

GRAHAMSTOWN ADVICE OFFICE

run jointly by the Grahamstown branch of the S.A. Institute of Race Relations and the Black Sash, Albany Region.

REPORT TO THE NATIONAL CONFERENCE OF THE BLACK SASH: ~~CAPE TOWN 1975~~ 1975

Figures from May 1973 to March 1975

PROBLEM	NUMBERS
Municipal bus accident	36
State pensions	.
i. 'Mothers' or 'Widows' pensions	9
ii. Old Age Pensions	2
iii. Disability grants	14
iv. Maintenance orders	10
v. Foster grants	2
Residence rights	3
Disputes with employers	11
Accommodation problems	5
Lodgers' fees complaints	6
Divorce and matrimonial problems	5
Disputes over property rights	3
Breach of promise	1
Poll tax problems	1
Workmen's or accident compensation	7
Kire purchase problems	4
Application for employment transfer on humanitarian grounds	1
Reference book problems	3
Schooling difficulties	14
Miscellaneous	6
	133

March 1 1974 - February 28 1975

<u>Income</u>		<u>Expenditure</u>	
	R370.52	Interpreter's salary	R260.51
7.5.74 Balance forward	100.00	G.A.R.L. (Office & phone)	15.00
14.10.74 "Rhodes Rag"	200.00	Stationary	38.66
26.10.74 "Black Sash"	150.00	Postage	1.12
	R 820.52	Balance in hand	505.23
			R820.52.

SIGNED: F. Bandey, treasurer.

STAFF: + 10 voluntary workers on a roster system, and Mrs Mary Kota, interpreter and responsible for follow-up work, sometimes with assistance.

WORKING HOURS: Saturday mornings, 10.30. to 12.30 or 1.00. Follow-up work during week. Two voluntary workers per session and Mrs Kota every Saturday. Monthly case review meeting attended by all. This is a recent introduction, found necessary when it was discovered that numbers of people who came to the Advice Office, although directed, frequently with letters, to the proper channels, had not been assisted.

MUNICIPAL BUS ACCIDENT 1972

An incident which brought us some of our first clients, a number of whom we were able to obtain State legal aid when they would otherwise apparently have lost all rights to any legal action.

A report in the Sunday Times last year stated that "considerable disquiet is being caused by complaints that some insurance claim consultants in South Africa are pocketing more than 80 per cent of the money paid out to them by insurance companies on behalf of their clients. There is little that can be done to stop them . . ."

In the Government Gazette, No. 4467, October 25, 1974, a proclamation announced the appointment of a State Commission of Inquiry into certain aspects of Compulsory Motor Vehicle Insurance. Of particular interest to the Grahamstown Advice Office were two of the terms of reference:-

- (a) (v) whether special tariffs should not be fixed for legal and medical costs of the handling of claims and the treatment of third party patients
- and (vii) whether claimants are exploited by their representatives and, if necessary, whether control should be introduced.

The Grahamstown Advice Office compiled a memorandum, supplied a list of the victims and details of "compensation received by some, and appended copies of affidavits made by victims to the Location Superintendent acting as commissioner of oaths. We have just received a notification from the secretary of the Commission stating that the memorandum will be placed before the Commission. One of our saddest pieces of news was to hear of the death, in September, of Mrs G.K., the second of the 36 people who came to us to seek assistance in this matter. Mrs K. was paid out R28 by the "agent". The accident left her totally disabled and a disability grant was applied for. Eighteen months after the accident she had not yet received the grant. The Bantu Affairs Department informed us that a "reminder" would be sent to Pretoria and "she should receive notification within the next two months, together with any back payments which might be coming to her." Mrs K. was disqualified from receiving assistance from G.D.R.A. because her husband received an old age pension of R7.50 per month and one son earned R14 per month as a gardener. Their rental was R3.22. per month. They had three children at school.

She was the first person involved in the bus accident to be granted State legal aid by our Chief Magistrate, Mr Maritz, who after some initial scepticism regarding what people stated their salaries to be, has given us unfailing assistance and cooperation since his transfer to Grahamstown.

