

PROFESSIONS

FEB '75 - DEC '77

HANSARD 3 Q. column 174-175.
18 February 1975.

**Salaries of teaching staff of University of
Durban-Westville**

*26 Mr R J LORIMER asked the
Minister of Indian Affairs

- (1) Whether any steps were taken during 1974 or January 1975 to close the gap between salaries of White and Indian members of the teaching staff of the University of Durban-Westville, if so, what steps if not, why not
- (2) what are the present salary scales of Whites and Indian members of the staff, respectively

†The MINISTER OF INDIAN AFFAIRS

- (1) Apart from the new salary scales introduced as from 1 July 1974 which on the whole brought about a further narrowing of the gap between White and Indian salary scales, the university council was also authorized to supplement the salaries of Indian teaching staff from its own funds up to parity

(2) Whites

Professor R10 800 × 450—12 600 × 600—13 800
Associate Professor R10 800 × 450—12 600—13 200
Senior Lecturer R8 460 × 360—9 900 × 450—11 250
Lecturer R6 300 × 360—9 180
Junior Lecturer R4 920—5 100 × 240—6 300 6 660

Indians

Professor R9 900 × 450—12 600—13 200
Associate Professor R9 900 × 450—12 600—13 200
Senior Lecturer R7 740 × 360—9 900—10 350

Lecturer R5 820 × 240—6 300 × 360—8 460
Junior Lecturer R4 560 × 180—5 100 × 240—6 060

250

HANSARD 3

Q. column 211-212.

21 February 1975.

**Salaries of White/Bantu teaching staff
at universities for Bantu**

*13 Dr F VAN Z SLABBERT asked
the Minister of Bantu Education

- (1) Whether any steps were taken during 1974 or January 1975 to close the gap between salaries of White and Bantu members of the teaching staff of universities for Bantu, if so, what steps, if not why not
- (2) what are the present salary scales of White and Bantu members, respectively, of the staff of these universities

†The DEPUTY MINISTER OF BANTU
ADMINISTRATION AND EDUCA-
TION (Reply laid upon Table with leave
of House)

- (1) Yes The salary improvements which were granted with effect from 1 July 1974 entailed

The introduction of the same
keyscale for White and Bantu
members above the R4 200 notch

A more favourable salary ratio
for Bantu members compared to
the scales for Whites

- (2) Professor

White	R10 800	×	450—12 600	×
	600—13 800			
Bantu	R8 820		360—9 900	×
	450—11 700			

Senior Lecturer

White	R8 460	×	360—9 900	×
	450—11 250			
Bantu	R6 660	×	360—9 180	

Lecturer

White	R6 300	×	360—9 180	
Bantu	R5 340	×	240—6 300	×
	360—7 740			

Junior Lecturer

White	R4 920—5 100	×	240—	
	6 300—6 660			
Bantu	R4 050—4 200	×	180—	
	5 100—5 340			

250

Answered 4 Q. column 314-6
28 February 1975.

1 Educator - University
250.

University of the Western Cape: Salaries of Whites/Coloured teaching staff

*17 Mr R J LORIMER (for Mr C W Eglin) asked the Minister of Coloured, Rehoboth and Nama Relations:

- (1) Whether any steps were taken during 1974 or January 1975 to close the gap between salaries of White and Coloured members of the teaching staff of the University of the Western Cape; if so what steps; if not, why not;
- (2) what are the present salary scales of White and Coloured members of the staff, respectively.

THE MINISTER OF COLOURED, REHOBOTH AND NAMA RELATIONS
(Reply laid upon Table with leave of House).

(1) Yes it has been decided that the result of the Western Cape Council of the approved

between these salary scales and the corresponding salary scales of the White lecturing staff could be narrowed down, or could be brought on a par.

(2) The present salary scales of the respective White and Coloured staff members of the above mentioned University are as follows and apply from 1 July 1975:

Coloureds

HANUARD 6

14 March 1975

Q. column 474-5

Students of geology/mining engineering

*16 Dr F L FISHER asked the Minister of National Education

How many students studying to become (a) geologists and (b) mining engineers are there at each university in the Republic

The MINISTER OF NATIONAL EDUCATION

	(a)	(b)
UP	42	23
RAU	58	—
PU vir CHO	38	—
UPE	21	—
UNISA	40	—
UOFS	52	—
Natal	86	—
Wits	39	68
Rhodes	64	—
US	47	—
UCT	36	—

Note

(1) In addition to the figures under (a) there are 104 students at Natal, 73 at Wits and 57 at UCT taking geology as a subject in first and second years. It is, however, not possible to determine whether they intend to become geologists or not

(2) Figures for post graduates in respect of (b) are not available since these

figures are grouped together for all post-graduate engineering students

1. 250

2. Educ - University

Hangard 11

Q column 764

21 April 1975.

Training for non-White professional engineers

269 Mr H E J VAN RENSBURG asked the Minister of National Education:

At what universities and colleges for Whites can Coloureds, Indians and Africans, receive training as professional engineers

The MINISTER OF NATIONAL EDUCATION

At universities offering such training and which are prepared to enrol them and on condition that they comply with the provisions of sections 31 and 32 of the Extension of University Education Act 1959 (Act 45 of 1959) Colleges do not provide such training

~~1. May 1975~~

2 (250)

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Question
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margin

HANUARD 4

Q. column 314-6

28 February 1975.

1 Education - University

2 250.

