (Cynics have noted that its sole achievement has been to channel tens of millions of public funds to friends in the IT business.)

The department has known this for at least a year, but at the direction of the Minister of Social Development, Bathabile Dlamini, it has been lying to Parliament and the public about the true situation.

Already in July last year *Noseweek* warned that if Sassa were unable to make a smooth takeover, and payments failed to reach the 17 million people on time, the consequences could be catastrophic. One third of the population would immediately be without the means to feed themselves. The national crisis would be on the scale of war.

That moment might have arrived.

By its own doing, the department has no "options" to consider: its only option is to contract with CPS to continue providing the service – at whatever price and on whatever terms that company may choose to demand.

The department and its minister have known this for months.

In October last year the department secretly sought advice from one of South Africa's most eminent lawyers, Advocate Wim Trengove SC. His advice – confess

your sins immediately, put Treasury in the picture, and then commence negotiating the best possible deal with CPS for the shortest feasible period.

A snag: by concluding such an enormous deal without having gone through an open tender process, they will be breaking a number of laws and regulations. Trengove suggested they plan to rectify that situation in the shortest possible time and, in the meantime, approach the Constitutional Court to condone the interim arrangement with CPS.

Instead, the minister ordered the department to do none of the above – and to keep Trengove's advice secret. (It was leaked to the media shortly before *Noseweek* went to press.) Officials anxious to do the right thing were threatened with suspension by the minister.

The further delay has robbed the department of any negotiating room it might have had. Wise to this, CPS has demanded a R1.25 billion increase in its annual admin fee to the department.

Less well-known, it has also reserved the right to more-than double the transaction fee to be charged to social grant recipients when they use an ATM to draw their cash – generating more billions for CPS and its bankers at the expense of the poor.

(CPS has also insisted that Dlamini should not approach the Constitutional Court, where she – and they – risk being publicly censured.)

The ministers of Finance and Treasury have understandably balked at the huge wasted cost and at being expected to connive at breaking laws they are supposed to police and enforce.

As a result they face being fired by President Jacob Zuma, who is determined to protect his ally, even if it precipitates the collapse of the rand and a slide into Mugabedom.

So who is Bathabile Dlamini to enjoy such expensive protection? She is the woman who, at Mangaung, rallied the Women's League to get Jacob Zuma elected President. (She was ANCWL secretary general from 1998 to 2008 and became president of the league in 2015.) She is the party hack who springs to his

defence, no matter what. Her empathy is guaranteed because she, too, has been found to be a thief of public funds: in October 2006, she was convicted and fined after pleading guilty to fraud involving parliamentary travel vouchers worth R254,000.

More recently in New York she made the news with her line that "all of us in the [ANC] NEC have our small skeletons and we don't want to take all the skeletons out because hell will break loose". (She had been asked to comment on revelations surrounding Zuma and the Gupta family.)

Her preference for five-star hotels and first-class international air travel also made headlines last year when it emerged that she had spent no fewer than 31 nights at the luxurious Oyster Box Hotel in Durban, costing several thousands per night, not long after asserting that R753 was enough for a family to live on every month. (Her department spent a whopping R121.5 million on travel in 2015.)

Further protection derives from the fact that in recent weeks, she has always been barely a heartbeat away from her other friend, presidential hopeful and outgoing AU Commission chair Nkosazana Dlamini-Zuma.

As she did for Jacob Zuma at Mangaung, she plans to do for Dlamini-Zuma: she has already persuaded the Women's League to nominate Nkosazana Dlamini-Zuma as Zuma's successor.

On 25 January, the Social Development minister dodged a critical meeting of Parliament's Social Development committee, especially convened so that she could explain what is to happen come April 1.

Instead, the committee was informed on the day that Dlamini was in Addis Ababa at the side of Nkosazana Dlamini-Zuma, who was delivering the keynote address at an international women's conference.

Days later, at a church service in Khut-song, Dlamini likened Dlamini-Zuma to Jesus: "She is both a lion and a lamb", she told the congregation.

Would you buy a second-hand car from that woman? ■

Shocking taped conversation leads to Nkandla

Leaked phone recording draws spotlight on to financial and political ambitions of Zuma's women. By Martin Welz, Jonathan Erasmus and others

FOR THE PAST MONTH THE SOUTH African media and many members of parliament have been in possession of a recording of an extremely shocking telephone conversation leaked to them via WhatsApp.

None doubt that it is genuine, but all of them – bar one – have been too afraid to go public with it.

Neither of the speakers in the telephone conversation – a man and a woman – is identified by name and none of the recipients of the leaked recording, including *Noseweek*, has been able so far to identify either of them conclusively. (The man is once addressed as Bonga, familiar short form for Bongani, a very common first name.)

The drift of the conversation is so scandalous that publication must seriously damage the reputation of anyone positively identified as one of the speakers.

From the conversation it can be deduced that the man is close – but subservient – to the woman, who appears to rely on his professional competence to draft a document, and on his knowledge of KZN politics and legislative structures.

The woman speaks with authority, spends time staying in the presidential compound at Nkandla, and is so closely connected to President Jacob Zuma and the KZN ANC leadership that she believes she can rely on their intervention to support her devious money-making plans.

Even while the speakers remain nameless, their recorded conversation dramatically draws renewed attention to the extraordinary protection enjoyed by Zuma's "extended family" and their money-making schemes; as a result they are all eager to serve uBaba, while

forming an ever-growing network of patronage, a parasitic monster attached to the throat of the nation.

As noteworthy: while the speakers in the recorded conversation do not identify themselves, the originator of the leak claims in an accompanying note that the woman is ANC Women's League president and Minister of Social Development Bathabile Dlamini – Jacob Zuma's chief apologist and promoter of his ex-wife Nkosazana Dlamini-Zuma.

Nothing in the recorded conversation supports this contention. In fact, there are indicators that appear to point to someone else. Several recipients have thought the voice and manner of speech are similar to those of Dlamini. As many have said it is not her voice.

Noseweek approached the minister for comment and received the following reply from her spokesperson, Lumka Oliphant: "The recording has been in

our possession for some time with different media houses wanting us to confirm the voice on the recording. The Minister has deliberately not entertained any journalist about the recording but has been waiting for someone or a media house to publish it.

"We have told every journalist who has approached us that the onus was on them and the owners of the media house to prove that indeed the voice is that of the Minister."

A strangely undignified and provocatively evasive answer coming from a senior minister of state. We take it to be a denial.

True or false, in this age of spook versus spook, the naming of Bathabile Dlamini raises questions about the timing and purpose of the leak, were it to be linked to the Minister of Social Development.

Apart from being Zuma's chief apologist and long-time promoter, right now two issues have put Dlamini centre stage: her frighteningly brazen mismanagement of the country's massive social grants programme, and her role as main promoter of Nkosazana Dlamini-Zuma as candidate to succeed Jacob Zuma. [See previous story.]

Whatever the motive for leaking it, or who exactly the speakers are, the taped conversation is undoubtedly newsworthy and deserving of publication in the public interest.

It appears that the conversation likely took place late in November 2016. A female member or close associate of the extended Zuma household is gleefully cooking up a plan to get control of all KZN school feeding schemes – so that she can divert a big chunk of the budget for those schemes into her own pockets.

In the recording she can be heard

The recorded conversation draws renewed attention to the extraordinary protection enjoyed by Zuma's 'extended family' and their money-making schemes

explaining how she expects President Zuma and some eminent KZN ANC leaders to facilitate her plans – and that she has to have those plans ready for presentation to the President before he leaves Nkandla on 5 December.

She explains how a company called House of Success, which *Noseweek* has since learnt is controlled by a woman close to the President, would profit if certain regulations were to be hurriedly changed.

In the conversation, she refers to “Zikalala” and “Willies” as needing to be consulted. Sihle Zikalala has since November 2015 been chair of the ANC in KZN. Willies Mchunu, his deputy chair last year became premier of KZN.

In a nutshell, the woman speaker says she would like to create an “association” which will be awarded government tenders to run school nutrition and feeding schemes.

She suggests legislative amendments to the Nutrition Policy as well as the introduction of regulations which will require that any “association” wishing to be awarded tenders for school nutrition schemes should be required, by regulation, to undergo a training course on hygiene – one that the House of Success will provide for a fee.

The recording begins mid-sentence:

Female voice: ... and if we make it an association ...

Male voice: uh huh.

Female: err ... I want us that everybody who will be given [school] catering [jobs or contracts] must be ... accredited. You see? Accreditation should mean they must undergo a certain training.

Male: Okay.

Female: And then, the market that I am aiming at, the focus that I'm on, Bonga my boy, is that I want all the people that have gotten a tender for ... ummm ... for school feeding ...

Male: Yep?

Female: ... that those people be people who have undergone training.

Male: Okay.

Female: Because I want to ... I want to shut it down [clinch / secure it?], neh ... but that's a secret between me and you. I just to to ... to ... to ... close it, so that it becomes mine. It'll be mine.

Male: Ohhh ... okay.

Female: But how do we then do it? We must regulate it. The regulations that go into it must also include, that those people must have been people

who were trained at least in hygiene and in this and in that.

Male: Yes. No, I think ma... [interrupted].

Female: Do you see what I mean?

Male: You know, how we could do it is that the House of Success should have an MoU [memorandum of understanding] with ... I know that the Nutrition Programme of KZN right now, is being held by the Premier's Office directly. It was formerly Education, but now it is with the Premier's Office.

Female: Yes.

Male: Yes. So what you could then do is, you could get ... [stutters] ... Zikalala to speak to Willies, right?

Female: Yes

Male: ...so that we could have an existing MoU between House of Success and the Department. So then, we [interrupted].

Female: Yes.

Male: ... Ja, we create an amendment to the policy .. err ... of the Nutrition Programme, to include issues of hygiene, to include issues of accreditation through House of Success.

Female: Yes.

Male: [concurs].

Female: So, I want to think about that money then my boy, about the money we'll make ... where will it vanish/stem from?

Male: Well, it will come through... [interrupted].

Female: ...and, and, and you know that once we create this association ... once they [stutters] are are are accredited what we'll do is that we make it coincide with what we'll create/mandate that all schools that operate through the department must have kitchens.

Male: Yes.

Female: And those kitchens are what? [rhetorical question] Mobile kitchens!

Male: Yes.

Female: We are entering it through the nutrition and hygiene.

Male: Yes, true, in fact I think that's actually a very [inaudible, due to coughing by female] plan. Err, I think you might want to have an unofficial meeting with those people that I have mentioned earlier ... err ...

Female: [concurs]

Male: ... to ensure that they too are on board, I think that it's a very valuable proposition.

Female: So I want you, whilst you

are on holiday, to not even sleep thinking “holidays” only, but that you try to put one or two things [in motion], because now I have this advantage of that I am not the President yet. You see?

Male: Oh, so uBaba is in it? [interrupted].

Female: I want... [cuts short to answer question]. Yes I want it [so] that I have [it on] one page, so that when I present it to him, I can say, ‘this is what we want to do’ ... and I want to a,b and c. You see what I mean?

Male: Ja, I hear you. I can quickly scribble something and look through their policy, so that it's in line with their policy. Then ... [interrupted].

Female: Exactly!

Male: ... ja, then we come straight to Nkandla afterwards. Just after I'm done with the [stutters] ... holidays.

Female: [stutters] You, you, you do what you have to do now if there is something specific [inaudible], then email me, because I have access to emails here. Indeed I want to have it that by the time uBaba leaves here before the 5th, that this will have been put together.

Male: No problem, Ma. I will do it for you.

Female: Okay then boy, think through it properly.

Male: Okay, thanks Ma.

Female: alright then ‘sho’.

Male: Bye. [end of conversation].

A company search reveals that the House of Success Academy was registered on 27 October 2016 and its director is Priscilla Nonkululeko Mhlongo.

Mhlongo is a Pietermaritzburg businesswoman, who is mother of two of Jacob Zuma's daughters. (The elder attended her father's inauguration.)

