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noseweek

ISSUE 240 OCTOBER 2019

Tshwane airport mess: Who's to blame?

Old Mutual holds
gun to Gold Fund
investors' heads

Billionaire **Marcel**
Golding loses
court dispute
with farm worker

SAMRO
still short-
changing
musicians



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Letters

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Harold, the friend I wish I'd met

SINCE HAROLD STRACHAN STARTING WRITING for *Noseweek*, when reading each column I have known that, no matter how good it was, the best was always yet to come. It added anticipation to the enjoyment, and never once did he let me down.

I can only add my good wishes to the thousands that you will receive, and my very best wishes to Harold, whom I regard as the friend that I never met – but wish I had.

Phil Gallie
Cape Town

■ THE NEWS THAT STRACHAN HAS RETIRED spoilt my day. Too sad for words. His was the only article that I read every issue and before anything else, other than the letters! But life moves on I suppose.

Andrew Duncan
Newlands, Cape Town

■ I WOULD LIKE TO SUGGEST THAT YOU SIMPLY dig in your archives every month and print a re-run of one of Harold's previous columns. Just as television sitcoms live forever on DSTV, so can Harold live forever in the pages of *Noseweek*.

Niki Moore
Durban

■ MY FAVOURITE COLUMN WAS THE ONE with "Pollie wool BART you". I cried with laughter, read it to my husband. Both cried. It's become a much-loved family expression. Sadly I can't find that edition after a house move.

Why don't you repeat his columns from Day 1? There's a whole world of new readers who should be blessed with his writing. You could pay Harold a few ront to assist with the "lying down" costs.

Marielle Ford
Port Elizabeth

You'll find it in nose56, "Marnd!" – Ed.

■ I WILL SORELY MISS HAROLD STRACHAN'S inimitable humour. Please could we have a book of his collected columns?

Sandra Hewitson
Constantia

Noseweek fundraising campaign

I HAVE ASSISTED BEFORE AND I WILL continue to do so. Please keep up the invaluable work for this incredible country that will survive the Zupta/ANC era eventually; we just have to persevere.

If it will reduce your costs if you convert to a purely online edition, I will still subscribe – but I really do prefer the printed edition.

Anton Duivestein
Stanford

■ NOSEWEEK IS A NATIONAL TREASURE AND must continue. I am so glad you are near your fundraising target. Best wishes and thanks to you all.

(Prof) Martin Prozesky
Hilton, KZN

■ WE HIGHLY VALUE YOUR INDEPENDENT investigative journalism. Since the takeover of "Independent" Media this has been in short supply.

It is absolutely vital for our society that we have an independent watchdog to expose and hold accountable abuses of power or business, so thank you for all that you do.

SW
Cape Town

In defence of Afro Fishing

WE NOTED THAT YOU PUBLISHED AN ARTICLE relating to the expansion plans of Afro Fishing in Mossel Bay. On behalf of Afro Fishing, I would like to request that you retract the following incorrect statements: Your heading refers to "School feeding scheme loses out as processing plant switches to importing pilchards and sardines for animal feed".

The sentence is incorrect and I am not sure what the message is. I can however state that the cannery will continue to produce and market canned pilchards to the Department of Basic Education, National School Feeding Programme. So there are no negative consequences to the school feeding scheme. In fact, the project will be able to produce more canned pilchards for the feeding scheme with the inclusion of a cold store in the project scope.

You state "At the time, it was said that

at least five Namibian companies which could qualify as partners for Fishcor, had been overlooked. At least one, Bidvest Namibia, had to stop its operations in the meantime and about 1,200 people lost their jobs". Bidvest did not lose 1,200 jobs due to this: they did not have 1,200 people working in the fishing industry in Namibia. They divested from the fishing industry selling off their fishing subsidiaries/vessels a while ago. Totally unrelated.

For the record, Afro Fishing (Pty) Ltd has no interest in aquaculture/fish farming in Mossel Bay.

There are many other one-sided arguments in the article that could have been more balanced if we were afforded an interview. I am available to discuss the project and the authorisation process in more detail if needed.

Deon van Zyl
Mossel Bay

Mr Van Zyl was interviewed by mosselbayontheline and Noseweek's reporter phoned him to ask if we could use his comprehensive written answers as published there, and he agreed to that. (Our reporting project was a joint one with Maroela Media, who published it in Afrikaans.) The paragraph about the Namibians who lost their jobs was quoted from and credited to an earlier Mail & Guardian story.

Mr Van Zyl's generous offer of access to information comes as a surprise in view of the fact that the director of Afro Fishing, Johannes Breed, as well as the Angolan company did not respond to our reporter's repeated phone calls and emails.

Also, Mr Van Zyl did not want to reveal to mosselbayontheline who the directors of Afro Fishing were or where the investment had come from. Why? Susan Puren spent days on the internet and did several searches on Legal City to find that information.

It was understood from the former owners that the pilchard-canning operation would be closed down to be replaced by a fishmeal-producing operation. We are pleased to learn that this is not the case, and willingly retract this element of our report. The headline will be replaced with a more appropriate one in our online edition.

Noseweek is also happy to take up Mr

Letters

Letters to the editor should be sent by email to editor@noseweek.co.za

Van Zyl's offer of an in-depth interview and will publish the outcome in a forthcoming issue. – Ed.

Love the constructive write-ups

I AM REALLY ENJOYING THE POSITIVE biographies you have had in the past two issues. It lifts the bar and gives a shot in the arm. Thank you.

Linoia Pullen
Lakeside

Value of a good read

HAVING BEEN A SUBSCRIBER SINCE *Noseweek's* inception, I noted with sadness that you're asking people/readers for donations in your latest issue. Like with Africa, this is a prescription for death and failure. You have an incredible product to sell but you're undervaluing it. Set it at a price that allows you to flourish and then double it.

Andrew Duncan
By SMS

Viv should have a guilty conscience

VIV VERMAAK'S COLUMN (*NOSE238*) CALLS FOR further comment.

If you are prepared to offer bribes to traffic cops, you are only propagating and encouraging further fraud and corruption in South Africa. It does not matter whether you offer R50, R5,000 or R5 million, it's still fraud and corruption.

If you are prepared to offer bribes to traffic cops, then you cannot complain about the collapse of morality and integrity in this country. You will have no right to complain about State Capture, unethical politicians or the collapse of government and governance.

And as for your statement that offering a bribe to traffic cops will not become a political butterfly, then you are surely mistaken. If a traffic cop is prepared to take a bribe to look the other way when you are caught with a broken tail light or for not wearing your seatbelt, then that same dishonest and corrupted traffic official might well accept a bribe to ignore more serious traffic offences such as drunken driving or even a hit and run.

And lastly, bragging about your despicable behaviour will not lessen

your guilt nor will it unburden your conscience!

Nick McConnell
Howick

Viv's satire was obviously successful: it provoked all the appropriate responses in your mind. – Ed.

Soros should answer for this trash

THE PICTURE IS OF ME HOLDING THE TRASH I picked up last week in one kilometre of the beach on the east side of St Helena Bay in the Rocherpan Nature Reserve.

We walked about 10km and the whole distance was strewn with this kind of waste. The majority comprised single-use plastic bottles produced by companies in which Warren Buffet's Berkshire Hathaway has significant shareholdings (eg: Coca-Cola, Nestlé and Procter & Gamble).

Buffet, the world's wealthiest investor, turned 89 in August. He is still active in the management and investment decisions of his company, and is sometimes referred to as the Oracle of Omaha due to the investment wisdom he shares and the US home of his company. He is a strong proponent of



value investing and is noted for living a very modest lifestyle despite his immense wealth.

Perhaps you investor types can persuade him to free up a little of his \$122 billion cash pile to address the problem? But at 89 he probably thinks it is not worth his while to dwell too much on the future!

Chris Marshall
Camps Bay

Cannabis vs Nicotine

MAY I CONGRATULATE CARMEN ANDERSON on her excellent letter, "Cannabis an economic cure", (*nose237*). According to the *Financial Times* (of 8 September 2019) eight million people in the world die every year from tobacco-related illnesses. Assuming the real figure is somewhere close to 10 million (and probably a lot higher than that 20 to 50 years ago), that means that every 10 years about 100 million people die from smoking or having smoked tobacco.

The costs to the health system has already been amply documented.

So why is it legal to smoke this toxic substance and not a natural plant that can be grown anywhere? The answer lies in the heavy financial power of the Pharmaceutical Lobby. I attended a tobacco industry event in Vienna 20 years ago and picked up the *Tobacco Trade Journal*. Inside was a fascinating article that explained how every cigarette contains more than 100 additives including substances that make smokers want to keep smoking.

Having used sleeping pills over the past five years I have switched to cannabis cakes and biscuits which are freely available here in Geneva, Switzerland. I sleep well and no longer get up in the morning feeling like I've been hit over the head. I drink one coffee rather than a whole jug.

Had my mother, who suffered terribly from arthritis, been able to use cannabis, then the last years of her life would have been a lot less agonising (she was advised by her doctor to stop using Voltaren).

Thomas Berchten
Geneva, Switzerland

Letters

Letters to the editor should be sent by email to editor@noseweek.co.za

I have a dream

SO KRIEL, THE SMALL REDBRICK TOWN IN Mpumalanga, rich with surrounding nature reserves, its roadsides blanketed with autumn flowers, its atmosphere blighted by Eskom's coal-fired power stations, has been identified by Greenpeace India as the world's second-most polluted hotspot.

Greenpeace recommends that Eskom phases out all its coal-fired power stations by 2040. Far, far too late. Yet the answers are to hand. We have the sun. We have the land. Let vast areas of the Karoo be devoted to massive solar power generating facilities.

Abandon useless Eskom and create a new, ruthlessly efficient high-tech enterprise to take over South Africa's power supply, using the natural resources of sun and wind.

Who will drive this change? Forget the government. Who's driving the change for new gun laws in America: the pupils of the Parkland, Florida high school shooting, who've mobilised thousands of school children to march and demand action. Who's mobilised the world to demand action to stave off climate change? A 16-year-old Swedish schoolgirl, Greta Thunberg, who has raised an army of millions of schoolchildren to quit their classrooms every Friday to march, protest and

demand action now.

In the days of apartheid, South Africa's school children showed their leadership mettle to the world. And they can do it again. They have the numbers; they have their smartphones to plan and coordinate. As the inheritors of the planet they have every right to insist that they receive a world fit to live in.

So where is South Africa's Greta Thunberg to galvanise the President and everyone else to eradicate coal-fired power and make the country a clean-energy example for the rest of the world to follow?

Let this still-to-emerge prodigy utilise our available resources: lots of sunshine, tons of state-owned land (29.5% of the country), masses of children (16.7 million under the age of 15) with scant leisure activities but boundless enthusiasm.

Assuming that half of them muster to the cause, they could be organised to plant six trees each (through photosynthesis, each tree would clean up roughly 22kg of excess carbon dioxide annually). That's 50 million new CO₂-guzzling trees (appropriate seedlings and suitable state land provided by SANParks and the department of Agriculture, Forestry and Fisheries).

Just dreaming, but wouldn't it be good?

Jack Lundin



Thank you dear friends!

