

South African Institute of Race Relations - Black Sash
Advice Office Report - September 28, 1973.

The Grahamstown Advice Bureau, run jointly by the Institute of Race Relations and the Black Sash, opened its doors in May this year. It was not long before we were approached by people who had been involved in the Municipal bus accident of February the previous year, in which four Africans died and 40 others were injured.

The story which unfolded was that shortly after the accident a man calling himself an insurance assessor from Johannesburg visited the injured and relatives of the dead, and persuaded 27 to allow him to act on their behalf. Nurses at the hospital allegedly assisted those who found it difficult to sign. Few of the people appear to have understood what they were signing, and they were not given copies of the documents. Compensation totalling more than R20 000 was paid to this man by the company with which the Municipality was insured. In sworn subsequent statements to the Municipal Location Superintendent, the victims all stated that in September they received notification from this man to report to the Grahamstown Magistrate's Court on a Sunday and Monday - the latter being Settlers' Day, a public holiday. The victims' statements reveal that within the court premises this man paid out to them thousands of rands less than the amount he had received. To some, he said this was their full settlement. Others were told that he would return in November with additional compensation for them. Attempts by some of the latter to reach him later at the address he had given failed, and he never returned.

A spokesman for the Johannesburg fraud squad has stated that the man was traced and detained for questioning but the police could not lay charges against him because he had acted as a free agent and police could not prove how much of the money he was entitled to as his rightful and legal commission. The spokesman said the only recourse open to the victims was to institute civil proceedings.

/It so happens

It so happens that the proscribed period in which these people are entitled to lay such charges expires in February, but although the sworn statements - taken at the Municipality of Grahamstown's behest over a year ago - clearly reveal that the matter warranted some action, the victims were not informed of this. The town clerk, Mr. A.D. Lofting, stated this week that the municipality feels it has no further responsibility in the matter. The insurance company is of the same opinion.

The Advice Bureau feels great concern about the state of affairs. Firstly it wishes to warn people - and particularly black people who tend to be more vulnerable in such circumstances - to exercise utmost caution regarding such approaches and in order to communicate this warning it appeals to all branches of the Institute of Race Relations and Black Sash to act as communications media.

Furthermore, it is shocking to find that such legal powers can be gained in this manner and our second urgent appeal is for members to use their influence with those involved in the legal apparatus of this country to ensure that the law is modified. The State has a duty to exercise its guardianship over victims such as those in Grahamstown and should accept as valid only such documents which are signed in impeccable legal circumstances. As matters stand it seems that the law is open to serious abuse.

Thirdly, the Advice Bureau is obliged to express its extreme concern about the apparent indifference which can exist among local authorities. The Municipality of Grahamstown was at the time, and until very recently when this function was taken over by the Bantu Regional Administration Board, the custodian of these people. The accident occurred 15 months ago. If it were not for the fortuitous opening of the advice bureau in May, and its subsequent efforts to notify all the bus accident victims of their civil rights, and to arrange for them to see the Magistrate in order to obtain State legal aid, (for which the great majority qualify) these people might have lost their chance of retribution of any kind through default.

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The default, we believe, would not have been theirs but would have rested fair and square on the shoulders of the Grahamstown Municipality.

These are some of the cases the bureau has already dealt with:

Mrs. W. aged 60, a widow with two sons at school, received severe injuries and can no longer work. She received R75 from the assessor who promised to return and make final payments in November. He has not answered her letters. Mrs. W. exists on an old age pension of R13 every two months. The Magistrate has granted her State legal aid and she may now institute civil proceedings.

Mr. X. aged over 50, was a gardener before the accident but can no longer work. His wife earns R5 a month as a washerwoman. They have five dependent children. He should have received R1408 according to the insurance company. He got R575, Now has legal aid.

Mrs. Y. spent three months in hospital. She was paid out R28 and told she would receive more in November. Mrs. Y was granted a disability allowance after the accident but this will not be paid till November. Her husband receives a pension of R7.50 a month and her son, a gardener, earns R14 a month. There are four dependent children. Now has legal aid.

Mr. Z. sustained a back injury. The insurance company's compensation to him was R530 - he received R195. He earns just over R40 so does not qualify for legal aid.