



The first 5 000-house phase of Khayelitsha, Cape Town's new black "resettlement" township, stretches into the distance — row upon row of matchbox core houses. So far 2 700 two-roomed homes have been completed, with plans to eventually house 250 000 people.

Picture: Dan Bosman



BLACK SASH ADVICE OFFICE ANNUAL REPORT 1984

R1,00

ATTENDANCE
JANUARY — DECEMBER 1984

	Jan 15-31	Feb	Mar	April	May	June	July	Aug	Sept	Oct	No Dec 1-14	1984 Totals	1983 Totals
Permit Problems	58	99	108	72	93	77	76	92	81	54	69	899	966
Squatters	24	146	49	40	26	16	81	14	10	14	15	440	319
Contract Workers	29	42	52	25	31	26	41	40	43	56	41	439	753
Miscellaneous	46	85	44	60	100	63	86	112	82	81	89	883	965
Old Cases	105	163	189	114	134	102	154	146	110	145	140	1 546	2 028
Totals	262	535	442	311	384	284	438	405	326	350	354	4 207	5 031

Black Sash Advice Office ANNUAL REPORT

January — December 1984



Black Sash Advice Office

(under the auspices of the Black Sash
and the S.A. Institute of Race Relations)

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(Tony Grogan: Cape Times)

Black Sash Advice Office Annual Report — 1984

INTRODUCTION

In August 1984, the Chief Director of the Western Cape Development Board declared that influx control in the area was a failure (Cape Times 8.8.84). In September 1984, President P. W. Botha said that urbanisation was a "universal and unstoppable process". (Cape Times 26.9.84). It would appear that the government and its civil servants are finally realising the enormity of the problems resulting from the decades of their apartheid ideology. Whether they have any constructive solutions to these problems remains to be seen.

The only let up in the relentless oppression of black people in the Western Cape over the last year has been the recent (since September) decrease in the demolitions of shelters and arrest of people in the squatter camps. In fact there has been a most spectacular increase in the number of people squatting. The Western Cape Development Board is tacitly allowing people (backyard shack dwellers from the townships, families of contract workers, and people from the impoverished bantustans desperately looking for work) to put up shelters either within the area bounded by Klipfontein Road, Lansdowne Road and Mahobe Drive (beyond Nyange East) or at K.T.C.

This year has seen the transformation of the commissioner's courts into magistrate's courts under the control of the Dept. of Justice which has led to the treatment of pass offences as "technical" rather than "criminal" matters.

At the Cape Nationalist Party Congress in September, President Botha announced that the Coloured Labour Preference Policy in the Western Cape was to be scrapped. To date, nothing has changed and "clearance certificates" are still required from the Dept. of Manpower before any black person can be registered in any employment. Likewise, the transfer of people with Section 10 rights in other areas into the Western Cape, even if employment and accommodation are available, is not allowed. The State President also announced that 99 year leasehold would be available at Khayelitsha and "certain other areas". No more has been heard of this either and officials claim that they know no more than has been reported in the press.

PERMIT PROBLEMS

The two major factors in the lives of Black people in South Africa are (i) being qualified to live and work in a particular area and (ii) being able to find somewhere to live in that area.

Section 10 of the Black (Urban Areas) Consolidation Act No. 25 of 1945, as amended, states that "No Black shall remain for more than 72 hours in a prescribed area" unless he is qualified to do so. These qualifications are as follows (and the onus is on the individual to provide proof),