In Feb 2010 the *Mail&Guardian* quoted Mike Zuma, the President's younger brother, confirming that although Mhlongo was not married to the President, she is “well respected in the family”.

“She is our mother. She visits Msholozizi's [Zuma's clan name] home during functions. She was there in December. I don't understand why people make noise about this issue,” he told the *M&G*.

In the same week, *The Mercury* reported that Mhlongo had opened an upmarket restaurant in the Pietermaritzburg CBD, and had a contract with the legislature, providing MPs with

meals during committee meetings and sittings.

The report continued: "While there is no suggestion that Mhlongo's relationship with the President helped secure the contract, some in the legislature were concerned that such an inference would be drawn if *The Mercury* published the story."

However, just days later, Sapa reported that the R1.3m contract awarded to Mhlongo's company Bucebo General Trading in the 2008/9 tax year to provide snacks and lunches at the provincial legislature was part of the legislature's irregular expenditure of R19,017.025 for catering during that year.

"The legislature broke the law by awarding the catering tender to Mhlongo before the expiry of the 21-day period for review. The tender was also not advertised in the *Government Gazette* as required by the Treasury regulations."

By 2015 the SABC was referring to her as "First Lady Nonkululeko Mhlongo-Zuma" when reporting a speech made at the launch of her 15-year-old daughter, Nomcebo's Jano Zuma Foundation.

She was quoted saying: "With the foundation, Nomcebo has introduced her idea, Music On Wheels, where she wants to buy a truck and load musical instruments which will be supplied to rural poor schools.

"Like her father, President Jacob Zuma, she taught herself to play musical instruments."

Nonkululeko Mhlongo and a certain Sizwe Zuma – variously described as a son or nephew of the President – are trustees of the Jano Zuma Foundation. Where might its funding come from? A report from *News24* in July 2016 allows one to make an educated guess:

"South African Airways (SAA) chairperson Duduzile Myeni [another Zuma favourite and trustee of his personal Foundation] last year requested that the troubled airline's chief procurement officer add the name of Sizwe Zuma to a list of potential new jet fuel suppliers. SAA's jet fuel contracts are worth some R10bn per year."

Sizwe Christopher Zuma is a director of a company called Sokhulu Petroleum SA. He chose not to respond to *News24*'s inquiries.

From Facebook we learn that The

House of Success Academy is situated at 310 Prince Alfred Street, Pietermaritzburg.

A brochure they kindly provide sets out all the courses offered by House of Success. They include safety in the home, health and hygiene, nutrition, menu planning and cooking lessons.

House of Success has, since last year, been registered with the Culture, Art, Tourism, Hospitality, and Sport Sector Education and Training Authority.

Assistant KD Zondi tells *Noseweek* that, while they offer Skills Programme Certificate courses, they are not involved with the KZN government or the school feeding scheme.

Noseweek called Mhlongo for her comment.

Noseweek reporter: I want to speak to you about a recording doing the rounds.

Mhlongo: What recording?

Reporter: It's a recorded conversation in which your company is referred to. It basically talks about a plot to get money from the school nutrition programme. People believe it's you. Have you heard this audio?

Mhlongo: I cannot help you because I don't know what you are talking about. Goodbye.

Reporter: Let me let you in on it ...

Mhlongo: Goodbye, goodbye. [*hangs up*].

The National Freedom Party (NFP)

The National Freedom Party called on President Zuma to do the ethical thing and remove the Minister of Social Development, Bathabile Dlamini.

was the first (and only) opposition party to react publicly to the recording, believing as they do that the woman speaking is the Minister of Social Development. In a statement issued on 22 January, by party spokesperson Sabelo Sigudu, they called on President Zuma to "do an ethical thing and remove from office the minister of Social Development, Bathabile Dlamini.

"[*She is*] clearly heard outlining her latest defrauding strategy...

"What is more disturbing is that she draws the name of the President ... into all of this ..."

The NFP called on all those mentioned in the recording to "come out and state their position in this latest saga."

Challenged by *Noseweek* on his identification of the speaker, Sigudu, who is also based in Pietermaritzburg, reiterated that he was confident that he had correctly identified her, and that he had identified the source of the leaked recording who, he said, worked "in that department". He refused to elaborate.

Democratic Alliance Shadow Minister of Social Development, Bridget Masango, said she had listened to the recording and believed the voice could well be that of Bathabile Dlamini. Masango is also a Zulu-speaker and from the same region as the minister.

Masango commented: "These revelations of someone using her proximity and access to government resources to enrich herself, inspire unspeakable outrage. The fact that this person can conjure up a whole scheme to "close" the entire school nutrition value chain for herself through House of Success is bad enough – that the KZN premier and ANC chairman might have agreed to change the province's policies for that express purpose is simply beyond comprehension.

The DA is to table questions in Parliament on the issue.

Retired educationalist Les Stanley who has worked exclusively with deep rural schools in KZN for nine years said it would be a "travesty" if such a plot existed.

"This would be greed at the expense of the poorest of the poor. The cooks at schools are often illiterate or semi-literate family members who are earning an honest buck. They cook on three-legged pots in the open. If they suddenly needed to be accredited they would be unemployed," he told *Noseweek*. ■

We've been tarred and feathered

The great road robbery equals billions of Nkandlas.

By Ciaran Ryan

IT'S LONG BEEN KNOWN THAT SOUTH African motorists have been fleeced when it comes to road construction costs, but by exactly how much has always been a matter of speculation. Now we have a better idea.

The Gauteng Freeway Improvement Project (GFIP), originally costed at R4.6 billion in the mid-2000s for a 340km upgrade, ended up costing just shy of R18bn for 193km. After a year-long study involving whistleblowers, road engineers and quantity surveyors, the Organisation Undoing Tax Abuse (Outa) concluded that the 193km freeway improvement project should have cost no more than R8bn, even allowing for cost escalations and other contingencies. That's a R10bn overcharge, enough to build 40 Nkandlas.

The client in this case was none other than SA National Roads Agency (Sanral), which paid an average of R86.6m per kilometre – between two and three times what comparable roads in Africa (and South Africa) would cost.

If the R10bn cost overrun is correct – and several industry insiders claim it is – how did the construction companies pull it off? And why are no construction executives in jail for this swindle?

In 2006 there was a secretive road contractors' meeting attended by Basil Read, Concor (part of Murray & Roberts), Haw & Inglis, Grinaker LTA and Raubex, where the colluders agreed to allocate tenders for the construction of roads. At this meeting

it was also agreed that those firms not interested in winning tenders would nevertheless submit "cover bids", which are sham bids intended to lose, while lending false legitimacy to the tender process. The losers would receive compensation, or "losers' fees", from the winners.

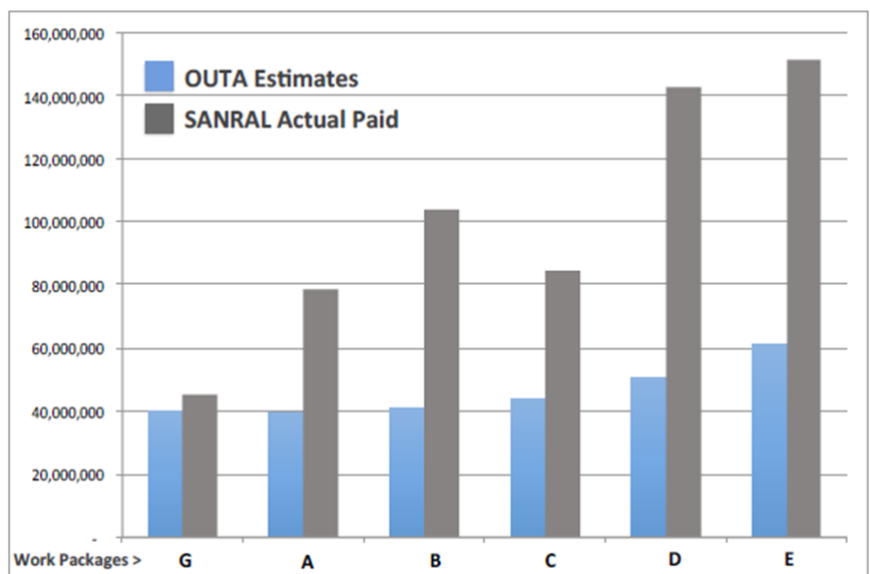
When it came to the Gauteng Freeway Improvement Project, the Competition Commission found that Concor, in joint venture with Stefanutti, agreed with WBHO Construction (Pty) Ltd in 2006 to carve up the various construction projects among themselves. The project was divided into "packages" ranging in size from

four to 23km, including bridges and other structural work. "They further agreed to exchange cover prices to give effect to the allocation arrangements," says the Competition Commission in a 2013 investigation.

The tender for Package A was awarded to Group Five, Package B was awarded to a consortium led by Wilson Bayly Homes Ovcon (WBHO), and Package E was awarded to a consortium headed by Group Five.

The projects for Package A, B and E were completed in 2010. Package A was an 18km stretch of highway on the N1 from the Golden Highway to 14th Avenue in Roodepoort, and from the

TOTAL COSTS / KM - for Work Package G, A, B, C, D(1&2) and E(1&2)



Uncle Charlie's intersection near Soweto, to Diepkloof. Package B was a 21km project extending from 14th Avenue to Buccleuch in Johannesburg North. Package E was further subdivided into three sections totalling 28km, forming a ring road to the south of Johannesburg.

Package E (Group 5) came in at around R150m/km, when Outa calculates it should have cost a shade over R60m. Package B (WBHO) came in at over R100m/km, when Outa's calculations suggest a cost of no more than R40m/km. Package A (Group 5 again) came in at a cost of just less than R80m/km, while Outa costs it at half this.

Work package I, involving a 10km stretch of highway on the R21 from Gillooly's to Rietfontein, came in at a cost of R95m/km, nearly three times the R32.5m that Outa estimated it should have cost. This tender was awarded to CMC G4 Joint Venture, led by the Italian CMC group, which is also part of the CMC Impregilo Mavundla joint venture involved in building Eskom's Ingula pumped storage electricity project in the Little Drakensberg. That project nearly trebled in cost to R26bn over the course of construction. (But then, readers might recall, Philani Mavundla, member of the CMC consortium, kindly offered to raise funds to pay for President Jacob Zuma's Nkandla residence.)

Less well known in all this is the role of the the South African Forum of Civil Engineering Contractors (SAFCEC), an employers' body that speaks for the industry and sets standards of professionalism and ethics for members. When the Gauteng freeway tenders were first issued, members reportedly leaned on SAFCEC to strong-arm Sanral to change some of the tender specifications to better suit their interests and their pockets.

Then there is the Construction Industry Development Board (CIDB), a statutory board set up in 2000 to promote "efficient and effective infrastructure delivery" and develop the emerging sector, among other things.

One wonders where these bodies were when the construction companies were looting the country.

Following the Competition Commission's findings that the price of the GFIP was inflated through



Philani Mavundla – Zuma's Nkandla friend

collusive practices, SA National Roads Agency (Sanral) did its own inquiry and last year concluded that construction companies had overcharged them by R750m, though not all of this was GFIP-related.

Hogwash, cried Dave Zietsman, a civil engineering contractor with 47 years' experience working on road projects in SA and elsewhere in Africa. He obtained the key quantities published by SA National Roads Agency (Sanral) in its scope of works Items for the Gauteng freeway projects and did his own calculations. He concluded that the resurfacing of the existing roads should have cost no more than R325/m², even allowing for road strengthening, cost overruns and contingencies. Since 62% of the project was merely

resurfacing existing roads, he says this portion of the project should have cost no more than R1bn.

What about the 38% of the project involving construction of new roads? Zietsman says this should have cost no more than R1,666/m² or R2.3bn in total. Add another R1.6bn for the 47 new bridges built, and the 134 existing bridges widened. Then throw in R1bn more for lighting and median barriers, and the total construction cost should have been R5.9bn. Outa fattened this even further and came to a plausible construction cost of R8bn – nowhere near the R18bn Sanral paid.

