

# ADVICE OFFICE REPORTS

*for the months of April and May*

## Johannesburg

The Bantu Affairs Administration Board in this area starts operating on July 1. It is impossible to make predictions as to what effect this will have on the African people who live and work in Johannesburg.

The law remains the same and the rigorous provisions of Section 10 (1) of the Urban Areas Act must still be complied with as before. Individual prescribed areas within one Administration area remain separate prescribed areas and the right to remain in any prescribed area can still only be acquired by residence in that one area.

For example, a man who lives lawfully in Johannesburg for nine years and in Alexandra for seven years will not acquire rights in either area in terms of Section 10 (1)(b), even although both fall under the same Administration Board and the total number of years of lawful residence comes to more than 15.

It is to be hoped that the Boards will make every effort to inform the public exactly what the implications of the Act are. It will indeed be much easier for a man who has been working in Roodepoort, for example, to be registered in new employment in Johannesburg. But if he is not already qualified as a permanent resident of Roodepoort he may find he has prejudiced his chances of ever qualifying.

The Act says that any African who has already qualified in terms of Section 10(1)(a), (b) or (c) in one prescribed area or who becomes so qualified in the future may reside and work in another prescribed area *within the same Administration Area* without losing his permanent right to remain. He will only lose his rights in the first area after he has acquired rights in terms of 10 (1) (b) or (c) in the new area. He will, of course, lose his rights if he lives and works in any town outside the Administration Area to which he belongs. If he loses his right to remain in one prescribed area he is also disqualified from remaining in any other prescribed area administered by the same Board.

Johannesburg, with Randburg and Sandton, is included in the West Rand Administration Area with the districts of Krugersdorp, Randfontein, Roodepoort, Westonaria and that part of Kempton Park which falls in the Sandton magisterial district.

The East Rand area includes the rest of Kempton Park, Alberton, Benoni, Boksburg, Brakpan, Germiston, Heidelberg, Nigel and Springs.

It is a great pity that the whole of the Rand is not included in one area. There already seems to be tremendous confusion in the minds of the general public who seem to believe they will be free to accept work anywhere or, in the case of employers, to move their labour to different areas. There is little understanding on the part of employers as to the effects on the private lives and futures of Black employees.

It is a cause of great concern that employers may move their factories from one town to the next within the same Board area without investigating the position of each individual worker. Workers will be registered in the new area with no difficulty so the employer will be alright, but if a Black man who does not already qualify in the original area leaves that job before he has been ten years in the new area he may find himself endorsed out. It is essential that Africans make sure of their position in terms of Section 10 (1) before they accept work in another place or agree to be transferred to another factory or another branch.

We would like to see large notices in every labour office setting out these facts in all languages. Employers can be very helpful by making themselves familiar with Section 26 of the Bantu Affairs Administration Act and taking its provisions into consideration when transferring workers, and also by making the provisions known to workers.

It is not clear what will happen to a man who is the registered tenant of a house in one of the African residential areas. The housing regulations say that the tenancy will be cancelled if a man ceases to occupy the house

together with his dependants. Until this is clarified a man who has a house and goes to work in another place would be well advised to commute every day rather than to find new accommodation. Even though he does not lose his *right* to rent a house, the shortage is so great that it might be many years before he reaches the top of the list again in his original area.

The following cases illustrate the difficulties encountered by people who move from one place to another. Some of them would have been helped had the new legislation already been in force, but for others the new Act would have made no difference.

MR. G.O.M. came to Johannesburg 13 years ago and has worked for the same firm for all that time. Unfortunately they transferred him to Kempton Park four years ago. He has now left this job and has been endorsed out of Kempton Park and Johannesburg and will have to spend the rest of his working life on annual contracts. The new Act will not help men like him because Johannesburg and most of Kempton Park are not in the same Administration area and in any event he had not established a 10 (1) (b) right in Johannesburg before transfer.

MRS. M.L.S. has been refused registration in her employment in Johannesburg. She first came here from Mafeking in January 1959 which means that she did enter the area lawfully. She worked for one employer from 1959 to 1962 and for another employer from January 1963 to March 1973. This employer did not register her. During this period she went back to Mafeking once for one month when she was given a visitor's stamp in her book from that area.