- (a) he has since birth resided continuously in such area; or
- (b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully resided continuously in such area for a period of not less than fifteen years, and has thereafter continued to reside in such area and is not employed outside such area and has not during either period or thereafter been sentenced to a fine exceeding five hundred rand or to imprisonment for a period exceeding six months; or
- (c) such Black is the wife, the unmarried daughter, or the son under the age of eighteen years, of any Black mentioned in paragraph (a) or (b) of this subsection and, after lawful entry into such prescribed area, ordinarily resides with that Black in such area;
(1A) For the purpose of paragraph (c) of subsection (1) 'resides', in relation to the wife, the unmarried daughter, or the son under the age of 18 years of any Black referred to in paragraph (b) of the said subsection who did not ordinarily reside with that Black in a prescribed area as contemplated in the said paragraph (c) at any time before the commencement of the Laws on Co-operation and Development Amendment Act, 1983, means to reside in a prescribed area—
 - (a) in any building erected on any site in respect of which a right of leasehold for residential purposes has been granted or disposed of to that Black in terms of section 6A; or
 - (b) in any dwelling erected, for the purposes of occupation by himself and his dependants, by that Black or any residential site allocated to that Black for such purposes of occupation in terms of the provisions of this Act or any regulations, or in any dwelling on any such site let to that Black for such purposes in terms of such provisions; or
 - (c) in any dwelling allocated or let as a whole to that Black for the purposes of occupation by himself and his dependants in terms of such provisions; or
 - (d) in any married quarters referred to in section 9 (2) (f) made available by his employer to that Black for the purposes of occupation by himself and his dependants; or
- (d) in the case of any other Black, permission to so remain has been granted by an officer appointed to manage a labour bureau . . . due regard being had to the availability of accommodation in a Black residential area.

In the Advice Office we see an endless stream of people with permit problems of all kinds as the following examples illustrate:

Miss N.M.G. was born in Cape Town and has lived here all her life. In 1968 her parents returned to Transkei but she remained here in live-in employment. Because she is not a registered lodger in the township she has not been able to put her name down on the housing list. Her small daughter was sent to Transkei but has now returned because the grandparents are dead and there are no other relatives left there. There is nowhere to live here. The only home that Miss N.M.G. has is her room in her employer's back yard.

Mr G.A.T. qualified last year for Section 10 I (b) status and is legally lodging in a house in Langa. He would like to have permission for his wife to stay with him but this is not possible because section 10 I (c) was altered in August 1983 so that only the dependants of a 10 I (b) man who were living with him before 26 August 1983 can qualify under section 10 I (c) unless he is the principal tenant or owner of a house — which he cannot be unless his family qualifies to live with him — a vicious circle.

HOUSING SHORTAGES

It has been estimated that there were some 60 000 black people in the Western Cape area without permits in 1983. The waiting list for people who are qualified to live here, but do not have housing was 2 500 in 1982. The Western Cape Development Board estimated that there were approximately 67 000 people living in the squatter area bounded by Lansdowne Road, Klipfontein Road and Mahobe Drive by the middle of 1984. That number has increased dramatically since then.

These figures illustrate quite clearly the desperate shortage of housing in the Western Cape. In the three Cape Town townships, Langa, Nyanga and Guguletu, no houses were built during the years 1974 -79 while in 1980, 880 housing units were converted from single quarters in Langa and in 1982, 1 521 houses were built in New Crossroads. (Hansard 20/84 par. 1768) According to the Dept. of Co-operation and Development, the number of houses rented in Cape Town's three townships totals 13 302 (Hansard 7/84 paragraph 1387). Including the 1 521 houses in New Crossroads there are 14 823 houses that are meant to house 149 213 qualified people. In addition there are hostels for 20 474 contract workers who live apart from their families (Hansards 3/84 paragraph 144 and 9/84 paragraph 814).

KHAYELITSHA

These figures help to explain why many of the people who come to the office with housing problems are more than willing to go to Khayelitsha which is where the only housing is permitted to be built at present. Building-on and the development of vacant land in the existing townships is frozen. The declared intention of the government is to "consolidate" all housing for blacks from Cape Town, Stellenbosch and Blackheath there. Khayelitsha is a huge new dormitory area being developed by the government beyond the "coloured" suburb of Mitchell's Plain

—(See the Black Sash's working paper *The Road to Khayelitsha — and Beyond*, March 1984, *You & Khayelitsha* published by the Black Sash in Oct. 1984 and *Khayelitsha; New Home — Old Story* produced by the Surplus Peoples Project, Western Cape, all available from 5 Long Street, Mowbray.)