In a recent *Carte Blanche* programme, the colluders denied wrongdoing. Sanral, too, says the Outa study is a rehash of an old study done a year ago, and makes incorrect comparisons, while falling into the trap of generalising complex engineering projects.

Zietsman was ready for this, and pulled out an international comparison. One of the projects he worked on was the 85km Addis Ababa-Adama six-lane freeway in Ethiopia. Completed in 2014, it cost R1.541/m². Compare this with the average R2,486/m² paid for the Gauteng freeways. That means we paid an average of R86.6m/km, when comparable roads elsewhere are costing R30m to R40m.

Closer to home, the 32km Tona-Francistown road in Botswana, which involved substantial earth and structural works, came in at a cost of around R30m/km. The contractor was China Railway Seventh Group.

Even the Americans build cheaper

**We paid an
average of
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R30m to R40m**

highways. The 22-lane Katy freeway in Texas – which involved the relocation of railway lines – came in at nearly half the cost per square metre of the Gauteng freeways.

China recently completed the 2,787km International Transit Corridor between China and Russia's border with Europe at 40% of the cost of the Gauteng freeways.

"Once you have competitive bidding in a construction project where the big South African companies cannot rig the game, you will find that the bidding is competitive," says Zietsman. "This is why they want to keep the Chinese construction companies out. They would be too disruptive to the club."

The 2013 Competition Commission investigation into collusion in the construction industry focused on just 300-or-so projects, which included the Gauteng freeways. The investigation did not cover the 10,000-odd projects that defined South Africa's infrastructure boom between 2002 and 2010.

Due to the sheer workload in wading through so many projects, the Commission opted for a "fast-track" settlement process which allowed guilty firms to come clean of their own accord in return for leniency.

Three firms opted not to accept the Commission's fast-track settlement offer. They were Group Five, Construction ID and Power Construction. The Commission said it would investigate and prosecute these firms based on evidence gathered during its investigation. Group Five's role is noteworthy because though it sat in on bid-rigging meetings, it decided not to go along with the plans being hatched with its competitors. It then turned snitch and handed over evidence of bid-rigging to the Commission, though it had foreknowledge of the bidders' cover prices and managed to snag some of the juiciest bits of the Gauteng freeway project.

Based on the sample of 300 projects investigated by the Commission, penalties totalling R1,46bn were levied against 15 firms for collusive behaviour. Four of these firms agreed to penalties exceeding R300m each: Wilson Bayly Homes Ovcon (WBHO), Murray & Roberts, Stefanutti Stocks and Aveng. The colluders agreed to pay a further R1.5bn commitment to

Reason defeats illogical boondoggle

SANRAL HAS HAD A ROUGH RUN OF things in recent times. Last year the City of Cape Town challenged its attempts to introduce tolling on the Cape N2 Winelands route, arguing that Sanral had not followed correct procedures. The Western Cape High Court agreed and threw Sanral's case out of court.

The damning judgment cited Sanral's former CEO, Nazir Alli, who claimed to have had board approval for the Winelands route, but could not produce it in court.

Alli's assertion that the board had passed the requisite resolution was "so far-fetched as to be untenable" the court ruled, granting the City of Cape Town's application for the toll

road declaration to be set aside.

Outa (Organisation Undoing Tax Abuse) has since laid charges of perjury against Alli, who has vacated the CEO position in favour of Skhumbuzo Macozoma.

Noseweek has since learned that Sanral has abandoned plans for the De Beers Pass bypass route, which would shave just 14km off the journey from Johannesburg to Durban at a cost of R10 billion, but would bypass – and therefore kill off – the town of Harrismith.

● Noseweek has reported extensively on this illogical boondoggle and would like to think it had a part to play in this victory for common sense. – Ed. ■

social development over 12 years, and to accelerate transformation of the sector. Only a portion of these penalties relate to GFIP.

This collective fine of about R3bn – of which half is payable by seven firms over 12 years – amounts to a slap on the wrist when compared to the billions that have been siphoned off the Gauteng freeway project, says Outa chairman, Wayne Duvenage.

Discount that over 12 years at a 6% discount rate, and the present value of this penalty comes in at around R750m – curiously, exactly what

Sanral claimed it had been overcharged by construction companies.

"I bet these firms will receive black empowerment points for this spend, and will still be eligible to tender for future public sector projects," he says. "Where are the jail terms for the participating executives, such as has happened in Brazil over the Petrobras scandal?"

"The point that is being missed about the massively inflated costs of the Gauteng Freeway project is that we are now saddled with an e-tolls system that is completely broken, with compliance levels of about 20%.

"E-tolls are dead. Sanral collects around R70m a month from the 20% that pay their tolls, virtually all of which goes to Austrian-owned company ETC, which administers the system. Had we built these freeways at a more reasonable price, we would have opted for a different revenue model which would have been reasonable and practical."

We now know that bid-rigging was going on as early as 2006, and probably much earlier. The colluders have issued their mea culpas, changed a few personnel, and moved on. This raises the question: what was the cost to the economy of bid-rigging in the construction and engineering sector? Certainly more than the R3bn penalty imposed on the guilty companies. ■

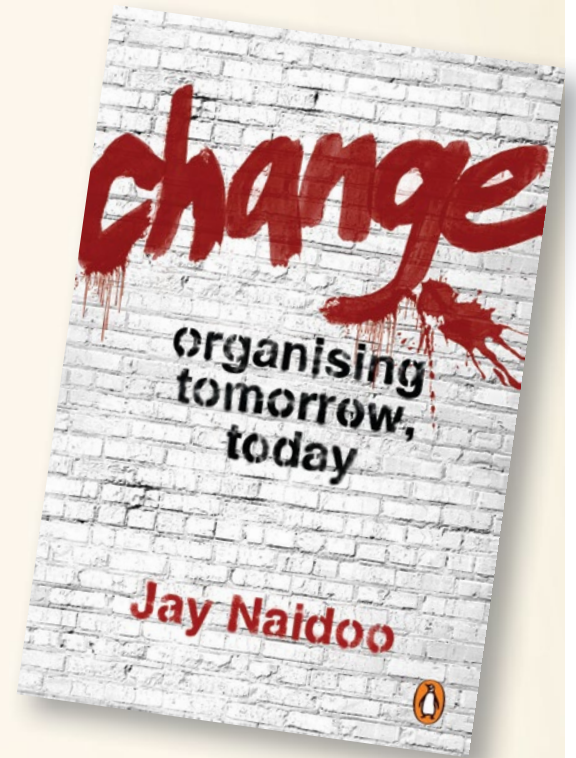
Where are the jail terms for the participating executives, such as has happened in Brazil over the Petrobras scandal?

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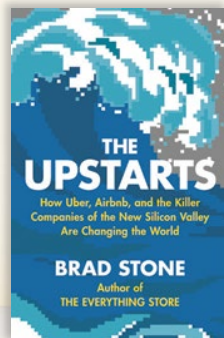


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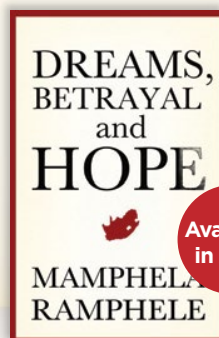
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Petrol consumption figures pour fuel on Ford's fire

Doughty widow challenges advertising claims. By Jack Lundin

TOUGH TIMES FOR FORD SOUTH Africa. First, that embarrassing business when some of their cars kept bursting into flames. Now it's fuel consumption. A 74-year-old Cape Town widow, getting no satisfaction over her complaints of excessive fuel usage by her budget Ford runabout, has mandated attorneys to "institute an independent public investigation into the practice of misrepresented fuel efficacy figures in the motor industry".

In January Ford SA recalled more than 4,500 of its 2012-2014 1.6 Kuga SUVs after one death and 46 confirmed fires, 11 in January alone. The apparent cause: cracking of the engine's aluminium cylinder head, leaking oil into a hot engine compartment – and conflagration.

When Marie-Anna Cherenack went shopping for a new car in 2013 the foremost thought in her mind was fuel efficiency. And when she paid a visit to the Imperial Ford franchised dealership in Cape Town, she was impressed by the spec sheet for their Ford Figo 1.4 Ambiente, a facelift version of the Fiesta. The specs claimed a fuel consumption rate of 6.6 litres per 100km. Just what I'm looking for, said Cherenack, slapping down R90,000 cash for the white Figo (recommended retail price R118,670).

German is Cherenack's mother tongue, and in addition to that nation's obsession with exactness, her late husband was Paul Cherenack, Professor of Mathematics at the University of Cape Town. Prof Cherenack died in 2002 at the age of 59, his quirky sense of humour and passionate tirades against bureaucracy, as well as his pearls on



such mathematical mysteries as the exactness of the sequence of homotopy groups, much missed by his students and colleagues in the university's Topology and Category Theory Group.

If staff of Imperial Ford were lulled into the picture of Marie-Anna Cherenack as a dear old granny babysitting her beloved grandchildren at her home in Tamboerskloof, they soon discovered their mistake – Prof Cherenack's widow has maths skills of her own. Alarmed at the frequency of her visits to the petrol station to top up the tank of Ford's latest budget offering, she dug out her calculator and proceeded to conduct her own fuel consumption test. The result: far from 6.6 litres per 100km, her Figo was sucking up juice at the rate of 10 litres per 100km – 50% more than the claimed rate.

Cherenack called in an expert to confirm the accuracy of her calculations. The assessment of her Figo – conducted in a 62.4km road test on a varied elevation route by technical specialist and insurance assessor Gary Wilson – revealed a consumption rate of 8.531

litres/100km, nearly 23% higher than what Wilson described as "Ford's published figures" and 29% more than the 6.6 litres/100km in the car's spec sheet given to Cherenack by Imperial Ford.

"Bearing in mind the steady driving manner used, the specification should easily have been reached – if the claimed consumption figures were achievable," reads the expert's report. "Testing more than one Ford Figo will most likely see similar test results."

Wilson's assessment makes this devastating conclusion. "Claimed consumption figures are not achievable as published on the Ford website. Information published by the manufacturer in regard to performance and consumption has a major influence in the choice a customer makes when purchasing a vehicle. If this information is not accurate then the customer is not getting the vehicle intended within the confines of what was advertised."

Cherenack shares her late husband's loathing for bureaucracy, which she was not slow to articulate not so long ago as branch executive mem-



Ford Figo

ber of the Ray Alexander branch of the South African Communist Party. She took Cape Town's then executive mayor Dan Plato to task for school overcrowding in Hout Bay's Hangberg (60 pupils per class) and the "apparent double standards" in service delivery for impoverished communities, compared to that enjoyed by the wealthier residents of Hout Bay.

Faced with Imperial Ford's "very nonchalant" attitude, she mobilised Bliden Campbell Attorneys Inc, who told the car dealership that the claim of 6.6 litres/100km was a "fraudulent misrepresentation clearly designed to mislead" in terms of sections 40 and 41 of the Consumer Protection Act. After a lot of to-ing and fro-ing Imperial Ford suggested that Cherenack trade in her Figo and pay them an additional R79,467 for a 2015 Fiesta 1.4 Ambiente. Cherenack rejected the offer.

She turned to the Motor Industry Ombudsman of South Africa (MIOA), who rejected her complaint last year. "The declared fuel consumption and CO₂ emission figures will be achieved during technical laboratory testing in accordance with the legislated technical specifications," the body's case managers reported.

However, they added that this laboratory testing only created "a standard against which fuel consumption and CO₂ emission figures can be compared to different vehicle types under

uniform conditions and are not necessarily indicative of real-life driving conditions.

"The actual fuel consumption and emission levels will depend on many factors including driving habits, prevailing conditions, vehicle equipment, condition and use... We cannot support your expectations and will be closing our file accordingly."