NOSEWEEK WISHES TO THANK ALL THOSE print subscribers who so generously responded to our recent appeal for contributions to our survival fund. We not only achieved our target, but are hugely encouraged by the many messages of support and goodwill we received, that prove that *Noseweek* readers are a community of very special people committed to doing the right thing and determined that the truth must be told. (More about that next month.)

Inspired, once we have gathered our breath, we will direct a similar appeal to our online subscribers in order to achieve longer-term security for this publication.

There is something else many of our readers can do for us: If you are confident your company, business or professional practice is honest and committed to fair dealing, then merely by advertising in *Noseweek* you will by implication be telling that to your clients and our readers.

It's the companies with suspect motives or those that fear closer scrutiny who would rather see a publication like ours go bust, rather than advertise in our pages.

So, why not advertise in *Noseweek* and get value for your money in addition to supporting a good cause? Makes sense all round. Ask Rovos Rail (and book a great ride while you're at it!). Ask Ken Forrester (and toast us as you raise your glass). Ask our printers, Colourtone Aries. All are efficient, decent businesses proud of what they produce – and successful.

Just a thought. Give us a call! – The Editor

Stent



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ABC
African Business & Communications
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Old Mutual wants Gold Fund 'winners' to be selfless losers

SHORTLY BEFORE GOING TO PRESS, I received a letter from Neville Stevens-Burt, a *Noseweek* reader with 50 years' experience in stockbroking and investment analysis. Headed "Old Mutual Plundering Assets," it warned that the group plans to merge its more successful mining unit trusts with their "soon to fail" Equity Fund.

As a happy investor ever since he bought into Old Mutual's Gold Fund in 2015, Stevens-Burt has recovered his full outlay in dividends, while his units have more than doubled in value. He suspects that such a merger of funds, as proposed, would "rob" him and the other investors in the Gold Fund and he sees it as a frightening foretaste "of what awaits us all in the very near future regarding our pension funds".

On closer examination it seems Stevens-Burt has a point. Old Mutual states in its circular dated 26 August: "We propose to merge the following two Old Mutual unit trust funds, namely the Old Mutual Mining and Resources Fund and the Old Mutual Gold Fund, into the Old Mutual Equity Fund (the continuing unit trust fund).

"We request that you participate in a ballot on the proposed change that affects the fund in which you are invested.

"Your ballot must reach our auditors [KPMG, *who else?*] by 15 October for your vote to be counted. If you do not vote, legislation states that you are considered to have voted in favour of the merger," the circular declares.

May I remind you that that was (is still?) the same justification that Vodacom's shady "content" providers use to charge your airtime account for content you are certain you never signed up for. If you didn't reply "No" (at a cost of R2.50 per sms) and simply ignored or deleted the "junk" message, they deem you to have said Yes and, Bob's-your-uncle, you're a paying subscriber to Bikini Babes or Witch Mabel's Stars Foretell.

The consumer protection authorities have quite rightly labelled the practice reprehensible and illegal.

My guess is that many busy Old Mutual

clients won't have read the merger circular, assuming it to be just another bit of marketing bumph that the investment group sends out from time to time.

And considering the mess the South African Post Office is in, you can be certain many clients won't have received that notice by 19 October anyway. In fact, Old Mutual can probably rely on just the Post Office to guarantee all the "non-votes" they need to get their scheme passed, on the basis that a non-vote is deemed to be a Yes vote.

Now let's consider that you received the notice on time (against the odds) and read it, as did Stevens-Burt: you thank your lucky stars (and good sense) that you bought into the Gold Fund, and are satisfied – certain – that gold is where you want to stay. You are persuaded by knowledgeable people that, for the foreseeable future, general equities is a really bad – and probably a loss-making – option, where dividends already barely cover the asset manager's fees and "negative growth" is the latest catchword. "Negative growth" means the reverse of growth; your investment is losing value. You plan to vote No, but can be fairly certain the vote (or, more likely the non-vote) will go against you.

The proposed fund merger, according to the Old Mutual circular, is really just a matter of convenience, both yours and theirs: "Old Mutual Unit Trust Managers endeavours to, where possible, reduce the number of funds in our range to make it easier for our clients to do business with us by simplifying their investment decision..." Really?

And "Old Mutual Unit Trusts therefore made a strategic decision to close several of our equity funds in order to better position the investment manager to focus on its core range of funds."

Is Old Mutual suggesting they haven't been that focused up to now?

In fact, my guess (and our reader's conviction) is that one of Old Mutual's true motives for wanting to merge these funds is to compensate their increasingly disenchanting Equities Fund clients with a share in the

**Old Mutual
holds a gun to
the heads of
its Gold Fund
investors**

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growth and dividends that most experts anticipate will continue to accrue to investors in gold and reputable gold stocks for the foreseeable future.

Conversely, the proposed fund merger will have Gold Fund investors having to share in the losses expected on declining general equities markets worldwide, but most particularly in politically uncertain South Africa.

What do they suggest Mr Stevens-Burt should do if he does not want to participate in the smoothly-engineered but poorly motivated merger of funds?

Simple: "If you are uncomfortable with the proposal and do not wish to switch your investments to any of Old Mutual's [other] unit trust funds, you may sell your investment at any time and withdraw your funds at the net asset value price, as defined in the relevant Trust Deed."

Experience tells us the "net asset value price, as defined..." is quite a bit less than the value attributed to your investment in their most recent quarterly report.

There's more bad news: "A switch or

sale of investments will constitute a Capital Gains Tax event, for which you may be liable to pay Capital Gains Tax at your next income tax assessment." Which can be a considerable sum.

As Mr Stevens-Burt sees it, he is being robbed with a gun to his head. He's probably right. Now see page 12 for another example of how hard times are playing out at Old Mutual.

See accompanying box for some of the interesting things two of the analysts Mr Stevens-Burt referred us to, have to say. – **The Editor**

What the experts have to say:

Sprott Gold Report: Negative Rate Folly

In our view, gold's role as a non-correlating store of value has rarely offered more portfolio utility than it does today.

THE MOST TROUBLING LEGACY OF contemporary central banking has been the emergence of negative nominal interest rates. In the real world, negative interest rates are an absurd construct. The fact that they actually exist, only highlights the dire nature of global financial imbalances.

Negative interest rates, more than any other manifestation of financial distortion, are proof positive that excessive debt levels are rendering global capital markets increasingly dysfunctional. Superficially, gold's zero yield now offers global capital stewards compelling mathematical premium over a burgeoning universe of negative-yielding investment grade (IG) bonds. Far more compelling, however, is gold's unique immunity to both default and debasement, two forces poised to ravage traditional financial assets in future periods.

In the wake of the Great Financial Collapse (GFC), global central bankers chose to deploy all sorts of unprecedented monetary policies to forestall debt deflation and default. Specifically, in response to the severe GFC after-shocks, a few European central banks experimented with negative policy rates as a currency lever. During 2012,

Denmark employed negative interest rates to deter capital inflows and support the Danish krone's peg to the euro. Then, in 2015, the Swiss National Bank took similar action to mute relentless strength in the Swiss franc.

The European Central Bank (ECB) and the Bank of Japan (BOJ) adopted negative deposit rates for commercial bank reserves in a broad effort to forestall deflation, prompt lending and spark economic growth. [*The message in plain terms: it does not pay to save cash. Spend it! And borrow more to spend more!*]

In essence, the ECB and BOJ aimed to encourage commercial banks to accelerate their lending by charging them for deposits held at the central banks. The negative-interest-rate cat was officially out of the bag. – **By Trey Reik**

Outsider Club:

Financial market commentator Nick Hodge was driven to sarcasm when he gave his assessment of current events on 18 September:

THE US FED RESERVE BANK JUST CUT interest rates again today. It's the only major central bank with any wiggle room to do so. A year ago, things were so good they were predicting rate increases.

[*World economic conditions and the state of financial markets*] ...are so right that the European Central Bank already has rates in negative territory and cut further to minus 0.5% while reinstating its bond purchasing

program last week. It admitted it can't do much more and that individual countries would need to start doing things themselves. And we all know how strong the individual European countries are.

Here come the infrastructure projects and helicopter money. [*As in: Here's a present for you, Eskom. And for you SABC, and for you Prasa and, yes, there's one for you too SAA.*]

Things are so right in the world the Saudi and American governments are still busy trying to frame someone for whatever happened to the Saudi oil infrastructure over the weekend. Houthis... no, no, Iraq... no, no, Iran ...

There's nothing like a good ol' war when all other stimulus fails.

Better go buy that new iPhone lest Apple's market cap remain under a trillion dollars. Then we'd really have problems.

Things are so good out there the market hailed WeWork as a novel idea. It's the Uber of rental, man. Great ... but then how much money has Uber made?

Everything is so great Ford was just downgraded to junk.

Things are so good that gold – the ultimate safe haven – is at six-year highs. And it's going higher.

My advice is to own quality gold stocks now. ■



Billionaire thwarted in bid to evict lifelong farm worker

Ex-trade unionist Marcel Golding loses high court battle

IN JULY 2013 BILLIONAIRE ex-trade unionist Marcel Golding, then still executive chairman of HCI (Hosken Consolidated Investments) bought portions 9 and 11 of the once-famous Cape wine farm Nooitgedacht (“Never imagined”) from fellow multi-millionaire Simon Barlow for R42.5 million.

Well situated in the foothills of the Helderberg Mountain, between Stellenbosch and Somerset West, the farm – now reduced to a mere 75 hectares, – is unlikely to be commercially viable as a wine farm, and would generally be regarded as a millionaire’s vanity project, confirmed by the huge wrought iron entrance gates each bearing a large letter G, presumably for Golding. Golding refers to his property as a “boutique wine farm”.

In his heyday he was executive chairman of HCI and a major stakeholder, together with his then business partner Johnny Copeland, in an empire of companies the likes of e.tv, Johnnic and Tsogo Sun. It would all

come crashing down in October 2014, when Copeland had him suspended as HCI chairman for alleged “gross misconduct” related to an undisclosed share deal.

Now, lower down the financial scale but equally serious, the one-time champion of trade unionism has had a full bench of the Western Cape High Court thwart his attempts to summarily evict a farm worker, born on Nooitgedacht, and his young family without proper notice or just cause. But we are ahead of our story.

Many years ago Simon Barlow had built nine identical dormer cottages for his farm workers along the tree-lined farm lane 200 metres from the farmhouse. When he sold the farm to Marcel Golding’s company, Darmane Investments (Pty) Ltd in 2013, Barlow moved to one of his other farms, the more famous Rustenberg, taking some of the Nooitgedacht farm workers with him.

Only three of the nine workers’ cottages remained occupied: one by the elderly farm foreman Martinus Maarten and his wife who have lived on the farm all their working lives, another by deputy foreman John Daniels. The third was occupied by the Maartens’ son Armien Hendricks and his wife and two small children.

Armien Hendricks was also born on the farm. Now 38, he has lived there all his life – and, until 2010, with his parents in their cottage. That year, when he announced his plans to get married, Simon Barlow generously allocated to Armien a long-neglected cottage across the lane from his parents’ cottage.

By then Armien was employed by a neighbouring boutique wine farmer, Merwe Viljoen who in 2008 had bought portions 2 and 4 of Nooitgedacht for a similarly large sum from Barlow.