Already there are 570 families living there in 28 m² houses with a 1 000 desk primary school in operation and present bus fares to Nyanga costing R0,50 single. Khayelitsha is 35 km from the centre of Cape Town and as yet has almost no facilities such as shops, doctors, community centres etc.

Resistance to removal to Khayelitsha from Crossroads and the existing townships has been widespread and adamant, the civic associations, womens movements, squatter committees and others have all stated categorically that they will not be part of the government's removal scheme nor will they be party to the sorting of the "legals" from the "illegals" in their constituencies. Khayelitsha can and has been condemned by politicians, academics, planners, political analysts and others as a disaster.

SQUATTERS

The squatter situation has escalated dramatically in the last year. Since September the W.C.D.B. has been unofficially allowing the building of shelters in the Crossroads and KTC areas and consequently the land in these areas is entirely covered with shacks and plastics shelters housing tens of thousands of people.

Many of the committees that represent the various groups of squatters have met with Mr Timo Bezuidenhoud, the chief commissioner of the Dept. of Co-operation & Development in the Western Cape. They have been told that they are all (whether "legal" or "illegal") to be moved to site and service areas in Khayelitsha during the first few months of 1985. None of the committee members is happy about this, not because they do not want the opportunity to erect their houses on properly serviced sites but because they want guarantees that no action will be taken against the "illegals". Some want permits for everyone before they are prepared to move, while others refuse to even consider a move.

The Crossroads camp started 1984 in a state of warfare and tension and has ended it in much the same way. Mr Ngxobongwana's vigilantes successfully chased out the supporters of Mr Memani who then set up their own Crossroads at KTC on land that had previously been designated for the development of phase II of New Crossroads.

In the first two weeks of February we interviewed 134 people from old and New Crossroads who had been affected by the fighting and burning in December and January.

legality

26 People have valid permits to be in the area, 16 of them Crossroads permits, two 10 (1) (b) stamps and eight had contracts, i.e. legal.

77 People either had no stamp at all or else had a permit which had expired, i.e. illegal.

31 People had some claim to validity — either expired investigation stamps, 20th September stamps, or they claimed that their books were burnt but they had permission, i.e. other.

houses burnt

A total of 82 people reported that their shacks had been burnt. Of these, 53 were illegals, eight legals, and 21 from the investigation group (other).

houses demolished

13 complained that their houses had been demolished and two New Crossroads houses were damaged (i.e. windows and doors broken.) Of these eight were illegals, six legals and one other.

evicted

16 people claim to have been evicted or chased away from their houses which are apparently still standing. Of these six were illegals, seven legals and three others.

reported to police at Guguletu

34 people claim to have gone to the police to make statements.

4 of these people claim that their statements were refused by the police.

3 only made statements about being assaulted (all legals whose houses were not destroyed).

27 made statements about the destruction of their houses and possessions.

cars

There were reports of 3 cars and 1 caravan of "illegals" being burnt and 2 cars of legals.

hearsay

9 people (1 other, 1 legal, 7 illegals) claim that they have heard that their houses were destroyed and are too frightened to go back to see what has happened and are living in the bush at K.T.C.

K.T.C.

All the illegal people (77) and the people with some tenuous legality (31) were living in the bush at K.T.C. without shelter or proper sanitation or anything. Apparently "some white ladies" took them blankets, clothes, etc.

Most of the legal people (26) were either still in their New Crossroads houses or else staying with friends either in New Crossroads or in the townships.

Mr Memani's group, in turn had leadership problems of their own with claims and counterclaims of fraud, intimidation and attack culminating in more faction fights, resulting in the arrest of Mr Memani and some of his followers on charges of attempted murder and incitement to public violence — he has been remanded in custody pending the trial early in 1985.