In other words, the impressive spec sheet that Imperial Ford gave Cherenack to clinch the sale of their Ford Figo was meaningless.

Cherenack's attorneys Bliden Campbell informed the Ombudsman that in view of MIOA's "unprofessional handling of this matter and apparent inclination to support an unlawful practice" Cherenack had mandated them to institute an independent public investigation into the practice of misrepresented fuel efficacy figures in the motor industry.

The reclusive Marie-Anna Cherenack has no comment to make to *Noseweek*.

"She doesn't want any form of harassment, she insists that we act on her behalf," say her attorneys Bliden Campbell, who decline to discuss the status of this probe. The law firm's director Wayne Campbell says: "Mrs Cherenack is incredibly cautious."

"She was aggrieved and wanted the consumer to know about her experience [with Imperial Ford]. But she

wanted to know from us whether she would be sued. It's a marvellous story: Ford has done this and in the end it's been condoned by the Ombudsman, who is meant to protect the consumer."

Imperial Ford is part of Imperial Auto, South Africa's largest auto retailer and distributor. Asked for comment, Imperial Ford's MD Michael Glassberg, requested questions in writing. After stating that he required 72 hours to respond, Glassberg relented and said: "We are not in a position to disclose any information pertaining to a transaction between Ms Cherenack and our dealership to external sources."

● In a "challenging" trading environment, Imperial Holdings last year recorded an operating profit in South Africa of R3.7 billion on revenue of R66bn. The CEO is Mark Lamberti, who arrived at Imperial in 2014 and set a much-lauded approach to executive pay by allocating his first year's salary of R7.4m to a scholarship fund for children of long-serving employees earning less than R600,000 p/a.

This grand gesture, which left Lamberti to live off investment income (his portfolio included 450,000 Imperial shares), did not prevent him from accepting performance-related compensation of more shares to be held in escrow with an expected value of R15m in 2018.

That's if sales don't take too much of a dive. – Ed. ■

SWEET TALK

A brand of purportedly diabetic-friendly agave nectar being sold in South Africa is actually just fructose syrup – putting lives at risk. By Jonathan Erasmus

THE SOUTH AFRICAN ORGANIC FOOD industry has been taken for a bitter ride for at least eight years by a foul-mouthed Eastern Cape conman who even made a name for himself as subject of a story about a lovers' bustup in *Die Kaapse Son*. This is according to a scorned ex-wife, former employees and the United States Department of Agriculture (USDA).

Brian Neary, 54, claims to trade in the agave plant – a succulent native to Mexico that is also used in the making of Tequila – selling it into the organic food market where it is used as a honey or sugar substitute.

But the mini-empire built by Neary, a resident of the plush Marina Martiniq Estate in Jeffreys Bay, is built upon an elaborate con.

Noseweek has learned that Neary operated twice on fraudulent USDA organic certificates, that his legal organic certificate obtained in November 2015 was suspended in November 2016, and that he bought Tongaat-Hulett-branded sugarcane fructose which he made into syrup and packaged as agave. This, he sold on to national retailers and distributors such as Nature's Choice and PecanHealth.

Not one agave farmer in the Graaff-Reinet region has sold Neary agave in the past 15 years, but he has continued to trade on his suspended certificate – and was still doing so last month.

For the past 10 years Neary has been involved, one way or another, in the “agave” industry. Up and until 2006 he was the production manager of the Agave Distillery in Graaff-Reinet until he resigned “after a dispute”. He was accused of theft and dishonesty but responded by pointing a finger back at his former employer, accusing him of waging a vendetta against him.

After an 18-month gap, Neary popped up at 90 President Street, Bothaville in the Free State, operating his agave organic produce business.

By 2010 he had moved to St Francis Bay and increased his product offering while also selling online. The status quo remained throughout 2011 to 2014. It was during this time he concocted a plan to create fraudulent certificates. The first, was from a global organic certifier, EcoCert, claiming he was harvesting organic agave in Korogwe, Tanzania.

The certificate claimed that the Agave Group, which was Neary, trading locally under the name Maguey Agave (Pty) Ltd, had under plantation 8,200ha of agave near “the Old Sugar Mill, Julius Mvende Street, Korogwe, Tanzania”.

From 2012 until September 2015 his company website said: “The Agave Group has two production facilities in Tanzania and by working in close relationship with local farmers and

growers in Korogwe, Tanzania and in the Great Karoo area of South Africa, we source our supply of Blue Agave plants from wild plantations that have remained untouched for hundreds of years.”

There is no publicly available evidence that such an operation exists.

The USDA fraud notice announcement was made on 5 August 2014. It named Maguey Agave (Pty) Ltd and Brian Neary, as the “CEO”, noting the factory's St Francis Bay address. It said the fraudulent certificate appeared to have been issued in January 2012 in Dar es Salaam and was valid until 2014.

According to Neary's fake certificate, he was allowed to produce agave sugar crystals, syrup, inulin and inulin powder as well as Maguey Xylitol syrups and cocoa power.

But despite the fraud notice Neary continued to operate his business.

He created another fake certificate and claimed to be licensed by the glob-





al organic certifying body, OneCert, claiming that he was USDA-approved from June 2014 to June 2015.

This certificate claimed Maguey met the criteria for “India’s National Programme for Organic Production Standards, considered equivalent to the requirements of USDA’s National Organic Program”.

The USDA, under the “Fraudulent Organic Certificates” section on its website, flagged this certificate as false on 3 September 2015, naming Maguey Agave again.

The Tanzanian operation remained a bedrock of Neary’s sales pitch until October 2015, when suddenly the website changed from being home of the “Agave Group”, as he preferred to be known, to being “SFD – Live Sweet the Natural Way”. Remarkably, the entire Tanzanian operation – into which he had told staff he invested millions of rands – disappeared without a trace.

Neary also obtained a new tax num-

ber, a new listed address in St Francis Bay and new telephone numbers. He was on the prowl for a third certificate, except this time he wanted to go legit, and in 2015 approached another global organic certifying company that could give the treasured USDA rating – Control Union.

By this stage he had already found an unused agave plantation outside Graaff-Reinet being grown on Kom-madagga Farm, owned by Koos Moolman. Oom Moolman’s forefathers had planted the Garingboom, – the local name for agave – and used it as feed for livestock during drought.

In 2013 Neary told Moolman they could produce agave nectar using his stock, made promises of cash and signed a contract. Neary told Moolman he didn’t need the stock immediately.

Control Union was told that SFD was an “upstart” in the agave sector. The inspectors checked the factory, where workers had quickly and quietly hidden the Tongaat-Hulett fructose bags. They also inspected Moolman’s farm – the apparent source of the agave. All looked legal. Neary obtained the certification on 10 September 2015 – just seven days after the previous one was publicly released. Moolman had no idea his farm was being used as a front.

Neary was legally allowed to produce agave inulin fibres, powder and

The inspectors checked the factory, where workers had quickly and quietly hidden the Tongaat-Hulett fructose bags



Brian Neary

syrup. He still claimed to produce Xylitol products derived from “wild plantations” of Birch trees.

But in November last year Control Union suspended the certificate. Sources maintain that the Portuguese inspector sent to view the plant was purposely kept away from the factory, while an audit revealed that, despite claiming that the operation produced agave throughout the year, not a single plant from the accredited farm had been harvested.

Moolman confirmed that not one of his plants had been dug up.

“He [Neary] told me his relationship with his previous supplier of agave, Tim Murray, didn’t last. We signed a contract in 2013 and another in 2016 but we were never a commercial venture. He said he was currently sourcing his product from somewhere else.

“According to Neary the contract was to reserve the agave in the future. In the latter part of 2016 he started paying me a retainer (of R6,000p/m) but when Control Union suspended his certificate, he cancelled the contract with immediate effect in a manner that was in breach of our agreement. Not one plant was ever harvested,” reiterated Moolman.

Not a single farmer in the entire Graaff-Reinet district, where 450ha

of agave is under cultivation, has ever sold Neary agave in the past 15 years – including Tim Murray.

Murray told *Noseweek* he represents the Graaff-Reinet district agave farmers and has “a mandate to encourage the development of an industry based on the agave plant”. He said the plant’s leaves, pole (from which it flowers once before dying) and heart, or *piña*, can be sold and all parts have uses “as diverse as an anti-itch cream, surfboards and alcohol”.

“There have been many inquiries, ranging from arts and crafts, biogas, bioethanol, pickles, fodder, dietary fibre, inulin and agave syrup. I have at least one contact regarding the agave every month,” said Murray.

“I have been interviewed by the SA Police regarding this issue and have made a statement to the Commercial Branch to this effect (that Neary has not bought any agave from any farms in the Graaff-Reinet for 15 years). He recently attempted to contract my plantations but never followed through with the negotiations on the pretext that I wanted too much for my agave. I have no idea where he purchases his agave,” said Murray.

The police confirmed to *Noseweek* that Neary is the subject of a criminal investigation.

The reason no agave was harvested for Neary’s production was simple: he was purchasing massive volumes of Tongaat-Hulett branded fructose derived from sugarcane directly from their Durban offices – with orders between R200,000-R400,000 placed at a time. In 2016 he bought 1.7 tonnes of inulin, which he mixed into his fake agave syrup from Johannesburg-based Tate & Lyle South Africa. He bought the xylitol, which should be obtained from the “wild” birch trees, from CJP Chemicals in Port Elizabeth.

A former employee, Prosper “David” Khapzela, who was the production manager and worked for Neary for eight years, confirmed that he had been tasked with “cooking” the fake agave.

“He said I was a supervisor but in reality I was just a general worker. We just mixed the stuff and packaged it. I did the mixing and had no idea we were doing anything illegal. We would receive fructose in Tongaat-Hulett bags. We would then mix 750kg of fructose into 500 litres of water in the 1,000l

The Agave blues

AGAVE IS A MEXICAN PLANT BEST known as the main ingredient of Tequila. The plant somehow found its way into South Africa a few hundred years ago and has proven to be a steady supplier of emergency feed for farmers in times of drought. It requires almost no water to grow, making the Karoo and hinterland an ideal climate for its cultivation.

The two main types of Agave are Maguey and Blue Agave; locally it is known as Garingboom.

The plant is often touted as a substitute for sugar. It takes between seven and 14 years to grow to harvest. Once ready, the leaves are stripped and the core, known as a *piña*, remains. This is then

boiled at a low heat of about 60°C to reduce it to simple sugars called agave nectar. One of the main components when boiled is called inulin or fructosan. The inulin helps with bowel movement and managing weight.

The rest, fructose, is higher in calories than sugar and about one-and-a-half times sweeter, but it has a lower glycaemic index and is believed not to cause sugar levels to spike. Diabetics use it as a sweetener and it is often used by Vegans as a honey substitute.

There is no consensus as to whether fructose is healthier or better than regular sugar but that is irrelevant to the organic retail sector where it has a market. ■

pot, boiling it for 13 hours at 120°C until it turned to syrup. We would then allow it to cool down and mix in 205kg of a lighter syrup, also from Tongaat-Hulett, into the pot, stirring until we obtained the right colour. We would then package it. Some would go into Agave Xylitol packets and others into Agave Dark Syrup packets or containers. Effectively it was the same thing. The only other product we would add is inulin, as this is what people tested for. We never once had an actual agave plant on site,” said Khapzela.

The factory had five 1,000l pots and one 2,000l pot.

He said some items such as the Dutch cocoa powder and Xylitol crystals were delivered and re-packed into bags with the company label.

The recently resigned bookkeeper/personal assistant/secretary, Antasha Janse van Rensburg – who has now approached the CCMA – said that, despite having been employed for five months, with her office right next to the factory, she was barred from going inside it except to use the toilet.

“We bought directly from Tongaat-Hulett in Durban every month and the Xylitol, from CJP Chemicals. It was a very quiet operation. The only people who visited were those who wanted money such as Uncle John the Greek,

who was his previous landlord,” said Janse van Rensburg.

