

## Pensions in Kwazulu

### Paper for Black Sash National Conference

March 1984

The administration of pensions in Kwazulu has never been worse and the resulting suffering of the people has never been greater.

The unquestionable right of people to a pension was most aptly put by an old gentleman in the Advice Office. He said: "I paid my taxes to Prime Minister Malan, Strydom, Verwoerd, Vorster and Botha. Now I must have my pension for my old age."

Kwa Zulu pensioners are considerably worse off than those under the central government. The Department of Health & Welfare will have to implement drastic improvements if the Kwazulu government is to continue to argue that self-government is in the best interests of the people. At present Kwazulu pensioners are critically disadvantaged by shortage of funds and chaotic administration.

#### Shortage of funds.

Chief Buthelezi has acknowledged that 100,000 people in Kwazulu qualify for pensions but cannot receive them because the region lacks the funds. (Natal Mercury 7/2/84)

The Secretary for Health & Welfare has admitted that Kwazulu always has a backlog "but now we have a terrific backlog". She said an increase of 50% to the budget was necessary so that every pensioner could be paid. (Sunday Tribune 22/1"84)

The Advice office has spoken to Magistrates, District Pension offices and Co-operation and Development officials acting as agents for Kwazulu. All have confirmed that in their respective areas no new applications had been processed since either January or March 1983. Our experience with people in the Advice Office has confirmed this.

Dr Mdlalose, the Minister of Health & Welfare, has said that it is doubtful whether the Kwazulu Government would be able to meet the new pension applicants of 1984 because "we simply do not have enough money to do this". He also said that the money received from the Department of Co-operation & Development was not enough to allow backdating of pensions to the date of application. He said pensioners who had applied as long ago as June 1983 would be paid in March 1984 and that prior to June 1983 applications had been paid. (Daily News 5/3/84) This last statement conflicts directly with lists of people who have come to the Advice office and who have waited since the beginning of 1983 for their pension. Dr Mdlalose said there was a backlog of 24 000 applications, most of which would be paid in March. The Department of Co-operation & Development have responded by denying that they knew anything about a shortage of funds. (Natal Mercury 6/3/84)

In March 1983 an additional R31 million was voted to the Department of Health & Welfare. It apparently covered the backlog for 1982. The R174,799,412 budgeted for the year ending March 1984 has been totally inadequate.

No one who has an income of more than R40.00 a month or who is collecting unemployment benefits can apply for a pension. It is only the destitute who apply - and it is the destitute who have now waited over a year to receive something which is their legal right.

In 1977, apparently in anticipation of long delays in the processing of pensions, KwaZulu amended Section 10 of its pension regulations to say that a pension would be paid after the application was approved. Prior to 1977 it was paid after the application was made. The effect of the amendment is that the longer the delay in processing applications, the greater the financial benefit to KwaZulu. A pensioner who applied in March 1983 and is lucky enough to be paid in May 1984 will have lost R742 to KwaZulu through a delay over which that person has no control. The central government pays pensions from the date of application.

#### The Review system and failure to pay arrears.

Reviews are done for disability grants where the person is not permanently disabled and for any pension where a procurator is appointed to collect the pension on behalf of the pensioner. Section 8 (e) of the Regulations sets out the matter of reviews. "A review shall be done from time to time but at intervals of not less than 6 months". The Department of Co-operation & Development has the identical regulation and requires people to be reviewed once a year. KwaZulu has opted for the shortest possible interval between reviews. This means that people who are too old or sick to go to the payout every 2 months are nevertheless required to make a journey to the Magistrate's office, often much further away, every 6 months.

Pensioners are supposed to receive adequate warning that a review is required. This does not happen. People receive their warning card just before or just after their pension has stopped. The Department of Health & Welfare's administration is such that it takes 4 to 6 months to process a review, during which time the pensioner gets nothing. When the documents are finally processed the pension is re-instated without arrears. We have cases where people have completed 3 sets of review forms before being re-instated and many pensioners experience a 6 month pay - 6 month no pay cycle.