As the camps have become more crowded, shack fires are regular occurrences and the Crossroads Co-ordinating Committee (under the auspices of The Red Cross Society) on which we are represented, organised relief for the several hundred people affected, the materials having been supplied by various Welfare Organisations. An advice office run by C.U.P.C. was the venue for a special project to help the old and sick to claim the old age and disability pensions now due to those who

have been legally resident in Crossroads for five years or more. We have been working one day a week in this office for the last few months and will be continuing to do so in the new year.

Despite the fact that few Crossroads residents are paying their service levy, the night soil and refuse removal continues as best as is possible under the circumstances (there are few roads remaining between the shacks). Health services provided by the Divisional Council, Shawco and the SACLA clinic are as good as, if not better than in the official townships. Life goes on and the many visitors and journalists both local and foreign that we have taken to see the camps and talk to the people, come away impressed that the squatters can make such continuous efforts to maintain a standard of family life under such appalling conditions and tensions. The spirit of Crossroads is still alive and well.



KTC: Plastics removed in anticipation of a raid - Winter '84 (R de Villiers; Cape Times.)

During the last 6 months of 1984 we interviewed 103 household heads from "Browns farm" — a squatter camp on the Cape Flats — who had had their shacks demolished and who had been told to move immediately. This camp had been cleared early in 1975 and most of the blacks had moved to Crossroads and the "coloureds" to a legal camp, "Lourdes Farm". Of the 103 we interviewed 25 were "coloured" and the rest, 75, black — in all 43 men and 60 women involving 305 children. Although the majority (55) had been born in the Transkei, 20 had been born in Cape Town and 19 in the Western Cape. Most had come to Cape Town between 1970 and 1974 (41) — only 5 after 1955 and 30 before 1960. Thus they were

not new arrivals but people who had been squatting in Cape Town for a long time — in some cases all their lives. 36 of the men were employed (3 casually) 1 self employed and 5 unemployed — one of these had recently contracted T.B. About half the women were employed, some self employed, 3 on a maintenance grant and 20 supported by working husbands. This was a community living and working peacefully until June 26th when their shacks were demolished. On December 11th there were still 40 black families involving 133 children and we phoned several senior officials both of the Development Board and the Department of Co-operation & Development but none of them could suggest where these people should go and none seemed very concerned.

RURAL AREAS

Through our association with the advice office at Worcester our attention this year has been refocussed on the plight of black people living and working in the rural areas of the Western Cape. The following stories give some idea of the situation.

Ceres

In Ceres — a small Boland town — the prescribed area defined by the government for the purpose of "ordering" the lives of black people, is divided into a municipal area and a divisional council area. The former covers the town and the latter the surrounding farming areas. Mr. D.J. was born (he claims) in the town of Ceres. For many years he has worked for a dairy in the town. The Development Board officials claim that he was born in the divisional council area of Ceres and therefore needed their special permission to work in the municipal area. This he was given, together with a place in the single quarters in the black township. Problems arose when he married a "coloured" woman — her family are happy for him to live with them in the "coloured" township but this is not allowed. Because his wife was with him in the single quarters after repeated warnings that she was to leave, his permit and accommodation in the municipal area have now been cancelled and he has been told that he must find a job in the divisional council area of Ceres. The employer, meanwhile, would like to continue employing him but would have to provide him with housing which he is not in a position to do.

Robertson

In Robertson there are families with qualifications for permanent residence in the area but no residences for them to occupy and no obligation on the part of the authorities to provide any.