In April this year she found a new job in a new suburb to the north of Johannesburg. She did not realise that this suburb was actually in Randburg. Her new employer took her to the Randburg Labour Office and she was refused registration and ordered to go back to Mafeking.

She only remained in Randburg for one week. She has now found new employment in Johannesburg but because of the Randburg stamp in her book and the fact that she had not registered in her previous employment in Johannesburg she was refused registration. It is to be hoped that this sort of problem will be assisted by the closer co-ordination of offices in the Administrative Board Area.

MR. M.M.K. has been ordered to leave the prescribed area of Johannesburg within 72 hours. He first came here in 1952. He has been working continuously in registered employment in Johannesburg for 20 years. But in 1971 the firm he worked for in Johannesburg took him for six weeks to work in Ermelo.

His book was stamped that he was permitted to remain in Ermelo while employed by that firm from September 15 1971 to October 30 1971. He remained in Ermelo for that period then returned to Johannesburg, as instructed by his employers, and remained registered with them in Johannesburg until 1973.

When his employment was terminated he was refused registration as a work-seeker and told to go. He is hoping that his appeal to the Bantu Affairs Commissioner will succeed. If it fails he will have to spend the rest of his life on one-year contracts and it is doubtful whether he will be able to utilise the skills he has acquired. He has a wife and eight children to support.

The Administrative Act will not be of any help in this sort of situation.

MRS. M.E.N. was born in Sophiatown and grew up in Johannesburg, living with her parents. In 1958 she began working in domestic service in Florida and worked there until 1966. By this time her parents were living in a house in Meadowlands.

She was refused permission to live with them there and was endorsed out of Johannesburg. In 1969 she was told to report to the Roodepoort Labour Office which controlled employment in Florida. She was endorsed out of the Roodepoort area as well. She then had nowhere in the whole of the Republic where she could live legally.

In 1971 she married a man who lives lawfully in Johannesburg and is the registered tenant of a house in Meadowlands. Her husband tried to have her name enumerated on his permit but this was refused and she was endorsed out again.

If the Bantu Affairs Administration Act had been in force in 1958 Mrs. N. would have been able to work in Florida without losing her rights in terms of Section 10 (1) (a) to remain in Johannesburg. It is to be hoped that the authorities will regard her present appeal with sympathy so that she may live lawfully with her husband.

MISS V.T.B. has worked in Johannesburg since 1952. She was registered in her employment from the time this became compulsory until July 1972 when she injured her back. She went to hospital in Umtata for treatment and when she returned to Johannesburg in April 1973 she was ordered to leave the area within 72 hours.

The new Act does not help her at all.

MR. AND MRS. M. have both found themselves in a desperate position because of the rigid requirements of the law and are not assisted in any way by the provisions of the new Act.

Mrs. M. was born in Alexandra in 1932. She lived there until 1954 when she moved with her parents to Sophiatown. In 1957 she married Mr. M. in Sophiatown. He is a Johannesburg man and at that time was a member of the police force. In 1958 he was transferred by the police to Benoni. She went with him and they lived there until 1967. He was then transferred to Port Elizabeth. She did not go with him this time but stayed with her sister in Alexandra.

She was registered in employment in Sandton as a contract worker in 1970 and 1971. Her husband left the police force in 1970 and returned to Johannesburg. She has lived with him illegally since then. He was endorsed out but after great difficulty was given permission to work here. She, meanwhile, was told to go to the hostel in Alexandra, which she could not do because they have six children. She was ordered to leave Johannesburg in 1972.

Both of them became displaced people because the police transferred him to other areas in the course of his duty and their children are also displaced for the same reason. If she is given permission to work in Johannesburg they will not qualify to rent a house of their own until 1986 — 15 years after he was again registered in Johannesburg. The new Act makes no difference to them. Benoni is not in the same area as Johannesburg.

SHEENA DUNCAN

## Durban

After April's rather depressing report, which was due to the poor response we had, I am delighted to say that May was so busy that

we had to open the Advice Office on Friday mornings as well. We have had 48 new cases.