Armien would later declare in court



Armien Hendricks

papers that “at no time were limits placed on my occupation of the cottage. It was, however, at that stage completely dilapidated and unusable. My only condition in relation to my occupation of it was that I was solely liable to renovate the building, and liable for its maintenance and upkeep.” The renovation required to make it habitable was so extensive that, he says, “it took me the best part of a year to get it ready before my wedding to Portia in December 2011”.

Barlow would later explain that Merwe Viljoen had asked him if Armien could occupy one of the empty cottages on the farm, as he wanted Armien Hendricks to live close to his place of work and be on hand when needed.

“The cottage needed some work on it and Merwe Viljoen offered to assist financially to make it more habitable.”

(Armien concurs that his employer bought the necessary building materials, then deducted the cost over time from Armien’s wages.)



Marcel Golding

Barlow continues: “I saw my giving Armien Hendricks occupation of the cottage as a favour to Merwe Viljoen, because he, Merwe, had spent a lot of money purchasing land from me.

“As far as I was concerned, when portion 9 of the farm (which had been on the market) was to be sold in due course [to Golding], Merwe Viljoen and/or Armien Hendricks would have to reach a rental agreement with the new owner or vacate the premises.”

That might be how Barlow saw things at the time – but that was not what was said or agreed upon with Armien and his then wife-to-be. Whatever the case, they were clearly in lawful occupation of the cottage, rent free.

The couple and their now six-year-old son and four-year-old daughter still live in the cottage. Both Armien and Portia work, so they are fortunate to have his mother living close by to care for the children when their parents are at work – Armien, still as foreman on the neighbour’s farm barely 500m away, Portia, as chef at a restaurant in Somerset West.

Since the sale of the farm to Golding, foreman Martinus Maarten and his assistant John Daniels have remained the only two people who are full-time workers on the farm. All major farm work, as required from time to time, is done by up to 60 contract workers. (Clearly, the old trade union boss-turned-billionaire-businessman knows that by making use of contract



Palatial gates to the property

labour he can avoid the cost of having to meet all the longer-term rights to which employees are entitled.)

Six of the nine labourers’ cottages remained unoccupied.

In 2015 Golding decided to renovate and furnish the vacant cottages as well as those occupied by Hendricks senior and John Daniels. But Armien was asked – and agreed – to maintain his own home, which he did.

Although nothing was said, the indications were that the six vacant cottages were being prepared to ac-

commodate paying guests, but they remained unoccupied.

Two years passed without any further developments, until 25 January 2017 when, out of the blue, the farm manager Tracey Simons arrived to deliver a letter to Armien from Golding. In it he claimed inter alia that, since Armien was not employed on the farm by his company, he had “no rights of occupation in respect of the premises”. And that, if he wished to continue occupying the cottage, he would forthwith have to sign a residential lease agreement in terms of which he would be required to pay rent of R2,500 per month, payable in advance – and retrospectively for January.

In effect he was required to pay R5,000 within five days. He was only earning between R5,000 and R6,000 per month at the time, the implication of the demand being that Golding knew Armien was unlikely to be able to comply. In addition the proposed lease agreement was to be terminable upon two months’ notice by either party. Had Armien accepted such a lease term, it would have taken Golding no more than 60 days to have him off the premises.

Armien was not unlawfully in occupation of the cottage, a situation that Golding had tacitly accepted for more than four years after taking transfer of the farm.

Armien refused to sign his acceptance of these terms, or to accept that he and his wife and their children had no rights to occupying the cottage. A



The homestead at Nooitgedacht

week later he received another letter from Golding, this time withdrawing the lease offer and declaring: “You are hereby given notice that you and all those claiming occupation through you are to vacate the cottage by no later than 31 March 2017.

“Kindly indicate your acceptance of this arrangement by signing at the foot of this letter.”

Born on the farm and lawfully resident on it for his entire lifetime of 36 years, Armien was not kindly accepting any of it, let alone just two months’ notice. Instead he hastened to the modest offices of human rights attorney JD van der Merwe in Stellenbosch – a lawyer famous in the district for having got the better of the likes of billionaires Christo Wiese and Johann Rupert in the high courts when it came to disputes with farm workers on their farms Lanzerac and L’Ormarins, respectively.

It quickly became apparent that Golding and his lawyers had not bothered to read up the law relating the eviction of lawful occupants of land, that require reasonable notice (taking into account the duration and circumstances of their occupation and their access to alternative accommodation); that the eviction must be “just and equitable” and may only be demanded for good cause. In addition the Constitution demands that regard must be had for the care of vulnerable women and children who might be rendered homeless.

They had failed to appreciate that in the new South Africa, Portia Hendricks and her children had occupation rights of their own, independent of her husband Armien’s rights. She had been given no notice of termination, fair or otherwise.

Once aware that Armien was legally represented, on 4 April 2017 they wrote another letter, drafted in conciliatory style, belatedly inviting Armien and his wife to approach the company’s attorney to negotiate “an agreed vacation of the property on terms convenient to them”.

But barely two lines later in the same letter, the mask of kindness fell off and the attorneys concluded by informing Armien that “due to your failure to vacate as called upon to do so, an application for your eviction will shortly be instituted”. It was – in the Western Cape High Court on 26 April 2017, but Golding’s lawyers failed to register in their reading of the law that an occupant whose occupancy has not been lawfully terminated cannot be evicted.

In the court hearings that followed, billionaire Golding’s representative, oozing generosity, said that he was offering to finance the purchase of a R13,500 wendy house (in effect a wooden garden shed) to accommodate the Hendricks family when evicted from his farm, plus a truck to transport their possessions and assistance in “liaising” with municipal authorities who, it was presumed, would have to provide a site for setting up the wendy house.

The case was becoming more and more farcical and malicious by the day. Golding tried to cast Armien as a thief in court papers as justification for his eviction – for allegedly arranging to be registered for his prepaid meter for his cottage. But that point was quietly abandoned when he explained he had simply paid for pre-paid electricity. The lawyers then claimed that Armien’s eviction was for “good cause”: Golding, they said, needed the cottage to accommodate visitors to the wine cellar he planned to build, clearly a false argument. He has six cottages standing vacant and two years later, has yet to start building the new cellar.

Summoned to court to explain whether and when the



Armien Hendricks stands his ground

Stellenbosch Municipality might provide a house – or suitable emergency site for such a wendy house – Tabiso Mfeya, the municipality’s Director of Human Settlements, made clear there were no vacant sites or houses available in the vicinity of Stellenbosch and that plans for additional housing sites in the pipeline would take up to three years to be approved and more time after that for bulk services to be laid on and for houses to be built.

Despite all the serious deficiencies in Golding’s case (brought in the name of his company) and the tenuous undertakings from Stellenbosch Municipality, Judge Fortuin ruled on 23 April 2018 in Golding’s favour and ordered the Hendricks family to vacate the farm by 31 August 2018. She ordered Darmane/Golding to provide a R13,500 wendy house and transport for all their moveables to the temporary emergency site which she also ordered the municipality provide. Fortunately none of that came to pass.

The Hendricks family’s legal team, led by advocate Geoff Budlender SC, obtained leave from the Appeal Court to bring an appeal against the Fortuin judgment before a full bench of the Western Cape High Court. On 30 August this year judges Bozalek, Wille and Samela set aside Judge Fortuin’s judgment in its entirety and ruled that the termination of the Hendricks family’s occupation by Golding/Darmane (his company) had not complied with the law and was therefore invalid. Any subsequent attempt to evict them was therefore also unlawful.

They are still, as *Noseweek* goes to press, in lawful occupation of their cottage at Nootgedacht. Watch this space.

– **By Martin Welz** ■



Wonderboom coup?

‘We put on record that the current situation is putting the airport, the Tshwane officials, the airport tenants, the aircraft operators and their passengers at huge life-threatening risk’

AS THE WONDERBOOM NATIONAL Airport on the outskirts of Pretoria continues to deteriorate, the Tshwane Metro Municipality has reappointed an aviation security training company – with an expired PSiRA (Private Security Industry Regulation Act) registration certificate – to partially manage the city’s once proud asset. And without any changes to the service level agreement, the company’s monthly fee was upped by more than 300%, leaving city officials scrambling to find money to pay them.

Disenchanted city officials are refusing to pay the company for a period in which it stayed on site without a contract, claiming that they will otherwise be held accountable for “unauthorised and wasteful expenditure”. They are also disputing what they claim are inflated invoices rendered by the contractor. Invoices totalling hundreds of thousands of rands have remained unpaid since January.

The metro’s official Airport Services Division, they say, has always been perfectly able and qualified to run Wonderboom but was basically replaced by a private entity,

Professional Aviation Services (Pty) Ltd (PAS). The company is known in aviation circles and specialises amongst others in air cargo security, training, and aircraft sales but has never managed an airport before. And it is showing: what was planned to be

‘In under two years PAS has been allowed to completely take over the daily functioning of the airport’

a so-called turnaround strategy for Wonderboom has failed dismally. The once busy apron is mostly deserted, the tenants are disillusioned and the airport’s organisational structure is in tatters. Crucial positions have been duplicated and even made redun-

dant, resulting in low staff morale; one senior official has committed suicide.

Tenants say they have been waiting for more than a year to get their lease agreements signed, there is seldom aviation fuel available and aircraft have to divert to Brits in North West to fill up.

In May 2018 SA Airlink suspended its service on the Pretoria-to-Cape Town route, citing poor uptake.

Wonderboom’s downward spiral started in November 2017 when the powerful and seemingly untouchable chief of the metro’s so-called Rapid Intervention Team, Nava Pillay (*nose239*), moved the airport’s line function from the Roads and Transport department to the office of the City Manager.

The Rescue and Firefighting unit was moved to Emergency Medical Services, reportedly without following the required procedures. Pillay was then instrumental in appointing Professional Aviation Services almost overnight to deliver a management service.

But despite the perceived emergency of the appointment, the service level agreement between Tshwane and PAS

was only finalised in June 2018, five months after PAS had moved on site and taken over control. And when the 12-month “emergency” contract expired, the company simply stayed on. It was eventually reappointed for another eight months and again for a third time on 1 August this year.

Each of these appointments was authorised on the back of a request to deviate from supply chain management regulations, prescribed by the Municipal Finance Management Act (MFMA). A municipality is only allowed to deviate in exceptional cases like emergencies where it is impractical or impossible for official procurement processes to take place.

Soon after starting at the airport PAS appointed Waheed Mohamed as the new airport manager and David Alexander as the new executive manager. Alexander’s wife, Lynn, was reportedly put in charge of cleaning services and his son, Daryl, was made the quality manager. The company also brought in its own permit and training officer, cleaners and admin clerks who simply took over some of the offices of municipal employees at Wonderboom.

An irate senior municipal official says what is happening is unheard of. “In less than two years PAS has been allowed to completely take over the daily functioning of the airport by both manning and managing the place.”

Several PAS-positions were given the same job descriptions as those held by municipal officials who were pushed out or sidelined, but are still earning municipal salaries.

“How is this possible?” asks the Independent Municipal and Allied Trade Union (Imatu) in a 12-page letter that was recently sent to Tshwane mayor Stevens Mokgalapa. The union claims PAS does not follow

the municipal recruitment process or verify qualifications and experience. Waheed Mohamed, for example, did not even make the shortlist when the municipality recently held interviews for the position of airport manager.