Mr. & Mrs. Q have lived on a farm in the Robertson district since 1962. They therefore have qualified under Section 10 (b) of the Urban Areas Act to live and work there permanently. All their children were born there. Because no provision is made for schools for black children in the area, they had to be sent to boarding school in Transkei. When Mrs Q. returned from taking the children to school, she found that they had been moved out of their house on

the farm and her husband was in the single quarters. As she has no other home, she moved in with him. They have twice been arrested — she for being where she is not permitted to be and he for harbouring her. The magistrate feels that this is not a matter for his Court but the authorities are not compelled to house them, (Robertson is theoretically served by a small township) nor is the employer (in this case the Dept. of Nature Conservation). Where are they meant to live? No other farmer can provide them with accommodation unless they are registered as working for him and the township has no room.

Swellendam

In Swellendam the position is even worse. There are many blacks who have lived and worked there for twenty or more years but there is no township at all. Thus a place to live in the area where a black is qualified to be is totally dependent on his employment. If he works on a farm he will probably have a house. If he works on the national road for the Provincial Administration he is supposed to live in a hostel in a camp with no provision for his wife and family to be with him — even though many of these men have wives who, if black, are qualified to live in the Swellendam area too. The W.C.D.B. and/or S.A.P. regularly raid these camps and arrest the women that they find there.

Lucky is the black family who have a house on a farm but what is supposed to happen to them when the parents reach retirement age? They are entitled to a pension in the area in which they are qualified to live. They know no other home and the farmer will probably evict them from his land because he needs the housing for his new workers.

Who is responsible for sorting out problems such as these? Who decides that there will be no township in Swellendam even though there are scores of black families who are qualified to live and work there but are not provided with houses, schools or any access to basic social infrastructures which they are not allowed to provide for themselves either?

In Swellendam most of the women are living on farms with at least their children and sometimes their husbands with them. This puts them in a tenuous position as farmers are only allowed to accommodate their own workers on their farm. Thus if the woman loses her job she loses the family's accommodation too. This has just happened to Mrs M. who has lived and worked on a plum farm for the past 20 years, the farmer has now decided to farm cattle instead of plums and she and her family have been evicted. Her husband has worked for the Provincial Roads Department all his life and is supposed to live in the "camp" — where is his family going to live now?

Administration

The whole of the Western Cape is administered by the W.C. Development Board which has its head office at Goodwood in Cape Town. There are regional offices at Stellenbosch, Paarl, Worcester, Hermanus, Ceres, Ashton, Malmesbury and Springbok. Worcester covers a large area extending up to Sutherland and

Laingsburg while Hermanus administers all the coastal magisterial districts up to the Gouritz River.

The following table of figures (from Hansard 17/84 paragraph 1387, Die Burger 2.10.84 and from W.C.D.B.) illustrate clearly the paltry number of houses made available by the government for qualified people in the rural areas.

Area	Township	Houses	Families	Men	Women
Ashton	Zweletemba	148	353	3 173	1 639
Robertson	Mkqubela	54	132		
Ceres	Nduli	59	123	4 853	347
Hermanus	Zwelihle	93	129	7 250	800
Malmesbury				8 770	100
Paarl	Mbekweni	622	1 022	10 180	4 700
Springbok				4 432	
Stellenbosch	Kayamandi	103	231	11 547	1 113
	Mfuleni	176	251		
Worcester	Zweletemba	1 038	1 160	9 466	4 287

During July 1984 workers from The Black Sash advice office went to Swellendam (which is controlled by the W.C.D.B. office at Hermanus but has no township) and interviewed 87 people from whom we ascertain the following information:

Men: 68 interviews

Permits:

Permanent Residence Rights

Contracts:	Open Permit	Permit Marked — "Nie Kontrak"	10.1.(b)	Pension	Work Seeker	None
	5	27	23	1	3	2

2 men had new travel documents into which their permits had not yet been stamped. Thus 85% of those interviewed have permanent residence rights.

Accommodation

Men living on farms 32 — with wives 28 (6 "coloured")
— without wives 4:

Men living in camps 32 — with wives 7 (3 "coloured")
— without wives 25

(15 Provincial Roads, — with wives on farms 7 (1 "coloured")
17 other).