During her time at the company they moved the operation from St Francis Bay to Jeffreys Bay and then to Humansdorp where it is now.

By 8 February this year Nature’s Choice and PecanHealth Natural Food Products – both large operators in the South African health foods market – were still stocking Neary’s product on the assumption his certification was above board. PecanHealth’s Derek Levy said they would assess the matter before making any decision on future purchases from SFD.

Christelle Steenkamp from the quality assurance department at Nature’s Choice said they “do not label our product as organic”.

However, just a day earlier, Steenkamp sent *Noseweek* – after having posed as a customer wanting to buy an organic product – a “Certificate of Analysis – Organic Agave Light Syrup” with the Control Union guarantee despite the certificate having been suspended. It is listed under Bio-Friendly.

In their defence, SFD claimed its products were “certified organic”.

In January, Neary’s ex-wife Hanlie Rothmann, with whom he is entangled in a bitter dispute, sent out an

email to a number of his suppliers.

“Good day. It’s time for normal people who buy very expensive Agave Nectar in South Africa to ask: is this the real product. Let me tell you, the only Agave Nectar in the world is Agave from Mexico. Brian Neary, the ‘big boss’ of Agave in South Africa, is a fraud.” Rothmann then listed where Neary bought his products.

She ends her email: “No real agave in South Africa. If you want it you need to import it from Mexico.”

Glen Thomas, who was once Neary’s national sales manager, is suing Neary for R200,000 which he was awarded by the CCMA in February 2015. Neary claimed *Nulla bona* [No goods/property that can be seized] just days later.

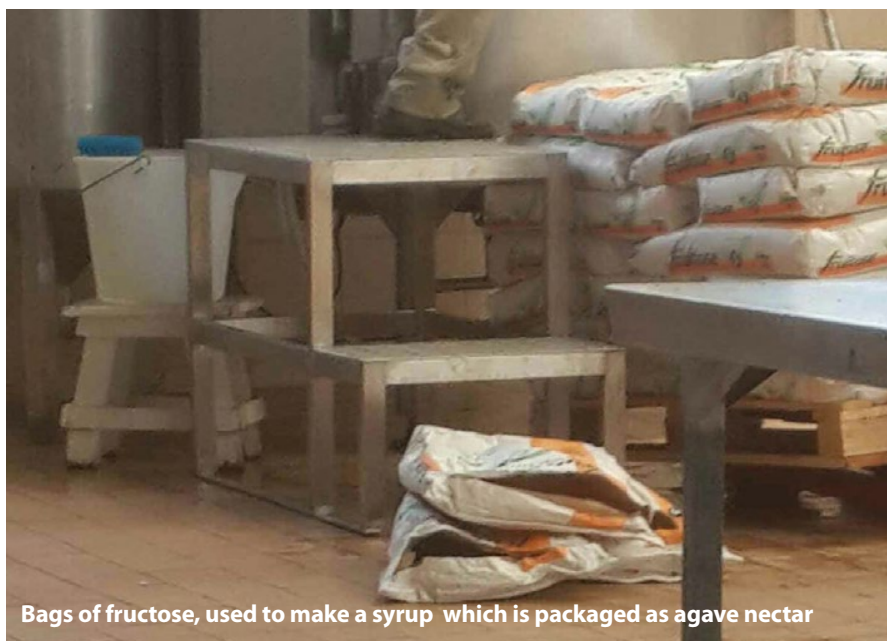
“He told me he was friends with the late [mining boss] Brett Kebble and [underworld figure] Glenn Agliotti. He would never let anyone into the factory, including me. He told me he had a R20m operation in Tanzania growing Agave, on which he only owed R3m. He never went to Tanzania in the nine months I worked with him.

“We were also, unknown to me, operating on a fraudulent certificate that claimed we were approved by the USDA. I found out he was buying fructose from Tongaat-Hulett and selling it as Agave. He was putting people’s lives at risk,” said Thomas, who is a diabetic.

Cape Town promotions company owner Caroline Dreyer signed a 12-month contract with Neary in 2012 which he cancelled just three months in. Dreyer says this was a complete breach of contract and the extra staff she took on to service his contract had to be let go. Neary commented on his Facebook page in September 2013 that he finds it “hard to stomach that this person now demands payment for work not done” and that the “standard of her work was far from what we expected”.

“I lost R70,000,” said Dreyer. “When I inquired whether I should sue him, I was told I needed R50,000 upfront for legal fees. I had to let it go. So instead I started a blog about Neary.” In one post she muses: “How unfair is it that such a slimeball can get away time and time again with conning people? No conscience, no morals and no class”.

She claims her site has attracted



Bags of fructose, used to make a syrup which is packaged as agave nectar

US businesses claiming they, too, have been conned by Neary. In her most recent post earlier this year she said “2017 welcomes the new victims of the never-ending Brian Neary Saga”.

Her sleuthing had uncovered an undated article that appeared in the Afrikaans tabloid, *Die Son*. It tells the story of a Table View businesswoman who claimed Neary was a “lowlife con-man”. The paper quoted Cherel-Maria Scott who said she had met Neary,

then aged 43, on the SMS chatline Flirtline. He swept her off her feet – and then borrowed R15,000 from her, which she never got back. Their fling had ended in a physical fight involving the police. According to *Die Son*, Neary did not deny assaulting Scott.

Asked by *Noseweek* to confirm where he was buying his agave and to comment on accusations made against his name and business by his ex-wife and others, he responded: “If you want to believe this crazy bitch (Rothmann) you do what you want to do.

“Listen, I’ve been making this fucking product for ten years. I don’t need anybody snooping around.”

He said Rothmann was trying to extort money from him by “talking kak” about him. “That is it. Honest truth”. He claimed it was related to a settlement agreement from their divorce.

“Do what you want to do. I am not going to talk to you. Don’t fucking phone me again you fuck.”

Noseweek then questioned how he made his product when his certified farm owned by Moolman had never harvested a single agave plant and that no one in Graaff-Reinet had sold him the plant in 15 years.

“Listen boet I’ve got my own fucking farm where I harvest my own fucking products you cunt. Go fuck yourself, alright”. He hung up without explaining where the farm was located. ■

‘He was buying fructose from Tongaat-Hulett and selling it as Agave. He was putting people’s lives at risk’

Leuens Botha and the weird weir

By Stephen Pain

IN HER AUTOBIOGRAPHY *NOT WITHOUT a Fight*, Western Cape Premier Helen Zille says of her former colleague (and my neighbour) Theuns Botha: “He had a different face for each constituency, but they each had the same nickname for him: Leuens (Lies)”. She goes on to describe how, whilst he held a senior position in the DA, Botha led a secret right-wing group within the party, plotting to either take it over or destroy it. Leaked documents reveal his method, which Zille describes as a “vilification campaign”, with Botha telling his fellow turncoats: “Just make 100% sure you remain anonymous. Thanks. Theuns”.

This struck a chord because I’ve been vilified by Theuns Botha myself recently. He says that I lit a fire to deliberately endanger his thatched house, that I drove through his garden to demolish his outside lights and sprinklers and that I tried to murder his wife and his two police bodyguards.

According to Botha I also stopped him from exercising his water rights and I threatened to harm his wife and daughter-in-law during his weekday absence. He says I harassed them by shining a light on their house at night, that I appeared “almost naked” before him, and that he thinks I would benefit from “psychiatric observation”.

Things got so bad, says Botha, that the SAPS VIP Protection Unit decreed the government should build an electrified perimeter fence to protect his household from the danger that I posed.

These and other fairy tales formed the basis of a three-year protection order that the Bothas were granted by the Riversdale magistrate on 12th March 2015.

I launched an application to have

the order cancelled on the simple grounds that the statements made by the Bothas and their bodyguards were a pack of lies. I was looking forward to exposing the truth in open court by giving my own version and by showing up the whopping inconsistencies in theirs.

Fortunately I also had some very helpful video and audio evidence to back me up. But after 18 months – and more than a dozen court appearances – my application was dismissed.

I would like to say much more about those proceedings but they were held in camera. This bit of legal Latin literally means “in the room” and what it amounts to is that the hearings are actually held in secret; so I am not free to divulge exactly what happened.

Fortunately though, I am free to reveal exactly what didn’t happen, which is perhaps even more illuminating. What didn’t happen is that, during all those appearances, I was never once given the chance to produce a single piece of evidence of my own nor was I once given the chance to question any of my accusers. It’s a pity because I was sure that I could show them up for a bunch of liars.

In a future issue of *Noseweek* I’ll set out my evidence and show how Botha used his position and influence to harass and intimidate me. How he used a bogus map (published by the Western Cape Government) to justify repeated trespass on to my land amidst accusations that my gate and trees were supposedly obstructing a public road. How his police bodyguards (without even properly identifying themselves) used the same bogus map to tell me “anyone can walk in here whenever



they like”.

I’ll explain how his bodyguards swore perjured statements leading to my arrest and imprisonment on charges of attempted murder and how, on the very day of my release, I was arrested yet again – this time for stealing my own dog!

As for the publicly-funded electric security fence erected around his farmhouse; was it to keep me out, or just the baboons? And finally I’ll explain how the Western Cape Government has let Botha privately fence in a public road (the only way to my farm) that is now so narrow that it can’t even be maintained properly – no grader will fit.

But before I get to all that, I need to recount the weird story of the weir – where it all began. It involves the Department of Water Affairs, a group of anonymous farmers, an aborted pipe-



The weird weir

line across my land to Theuns Botha's farm and the waste of half a million rands of public money.

When this story first featured (in *nose169*) it raised more questions than it answered. It was all about a gauging weir in the river – the Kruisrivier – that borders my Riversdale farm. And, by the way, due to the lie of the land, all traffic to and from it must pass within about two-metres of my bedroom window. Why did Water Affairs begin a “two-month refurbishment” of the weir, only then to embark on a major rebuild instead? A project that after more than two years was only a third complete, with half-a-million rands already spent.

Why did Water Affairs then write to me with threats of an entry warrant to complete the work when I had been begging them to come and do just that for months on end? Why was the project then shelved altogether amidst promises (since broken) to clean up the mess they'd left behind? And finally, what exactly was the role of the KruisrivierWaterverbruikersvereniging (KWVV), a largely anonymous group of farmers with water rights downstream of the weir?

The first water-user downstream of the weir – although apparently not a member of the KWVV – was my neighbour MEC Theuns Botha who

told *Noseweek* back in 2013: “I was not aware of the deterioration of the weir, or the repairs to it”. So imagine my surprise when, only a month later, the DWA told me that not only did they want to complete the weir but they also wanted to add a 250m concrete pipeline across my land delivering water to Theuns Botha's farm next door.

Fancy going to all that expense, I thought, without first asking Theuns if he even wanted it done. After all, he'd also just told *Noseweek*: “I use a small percentage of my allocation of river water due to the nature of my farming requirements, which are semi-lifestyle”. But now the new government pipeline would deliver 100% of his total allocation (one-sixteenth of the entire river flow) 24/7. And since MEC Botha knew nothing at all about it, obviously the public would be footing the bill.

I first heard about the planned pipeline on 11 December 2013 at a meeting called by the DWA and the KWVV. DWA director-general, Rashid Khan, didn't pitch but sent his right-hand man, Advocate Abraham Mowzer, together with managers Frans Mouski and Johann Knoetzen. The KWVV was represented by local farmers “Wessie” Wessels and Jan van Rensburg, who steadfastly refused to identify their other members.

Although news of the pipeline to Botha's farm came as a complete surprise to me, it was by no means the first one that morning. Earlier, Advocate Mowzer had given an admirable display of legal expertise in action: with perfect sangfroid, and without the slightest blush, he announced that the weir didn't belong to the government after all.

Despite their previous threats of (wholly unnecessary) court action for access to the weir, the DWA didn't even own it – and they never had!