“He simply does not have the required qualifications as stated in the job advertisement but has been doing the very same job for almost two years. That is not in accordance with the standards and recommended practices of the International Civil Aviation Organisation (ICAO),” says Imatu.

The letter goes on to say that PAS does not adhere to the municipality’s Code of Conduct or Conditions of Service and has no knowledge of local government legislation, including the Municipal Finance Management Act. Yet it has access to the metro’s entire IT system and uses its vehicles, letterheads and email addresses.

Imatu then warns the municipality that it will directly be held liable and accountable as the airport licence holder if PAS employees are going to make the wrong decisions. “We put on record that the current situation is putting the airport, the Tshwane officials, the airport tenants, the aircraft operators and their passengers at huge life-threatening risk.”

Senior metro executives, including the head of legal services warned the city’s political leaders on numerous occasions that they were acting unlawfully by reappointing PAS as if they had no other options. But no politician seemed to have given attention to the complaints until doomsday was finally approaching; the second contract was about to run out and the Civil Aviation Authority (CAA) apparently threatened to revoke the airport’s operating licence if the position of airport manager was not filled.



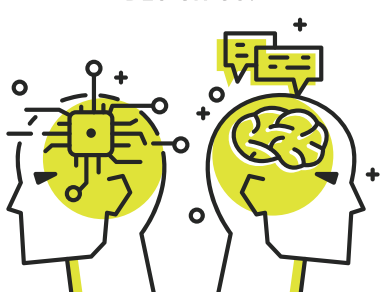
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DA ward councillor Lenise Breytenbach and Waheed Mohamed

So PAS was reappointed and its fee increased from R252,000 to a whopping R828,000 per month.

Noseweek asked Elmarie Linde, the DA's chairperson of the Roads and Transport oversight committee in the Tshwane council, to explain why the fee went up more than 300%. She said the new "contract" made provision for functions that were not covered in the previous one.

Apparently not allowed to speak to the media, she referred *Noseweek* to the MMC for Roads and Transport, Sheila Lynn Senkubuge (DA) who, in written answer, said that from now on PAS would also manage safety, quality, operations and certain administrative personnel at Wonderboom.

However, there is still no signed service-level agreement and no mention of the added functions in the request to deviate from the regulations that the acting city manager, Lorette Tredoux, had authorised at the beginning of August.

In fact, in his comments, the head of supply chain management objected to the increase, stating the recommended variation was 15%, which calculates to a fee of R303,000 per month.

The CFO said it was not clear how the amount of R828,000 was

determined and asked for it to be explained in detail. From the documents it is clear that the new contract was not budgeted for and that the monthly payment would be funded from the cost centre for Air Traffic Navigation Services (ATNS).

But it has been a battle to get payment. The metro officials have rejected the August invoice that PAS submitted three times saying "it is not an honest reflection of the company's output in August".

Noseweek sent ten questions to Waheed Mohamed which he then forwarded to Professional Aviation Services' MD Rob Garbett.

Garbett told *Noseweek* he was unable to answer our questions as the company's contract with Tshwane prohibits disclosure of information to the media. He offered to provide answers and suggestions to the municipality should they be willing to answer our questions. *Noseweek* sent the same questions to councillor Sheila Lynn Senkubuge, the MMC for Roads and Transport, but she did not respond to these questions.

According to its LinkedIn profile, Professional Aviation Services is South Africa's leading air cargo security consultant and compliance specialist. "We save lives," it states.

– Susan Puren ■

Old Mutual's rainmaker quits over lost R1 million bonus

It's a tale that Old Mutual would rather you weren't told right now, while it asserts its claim to probity and good governance by ousting its CEO Peter Moyo over an alleged conflict of interest.

OLD MUTUAL IS JUSTIFIABLY PROUD OF ITS FLAGSHIP SuperFund retirement umbrella fund, which holds more than R110bn of pension fund assets for a growing number of companies who have joined the trend to outsource the management of their employees' retirement kitties.

In its 2019 interim results in September, South Africa's oldest insurer reported that its SuperFund had significantly strengthened the group's position in the institutional retirement fund market. A note to analysts stated that SuperFund's premium income was 24% up in the period, "attributed in a large portion to Amplats and Coca-Cola".

What it didn't say is that this pleasing revenue boost from Amplats (Anglo American Platinum) and Coca-Cola was due to the untiring efforts of Qinisekile Dhlamini, superstar rainmaker of his new business sales team at Old Mutual Corporate.

But "Q", as 41-year-old Dhlamini is known throughout the financial services industry, has left Old Mutual a disillusioned man.



Qinisekile Dhlamini

These days the highflier's remarkable sales talents are devoted to a new employer, Mutual's arch rival Sanlam. Last year "Q" Dhlamini surpassed his own sales record by persuading three corporates to hand over their pension funds totalling around R10 billion, plus ongoing premium contributions from some 22,500 fund members totalling R767m/year to Old Mutual's SuperFund.

The three corporates were Amplats (Amplats Group Provident Fund R4bn, plus R367m/year ongoing contributions from 11,000 members); Coca-Cola Beverages South Africa (R4bn, plus R200m/year ongoing from 7500 members); and Siyanda Resources (R2bn, plus R200m/year from 4000 members).

Dhlamini, who has worked in financial services for 22 years, joined Old Mutual Corporate in 2012. By last year his salary as a senior sales consultant was R1,131,120 and he was on a bonus scheme based on achieving R55m in new business annual premium earnings.

If he exceeded his target by 500% the maximum bonus he was entitled to would be a doubling of his salary.

Last year Dhlamini achieved his maximum R1.1m bonus on the Amplats deal alone. And as the final details of the Coca-Cola and Siyanda ones were only due to be completed in early 2019, they would neatly ensure another maximum R1.1m bonus for this year, payable in March 2020. On 29 November 2018 Amplats confirmed their deal would take effect from 1 December.

On hearing this, however, Old Mutual Corporate's general manager of distribution Glynis Pattison said she had already met her new business target for 2018 and would prefer the Amplats deal to be carried over to 2019. Dhlamini says that Pattison assured the sales team the Amplats bonuses would still be recognised for 2018, and paid on schedule in March 2019.

In the end it was felt that postponing the deal was not a good idea. Amplats duly ran its payroll on 14 December, and it was only three days later that an astonishing "technical error" by Amplats was discovered – the mining company had paid over R200m more than the first annual premium of R367,018,263 that was due.

The entire transaction had to be reversed, the Amplats payroll re-run and the correct amount was only received in Old Mutual Corporate's bank account on 31 December.

This meant, conveniently for Pattison the funds were only placed in a SuperFund investment portfolio on 2 January 2019 – two days into Old Mutual's new financial year.

On January 15 Elna Erwee, Glynis Pattison's number two, instructed Dhlamini to capture the Amplats deal

on the system as one that flowed in 2018, so it seemed that bonuses due to Dhlamini, his line boss Vivek Panday and Erwee herself would be forthcoming in March.

However, just hours later, Erwee announced that the deal could not be claimed in the 2018 financial year, so no Amplats bonuses would be paid now for it.

Since the deal was being carried forward to 2019, bonus payment would be in March 2020. This was disastrous news for super salesman “Q” Dhlamini, who was already due the maximum R1.1m bonus in March 2020, as already outlined, for the Coca-Cola and Siyanda Resources deals.

It meant his R1.1m Amplats bonus would be gone forever. A couple of weeks later Glynis Pattison told Dhlamini and his line manager, head of direct distribution (Gauteng) Vivek Panday – the latter himself due an Amplats bonus of R550,000 – that her hands were tied: there was no precedent to pay bonuses for a 2019 deal

in 2018. However, she was prepared to make a reduced bonus (capped at 100% of their sales targets) in August.

While Dhlamini and Panday mulled over this offer, a thoroughly disenchanted Dhlamini was offered, and decided to accept, a tempting job offer from Sanlam. The star rainmaker put in his resignation on April 1 and the following day was told by Glynis Pattison that if he withdrew it and stayed on he would be given a sales manager’s position in the Eastern Cape, with a view to a regional general management role in KwaZulu-Natal three years later.

His full 2018 bonus of R1.1m would also be paid immediately. On hearing this, line manager Vivek Panday stormed into Elna Erwee’s office and told her it was unfair that Dhlamini’s resignation could trigger his subordinate’s previously refused March bonus payment.

At which Erwee told him that if Dhlamini stayed, his [Panday’s] R550,000 bonus would be paid immediately too. At that, Panday hit the roof. He returned to his desk and wrote his own resignation letter. This was accepted and he worked out his notice at home.

And Dhlamini let his resignation stand. “It’s completely unethical,” the 42-year-old Panday tells Noseweek. “We were told that the mechanism to pay our bonuses didn’t exist.

Yet when Q [Qinisekile Dhlamini] decides he’s resigning the mechanism does exist. I didn’t threaten to resign, so I wasn’t offered my bonus. I find that to be hypocritical.”

A couple of weeks later the pair made a surprising discovery: back in 2014 Old Mutual Corporate’s Semoli Mokhanoi had pulled in an asset deal with the Lesotho Government Employees Fund. However, Glynis Pattison told him she would prefer the deal to go through in 2015 and asked him to delay it.

Mokhanoi obliged – yet his bonus was not delayed and was paid as if it was for 2014. “Glynis Pattison said there was no precedent for our bonuses to be paid,” says Panday. “Then in April she said she had the ability and would pay them. A large part of my role was to get my team and the clients I worked with to buy into the concept of Old Mutual being an ethical business that they could trust with their money, and more especially with clients’ staff’s money.



Elna Erwee

“Glynis Pattison’s behaviour just destroyed that trust element for me and I was no longer in a position to coach my team and keep them as buoyed up as they should be about working for one of the most trustworthy companies in the country, because now I didn’t believe it myself.” Panday has enormous regard for Qinisekile Dhlamini.

Glynis Pattison’s behaviour just destroyed that trust element and I was no longer in a position to coach my team

“Q was our rainmaker, our new business super star,” he says. “He was pulling in all these mammoth deals. Those three in one year was extraordinary.

He built phenomenal trust relationships with his clients and demonstrated to them that he was accountable for their wellbeing. He worked



Glynis Pattison



Vivek Panday and his wife Shivani Baldeo

extremely hard any day of the week. If a client's only free time was a Saturday or a Sunday or late on a weekday, Q would be there."

Golf-loving Dhlamini is a family man with daughters of six, 12 and 14 and a spacious home in Johannesburg's Jukskei Park.

The high-flying new business generator says: "I did not accept the conditional offer because I had brought business to the company and should be paid my bonus because it was due to me and the right thing for the business to do. I did not accept further conditions, moving goal posts as if the offer to pay me was being made as a favour to me for which I should feel indebted."

Before they left Old Mutual, Dhlamini and Panday received their performance bonuses for 2018 – R400,000 for Dhlamini and R350,000 for Panday. Now they have launched an action in Johannesburg's CCMA seeking payment from Old Mutual of their Amplats sales bonuses – R1.1m for Dhlamini and R550,000 for Panday.