Of these wives — 7 had no permits
— 14 had permits
— 13 permit position unknown
— 12 "coloured"

We instructed an attorney to defend 4 women in Swellendam charged with being in the area without permission, charges were withdrawn against one of them and the others all found guilty and sentenced accordingly as they had previous convictions. We also arranged for the elderly couple from Robertson (mentioned in the section on the rural areas) to be defended on charges of (a) the wife being in quarters meant for unaccompanied men and (b) the husband with "introducing" her to these premises. They were also found guilty but the lawyer concerned is in correspondence with officials in the area in an attempt to resolve their housing problems.

Since the commissioners court at Langa has become a magistrates court we have not kept up the daily monitoring that we had previously tried to maintain. Analysing the information gathered over the first few months of the year (February and March) showed that 12,5% of the accused had previous convictions, 19% and 4% were given suspended sentences. In comparison, of the 256 people defended by our lawyers, 1,1% were acquitted, 11,5% cautioned and discharged, 28,5% were given suspended sentences while 7,8% had their charges withdrawn.

Research

During October we arranged a meeting with our black advice office workers, various black social and community workers and two lawyers who are members of Black Sash to discuss the marriage laws and how they affect black people, particularly women. The South African Law Commission decided not to recommend the application of the abolition of marital power to marriages between black people or the introduction of the accrual system to marriages out of community of property. The commission made these decisions because of their admitted lack of knowledge of African Customary Law. Another commission has therefore been set up and both the lawyers involved in our meeting are drawing up memoranda to submit to this commission.

GENERAL

Many of the problems brought to the advice office are of a domestic nature. Tensions are understandably high in the crowded environment of the township and very often the only help we can offer is a sympathetic hearing and a cup of tea. We also hear many employment problems which appear to our case workers to be of a minor nature but on investigation show up the unfortunate lack of communication between many employers and their workers.

The emergence of the trade union movement and the realisation of the existence of workers' rights, while very welcome, has also led to some problems at grassroots level among unsophisticated workers. Expectations have been raised and we see a steady stream of people, — labourers, domestic workers and the like who have been dismissed quite fairly and paid out all that is their due, angrily demanding bonus pay, holiday money, long service awards, pension and so on. We have also dealt with three cases which on investigation appeared to be genuine wrongful dismissals. These have been referred to the Legal Resource Centre for assistance in claiming re-instatement or suing for breach of contract. To date none of these matters have been resolved.

Unemployment Insurance Fund Claims

With the South African economy being in a state of recession it is not surprising to find trade union research workers informing the country that the unemployment insurance fund has run out of money allocated from the current budget to cover the cost of claims and is having to borrow money (S. Piper *Sash* Nov. 84) Nor is it surprising to find that there are often delays in the processing and paying out of claims. During March we focussed our attention on unemployment benefits.

Everyone, whatever their colour, in regular (i.e. not casual) employment who earns under R15 600 per year pays a compulsory contribution into a central unemployment insurance fund. Only black people who are qualified (under section 10 of the Black (Urban Areas) Act) to live in Cape Town can claim benefits here if they lose their job. The employer is obliged by law to apply for a U.I.F. contributor's card for every employee within one month of engaging that person. Our experience is that many employers do not do this and their failure to do so is only apparent when the employee leaves his job. This leads to delays in receiving benefits because the possession of a U.I.F. card is essential before benefits can be paid out.

Claims in the urban areas are processed by labour officers either at the Development Board offices or the Department of Manpower. They are dealt with on a central computer and are meant to tide the contributor over the period immediately after he loses his job. Our experience is that delays are usually at least two months.

The U.I.F. contributions levied from contract workers from Ciskei and Transkei are paid over by the S.A. Government to the government of those two independent bantustans. Contract workers who wish to claim their benefits have to do so at the labour bureau in the homeland where they were recruited. To date we have no information as to whether any unemployment benefits are in fact being paid out in these areas.