Latest information from the attorneys handling her case is that "action was instituted in the Supreme Court for damages in the sum of R13 360. The pleadings were closed during August and the plaintiff died early in September. In consequence the claim for damages is transmissible to the plaintiff's estate. Application has been made for trial dates and it is anticipated that the case will be set down for trial during the latter half of 1975 . . ."

Others involved in the bus accident only came forward after the date of prescription had expired - they were working in Port Elizabeth and only heard about the help available too late. Our L.P. Mr Bill Deacon actually had to make representations to the Minister of Transport for an extension of the prescription date because matters had been left in abeyance for so long by the Municipality.

Most of the victims will eventually gain in one respect only - they have learnt that it is not The Law to sign a piece of paper for any white man who demands it.

STATE PENSIONS

This section of the work has perhaps caused us the most concern. We are hesitant to apportion blame. The cooperation of the Chief Magistrate has naturally affected the attitude of others in his orbit. We must agree with the Athlone Advice Office that "...anger in the manner of an official could sometimes be recognised as in fact being pain over his unpleasant duty disguised as annoyance with the person concerned." The anger is because behind the person concerned is another person concerned, and another, and another, and another, and another...

We have had disquieting indications that the administration of payments may be open to abuse and are following the matter up.

i. 'Mothers' or 'widows' pensions as they are known are payable to mothers of minor children (under 16) whose fathers have died or disappeared, provided the mother earns less than R10 per month, regardless of the number of children. Dina M, a Rhodes University employee earning R23 per month, was attempting to support three children at school following the death of her husband in 1960. She was disqualified because — despite the advice of a sympathetic official — she insisted on stating her true salary.

Sophie L, also a widow, received maintenance for her four children which ceased completely when she reported to the official of the Bantu Affairs Commissioner's office that the eldest girl had dropped out of school. Eighteen months elapsed before any maintenance was restored and she received no back pay. These grants are made under the Children's Act of 1960, No. 33, and are "just to keep the family alive". If the family manages to stay alive for 18 months without maintenance, it is argued, they actually probably do not need the grant. If they can produce affidavits to show that they have had to borrow money to stay alive, the magistrate may be able to make representations and some arrears might be forthcoming. Incidentally, Sophie's eldest son was head boy last year in a Port Elizabeth school and wishes to study medicine. He worked hard, his headmaster said, but was often tired because he had weekend gardening jobs, and did not always do as well as he could in exams.

ii. Old Age Pensions. James M and his wife were destitute. He had been employed by the health department of the Grahamstown municipality for 30 years when a domestic accident crippled his leg. He was paid an annuity of R300 but the municipality took no steps to ensure that a disability or pension application was made on his behalf. Eighteen months later he was being locked out of his house for failure to pay rent. Miss Phindiswa Jali, then social worker for the Grahamstown B.A.A.B. (now with Child Welfare in East London), was approached and set the machinery in motion but as usual months elapse before pension actually begins to be paid. The City Council very kindly gave Mr M a "long service award" in November — R20. A further approach to the City Council in January when the pension had still not arrived resulted in a "loan" — also of R20 — for which the Advice Office has had to undertake the repayments.

Maggie Mth. came to see us in November, with the request that we ginger up the authorities regarding her old age pension which had been applied for in June. We had to tell her that this would only succeed in annoying the authorities. She was entirely without support except for £ R2 sent by her granddaughter who worked in Uitenhage, to cover the cost of her rent. The members on duty were so shocked by her emaciation and air of hopelessness that it was decided to give her rations out of their own pockets. On the second visit to her room the landlady informed us that she had been taken to hospital, seriously ill. She died just after Christmas, never having received an Old Age Pension.

iii. The six-monthly review of disability grants in the case of illnesses such as tuberculosis or a BROKEN leg is understandable, but WHY in the case of a man who has lost his leg? We have every admiration for black people for their tenacity and determination in defeating obstacles but we did not know that they were even capable of growing new limbs.