The case is set for hearing on 7 and 8 October. Old Mutual Corporate's Glenys Pattison (2018 remuneration circa R9m) and her number two, Elna Erwee (remuneration circa R4.5m), declined our request for comment. Group spokesperson Charlene Murphy says: "We can confirm that the rules of the sales bonus scheme involved have been applied consist-

ently, without exception and that the former employees have been treated fairly in this regard.

In the [2014] case of Mr Mokhanoi a different incentive scheme applied and we therefore disagree that any precedent was set. Old Mutual has acted in accordance with its policies and procedures and is still to put forward their case with the CCMA."

Less than an hour later, in a flurry of activity, an "updated" version of this statement arrived, this one authored by the above-mentioned Elna Erwee. Pretty much the same, except that all reference to the 2014 Semoli Mokhanoi case and the denial that this was a precedent had been removed. Wonder why? – **By Jack Lundin**

● *Other than Pattison being happy to engineer a bonus for herself in a way that would cost her subordinates to lose theirs, who else was potentially affected? Firstly the customer: on the rational assumption that the customer is moving from one fund manager to another because the latter offers a better investment return and lower management charges, the customer loses that advantage for the artificially engineered delay period.*

On the other side of the coin, the Old Mutual shareholders and policy holders lose the extra dividend income that might have been earned over that period. All this because certain Old Mutual executives have put their self-interest above that of their employer and their clients.

On a broader front, they have shown themselves to be untrustworthy, when trust is central to the management of other people's money, most particularly when it is pension funds that are involved. – Ed. ■



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South African Music Rights Oligarchy

‘The music business is a cruel and shallow money trench, a long plastic hallway where thieves and pimps run free, and good men die like dogs. There’s also a negative side.’ – Hunter S Thompson

HOW COME SO MANY GREAT SOUTH African musicians have died paupers? There is good reason to believe that the oligarchy of the South African Music Rights Organisation (Samro) might have had more than a little to do with it.

Despite numerous complaints over the years, Samro continues to be accused of a lack of transparency in its financial dealings, and remains subject to little or no oversight.

For a start, Zeus, the R70-million computer system that Samro installed years ago to track the use of its members’ music – on radio, television and in performance – has never worked. (A board member describes it as “a permanent headache”.) Radio stations have noted that, while their play sheets differ radically from year

to year, the total royalty amount they are billed for by Samro year after year remains suspiciously the same.

Samro’s core business is to take assignment of the performing rights of members’ music and songs and then license these rights, including broadcasting rights to users for a royalty fee. According to its 2018 financials, Samro collected R471.9m in royalties and distributed R370.7m to members

Samro has the monopoly on rights in South Africa on behalf of the International Standards Organisation (ISO) to issue International Standard Musical Work Codes (ISWC), a global reference standard for identifying each musical work, and the Interested Party Name-Number, used to identify each interested party in a musical work.

All authorship and ownership claims, the splits and other meta-data are stored on a CIS-net database controlled by the International Confederation of Societies of Authors and Composers (Cisac). Cisac has 239 member CMOs (collective management organisations) across 123 countries.

Samro was started in 1961 by Gideon Roos, former head of the SABC and son of the first Springbok rugby captain Paul Roos. Gideon was supported by Eric Gallo, the founder of Gallo Africa, and the UK’s Performing Rights Society (PRS). Roos was followed into the Samro CEO position by his son, Paul, who stepped down in 1997. Following this, Samro began to expand into the mechanical and needle-time rights territories. Mechanical Rights was initially the domain of the South African Recording Rights Association

Limited (Sarral), founded in 1963 by Roos’s colleague George Hardy. Samro and Sarral entered into a formal partnership agreement in 1966.

Confirming the worst suspicions of many ordinary members, in 2000 it was discovered that Sarral had been defrauded by six composers who managed to pocket 63% of all the royalty fees paid by the SABC, by simply licensing their compositions as commercial music that was paid five times the normal royalty rate. Together they pocketed R32m over a period of six years. In a subsequent forensic audit report, such “question-

The biggest fraudster was, however, Colin Shapiro, a Sarral board member and chairman of its Audit Committee

able income” was recorded to have been paid to N Labuschagne, C Franks, B Minnaar, J Arthur and R Brettel. The biggest fraudster was, however, Colin Shapiro, a Sarral board member and chairman of its Audit Committee: he had received R10.3m from Sarral in five years. Sarral won a R4.7m judgment against him, but never succeeded in recovering the money.



Dr Gideon Roos

A separate mechanicals organisation, National Organisation for Reproduction Rights in Music (Norm), established in 1970 to represent the interests of the multinational and foreign publishers, went into competition with Sarral for the first time and managed to capture their Afrikaans business.

Samro also started a mechanicals division and took their international business. Sarral went into liquidation on the application of Shapiro's attorney, the late Owen Bloomberg, better known for representing Lolly Jackson.

Composers Authors & Publishers Association (Capasso) was established as a merger between Norm and Samro mechanicals. In 2016 it collected R79m distributing only 73% of it, according to their executive staff.

Section 9 sound recording rights, or so-called "needle-time" rights (payable to record labels and recording artists) were first recognised by law in South Africa in 2002 because in 1961 the apartheid government declined to ratify and become a signatory to the Rome Convention for the Protection of Performers, Producers and Broadcasters.

The South African Music Performance Rights Association (Sampra) had only one member at the time – the Recording Industry of South Africa (Risa), the representative of the multinational record companies, which was accredited in 2007 to collect on this right.

Samro went into competition almost immediately, establishing the Performers' Organisation of South Africa (Posa) Trust. They took legal action against Sampra, demanding 50% of all the collections. An out-of-court settlement was drawn up by Keith Lister, a lawyer and CEO of BMG Africa, a multinational record company. Samro spent an estimated R40m of members' money in this process.

In September 2007, to accommodate its ever-expanding business, Samro used members' money to purchase the building they currently occupy in Braamfontein. Deeds Office documents show that Samro paid R56m to Dusty Gold Investments 4 (Pty) Ltd, whose director is Mark W Stevens – also CEO of Fortress Real Estate Investment Trust (Reit) Ltd; see *noses137&191* for all you need to



Brenda Fassie

know about him), for a property that Dusty Gold had purchased 22 months earlier for just R14m.

Today Samro House accommodates Sampra, Capasso and the Dramatic, Artistic and Literary Rights Organisation (Dalro), among others. Samro have used the building to stretch their dominance through a Samro Stakeholders' hub, and Samro Foundation. Board members sit on multiple boards concurrently, potentially creating serious conflicts of interest.

Samro is a non-profit company. It states that the organisation represents more than 12,000 members. Members are divided into three tiers. At the bottom of the pyramid are the candidate members. They can rise to the middle level of associate member. Full members occupy the top of the pyramid. Only the board is able to approve full membership and only full members can vote for the board.

The Brenda Fassie Samro audit report of 2008 revealed not only that she had been significantly underpaid; it also revealed a huge income inequality gap between top and bottom royalty earners, and that the list of 595 full members included 95 music publishers, most of whom were found to have been deregistered or nonexistent.

In 2018 a special independent



Mark W Stevens



Siphso Dlamini



Nothando Migogo

audit conducted to investigate the royalties of KwaZulu-Natal gospel singer, Hlengiwe Mhlaba, a staggering “historical legacy issue” was discovered: 83.33% of the royalties due to Mhlaba were being paid out to a composer-author referred to only as “DP”. DP, it transpired, is an acronym for *Domaine Public* – his music was deemed to be “in the public domain” and therefore not entitled to a royalty fee. Which did not mean that Samro was not collecting the fee from broadcasters; it simply meant that Samro was not paying it out to any composer or songwriter.

This rule of paying five-sixths of an African composer-arranger’s royalties to *Domaine Public* was enforced by Samro in the apartheid era, and interpreted as a just another means to suppress black South Africans. The rule would have affected all African composers who arranged or adapted traditional or indigenous works.

Mhlaba has argued that her adaptations of musical and literary works in the public domain are original and that the copyright in her arrangements belongs to her. The estimated value of the DP collection is R1.5bn since Samro’s inception.

Copyright expert Professor Owen Dean has written that public domain is by law “free for use by all”. Therefore, public domain is not subject to copyright. If so, why is Samro apportioning royalties owing to composer-arrangers to *Domaine Public*? And why, in any event, are they charging licence fees on public domain work?

Members believe it is a breach of statute and that DP must be

accounted for and scrapped.

And what do broadcasters who have been paying these royalties say? SABC has been Samro’s biggest client since inception and today pays it in excess of R100m per annum.

Spokesperson for the SABC Vuyo Mthembu pointed out, “The SABC currently owes Samro royalties for the music it has broadcast and is broadcasting. We have an agreement with Samro on a royalties’ payment structure, considering the SABC’s current financial situation.”

Why is Samro apportioning royalties owing to composer arrangers to public domain?

DP is one of seven categories – No Society; Unknown Author; No Set List; Unknown Publisher; Undocumented Works; and Undocumented Royalties Not Claimed Within Three Years – that are paid into a collection pool known as “royalty distributions written back” or *Undoc* (Unidentified Documents).

From the Samro financial statements over the past ten years, royalties written back have amounted to between 7.08% and 12.79% of total turnover. It is currently at 12.75% of turnover and amounted to R60.2m in the 2018 financials.

There has been much speculation and evidence for misspending by the Samro board and executive. CEO (2013-2016) Siphso Dlamini was the prime mover behind an elaborate ruse to set up a Music Rights CMO in Dubai. This caused Samro to write off R49.5m in their 2017 financials in what Sekela Xabiso forensic audit labelled “a concoction”.

Insiders allege five individuals got away with R30m. Dlamini together with Samro COO Bronwen Harty

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resigned and moved to Universal Music Africa as Managing Director and Head of Operations respectively. Dlamini and Harty were also blamed by Samro for the purchase of the Zeus monitoring system which – according to board member Gary le Roux – cost members approximately R70m and has not worked since. “It’s another headache,” he told *Noseweek*.

CEO (2017-18) Nothando Migogo at the age of 36 had worked for Samro subsidiaries for ten years but lacked executive management skills and experience and resigned shortly after the entire Samro board stepped down late last year. The Companies and Intellectual Property Commission (Cipc) listed her as the director of 13 companies, including a guest house.

Samro now has a new board but no new CEO. Year after year Samro operates at double the global standard for office expenses and in the 2016 financials allocated 21% of gross revenue to this.

However the major complaint is that most of the money is going offshore. The Samro Redistribution policy allows for royalties that are due to African composers to be redistributed to others.

Although Samro suggests that the money is paid out on a “pay for play” basis, members say payments are made on the basis of market-share splits and 85% of market share is dominated by multinationals Sony Music Entertainment, Warner Chapel Music (Gallo) and Universal Music, big independent Kobalt Music Group and ten other independent publishers.

Samro members only receive the remaining 15%. The only proof or disproof of this will be in transparent and accurate monitoring and accounting.

The government has not yet adequately stepped in to resolve these historical legacy issues. Samro remains an unregulated apartheid era monopoly.

In 2010 the Department of Trade and Industry (DTI) established a Copyright Review Commission to assess concerns and allegations about the collecting society’s model. The commission’s report included a number of recommendations.

It said, “Samro must seek a mandate from members prior to utilising cash resources; Samro’s requirement that full members need to be approved

by the board is inappropriate, and Samro’s distribution of unallocated royalties is unacceptable.”