A sample of cases we dealt with in March illustrates the sorts of misunderstandings that are occurring:

- (1) A contract worker was fired for asking for an increase in his wages. He was only paid out R150 and his railfare back to Transkei after the intervention of the contracts commissioner (to whom we sent him). Only at this point did the company apply for a U.I.F. card for him so there will be a number of months delay before the card arrives and his application can be processed — providing the postal services are reliable.
- (2) A locally qualified worker applied for sickness benefits in June 1983. He came to see us in October and we tried to speed up the processing of his application. In December he was paid R85,53 and in January 1984 the hospital he attends reapplied for him as he is still ill. Nothing had happened when he came to see us in March and this time we had to approach a welfare organisation as well as the Department of Manpower because he is now destitute as well as ill.
- (3) A worker continued to work for his employer on a casual illegal basis after 8 years on contract. When he lost his job he could not claim benefits; all he got was a refund of the R14,17 that had been deducted erroneously from his pay.

- (4) Mr W.T.M. was put off work with TB in March. He immediately applied for his sickness benefits and in due course the medical certificates were sent in but no money was forthcoming. He came to see us in July and we made enquiries and were told that a letter had been sent, this never arrived. He returned in August and we tried again, he went to Manpower twice and each time was told to "come back next week." Finally we ascertained that the date on his medical certificate was incorrect and we had it corrected. Eventually on 27 August we were told that the claim had been accepted and the first cheque should arrive by mid September. How were Mr W.T.M. and his dependants meant to survive from early March until mid September with no income?

CONCLUSION

The contact that we have had during the past year with the black population of Cape Town and its surrounding rural areas has once again made abundantly clear the utter frustrations experienced by these people in their every attempt to live normal productive lives.

Whether you are a squatter staking a claim for your very existence, a township dweller trying to achieve a decent standard of living and education for your children or a businessman wanting a licence and premises to operate your business, if you are a black person you will be discriminated against.

Neither of the promises made to black people in the Western Cape in 1984 have been met. There are still no 99 year-lease facilities in any of the townships and the coloured labour preference policy is still in full force. Whether the implementation of these two promises will make any difference to the lives of black people remains to be seen.

Despite the endless, sometimes depressing nature of the day to day work at the Advice Office, the people who work in it — both voluntary caseworkers and interpreters — never fail to be compassionate and optimistic. Our grateful thanks to them all. We are also indebted to the enthusiastic help and support that we get from our team of pro amico lawyers, the Legal Resources Centre and Barbara Versfeld who holds the fort during school holidays. It has been a busy year for advice office staff — we are visited by journalists, diplomats, squatter committees, harassed housewives and various visitors to Cape Town. We are represented on the Crossroads Co-ordinating Committee and the Peninsula Welfare Forum. We have also met with W.C.D.B. officials on a number of occasions during the year to discuss problems that we have experienced particularly with regard to housing.

R. N. ROBB
Director

S. J. JOYNT
Organiser

INCOME AND EXPENDITURE 1 JANUARY 1984 TO 31 DECEMBER 1984

	INCOME		EXPENDITURE	
	1984	1983	1984	1983
SAIRR	2 490	3 180		17 891
SAIRR (Johannesburg)	—	1 200	Salaries	16 988
Donaldson Trust	2 250	—	Rent	1 235
BSAO Reports	94	478	Telephone	639
Loewenstein Trust	5 000	—	Pension	439
Ford Foundation	5 190	—	Western Cape Admin Board	328
SASH	10 215	20 067	Insurance Fund	253
			Stationery & Office	1 043
			Legal	814
			Annual Report	940
			Fares	202
			Postage	304
			Housing Loan	1 500
			Secretarial	240
	<u>25 239</u>	<u>24 925</u>		<u>25 239</u>
				<u>24 925</u>

Women: 19 interviews

- Permits:*
- 4 working with permits
 - 6 working without permits
 - 5 have permits but are not working
 - 4 have no permits and are not working