The KWVV then took up the story, revealing that their “ancestors” had built the original weir in 1927 and that the title deeds to my farm included a servitude allowing them the necessary access.

I wasn't averse to helping them finish the project – after all water is important around here – but by now I was feeling distinctly uncomfortable about who was who in the zoo. Besides the years of bizarre to-ing and fro-ing with the DWA and KWVV, I was also facing shenanigans from Theuns Botha about access rights elsewhere on my farm. So I was understandably cautious of historical claims about ancient servitudes, rights-of-way and so on.

The next day I wrote to the KWVV telling them that there was no reference to the weir anywhere on my title deeds and asked for copies of their documents. I went on to say that I was nevertheless happy to meet with them again to discuss the best way forward. That was in December 2013. In May 2014 I wrote to Department of Water Affairs' Director-General Rashid Khan along similar lines but to date neither has bothered to reply.

So the question remains: Why start a substantial multi-million-rand project and then just drop it less than halfway through?

And further questions arise. Why on earth add a massive pipeline all the way to MEC Botha's farm, apparently without even discussing it with him first? And finally, why does the installation remain dropped, like the proverbial “hot brick”? I leave the reader to join the dots.

That is but the preface to the multifaceted drama that was to unfold over the next few years.

[To be continued.] ■

Bad policy

How to fight insurance claim blackmail. By David Klatzow

THE REVELATION (IN *NOSE208*) THAT Outsurance had been up to its tricks in New Zealand – “Outsurance’s Youi hooley” – came as no surprise to me. The only surprise was that the Outsurance subsidiary, Youi, has actually been ordered to pay a R3.08-million fine in the Auckland District Court for its false or misleading representations, for false or misleading statements made by its telesales people, and for illegally debiting consumer accounts.

It seems that the leopard doesn’t change its spots – even if it migrates to a foreign land.

Some years ago I was approached for help by an elderly man, Israel Joffe. He was insured with Outsurance and had had various pieces of electronic equipment, including a microwave oven and a video machine, stolen from his home.

Outsurance sent an “investigator/loss adjuster” to his home to take a statement from him. Instead, he found himself being interrogated on the minutest details of the missing equipment – and was unable to answer any number of arcane questions.

“What is the welcome message on the screen when the video player is switched on?” he was asked. He simply could not remember. “What is the cubic capacity of the microwave?” He had no idea. How would he know? That’s kitchen stuff and he never does anything in the kitchen.

Next day Outsurance sent him a letter repudiating his claim, cancelling his policy and informing him that they were about to lay fraud charges against him.

It was at this point that an extremely distressed Mr Joffe came to see me.

I phoned the head of the loss-adjusting department, to be told that their file had already been passed on to Legal. The head of Legal agreed to meet us to discuss the matter. On the appointed day, Joffe was there, I was there – but Outsurance did not pitch. No explana-

tion or apology was offered.

When I phoned to inquire I was told the case had been sent back to the loss-adjusting department. We were back where we had started. There I was again confronted with the original loss adjuster who, in an outburst of charm, told me that he was tired of me and was going off to lay fraud charges against my client. Which was strange since, in their letter of repudiation sent to Joffe two months earlier, Outsurance had threatened that they were about to lay fraud charges.

I was simply being fed the standard blackmail line to shut me up. I suspect he was surprised when instead I invited him to waste no time in laying charges and promised I would expose him and his company as blackmailers – and see that they were sued for the appropriate amount in damages.

My last words to him were: “Run off and lay your charges as quickly as your little legs will take you. I need the money.” The net result of this was that they realised their bully-boy tactics

were not working and Joffe received the following letter:

“As stated before, we regret any inconvenience suffered by you or your family. After evaluating all the information, we have come to the conclusion that you were treated unfairly and wish to apologise for this. We acknowledge that an apology does not always correct our mistakes made, but hope that the settlement of the claim was to your satisfaction. We further wish to invite you and your business back to Outsurance in order for us to prove to you that we always aim to deliver.”

A similar scenario played itself out in *Outsurance v Collison*. Michael Collison, an architect, had been the victim of a fire which destroyed his Johannesburg home and all his possessions. Again Outsurance had put a substandard investigator on to the job and, on the basis of his worthless report, had repudiated Collison’s R2.2m claim.

This was after René Otto, the claims manager at the time, had called Collison to the head office in Centurion where he tried to browbeat him into withdrawing his claim by informing him that the company “had reason” to suspect arson. Again the offer was made: “Withdraw your claim and we will not pursue criminal charges”. This offer was itself a criminal act. One is not allowed to bargain away criminal charges for pecuniary gain. It is called compounding and it is a sub-species of blackmail.

The matter was duly enrolled at court and on the second day of the hearing, a second meeting of the opposing parties’ experts was requested by Outsurance. At this meeting, I confronted their expert (alas, now deceased) and his expert summary unravelled like a cardigan with a loose thread. He pleaded with me to do a joint minute so that he could quietly withdraw the summary of his expert evidence previously filed at court. The merits of the case were settled there and then – to the great annoyance of Outsurance.

**Next day OUTsurance
sent him a letter
repudiating his claim,
cancelling his policy and
informing him that they
were about to lay fraud
charges against him**

Roll forward a few years to the case of Mrs Mina Silver of Fairways, Illovo, Johannesburg who, in June last year had her flat broken into, her small safe crowbarred open, and a fair amount of jewellery and other personal items stolen. Enter left stage a new generation of Outsurance assessors, who called at her home and proceeded to subject this elderly widow to what would appear to have been a third-degree interrogation that lasted an entire day.



Mina Silver

What exactly was stolen? What exactly did it look like? What exactly had it cost? Your diamond engagement ring? Yes. A double-string pearl necklace? Yes. A single-string pearl necklace? Yes. And so on down the list...

"A gold vine bracelet?

"Actually, no, that was a mistake – I have since found it," Mrs Silver told them. "Look, I am wearing it! My parents gave it to me for my 21st birthday."

That was all they were looking for. She was not, as she thought, making an

honest correction. As far as they were concerned, she was confessing to having told a lie in her claim – grounds for the insurer to repudiate the entire claim.

Within no time the standard letter repudiating the claim and cancelling the policy was delivered to the dismayed widow. After all, you always get something out, even if it is a nasty surprise and a repudiation.

She turned to me for assistance and I phoned the in-house legal adviser. He informed me that the client had made a confession. I, being a reasonable man, asked for the confession, which was sent to me. The one thing it was not, was a confession. I asked for the transcripts of the entire interrogation.

The net result was that Outsurance quickly reversed the decision and paid – but not before they had tried a couple of sharp moves on the quantum (payout amount) which I rejected on Mrs Silver's behalf.

For the thousands of Outsurance clients out there, be cautious about the way in which Outsurance settles or doesn't settle claims. It is one of a group of insurance companies who cut the broker out and sell direct. With no broker to look after you, you may find yourself vulnerable to unpleasant and shady tactics such as have been recounted here.

You have been warned.

Small claims are usually settled promptly. With bigger claims, there seems to be a more hardball approach.

Do not let Outsurance or any other insurer subject you to the third degree in cross-examination. In settling your claim, it is best to get professional assistance from the outset. Respond only to written questions and that, only after you have sought professional assistance. Then you might just get something worthwhile out.

● Dr David Klatzow is a forensic scientist and the author of *Steeped in Blood and Justice Denied*. ■



"Oh, what the hell, I'll add another zero"



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On wings of song

Cape Town's Youth Choir plans to conquer New York. By Sue Barkly

ABOUT 15 YEARS AGO, WHEN HE WAS being interviewed for the position of conductor for the illustrious Cape Town Youth Choir, Leon Starker was asked by the panel to define success. This was shortly after the choir had won top honours at the Llangollen International Music Eisteddfod in Wales. "I told them that, for me, real success would be to sing in Carnegie Hall," says Starker.

He got the job and, in 2008, the choir did indeed sing at Carnegie Hall in New York, but alongside a few other choirs, not solo.

Real success meant doing their own concert at Carnegie Hall, so about a year ago Starker decided it was time. "I emailed the people at Carnegie Hall and I asked, 'How do I book Carnegie Hall?' They told me and I booked it, there and then! Then I had to look for the money to fund it," says Starker. "Renting the hall is about \$15,000."

The rest is history – and on 3 April, when the celebrated choir steps on to the stage at Carnegie's Zankel Hall ("I will book the big hall next time," vows Starker) it will be a dream come true for him and the choir members.

Carnegie Hall, two blocks south of Central Park on Manhattan, is one of the most prestigious concert venues in the world for both classical and popular music. Built by philanthropist Andrew Carnegie in 1891, the hall was featured in the recently released delightful movie, *Florence Foster Jenkins*, starring Meryl Streep.

Tchaikovsky gave his debut concert in America there; legendary singers such as soprano Maria Callas and tenors Caruso and Gigli were amongst the greats who made it famous. Mark Twain delivered his last public lecture there in 1906.



Conductor Leon Starker in rehearsal with the Cape Town Youth Choir

Carnegie has also played host to numerous popular music legends, including Benny Goodman, Duke Ellington, Tina Turner and Nina Simone. (Sissieretta Jones was the first African-American to sing there in 1892.) The Beatles performed there in 1964, followed by the Rolling Stones, Led Zepelin and numerous rock, blues, jazz and country performers.

The Carnegie complex includes a smaller concert venue, Zankel Hall which seats 599 people, next to the main concert hall. It is named after its sponsors, Judy and Arthur Zankel. That's the hall Starker hopes to fill.

"When the Cape Town Youth Choir performs there, it will be the culmination of years of hard work for a diverse group of beautiful, extremely talented

young people who never fail to wow their audiences," says Starker, "as well as a not-to-be-missed opportunity to represent Cape Town and South Africa on one of the most famous stages in the world."

Starker and I are meeting in a coffee shop across the road from the Jan van Riebeeck High School, Gardens, in the shadow of Table Mountain, where the choir practises for hours every Tuesday and Friday night.

Starker remembers when he told the choir that they would be going to sing at the iconic concert hall. "It was after they walked off stage at the World Choir Games in Latvia. The competition had come at the tail end of a concert tour through Germany and the Czech Republic. Comparing

the 'concert' experience with the later 'competition' experience, it was an easy choice to make. In spite of having won two gold medals in Latvia, the real joy of making music lies in telling stories on stage, not in impressing five or six people with score sheets. We hadn't even got back to the hotel... you can imagine the response!

"Then we started looking for money and we started saving and started thinking about the repertoire."

The choir is made up of people aged from 15 to 30, some of whom are at school, some are students and others, working professionals – all, from different backgrounds.

"Some have overcome incredible adversity, or made it to university against the odds. But they have all been chosen for their voices and musicality, and they all show up twice a week to practise and sing together. Their dedication and unity are what make this all worth it," says Starker, who has been conducting the choir since 2003.

It is clear that the love he has for the choir members is strongly reciprocated. "Of every ten people selected, only two or three make it to the end of the first month. The commitment of time is huge. But, more than that, choir members expect of each other a certain level of commitment to the music and to each other. Those who are not comfortable with the commitment don't last.

"But the ones who last become a 'band of brothers', if I may borrow from a TV show set in World War II. They become an incredibly close-knit group and often remain life-long friends.

"There are no ranks in the choir; whether you are a 16-year-old bass or soprano or a 28-year-old tenor, you are equally valued because of your contribution to the music. I am always astounded by this – that the older members treat the young ones as equals. We share a common goal and a common path: the desire to make music that moves everyone who hears it."

What drives him whenever he is in front of the choir are the words of American poet Mary Oliver: "We need beauty because it makes us ache to be worthy of it."

Starker completed a BSc degree in Chemistry and Maths as well as the Higher Education Diploma at Stellen-

bosch University. During his student years he studied singing with Professor George van der Spuy and sang in the Stellenbosch University Choir.

He holds an MMus in Choral Conducting from the Nelson Mandela Metropolitan University and is currently enrolled for a DMus in choral conducting at Pretoria University.