All these recommendations were ignored. The DTI established The Companies and Intellectual Property Commission (Cipc) to regulate and accredit this industry. It has not been effective. Appeals to the Competition Commission during the mechanical and needle-time rights battles were not effective.

It has been suggested that The Financial Intelligence Centre Act could also be used to enforce more transparency.

Members have had to resort to the Promotion of Access to Information Act (Paia), the Public Protector and legal action to get basic information.

In April 2018 Minister Nathi Mthethwa of the Department of Sports, Arts and Culture announced a special commission of inquiry into Samro. This has not yet been convened. Samro remains unregulated. – **By Struan Douglas** ■



Gospel singer Hlengiwe Mhlaba



Reverend Abe Sibiya, former Acting Group CEO for Samro, Johnny Clegg and Samro COO Bronwen Harty

'A child is like a windmill – all it needs is a little wind'

How a Karoo farm crèche set up by three friends burgeoned into a transformative social project, uniting farmers and farm labourers

DEAR DAVE, I'M WRITING FROM Cape Town – rightly dubbed by Sir Francis Drake "the fairest Cape in all the world." I've just visited perhaps the most remarkable project I've ever seen, in the fastness of the Hantam Karoo in the Northern Cape. Thirty kilometres from Colesberg, the nearest town, the Hantam Community Education Trust (HCET) has for the last 25 years been a creative, successful and ever-growing labour of love.

"Set up by the wives of three farmers, it has, in brief, brought destitute children from a community properly called the poorest of the poor into literacy, confidence, achievement and employment. In so doing, it has given their community – wretched, dispossessed and itinerant – both hope and dignity; and shown it how to tackle alcoholism and addiction, reduce domestic violence and raise its children in a way that prepares them for education and a life beyond the highveld if they want it. And it's all been done with tact and love, in a way I've

not seen replicated elsewhere."

This was the beginning of a letter written by Sir Andrew Pocock, British former diplomat and former High Commissioner to Nigeria – now working as secretary to the philanthropic UK-based Beit Trust which funds educational and other projects in Zambia, Zimbabwe and Malawi. Pocock wrote the letter to a colleague. He's just one of the many people who have visited the project on its decades-long journey, which even took the dedicated founders to Buckingham Palace. Former political prisoner and poet Jonty Driver and writer JM Coetzee are among the others to have been hugely impressed with the place. Phumzile Mlambo-Ngcuka – former South African politician, now working at the United Nations – has visited three times. Activist and former judge Albie Sachs has sung its praises too.

It's an icy cold winter's morning in rural Colesberg and this reporter is standing outside the Umthombo Wolwazi (Fountain of Knowledge) Farm School, the Hantam Community

Education Trust's flagship project. I've joined the director and co-founder of the trust, Lesley Osler, on a visit to coincide with the celebrations of the school's 30th anniversary.

I've heard much about this school which is effectively driven by three women – Lesley Osler, Clare Barnes-Webb and Anja Pienaar – with its innovative educational techniques, commitment to nurturing the children "from the womb to the workplace" and its associated projects, that I've asked to see it for myself.

It started in 1989 as a small crèche for the children of local farm workers; as they grew, it became a school, set up in an empty house on one of the farms, then moved to new premises where the dream campus was built. Next came a community clinic, a youth development programme and other projects.

Now about 30 staff members serve more than 260 children – ranging from three years old up to grade nine – who hail from about 30 farms within a 50km radius – including children of the Karoo Nomads, or Karretjiemense, as well as pupils from Colesberg. In 1997 the trust won the State President's Award for Community Initiative in the Northern Cape.

It's nearly 8am, just before the start of school, and as we wait in the parking lot, with military precision a stream of farmers' bakkies turn off the dirt road on to the school premises, each carrying a load of uniformed school children. A large school bus with the words Hantam Community Education Trust written on its side arrives too. Its passengers are the children from Colesberg whose parents have given up on the local state school, preferring to send them to the farm school instead. Every day about 15 bakkies transport about 150 children from the surrounding farms and about 100 pupils come from the town.



Anja Pienaar, Clare Barnes-Webb and Lesley Osler

Lesley Osler – tall, high-cheekboned and driven – is less prone to small talk than to the business at hand. “If that is chewing gum in your mouth, get it out!” she hisses to a child, who spits it out with lightning speed and scuttles off into the school.

We had driven from the farm Hanglip, about 10km back along the dirt road, where Lesley lives with her husband Maeder Osler. This is the Great Karoo, off the N1, merino sheep-farming territory. The landscape is koppies, windmills and winter-bare trees. The history is Anglo-Boer war, trading – and pure apartheid poverty for most of the locals.

Last night I stayed on the farm along with old friends of the Oslers who’ve been involved in the school for years. There was a flurry of activity around preparing the pupils for the anniversary play. Anne Hill, the school’s English language and literacy consultant had written a script for a play, about the 30-year history of the school. Gay Morris, a retired professor of Drama at UCT, has been working with Cape Town choreographers Mzo Gasa and Nkosinathi Nngomezulu on a dance performance.

Over mutton stew and a roaring fire the night before, I caught up on the play’s progress and smiled at the love and easy camaraderie between the three women, who have clearly been friends for decades. Besides helping with literacy, the Greyton-based Anne Hill has also written up the story of the project in a book called *Trust and Hope – The Story of the Hantam Community Education Trust*.

Anne, who went to Epworth High School, Pietermaritzburg, with Lesley, says of her friend: “She was head of house, a formidable leader even then, but naughty. She’s so good – shameless actually – at roping in people to contribute their skills to her dream.”

I also learnt about the history of the Osler farm. Maeder Osler’s mother grew up there, having been taught “in the room upstairs” before being sent off to Wynberg Girls’ High School. As the eldest son, Maeder inherited the 5,500ha farm but he and Lesley taught for many years in Cape Town before moving there in the late 1980s.

A former rugby player and Nusas President at the University of Natal, Maeder – also nephew of famous Springbok rugby flyhalf Bennie Osler and son of former Springbok centre, Stanley Osler – did some teaching



Lesley Osler and children from Umthombo Wolwazi School

and was headmaster for a while at the local Umso High School in Colesberg, in between farming. He also started his newspaper *The Toverberg Indaba* in 1990, earning himself the reputation as a communist in the community.

Across a few koppies on Poplar Grove farm, lives Maeder’s brother, Antony, the well-known Buddhist lawyer and self-confessed “stoep-sitter”, who, in between writing his books like *Stoep Zen*, *Zen Dust* and *Mzansi Zen*, also farms and runs retreats. He lives there with his wife Margie, who is a part-time teacher developer at the Hantam school and who, with Antony, regularly hosts the Tender Loving Care (TLC) weekend camps for traumatised children in the area. The much-loved Osler brothers are part of a band called Ginger’s Fault, and are firm favourites at events like the Cradock Literary Festival.

“We’re so proud of Antony,” Maeder told me as we walked under the starlit night to move my car out of the frost. “He’s been working as an acting labour judge in Johannesburg.”

I walk with Lesley into the school buildings – a collection of immaculately kept red-roofed white structures, neatly painted and surrounded by well-kept lawns and trees. At the entrance to the admin building is a sign that reads: “Never, never, never give up.” There’s a photograph of a beaming Lesley Osler with Nelson Mandela, receiving her President’s Award. In the staff room are photo-

graphic portraits of every teacher who has worked at the school.

Lesley, explains: “Our main thing is that there has to be employment at the end of the line. Unemployment is the story of our country. We identify pregnant women in the area, take them to the clinic and start educating them that the foetus is going to become a child and should be cared for.

When pupils finish grade nine, we find bursaries for them to finish high school, to study further and find jobs. We mentor each of them in the workplace for three years. We tell the employers this is a journey.”

Lesley believes that in one generation the cycle of poverty has been turned around in a community previously almost feudal in its dependence on the local farms.

In the greater scheme of things, Lesley sees herself essentially as a team player and builder.

“We’ve grown out of the needs expressed by the community. The project is owned by the community. We’ve never had graffiti or burglaries.” She describes how, slowly, the farming community has come on board. Farmers were roped in to teach welding and other skills. One farmer, initially deeply suspicious of the school, is now a trustee who pops in all the time. Another drives his farm workers’ children to school himself and checks in constantly on their academic progress. “All that’s needed is the opportunity to have a decent

education, to be supported beyond that and to be given life skills to cope. If a person is gainfully employed, everything changes,” says Lesley.

In the office, Clare Barnes-Webb, the second of the three “farmers’ wives” is at her desk already, handing out tickets to pupils for the anniversary performance.

Anja Pienaar, after 30 years of service to the school, retired at the end of June. I chat to some of the key players in the school.

Former pupil and bursary recipient Hanna Phemba, is head of the school’s Foundation Phase. She lives with her husband at Weltevrede farm and does outreach in the community in the afternoons. She completed school in Colesberg, and qualified as a teacher at the University of Free State. “As a child my mother moved from farm to farm as a domestic worker. You wouldn’t believe what this school did for me. It gave me stability. It was my oasis. Now that I’ve studied and have a job, I can provide for my own family. My sister’s children are at this school. I bring hope to the children here.”

Nombulela Matyeke grew up on the Oslers’ farm and was recommended by the community to be a preschool teacher at Hantam. Today she works in admin. “This school has grown so much,” she says. “We are a happy school. The staff love the children. Our children are lucky to be here.”

Clare Barnes-Webb, who was born and raised in Johannesburg, married a sheep farmer and moved to the Colesberg area from Viljoenskroon in 1975. Her husband Peter was manager of the Vlakfontein and Grootfontein farms. “I ran the farm store for my husband, selling basic foods. We opened once a week. The adults would bring their kids with them to the store and I noticed they were malnourished and had nothing to do. They were dirty and crying with hunger and lethargy. I decided to start a playgroup.”

Clare found an empty storeroom, made playdough and organised donations of crayons and paper.

“Lesley had been coming to the area since about 1979 every holiday while teaching in Cape Town. She and Maeder moved to the farm in 1987 and she never wanted to see a school again. Lesley started bringing children from their farm over to the playgroup. Before long, she was involved in the school and the two women went to visit Jane Evans, an early childhood

development expert who had set up a training centre for rural women in Viljoenskroon in the Free State.

“Jane’s advice was to hold a community meeting to identify women who could be sent to her project, Ntataise, to be trained as early childhood teachers. We asked all the local farmers to bring their workers to a meeting. There were about 450 of them. At the time there were two dysfunctional farm schools in the area. We told the community we wanted to start a school for the babies and we asked them to pick out people they thought should be trained. There were a lot of nods and there was silence. We realised this was the first

‘We are a happy school. The staff love the children. Our children are lucky to be here’

time the community had ever been consulted on anything.

“Eventually three women were chosen – Nombulelo Matyeke, Thembakazi Matyeka and Lettie Martins. The three young women were sent by train to Viljoenskroon for their training. They came back so inspired and excited about what they had learnt. All three are still with us. I would put them in any school anywhere,” says Clare.

The little school continued in a room behind the dairy on the farm, Grootfontein and started growing. In 1990, at a monthly community meeting, an old grandfather from the community, Richard Maliti, said they were very unhappy. “They were very worried about where their children would go to learn after leaving the play school. He and other parents now saw the national education department’s farm schools as completely inadequate and predicted a dead-end for their children’s education. They wanted us to start a primary school.”