Most of the problems are to do with the issuing of work seeker's permits. Many of these people can get employment and accommodation as lodgers, either with relatives or in hostels, but that is no longer any guarantee for getting a work permit. If they do not qualify under Section 10 (1) (a) or (b) they simply have to go back to their respective homelands, and wait to be requisitioned back into Durban as contract workers, and then they may only return as flat workers, domestic servants, or builders' labourers. Any means of earning a living in the homelands seems to be almost non-existent.

When the new Bantu Administration Boards come into effect in a month or two, Natal will be divided into three main areas — namely Northern Natal, Port Natal and the Drakensberg.

The area which will be of main concern to us is Port Natal, and this stretches from Port Shepstone and Port Alfred in the South, to Mapumulo and the Lower Tugela in the North, and inland as far as Pinetown and Ndwedwe.

Theoretically this new arrangement seems very favourable, as it allows people, for example, in the area of Port Natal to move about quite freely, PROVIDED that they have legal accommodation in the area in which they choose to work and, naturally, employment.

The question of accommodation is very depressing indeed. Many, many people qualifying under Section 10 (1) (a) or (b) in Durban are not able to get proper accommodation for themselves or their families. The shortage of houses is critical and it would seem that people who have a right either by birth or by long-term residence and employment, are simply unable to live by any sort of 'human' standards in their own home towns.

Where can they go? No one is able to answer that question — they haven't a homeland to be 'endorsed out' to, because they belong here in Durban.

But there are no houses available, the waiting lists are years long. The whole housing system for Black people is quite sickening.

One wonders how the new Bantu Administration Boards are going to overcome this and if this new division of Natal into three areas will be of benefit to the African people.

We have had only one success this month, and that to do with a housing problem.

MR. M. was turned out of his house at Lamontville, though he had lived there for 20 years and always paid his rent. At the time he was unemployed, but has since found employment and so the decision to evict him was reversed.

We hope for some success on a number of 'endorsement out' cases stil being investigated.

SOLVEIG PIPER

## Athlone

Many more men than women are coming to us at present, money problems being numerous. Queries about Unemployment Fund claims brought 20 people in April.

Six young people came to the Advice Office because they were having difficulties over obtaining reference books in the Peninsula. About 12 female breadwinners were struggling against insuperable odds to get permission to work in the area; all had would-be employers clamouring for them.

Seventeen married couples dared hope for permission to live together. Only by changing the law could our society now be remotely normalised, so not one of these astonishing hardships had a happy ending in sight.

There were no legal cases finalised during April, and apart from such special but familiar hardships as are listed above, there have been no particular developments to report until April 27 when under the Bantu Administration Act, Bellville, the Cape, Simonstown and Wynberg were declared to be one Bantu Affairs Administration Area under a Board still to be appointed, and from a date still to be determined. The rest of the South Western Cape is to be one Bantu Administration Area stretching from Hermanus to Namaqualand.

The co-option of Divisional Council and Municipal personnel, who are to continue doing the same jobs under the new management (with the exception of one or two retirements) will smooth the transition and presumably blur the effect of the state's take-over. But 15 years' experience of the trend towards total rigidity in administration of all laws affecting Africans does not make us optimistic at the Advice Office.

Among the 17 couples who expressed a wish to reside together "ordinarily" in the urban area in which the husband qualifies is MR. M.M. of Stellenbosch and his wife. They lost twins some months ago, and her health is poor. She is at Herschel, waiting for a visiting permit which has been held up by the housing shortage at Stellenbosch.

Her husband lives in single quarters there and no family accommodation is available, even for temporary visitors. They have decided to apply for permission for her to stay with friends in Nyanga, as the visit is necessary from a medical point of view.

Two contract workers D.A.V. and Mz.S. were taken back by their building firm when one of our workers took them to the manager and pointed out that he was not at liberty to send them away when he was short of work for them. Having engaged them on a contract basis, he could only terminate the contract by mutual agreement, signed in front of an official at the Department of Bantu Affairs. The employer had been totally ignorant of this, and he promptly took the two men back.

B. D. VERSFELD

It is of great importance in a republic not only to guard against the oppression of its rulers, but to guard one part of society against the injustice of the other part.

— Alexander Hamilton, 1788