In addition to the Cape Town Youth Choir, Starker conducts the St Cyprian's School girls' choir and teaches choral conducting at the South African College of Music at the University of Cape Town. His day job is IT Manager at investment firm Vunani Fund Managers. He is married to Louise, who is a music teacher, and they have

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three daughters.

The Cape Town Youth Choir was founded in 1997 with the name Pro Cantu (meaning “for singing”) and, when it moved from Durbanville to the city in 2011, it changed its name to Cape Town Youth Choir.

The choir has toured South Africa, Europe, Asia and the US and has won gold in a number of competitions for its extensive repertoire, which includes simple folk songs as well as challenging modern pieces.

In 2004, the choir undertook a concert tour of Namibia and in 2006 participated in the World Games in Xiamen, China, winning two gold medals.

In 2008, the choir performed Karl Jenkins’s *The Armed Man, a Mass for Peace* in Carnegie Hall.

In the same year they won two gold medals at the fifth World Choir Games in Graz, Austria. Since then they’ve performed Arvo Pärt’s *Passio* (St John Passion) in Cape Town, Stellenbosch and Oudtshoorn and; Rachmaninoff’s *All-Night Vigil* (in Afrikaans), sung in Salisbury Cathedral, St Paul’s Cathedral and Londerzeel in Belgium.

In 2014, the choir toured Europe with concerts in Hamburg, Berlin, Prague, Bratislava and Riga. They participated in the Bratislava International Music Festival and Competition and won three categories as well as the Grand Prix award for the best choir of the festival. They then moved on to the World Choir Games in Riga, Latvia, where they won gold medals in the Youth Choir and Musica Sacra categories.

In 2015 the choir performed Handel’s *Messiah* for the first time, as part of the 350-year birthday celebrations of Cape Town’s Groote Kerk. A feature-length documentary film about the choir in rehearsal and performing, called *Finding Messiah*, was made by Hollywood producer David Morin. It is available for download from iTunes.

While in the United States in April, the choir will also give a performance at Yale University in New Haven, Connecticut, and in Boston, amongst other venues.

Their concert tour is entitled Songs of Loss and Hope. “The concerts will explore those two aspects of life – both through existing choral repertoire as well as newly commissioned pieces for the tour by three young South Afri-

In 2014, the choir toured Europe and won the Grand Prix award for the best choir of the festival

cans and a Zimbabwean,” says Starker. They are: *Qulani! – You’ve got to be taught to hate and to fear*, by Soweto composer Neo Muyanga, who also composed an opera on Nelson Mandela; *On a Night*, by Conrad Asman (SA) which is about the pursuit of love and beauty; *Psalm 133*, by Simon Bethell (SA) and; *What they did yesterday afternoon* by Tanyaradzwa Tawengwa of Zimbabwe.

Starker says that although the choir will visit the States at a time when the mood there is sober, “Our beautiful young people will arrive with a good and inspiring story to tell, one in which love of our common humanity triumphs over narrow self-interest. I have no doubt we will convey this through our songs!”

Horizons, by South African Péter Louis van Dijk is about loss of dignity, but also about ubuntu and humanity. “The song tells the story of the arrival of European ships and settlers from a San (Bushman) perspective. It was originally commissioned by the British a cappella group, the King’s Singers.

A sure crowd-pleaser in the youth choir’s repertoire is Ladysmith Black Mambazo’s *Homeless* (Paul Simon).

Starker hopes the choir will instil hope in all those who hear them. “We will sing the songs and people will



form their own stories from them. For me, I want the message to be that the world is not as bleak a place as some make it out to be. It is more about hope than hope lost. I don’t think we are in ‘Paradise Found’ but I don’t think we are in ‘Paradise Lost’ either,” says Starker.

The choir is currently raising funds to make this tour a reality for as many CTYC members as possible. Those who would like to help the choir get to Carnegie Hall can donate through the US crowdfunding site Indiegogo, (link: <http://bit.ly/2lmFadl>)

The choir is also registered with Fractured Atlas in the US, which means that donations originating from the US will be tax deductible for the donor.

South Africans are urged to encourage friends in New York, or those due to be visiting there in April, to support the choir by attending the Carnegie Hall performance, tickets for which are available through the Carnegie Hall website.

“Almost everybody either knows someone living in New York, or knows someone who knows someone who lives in New York. Please encourage, cajole, threaten, or even beg them to not only buy tickets for the concert, but to also forward this email to friends and family to get them to buy tickets. Help us to sing to a sold-out venue,” urges Starker.

On their return, the choir will perform their Carnegie Hall repertoire at two local concerts: one, on 22 April in the Hugo Lambrechts Auditorium in Parow, and on 23 April at Bishops Chapel, Diocesan College, in Rondebosch, Cape Town. ■

Faith and oil money fuel tensions in Horn of Africa. By Martin Plaut

RELATIONS BETWEEN THE HORN OF Africa and the Arabian Peninsula go back centuries, with trade playing a key component in binding their peoples together. Religion has also played a part. The expansion of Wahhabism – the fundamentalist interpretation of Islam propagated by Saudi Arabia – has been funded by the massive oil wealth of the kingdom.

Mosques, Koranic schools and imams have been provided with support over many years. Gradually this authoritarian form of Islam began to take hold in the Horn. While some embraced it, others didn't.

Somalia is an example. While most Somalis practised a moderate form of Sufi Islam, the Islamic fundamentalists of al-Shabaab didn't. Soon after taking control of parts of central and southern Somalia in 2009 they began imposing a much more severe form of the faith. Mosques were destroyed and the shrines of revered Sufi leaders were desecrated.

The export of faith has been followed by arms. Today the Saudis and their allies in the United Arab Emirates are exerting increasing military influence in the region.

But Saudi Arabia and other Arabian Gulf states aren't the only Muslim countries that have sought influence in the region. Iran, for example, has also been an active player. In the case of Eritrea, a struggle for influence between Riyadh and Tehran has played out over the past few years. This has also been true in neighbouring Somaliland and the semi-autonomous Somali region of Puntland.

These are troubled times in the Horn of Africa. The instability that's resulted from Islamic fundamentalism, of which al-Shabaab are the best known proponents, have left the region open to outside influences. The French have



Eritrean President Isaias Afwerki

traditionally had a base in Djibouti, but they have now been joined by the Americans and the Chinese.

The growing Arab military, political and religious influence is only the latest example of an external force taking hold in the region.

The Eritreans had been close to Iran and supported their Houthi allies in the Yemeni conflict. This was of deep concern to the Saudis, who are locked in conflict with Tehran. This is a battle for influence that pits Iranian Shias against Saudi Sunnis. Eritrea is just one of the fields on which it's being played out.

As a US cable leaked to WikiLeaks put it in 2010: *The Saudi ambassador to Eritrea is concerned about Iranian influence, says Iran has supplied materiel to the Eritrean navy, and recently ran into an Iranian delegation visiting Asmara. He claims Yemeni Houthi rebels were present in Eritrea in 2009 (but is not sure if they still are), and reported that the Isaias regime this week arrested six Eritrean employees of the Saudi embassy.*

Since then Eritrea has switched sides. Eritrean President, Isaias Afwerki paid a state visit to Saudi Arabia in April 2015. Not long afterwards Eritrea signed a 30-year lease

on the port of Assab with the Saudis and their allies in the Emirates. The port has become a base from which to prosecute the war in Yemen. The United Nations reported that 400 Eritrean troops were now in Yemen supporting the Saudi alliance.

The United Arab Emirates has constructed a major base in Assab – complete with tanks, helicopters and barracks. In November 2016 it was reported that a squadron of nine UAE Mirage fighter planes was deployed to Eritrea from where they could attack Houthi targets on the other side of the Red Sea. In return the Gulf states agreed to modernise Asmara International Airport, increase fuel supplies to Eritrea and provide President Isaias with further funding.

Since then the United Arab Emirates has announced its intention to increase its military presence in the Horn. In January it signed an agreement to manage the Somaliland port of Berbera for 30 years. It also sought permission to have a naval base, Somaliland foreign minister Sa'ad Ali Shire told reporters.

It's true that the UAE has submitted a formal request seeking permission to open a military base in Somaliland.

The UAE are also active in the neighbouring Puntland. They have been paying for and training anti-piracy forces for years, while also financing and training its intelligence services.

They are a powerful force in the region, projecting an Arab influence as far as Madagascar and the Seychelles. It's not surprising that the United Arab Emirates was labelled "Little Sparta" by Gen James Mattis – now President Donald Trump's Secretary of Defence.

● *Martin Plaut is Senior Research Fellow, Institute of Commonwealth Studies. This article first appeared online in THE CONVERSATION* ■



Hot stuff. The Wall Game

HUNGRY? FANCY A CRISP GRASSHOPPER shank? What about a dainty ball of fat that has been knocking around in your backpack for a week or two? No? Well you shouldn't be so picky if you hope to survive in a brave new world. So says Frank Owen, who isn't Frank Owen. Frank is actually a pseudonym for two writers: Diane Awerbuck and Alex Latimer. Their reason/s for ducking behind a bland Welsh moniker is/are not revealed. But, whatever the cause, they have come up with a rare thing: a lusty post-apocalyptic adventure page-turner.

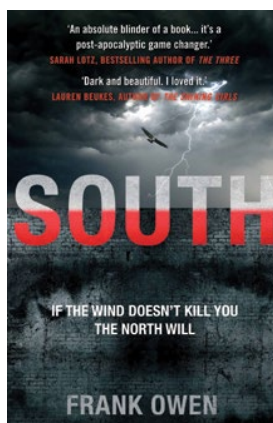
Some conspiracy theorists might contend that the entire concept was sparked by extrapolations of Donald Trump nightmares, with a future United States of America devouring itself in a North/South confrontation of surpassing evil. But if the book is veiled propaganda against The Donald and all his works, it nevertheless contrives to entertain and titillate.

Yes, Virginia, there are some hot encounters between our heroes (PC-speak apparently now forbids the female form of "hero"). Be assured, however, that the brave pair are physically equipped for sundry traditional pleasures, despite having to fight through horrors of human and chemical degradation in an epic battle for survival. Lively stuff.

The villains are absolutely, and satisfyingly, disgusting. The good guys are few, but strong in the cause of decency. The conflict, which has laid waste to the South, arose from a perceived insult to the mad scientist-type ruler, one Renard. He has constructed a wall across the land, from sea to shining sea, with prosperous Northerners revelling on one side and despairing Southerners rebelling on the other. Sound familiar? Anyhow, the dispute between the two parties dragged on till wicked Renard introduced frightening chemical warfare, with filaments deliberately floated south on the prevailing winds.

Frank Owen and Co do not spare the reader the horrific consequences. Foul diseases and abject poverty decimate the

SOUTH
by Frank Owen
(Corvus Books)



population, with starving human wrecks attempting to survive by eating the equivalent of roadkill – when fortunate enough to find any.

Will decent farm boy Dyce and commanding carer Vida thrust their way through the ravaging mobs and raging elements to discover a life worth living? That would be telling. But the tale recalls the mythic virtues of the Old West as it decries desecration of simple ideals and ideas by crazed powers.

South African Diane Awerbuck (her debut novel *Gardening at Night* won the 2004 Commonwealth Writers' Prize) and Alex Latimer (much-translated writer and illustrator) have patriotically, but gently, blended some homeland elements into the adventure, with approving mention of rooibos and sundry herbs, courtesy of Vida's African mother's nursing experience.

South, the movie, could be a special effects team's playground. With Angelina Jolie as Vida, and no, not Brad Pitt for Dyce. The role needs the kind of earnest young man who yearns to be tutored by an older woman. Any offers? High box office potential. ■

Frank Owen = (Diane Awerbuck and Alex Latimer)



Down and Out

ANNE SUSSKIND



Trump effect. Waves across the waves

THE GLOVES ARE OFF AS THE TRUMP effect gives licence for every nasty to crawl out of the woodwork. At a recent fund-raising dinner of the Q Society (self-described as Australia's premier anti-Islam association) with journalists present, the speaker, cartoonist Larry Pickering, shamelessly told 160 guests: "Let's be honest, I can't stand Muslims... If they are in the same street as me, I start shaking."