The whole object of having a procurator is to avoid travel and worry and to facilitate payment for the pensioner. It is an object which is being totally defeated by the present chaos with review documents.

The Advice office drew up a report on the review system in August 1983. It has never been acknowledged by the officials to whom it was sent. It is difficult to see any reason for insisting on a 6 monthly review other than that it is bound to operate against the pensioner and to the financial gain of KwaZulu.

65.5% of our pension cases involve arrear claims. Most of these claims are for people whose reviews have been delayed and who are not paid arrears on re-instatement. These arrears should be paid as a matter of course but instead it requires constant pressure from the Advice office, threats of legal action and actual legal action. Over the past year the Advice office has claimed R58 000 in arrears. R20 000 of that is still outstanding, representing the claims of 52 people.

For every person in the Advice office there are thousands who never find help and who will never get paid their due. KwaZulu is finding a quick way of saving in the abuse of the review system and the subsequent non-payment of millions of rands worth of arrears.

#### Cases Involving Delays:

Mr. M. lives in Hammarsdale. In February 1983 he applied for a disability grant. In January this year he went to the pension clerk to ask why his application was taking so long. He was simply told that KwaZulu had no money to pay him.

Mr. T. lives in Inanda. He is 70 years old. He applied for a pension in 1981 and again in November 1982. He came to the Advice Office in September 1983 because he had been told to make a 3rd application. The Department of Health and Welfare confirmed that the application was with them and should be paid in 1984. He has still had nothing.

#### Cases Involving Reviews:

Mrs. M. is a very frail old lady who is unable to walk without the assistance of 2 people. Her daughter is her procurator and collects her old age pension for her. In March 1983 there was no money at the payout and a clerk told the procurator to come back in May. When there was still no money Mrs. M. was taken in a taxi to the Magistrate's office. Review documents were completed. In September the procurator came to the Advice office for help. They had still not been paid. In October the Department of Health and Welfare replied to enquiries and said no review documents had been received. This was 5 months after completing them. In November the case was referred to a lawyer and the pension re-instated in January 1984 with arrears. It was a year since Mrs. M. had last been paid.

Mrs. S. is one of many who have had their pension withheld more than once. In March she was not paid and the Advice office wrote on her behalf and she was finally re-instated in July 1982. Again in March 1983 her pension stopped and she was told to fill in a review form. By November 1983 after much correspondence her case went to a lawyer and she was paid arrears and her pension re-instated in January 1984. Between January 1982 and January 1984 Mrs S had been paid at 6 out of 13 payouts.

Mrs. D's old age pension stopped in March 1983. She came to the Advice office in August. She had already completed two lots of review documents. In September the Department of Health and Welfare refused to re-instate her pension saying they had no review documents. Finally the Magistrate in her area was asked to confirm that her review forms had been sent to Ulundi. She did this and in January 1984, 9 months after her pension stopped, it was re-instated without arrears. She now has a claim for R528,00 with a lawyer.

Implicit in all these cases is the mental and physical suffering of the people. They and their families are desperate. They describe how they beg, borrow and scour the veld to stay alive; how every two months the wait at the payout ends in despair; how panic has gripped them and they no longer know how to go on from day to day.

There is a particular kind of human torment involved in waiting as these people must wait, payout after payout.

KwaZulu plays the game of self-government at the expense of these people. In spite of having a statutory duty to pay pensions Dr. Mdlalose has glibly passed the blame over to the Department of Co-operation and Development. He has even sarcastically commented "Mrs Nicholson must go to Pretoria herself to the Department of Co-operation and Development and ask them for more money to give us". (Daily News 5/3/84). However, if that Department is correct in saying it had no knowledge of the shortage of funds then something is seriously wrong with KwaZulu's budgeting and with the administration which should have responded immediately when the problem became evident.

And inspite of Dr. Koornhof's avowal in Parliament this year that the Government would not penalise black homelands that refuse to accept independence the evidence is that they are being severely penalised.

In the middle of this grotesque political farce are the pensioners.

Paper by; Jillian Nicholson  
Supervisor  
Black Sash Advice Office  
DURBAN.