The women decided it was time to expand the school to accommodate

older learners. In the mid-nineties, the owner of the farm Grootfontein, Carol van Hoogstraten, gave the women permission to turn an empty farmhouse into a bigger school. The department of education agreed to fund two teaching posts – a principal and a teacher. Eskom funded electricity and the community helped raise money for other necessities, including furnishing bedrooms for two teachers.

In 1992, the school was registered for 60 children and three farm schools in the area of Grootfontein closed down. The children moved over to the new school, Umthombo Wolwazi. The school grew and grew and soon children were coming from all over the district, necessitating a transport system. The children progressed to higher grades. Lesley was, herself, teaching a combined grade four and five class, as well as a grade six class.

Soon, the parents of the children wanted to learn to read, so Lesley, then Clare, started teaching literacy to adults in the evenings. A local farmer, qualified to teach maths and science, started teaching at the school.

In the mid 1990s, an architect visiting the school, drew up plans for an “ideal” campus: “an attractively simple neo-Victorian set of brick-built classrooms surrounding an open quadrangle for assemblies and performances”. Lesley kept the drawings. The trust acquired non-profit organisation status and soon the three women were raising funds from corporates, foundations and embassies to build their dream.

Carol van Hoogstraten donated land and the building began. In stages, the school built classrooms, storerooms, a library, a technical training facility, admin offices, ablution blocks, kitchens to feed hungry children, a computer centre, cottages for staff accommodation as well as a toy library.

Staff observed that some of the children had health issues. So, with Lesley as key fundraiser, a community clinic was established. It is a thriving institution today, staffed by two nursing sisters and a pharmacist, where children are first observed in the womb and where their health is checked regularly after birth. Soon they had set up an Effective Parenting programme of early intervention to help with children facing development problems as well as an outreach programme to the surrounding farms to assess living conditions. A separate

class for children with disabilities was established and sport was introduced.

The school uses holistic, innovative teaching methods inspired by some of the world's top education thinkers on numeracy and literacy. It's the kind of school where you will hear classical music playing in a classroom, where children are encouraged to keep a journal and write poetry.

I meet principal Marie Botha who brings a load of teachers and pupils to school every day in a bakkie. "Our teachers never come late. It's not our culture," she says.

Vuyokazi Katise is a former pupil of the school who now teaches children aged four to five. "From the age of two, they do free drawing which eventually evolves into free writing. Their drawings go into a file so we can see the development of their depictions. This teaches them to think creatively and to not copy," says Lesley.

Delia Allens, a former pupil and the daughter of a family which once lived in a labourer's cottage on Veepos farm, sleeping on wooolsacks filled with grass, is now the dedicated grade one teacher. Charles Gavaza teaches Technology, EMS and Social Science.

Anel Heydenrych, the English teacher, has an MA in Creative Writing. "When we heard she'd written a novel, we grabbed her," says Lesley. "She, has had one novel published [*Madhouse/Malhuis*] and the second is being edited as we speak.

"What is life without creativity," says, Anel as we look at the pupils' poetry on the wall.

Estelle Jacob is manager of the effective parenting programme and mentor of preschool and foundation-phase teachers. When it comes to the nitty-gritty logistics, she's problem-solver-in-chief – and, apparently, a key person in Lesley's succession plan.

The trust also runs a hospitality skills training school in Colesberg.

Nearly 90% of all the school's past pupils have jobs. One of those is Thembinkosi Matyeka who went on to earn the distinction of being South Africa's junior welding champion and now works for Afrox as a gas welding instructor. "He goes all over Africa to train people, lives in a double-storey house and brings us Black Label whisky when he visits," says Clare. "Not bad for a kid from the Karoo! A child is like a windmill... all it needs is a little wind," says Thembinkosi Matyeka in a short video documentary

on his success. Besides teachers, the sons and daughters of this community have become hairdressers, chefs, bank tellers and plumbers.

"One former pupil became a drug addict and ended up at Noupoort. He got clean and we decided to take a chance on him. We took him into the hospitality school and he realised his passion for cooking. Today he manages the old age home in Colesberg. The old people love him. He drives them around, hugs them and gives the old ladies pedicures."

Back at the farm, sitting next to the fire, I ask Lesley a little about her life.

Born in Paulpietersburg near Vryheid, she and her sister were raised by their father's sister "a real mensch who taught us to never feel sorry for ourselves and to always put ourselves in another person's shoes". The family moved to Ermelo. After school, Lesley went to UCT to study education and drama. There she met Maeder Osler in 1965. "He was five years older than me and president of Nusas. I had just arrived at UCT and was a country bumpkin, overawed by the traffic and the buildings."

The pair started dating until Maeder went to study at Oxford and both Lesley and Maeder married other people. They reunited 40 years ago and got married. Between them they have four children.

Both Lesley and Maeder taught in Cape Town – he, at SACS and she, at Wynberg Senior Secondary and at Herzlia, before moving to the farm.

"We thought we had died and gone to heaven. Maeder said, 'don't ever mention a classroom again'. I joined the garden club and even the woman Commandos in the district, until I was banned after telling them I'd been a member of the Black Sash."

Their blissful life on the farm was interrupted when Maeder decided to be principal at the local Umso High School in Colesberg and Lesley became more and more involved in the Hantam project. The rest is history.

Asked how it feels now the school is 30 years old, she says: "It's such a difficult thing to think about. It feels like it's time to step down. It's almost as though our baby can walk now. It's not as though Clare and Anja and I are going anywhere. We will be in the wings and will stay on as trustees.

Her dream would be to raise sufficient money for an endowment – "to break into the American market where ten or 50 people pledge money, never to be asked again".

"There will always be children, there's the next generation. There is no end to something like this. I would like to see it being able to carry on into perpetuity.

"We've had to face up to the challenges and, if we are more fortunate, to give a hand-up to those less fortunate. Sometimes it's just a gesture, recognition or a response that comes with dignity and making people feel like a mensch. Love comes first."

– By Sue Segar ■



Truia Swanepoel, left, and Magdaline Goliath at Umthombo Wolwazi Farm



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ONE OF MY FAVOURITE MOVIES OF all time is the 2014 epic science fiction film *Interstellar*. In a post-modernist world where I see every piece of media with a cynical eye, the sincerity of that film bowled me over instantly.

The sense of scale, wonder, and sheer beauty of the film captured the feelings I have when I think of the cosmos. From the existential angst I get from seeing images of Saturn, to the dread that comes with realising the deep time scales that dwarf all of human existence; the film gives me the tingles and keeps my curiosity from going gently into that good night.

I just had that same feeling again recently, not far from me both geographically and in my own work. A few days before writing this, I came across an embargoed press release announcing the discovery of new, balloon-like structures near the centre of the Milky Way. These gigantic objects were spotted using South Africa's new MeerKAT radio telescope.

Incredible news, I thought, so I contacted the lead researcher, Fernando Camilo, who was more than happy to talk to me about it.

I shared in his excitement and his joy was contagious when he told me how “ridiculous” it was that the new MeerKAT telescope has made such an important discovery so soon after it was fully inaugurated in July 2018.

I had visited the telescope while it was under construction in 2016, when the machine had only 16 of its planned 64 radio receivers operational. Standing as tall as 20 metres each, the white, dish-shaped receivers pepper the red Karoo landscape, quietly receiving radio waves that herald secrets thousands of light years away.

When engineers and scientists operating MeerKAT pointed the telescope towards the centre of the Milky Way, they did not expect to see anything new as they were testing the telescope to see how well it works. They released a striking image of a very active galactic centre, bright in radio waves, and they noticed a new structure that towered above and below the plane of the Milky Way.

Camilo described it to me as two lobes, hundreds of light years in size, that indicate a violent, energetic event from the central blackhole's past. Science journalist Sarah Wild

explained it beautifully: the balloon-like structures are the “black hole's consequent belch of radiation,” from all the lumps of space gas it eats up.

I wrote an opinion piece for *Noseweek* in May 2018 (*nose223*) – about the incredible science that would come from the MeerKAT telescope. In it I talk about how the telescope's value should be measured in terms of the quality of the science it produces, rather than metrics such as direct benefit to South African citizens, as in new technologies and job opportunities.

It seems I was not wrong in thinking that MeerKAT would soon find something incredible in space. MeerKAT discovered these newly recorded structures within a month of the full array of 64 radio receivers being turned on.

Notwithstanding, the people responsible for the telescope and activities around it need to justify the cost and effort put into it, such as numbers of people trained with new skills, and direct benefit to surrounding communities. From the looks of it, the MeerKAT and SKA projects have done a good job of that, but how about the wonderful new science to come – already coming out of it.

I am a prisoner to my own imagination and curiosity, and I hope for it to be infectious so that more South Africans get excited by the wonderful work being done in big science projects such as the SKA and MeerKAT.

For me, the sense of awe from the unknown discoveries that we can make with good science, seems like reason enough to invest in good research, and from what I have seen, other benefits usually emerge from good science even if they were not the driving force behind it – curiosity was.

I continue to hope for more amazing science to come as the SKA itself slowly becomes a reality, a continent-spanning telescope built in Africa, and looking into the deep cosmos; from the cradle of mankind to the cradle of the universe! ■



MeerKAT radio telescope



Triangulum by Masande Ntshanga

FOLLOWING HARD ON THE SUCCESS of his first novel, *The Reactive*, Masande Ntshanga has scored another critical sensation with his second, “an affecting and assured follow-up to his acclaimed debut”, said *Two Dollar Radio*. The online reviews are generally rapturous, lauding the novel as “an affecting exploration of bereavement, sexuality and coming of age” (*Polity*); “a novel of incredible imagination” (Alexander Moran of *Booklist*), which “packs a mean and nuanced punch”, wrote Zaza Hlaethwa of *Mail & Guardian*.

It is thus with some hesitation that I register my own lack of appreciation for what is admittedly a tour de force of complex structuring and imaginative speculation. Still, I cannot pretend to an enthusiasm I don’t feel, and readers should make allowance for the fact this review is a deadline-driven mismatch between savvy young talent and crabby conventionality.

The novel’s structure is in itself daunting. The foreword, purporting to be a “once-known/now-obscure science-fiction writer”, one Dr Naomi Buthelezi, explains that the novel’s substance comprises “a written record in the form of a memoir, followed by what appears to be a work of autofiction, as well as a set of digital recordings,” written by an anonymous author who warns that “In all likelihood, I am no longer here.”

What emerges from the interlocking narratives is in the first place a coming-of-age story. The narrator is a young girl in her last year of school, in 1999, in the early years of South Africa’s democracy, the memory of her parents’ complicity in the politically bankrupt Ciskeian regime still very much alive.

Her two best friends are a girl called Part and a boy called Litha, both of whom she seems to be mildly, almost experimentally, involved with, though without much emotional investment; indeed, she suffers what her doctor diagnoses as “reduced affect display or emotional blunting”, for which he

prescribes Celexa and Paxil, thus inaugurating a lifetime of dependence on psychotropic drugs. This could explain the narrative’s emotional flatness: the inertia of the narrative voice, limited to bare statements of fact, is attuned to the dulling effect of some antidepressant drugs: “I went to the Olympiad and it felt different without Kiran. I walked around the fields afterwards until a group of seniors jeered at me from the clubhouse.”