Former Liberal MP Ross Cameron said, "The New South Wales division of the Liberal Party is basically a gay club... I don't mind that they're gay, I just wish, like Hadrian, they would build a wall."

And crime fiction author Gabrielle Lord, whose latest novel is about forced marriage in a Muslim community, said "Brothers and sisters, there is a war and unfortunately... we are caught a little unaware because they were better prepared than we are."

Who will make Australia great? The angry South Australian politician Cory Bernardi, whose office is adorned with pictures of Margaret Thatcher, and who once linked gay marriage (which Australia still doesn't have) with bestiality and polygamy, has volunteered his services, quitting the Liberal Party to form a splinter party, the Australian Majority. Also in the running is Pauline Hanson, who first alerted Australia to the fact that it was in danger of being "swamped by Asians" in her maiden speech in 1996, and is being called the Donald Trump of Australia. She was elected to the Senate in last year's election.

Soon after Trump announced his ban on refugees and citizens of seven majority Muslim countries, and plans to build a wall, Malcolm Turnbull's government announced it would support the US's "strong immigration and border protection policies".

Then we heard that the government



Former Liberal MP Ross Cameron

was working very closely with US officials "to ensure that Australians continue to have access to the United States, and people from the US have access to Australia". And minister Scott Morrison said the Trump travel ban showed the rest of world to be "catching up" to Australia.

But none of that sycophancy or crowing or little-cousin allegiance protected Turnbull, who was thoroughly humiliated by Trump in a phone conversation in which the American reneged on a deal signed by the Obama administration to resettle hundreds of refugees and asylum-seekers held by Australia on Manus Island and Nauru. Trump reportedly said it was a "dumb deal" and that he could not see why America would import "the Boston bombers".

In the days that followed, Trump's media spokesman repeatedly called Turnbull Trunbull.

Perhaps letting off steam at an easier target, when Leader of the Opposition Bill Shorten called Turnbull "Mr Harbourside Mansion" for his palatial home, cornered PM lost his cool and lashed back, calling Shorten "that great sycophant of billionaires".

Derided as weak, lacklustre and policy-less since he became PM, Turnbull is said (by journalist Katharine Mur-

phy in *The Guardian*) to have "gathered in his chair like a minor hurricane; months of pure frustration and fury lifted him to his feet".

"It was a levitation, a daylight miracle. His shoulders squared, rigid, the voice strained as he unleashed on the Labor leader: 'All the lectures, trying to run the politics of envy – when he is himself a regular dinner guest at Raheen [*the harbourside mansion*] always there with Dick Pratt [*billionaire owner of a cardboard empire*], sucking up to Dick Pratt, did he knock back the Cristal?'"

Governing party MPs reportedly leaned forward in their parliamentary seats, at long last delighted by their leader: knees were slapped, raucous laughter swelled. The set fury on his face dissolved into relief as he ploughed on: "There was never a union leader in Melbourne that tucked his knees under more billionaires' tables than the leader of the opposition!"

In her report, Murphy went on to describe it as "a speech of a politician who knows everything is ranged against him, that adversity sits in front of him, and poison and dysfunction behind; and the only option open to him, after reason, flattery, and crouching compromise have failed to deliver the breakthrough, is to lock your jaw, find the primal growl, and punch your way out of a corner".

In other bad sad news, in January, six people were killed and over a dozen seriously injured when a mentally ill man in a maroon sedan drove at 60km an hour through a crowded shopping mall in central Melbourne. And some of the world's oldest rock carvings dating back over 30,000 years, on the Burrup Peninsula in Western Australia, are under threat because of emissions from some of the biggest natural gas and ammonia fertiliser production facilities in the world. ■



Golden fleece. Debt ballooning

ALRIGHT MY NOSEY ONES, LET'S GET it on! And I am not referring to the Marvin Gaye song but psyching myself up to take on a law firm here in Barberton, Renier J Oelofsen Attorneys, over a debt I incurred to the tune of R3,415.95. But, alas, like the incredible rise of certain stocks, these legal vultures claim I now owe a whopping R8,180.47 – thanks to tagged-on costs that would even make Mother Teresa ask, “What the f***?!” (Although Mother Teresa is more likely to have exclaimed “Good Lord!”)

Other legal practitioners this p-d off scribe spoke to about my little problem with this debt-collecting law firm were as one in saying “What these guys do is criminal” – a comment echoed by a magistrate I met socially.

“I have written so many times to the Law Society of the Northern Provinces to have these guys investigated but for some inexplicable reason the society has done nothing,” said the jurist.

Why is that not a surprise? Well, the same society is reported to have strongly objected to Parliament's Debt Collectors Amendment Bill of 2016 which addresses the “criminal” practices of those collectors who rob or fleece debtors.

(And the same law society that was so tardy in sanctioning their former chairman, Ronald Bobroff and his son Darren – both of whom were struck off the roll last year for their dodgy dealings involving Road Accident Fund payouts – who are now fugitives, reported to have bought a R26m house in Sydney, Australia. – Editor.)

Another legal sort threw in her humorous two cents' worth: “Everyone in this town knows that once Oelofsen gets their claws into you, it's like a fish that's been plucked from the waters by an eagle – there is no letting go. Trust me, fight this or your debt will balloon and never end”.



How do debt collectors, especially the law firms, get away with this? And, unlike their counterpart general-collections agencies, they don't have to resort to verbal threats and intimidation. It's worse, they subtly inflate your debt with costs and by the time you find out that the original R1,000 you owed is now a whopping R5,000, you're thrown into such a tailspin that you don't know what to do.

But the law firms are happy to advise: “just keep making your monthly payments”. And if you make a fuss, they resort to their favourite incantation of “get a lawyer”. Oh, by the way, the reason they do not have to resort to verbal threats and intimidation is because being handed over to lawyers has already done the trick.

So, how do they get away with ballooning debts? As the saying goes, knowledge is power – in this case, the lack thereof by most people, which has given many of these legal vultures the power to milk debtors.

First, most people are not aware of the schedule of particulars – the costs prescribed by the Department of Justice that law firms are allowed to charge when collecting debts. Second, the costs can be challenged by requesting – sorry, forget requesting, by insisting on a court taxation by the Clerk of the Court. Court taxation compels the court to check the law firm's costs against the prescribed

amounts that can be charged.

But be warned, the clerks in the Clerk of the Court's office might not know what the heck you are talking about. So, once again, knowledge is power and lack thereof is a debtor stuck with a ballooning debt and a legal vulture as happy as a pig in...

Seriously, I could not believe my ears when a clerk at the Barberton Magistrate's Court said she did not know what the Schedule of Particulars was.

Be that as it may, I proceeded to download the schedule as well as the Debt Collectors Amendment Bill of 2016 and a few days later, gave it to the clerk, saying: “Please familiarise yourself with this information so you can provide a proper service to the public. You guys should know this stuff. Her colleague at a nearby desk chipped in to say: “The department has scheduled an upcoming workshop on this, with a focus on the Amended Debt Collectors Bill of 2016.”

On behalf of all debtors out there (and really, on behalf of all the good citizens of Mzansi), please, Justice Department, fast-track these workshops so our clerks of the court can give us a proper service.

Serious warning continued: For crying out loud, when this writer followed up on the court taxation request, the clerk actually said: “Yeah, a person from Oelofsen's came in and I asked them if these costs were correct and they said yes.”

Cool, calm and collected I said, “Oh! that's cute and (injecting a little sarcasm) you just accepted what they said; taking their word for it.

“My sister, do me a favour, do this properly. Here is a copy of the Schedule of Particulars as well as a copy of the Debt Collectors Amendment Bill of 2016, please study both so you can help me and others properly.

To be continued.■



DIY. Build your own pyramid

NOW, IT IS QUITE A WHILE SINCE I taught a bunch of art students about the Giza pyramids and the great debate over how they were built. Was it by constructing a mighty long ramp for a million slaves to drag up two-tonne stone blocks on sledges? For a Giza pyramid to be built in 20 years the blocks would have to be laid one every five minutes of daylight to make up the 1,051,200 total, and that means 50-or-so blocks on the ramp at any one moment, which mass would cause the ramp to collapse entirely if it was made of sand.

But if it was made of stone there would be more stone in the ramp than in the pyramid by the time they got to the top, and what did they do with all those rocks afterwards? There's no sign of a dump anywhere. A spiral ramp, maybe? You can't imagine the clutter, you'd get but one block a day up a spiral.

But never to worry, I have worked out a simple system, and no archaeologist has written in to refute it, so it must be true. Try to imagine the Graf Zeppelin's enormous gasbags in those 1930s pre-plastic days being made of the lining of cows' guts all carefully sewn up together. Well, the Egyptians had plenty cows, also they had zinc, you see, from Ta Nehu way up-Nile for an alloy with copper to make chariot wheels, and they had hydrochloric acid from animals' digestive tracts. Now if you put such zinc into such acid you get zinc chloride and hydrogen. So let's then get a thousand cows' guts and fill them with hydrogen and tie a number to each two-tonne block until it barely touches the ground, then place big fat men all round, weighing two tonnes in all, to walk up a whole lot of ladders and gently place the block in position.

How to get all the balloons down again? Easy. The big fat men would counterweigh the hydrogen lift and a small skinny man with a rope could



haul them down again. As easy as hauling the blocks up. Piece of cake.

But why build a pyramid at all? What's wrong with the Valley of the Kings idea? Bore a great long tunnel into a cliff face and stick the pharaoh in there with all his hereafter goeters and seal him in with local rubble so the grave robbers can't find him. No pharaoh was found in any pyramid anyway. Maybe the robbers might imagine this pyramid thing was an advertisement of great wealth inside. As a mausoleum, a pyramid is a bloody stupid idea, man.

But hang on! What's this? Professor Zahi Hawass, [former] Director of Antiquities at the Cairo Museum, he's professionally snuffing about the dark places inside his pyramids one day, and right round there in a hitherto unexplored small corner he finds the remains of a certain mural, and what this mural depicts is Old King-

dom aerodynamics, no less. All neatly done, in proper cartouches.

Zahi leaps back! Utters Arabic expletives! These are not merely pictures, they are working drawings! The balloons were aerostats, these are aerodynes; here is a diagram for making a small model helicopter with a light springy reed bow for power and primary wingtip vulture feathers for rotor blades, you can make one yourself and it will fly!

But what causes Zahi to gasp is a diagram for a full-on hang glider. He studies it closely. He knows the light timber would come from up-Nile, he knows about linen and linseed oil varnish, he understands the construction. But he doesn't understand flying, how to get this thing in the air. Way down along the Red Sea there are hills for take-off at some initial altitude, but there's nothing round here but flat sand, and this is where the elite were, the adventurous spirits who wanted to do the flying. So whatthehell, they had plenty of wealth, plenty of stone, plenty of labour, so let's do it! Let's build a mountain! Sure, put in a whole lot of passages and chambers and stuff for the daft pharaoh since he's paying for it all, I mean he's the main adventurous spirit anyway, but there's no way he's actually going to be so bloody stupid as to get buried in there, hey.

But, now, if you hang-glide off a high place you have to run bedonderd downhill to pick up flying speed, and this DIY mountain of theirs was a peak, no running, it had room on top for only one aviator at a time, standing. So what this lad had to do was grit his teeth and dive down at a steep angle and pick up flying speed that way. And should you build such a hang-glider yourself, dear reader, and launch it thus steeply, you would find the angle of your descent to be exactly 52° and ja, you guessed it, that's exactly the angle of the sides of the Great Pyramid at Giza. So it must be true. ■

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