Accommodation:

- On farms 16 — with husbands 5
— without husbands 9 (4 not married)
— away all week working in Paarl 2
- In Camps 2 — with husband 2
- In town 1 — without husband 1

Length of time in Swellendam:

- of 68 men
- 22 were born in area.
 - 2 had lived there longer than 40 years.
 - 8 had lived there longer than 30 years.
 - 22 had lived there longer than 25 years.
 - 13 had lived there longer than 15 years.
 - 1 had lived there longer than 10 years.

of 23 women (either interviewed or wives of men interviewed):

- 10 were born in area.
- 3 had lived there longer than 25 years.
- 5 had lived there longer than 15 years.
- 5 had lived there longer than 5 years.

In discussions with senior officials of the W.C.D.B. they agree that the situation is deplorable.

LEGAL WORK

This year the collective legal knowledge of the advice office workers has been increased not only through regular consultations with the lawyers (partners, assistants and clerks) of these law firms in Cape Town who offer us their services on a pro amico basis — but also through the frequent contact with and help from the Legal Resources Centre. We have also greatly benefitted from the course of seminars arranged by the latter during the year. These seminars provided valuable information about or analyses of labour law, pass laws, township legislation and regulations, amongst other topics. They also proved to be a valuable meeting place for people from many advice offices and trade unions.

Langa Court

At the end of August the court at Langa ceased to be a commissioner's court under

the control of the Dept. of Co-operation & Development and was reconstituted as a magistrate's court under the Dept. of Justice.

This saw the arrival of a magistrate and a "real" prosecutor from the Athlone magistrates court and a change in the type of cases heard. Instead of endless pass offences passing through the court, they are now interspersed among the petty thefts, assaults and dagga dealing cases. Initially the pass offenders that we were asked to defend appeared in various courts around the peninsula but, as those arrested in the townships and in the southern suburbs (our main constituencies) are now all heard at Langa, defence is easier to arrange. We have found the level of co-operation on the part of both court officials and members of the S.A. Police has improved over the year and our attempts to trace arrested people are usually successful.

We continue to refer contract workers seeking their section 10 1 (b) rights to our panel of lawyers when we feel that their cases merit consideration despite the rejection by the W.C.D.B. of their claims of 10 years continuous employment with one employer. These rejections are usually on the grounds that the contract worker has had breaks of more than 4 weeks unpaid leave between contracts despite the decision of the Cape Supreme Court in the Mthiya case. The W.C.D.B. has appealed against this judgement and the case is due to be heard in February 1985.

Most cases such as these just mentioned and M.V.A. (third party insurance) claims are referred from this office to the State Legal Aid Office where the officials have usually been able to assist in instructing either lawyers of our choice or from their list.

Pass offences

During the year we instructed lawyers to defend 256 people charged with pass offences. The major charge is under section 10 (4) of the Black (Urban Areas) Consolidated Act No. 25 of 1945 — remaining for longer than seventy-two hours in a prescribed area without permission, usually punishable by a fine of R60 or 60 days in jail. When the court became a magistrate's court this was briefly reduced to R50 or 25 days before reverting to the previous figures. According to figures published in the Argus 28.2.84 the number of pass offence convictions in the Cape Peninsula dropped from 9 363 in 1982 to 3 209 in 1983. In the rest of the country the figure showed an increase of 42%. The only reason that we can think of for this decrease (of 65%) is that the W.C.D.B. officials spent a large amount of time during 1983 and the first three quarters of 1984 mounting raids on the various squatter communities to demolish plastic shelters rather than arrest their occupants.

Trespass

During October large numbers of people were arrested for trespassing on land owned by a cement company and abutting the squatter camp along Mahobe Drive in Nyanga East. At the request of some of the squatter committees, we arranged defence for a number of people from whom the committees had raised bail money. 60% of the accused failed to appear, thus estreating the community's money and "buying" themselves warrants of arrest.