The three main characters come across as the kind of dead-eyed, slack-jawed teenagers that make adolescence seem like such a drag. Even sex seems not to interest them all that much; their threesome is a passionless, joyless affair.

It takes a peculiar firmness of purpose to sustain such a listless narrative for so long, and the author deserves our admiration for it. The reader also deserves some credit for sustaining an interest for so long. The rewards, such as they are, consist in a convoluted narrative centred on the narrator’s recurring vision of what she calls “The Machine”: a series of triangular patterns possibly connected with the disappearance of three schoolgirls and the narrator’s mother: a drug-induced hallucination or a message from another galaxy?

The second of these possibilities, what we might call the science-fiction element, underlies the later dystopian parts of the novel, set in 2025 and 2035. The narrator, now a data analyst, by virtue of her job becomes complicit in an international cartel intent upon establishing “Zones” in which the inhabitants are conditioned to become the human equivalents of battery chickens, mere productive units with little or no control

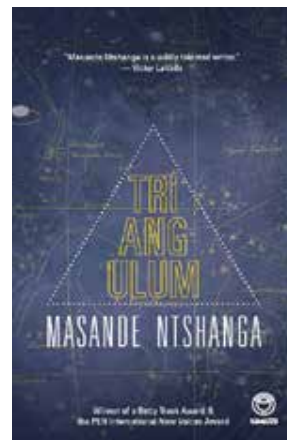
over their own fates, the whole benignly overseen by a government eager to foster “a market economy and the freedom to experiment without government intervention.”

Pitted against this regime are two rival resistance groups, The Tank and The Resisters, both of whom the narrator is also roped into. A member of the Returners explains to the narrator the philosophical underpinning of their resistance (and also, presumably, the substructure of the novel): “The sustenance of the human animal is as much a giving as it is a taking from the planet, a conversation in loop, adding knowledge to an ever-accumulating core, the location of the universe’s conversation with itself.”

In the novel’s final section, set in 2035, the narrator, now middle-aged, is vouchsafed another vision of another machine, this one rectangular, and more communicative than her youthful visions. It has a kind of collective voice that sounds like “overlapping voices”, warning of the destruction of the earth in 15 years’ time by a “celestial body on its course to earth”. It will be “intercepted if humankind changes its trajectory”. So we have 15 years to change our ways. On the present showing, there’s little chance of that. But even 1984 turned

out to be an unduly pessimistic prediction. Or just a bit premature?

Triangulum tangles with important questions in a highly imaginative way, which has resonated with many readers. If I remain unconvinced by it, and am left rather cold by the characters, that no doubt is evidence of a generation gap as well as a somewhat rigid adherence to a stricter form of realism. Which is to say, don’t take my word for it: read the novel. ■



TRIANGULUM
by Masande
Ntshanga



Letter from Umjindi

Land Reform programme needs reform

NOSEY READERS OF THIS COLUMN have, I hope, been entertained from time to time by the challenges I've written about that have cropped up on my Mpumalanga farm. I once quoted American rocker John Cougar Mellencamp who sang, "Rain on the scarecrow / Blood on the plow". The song was written for and performed at the inaugural Farm Aid concert in the States in the 1980s which was aimed at assisting farmers who were being devastated by bank foreclosures. Well, those same lines have been playing over and over in my head lately.

In early August, out of the blue, some of us black farmers in my area were hit with letters headed "Termination and Non Renewal of Lease Agreement". The letters contend there has been "underutilisation" of the properties.

Naturally one's immediate response in a situation like this is to write to the Department of Rural Development and Land Reform appealing that they reverse the decision.

Then I have to ask myself why they would they suddenly spring this on us without any warning? How can these guys – my black empowerment partners-in-crime, my land redistribution programme partners – how can they, why would they, rain on my scarecrow? Do they want to see blood on my plow – from the damn cattle that continually trespass on the farm, destroying crop after crop?

But nosey ones, truth be said, the issue here goes a lot deeper and is far more complicated than being a matter of supposedly not utilising the properties fully.

Funny enough it all boils down to the exact thing the government now wants to deny us: our leases. And they're

not just leases mind you but long-term leases for about 30 years – at least that is what they told us back in 2014.

Now here is the problem: without those leases, which have been under consideration ever since 2014 – that's five whole years – most of us have not been able to raise the necessary capital to work the farms. I mean, guys like the Land Bank and other institutions have simply refused to provide loans or grants without those leases – which of course makes sense.

Well, they said the farm should not be underutilised since it received RADP (Recapitalisation Funds) and as such should be very productive.

Whoa, I said in my motivation, I would like to point out that, whilst RADP funds were indeed made available in the financial years 2014/2015, said funds did not come with a budget itemising allocations for production or implements. The only means of production that was made available through these funds was for the purchase of a tractor and a bakkie but the rest predominantly went to infrastructure renovation, e.g. shed, house, fencing, water dam/water pumphouse and other minor improvements.

But there was nothing for production inputs, nor for implements, so the bulk of 2014 was spent seeking clarification from department officials, mainly Mr Hector Khoza who was the farm's project officer, as to what happened to R300,000 that was itemised for said production. This itemisation was pointed out to me by a Ms Gugu Motsa, another former project officer, who is now with Water and Sanitation.

When I brought this to Ms Motsa's attention she was genuinely

taken by surprise that this production amount of R300,000 was no longer part of the farm's RADP budget. Mr Khoza claimed to know nothing about it.

As a result, in late 2015 I went ahead and approached two institutions for financial assistance, namely the Land Bank and the Mpumalanga Economic Growth Agency (Mega). Both institutions expressed serious concern surrounding the lack of renewed leases. I communicated this to the department and was assisted with a letter for presentation to the funding institutions highlighting the department's position and specifically how that position affected my Oorschot Farm.

In early 2016, after presenting the letter, these two institutions agreed to process my loan application; the Land Bank, through its Retail Emerging Markets (REM) programme and Mega, through its general business support programme.

The Land Bank approved a R1 million loan but could not proceed with any allocation until Land Reform's new policy was completed and before we could submit copies of new leases.

However, Mega took a more understanding position and in late 2016 approved a loan of R743,930 for the purchase of production inputs – implements, equipment and tools, etc.

Nosey ones, this matter is a long story and I am sure I will have to continue with it next edition.

Oh! come on! I am sure you have watched made-for-TV movies where they say, "to be continued". This is one of those – although it is not television fiction but rather, it is a serious matter that could have a monumental impact on our land issue.

Meantime in my motivation I ask – beg and plead rather – for an urgent Reversal of Termination and Non Renewal of Lease Agreement and cancellation of eviction order in 60 days, the end of September.

Anybody in the Fairest Cape have a garage I could rent? Ha, ha, hope it does not come to that. ■





Pub stories: Billy and the Mormons

BILLY WAS SITTING AT HER usual spot at the bar, smoking, drinking and picking at a black scab on her temple. She banged her pewter tankard on the counter twice. It was a sign for Zama to re-fill it with a quart. "How are you feeling today, Billy?" asked Piet Professor. Billy took a long drag on her ciggie: "I have my pack of cigarettes, my beer and my health," answered Billy. "What more is there in life?"

What more, indeed," said Piet. He noticed someone at the door. "What the hell are they doing here?" he demanded. "Am I on God's '10 Most Wanted' list this week?"

Two young men in crisp white shirts, black ties and dark trousers had pulled up outside the pub on bicycles. "Yesterday, the Jehova's bloody Witnesses knocked on my door," Piet complained. "Now it's the blooming Mormons!" He ordered another double brandy and coke just to calm down.

Elder Britain and Elder Samoa entered the pub, smiling broadly.

"Do you mind if we bring our cycles inside?" inquired the younger of the two Elders. "We were told they might be stolen in this area."

"I am not allowed to bring my motor-bike in," objected Piet. "Nor me my Volksie," said Billy. I shrugged and said nothing because I walked there.

"Your bikes will be okay where they are," the barman said. "I will keep an eye on them.

"Can I get you gents a

drink?" Elder Britain said they were not allowed to drink alcohol. He told us they were sent there by God to save us.

I forget the missionaries' names, but they were from Britain and Samoa. They had done service in America, the Philippines, Australia and now Germiston.

"Crikey, what did you do wrong in your previous life for God to send you to Germiston?" asked Piet.

"Reincarnation is a Buddhist concept, brother," Elder Britain said, beaming from ear to ear. "We are from the Church of the Latter-Day Saints. We believe Jesus is the answer."

I wondered why Jesus was the answer and, more particularly, to what question, but Piet raised a more pressing issue: "Why are you grinning like that? It is making me uncomfortable."

"Jesus makes us happy," said Elder Samoa.

"Well, this beer makes me happy," said Billy. "This cigarette makes me happy. Being in this pub makes me happy. How is Jesus going to compete with that?"

Elder Britain looked at Billy as if she'd asked a rhetorical question, which she hadn't. "The way

of Jesus is the road to Salvation," he said.

Billy scratched the cancer sore on her face and banged her pewter gavel on the counter thrice. She struggled off her barstool to deliver her verdict. She marched towards the Mormons.

They weren't smiling anymore.

"I have been smoking for 55 years," declared Billy. "Drinking since I was 17 and survived cancer three times. Now you want to save me?"

"Jeesh, check how fast their legs can go up and down on their Mormonmobiles!" laughed Piet as we watched the Mormons flee the scene. "Ja-nee, religion," I mused. "The opiate of the masses."

"You are misquoting Karl Marx," the professor corrected me. "What he really said was: 'Religion is the sigh of the oppressed creature, the heart of the heartless world and the soul of soulless conditions. It is the opium of the people.'"

"Hmpf," I said, ordering us all another round. "Booze and belief are the same then, aren't they? They give us solace when there is nothing else. It's a nice excuse when we do not have the courage to face life head on.

And they both release feel-good chemicals inside of us. Dopamine, endorphins. Oxytocin if you're lucky. Their drugs make them happy, so do ours."

"So we are all drug addicts, now?" asked Piet Professor, quite offended for a split second. "Yes, the way I see it," I replied. "Maybe we should not have been so hard on our two young brethren."

"Ok, maybe one addict shouldn't judge another," conceded the professor, "But for God's sake, have some decency. Do you have to come in here so unashamedly and sell your drugs so early in the morning? It's hardly 9 o'clock.

The first NG Kerk bell hasn't even rung yet." "The NG Kerk can also bugger off," said Billy.

"God bless you Billy," I said and gave her a big hug. "Hallelujah, everyone!" shouted Piet on to the street. "And cheers! Not necessarily in that order." And then the church bell rang ■



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PERSONAL

Greetings to all Beater subscribers and readers. Cheers, Anne.

FONDLY REMEMBERED

Ivan Sabbath, passed away on August 10th at his home in Cape Town. Mourned by his wife, Diane, his children Debbie, Saul and Leanne and 4 grandchildren (living in Perth and USA). He loved reading *Noseweek*.

Ray Lankester, passed away on the 23rd May 2019 In Plettenberg Bay. Will be greatly missed by his wife Diana and children Michele, Richard and Brett. He loved his *Noseweek*.



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