iv. Maintenance orders are something the Black Sash could take up in this "Women's Year", for both black and white mothers. To get them is hard enough, to ensure that they are regularly paid is hell's own job. "The poor father might have been sick this month, or lost his job, or after all it's Christmas" is what we are told. The father is always given a month's grace, then a warning. "No point sending the man to jail — he won't be able to pay a bean then," says the man at the Magistrate's Court. Unwed mothers have to report to the police that the fathers of their child/children are not paying, or have disappeared. The police are supposed to look for them Child Welfare cannot help until the police confirm that they have been unable to trace the father. The police usually tell the mother to trace the father....

v. Foster grants are the only grants where the income of the foster parent is of the number of children. However, as with other

immaterial and regardless of the number of children.

known owing that they will probably have to wait for months before receiving the R5 per month per foster child up to the age of sixteen.

The same delay is frequently inexplicable, especially in the case of accident or workmen's compensation and we endorse the Grahamstown advice office comment that people have to wait months and gauge days spent at B.C. offices before they may be lucky. In one case we obtained prompt action by writing direct to the Chamber of Mines.

Delay caused tragedy in the life of Mr S.D. who was employed by a public utility corporation in Port Elizabeth and applied for transfer to Grahamstown because his wife was seriously ill. We endorsed his request on humanitarian grounds, and received a reply that since there was no suitable vacancy his request could not be acceded to. A later letter from an advice office official reads:

"I enclose forms which we filled out incorrectly for your employee. They were returned to him and he is now in possession of forms which are correctly filled out, we hope. If there is any error in the new forms he will present to you, would it be possible for you to help him with them? He has waited in hope for a long time, during which his invalid wife has died. His child is more than ever now in need of her father's care. I hope you can help him . . ."

Mr Roland Freeman, formerly Municipal location superintendent and now the Cape Hillside B.L.B. Township Manager, is a most humane, cooperative and constructive ally.

We have noticed an improved attitude on the part of the S.A. Police although the two charges laid some time ago by people who came to the advice office alleging illegal non-payment by their employers have not yet come to court.

MORE POSITIVE ASPECTS . . .

1. Fingo Village, declared a Coloured Group Area despite protest from all. The Advice Office received complaints that lodgers were still having to pay tax, i.e. a double income was being reaped. After our petitioning the director of the B.L.B. he informed us that the practice of levying fees for lodgers in the Fingo Village has been officially discontinued.

Furthermore, it appears that Committees Drift is no longer to be a dumping ground for Grahamstown and other blocks. Of course, the alternative might be worse.

2. Mr S.H. was born in a rural area but lost the fingers of his left hand in a mine accident. He was refused access into urban areas to seek work although his disability rendered him unfit for farm work. We were advised to apply for a disability grant for him. Our redoubtable chairman Mrs Nancy Charton said "Stuff and nonsense - why should we turn a man who wants to work into a charity case. I will take this matter up in the highest quarters," which she did - and received a communication from the Ministry of Bantu Administration to say that "your representations have been investigated and I have pleasure in informing you that arrangements have been made for the Bantu in question to be placed in suitable employment with . . . in Grahamstown. The matter may therefore be regarded as finalised."

3. Our interpreter, Mrs Mary Kota, has developed a subtle understanding of people's problems, of the law, and has developed such a sense of commitment that she wishes to study social work.

4. We have noted a growing concern with education among the community as a whole. One of our numerous callers early this year was L.D. whose mother died last year and whose father was not interested in educating him. Help has been found for him and for many others, through the G.A.D.R. Education Fund.

We agree with the Johannesburg Advice Office that people do not, by and large, know the limited rights they do have in law and we are at present considering ways and means of this kind of education too.

LEGAL ASSISTANCE

In Grahamstown we do not have an attorney or attorneys who give unstintingly of their time although one or two friends will help if approached now and then. The Rio des Students' Law Society dissociated itself from us last year because of a mildly inaccurate press report which indicated that we gave legal advice - a tendency we have studiously avoided doing.

The local press has in fact been extremely helpful in publicising the Advice Office. Our numbers are steadily growing - but it will clearly be seen that our problems are not those of Cape Town's and Johannesburg's iniquitous "endorsements out".

report by MERCLA WILSON
vice-chairman and officer
Grahamstown Advice Office