University of the Western Cape: Salaries of Whites/Coloured teaching staff

*17 Mr R I LORIMER (for Mr. C. W Eglin) asked the Minister of Coloured, Rehoboth and Nama Relations

- (1) Whether any steps were taken during 1974 or January 1975 to close the gap between salaries of White and Coloured members of the teaching staff of the University of the Western Cape, if so what steps, if not, why not;
- (2) what are the present salary scales of White and Coloured members of the staff, respectively.

†The MINISTER OF COLOURED, REHOBOTH AND NAMA RELATIONS (Reply laid upon Table with leave of House).

- (1) Yes it has been decided that the University of the Western Cape will implement the approved salary scale for Coloured lecturers from 1 July 1974 on funds provided.

tween these salary scales and the corresponding salary scales of the White lecturing staff could be narrowed down, or could be brought on a par.

- (2) The present salary scale of the respective White and Coloured staff members of the above mentioned University are as follows and applicable with effect from 1 July 1974:

Coloureds

1200
1520
1800
2100
2400

R4 60x180-5 100x240-6060

Seven Black specialists quit

RDM
15/5/75

CAPE TOWN.—The entire Black staff of a division of the National Institute for Personnel research, all specialists in labour motivation and problems of staff morale and absenteeism, resigned last year when they found better jobs elsewhere.

The seven, all men with bachelor or honours de-

grees, left the industrial ethnology division of Personnel Research because so many jobs in this field had been created in industry, according to the latest report of the Council for Scientific and Industrial Research (CSIR).

Their work entailed interviewing Black subjects

in studies of attitude and morale, absenteeism, labour turnover and motivation. The staff had stayed in the same jobs for many years, but with the recent changes in commerce and industry, there were now many openings for Blacks in the personnel management field, said the CSIR.

Wits dispute —talks plan

750

Labour Reporter

Administrative leaders of Witwatersrand University are to meet student representatives soon following exchanges in the university's newspaper, Wits Student, over campus wages and compound conditions.

This was announced today by Mr Howard Barrell, one of the student investigators who met the registrar, Mr A.J. Herholdt, on Friday.

The meeting came after Wits Student disclosures last week on Black wages and living conditions.

According to a survey, 28

percent of the 467 "wage paid" workers at the university were earning less than the "recognised poverty datum line" of R105—R110 a month.

The deputy vice chancellor, Professor Ellison Kahn, replied in Wits Student today that the administration did not claim compound conditions were in a satisfactory state. But more than R60 000 had been spent on facilities since 1973.

The students wrote today "It is foolishness and will be taken as a sign of the incompetence of the university's financiers if it is asserted that the university cannot afford to pay its Black workers a living wage."

Talks on engineer training for UCT

ARGUS 10/6/75 (250)

THE seventh conference in the series on education and training of engineers, arranged by the Federation of Societies of Professional Engineers, will be held at the University of Cape Town from July 2 to 4.

The theme of the conference is Engineers in Training and will deal mainly with the training of engineers-in-training, postgraduate education and continuing education of engineers.

Professor V. L. Granger, Dean of Engineering at UCT and local convenor of the conference, said: 'The conference covers a broad spectrum of the training of engineers. It is important that people are properly trained in this field, which affects almost every aspect of our mode of living, to prevent enormous wastage of money.'

General discussion would include the kind of training offered by industries, how best to utilise time and the continuing training of engineers once they have left the university environment.

'Only by constant reading and training can an engineer keep abreast of new techniques and developments in a rapidly changing world,' Professor Granger said.

All professional engineers may attend the conference. Sir Richard Luyt, Vice-Chancellor and Principal of UCT, will welcome delegates at 9.15 am on July 2 and will be host at a reception in the staff dining room at 6 pm on July 3.

Synod prefers two tongues

From STEVE MOLLER

WORCESTER.—The General Synod of the Ned-Geref Church in Africa last night overwhelmingly rejected mother-tongue instruction at its theological colleges and voted in favour of English or Afrikaans as medium.

For the first time during the present sitting of the synod there was a distinct move among Black delegates away from ethnic grouping.

This was emphasized in a lively debate on the appointment of teaching personnel at theological schools.

Certain speakers indicated that there was a feeling of dissatisfaction that there are four different theological schools based on ethnical grounds.

In the report on advanced study tabled last night, a recommendation that ministers should do advanced study through their Ned-Geref Church in Africa theological schools only, drew angry retorts from several speakers.

One of them, the Rev. Mr Mazamisa, said: "If we accept this point we have sounded the death knell for further theological

education. This is not the wish of this church."

A recommendation saying "the general synod calls on ministers to extend their advanced theological study" was accepted.

More pay demand

5/17/75
fizzles

Labour Report

The 250 Black employees at the headquarters of the South African Institute for Medical Research in Johannesburg stopped work for 3 1/2 hours today and demanded more pay.

The stoppage ended at 11.30 am after the manager, Mr R. Cole, addressed them in the dining hall. He told them they had assembled instead of starting work today.

He told them that by the end of next month the wages of many Black workers at headquarters would have been reviewed as part of a job evaluation and restructuring exercise. He said the institute was a "progressive" one.

The last general pay increase was in July last year. The workers collected their pay yesterday and were "a little agitated," Mr Cole said.

He pointed out that the institute tends to follow the Government pay pattern.

The institute has had no pay adjustment in the Government sector since last July and no workers have been announced so far this year despite demands submitted by trade unions and associations some months ago.

WORK STOPS IN PAY /ROW

JOHANNESBURG

The 200 Black employees of the headquarters of the South African Institute for Medical Research topped work yesterday and demanded a pay rise.

They assembled in their dining hall at the top of one of the institute's cluster of buildings in Johannesburg and receiving their pay on Monday.

The last general pay increase for the workers was in July last year. The staff and only a few technicians was in.

are an independent organisation but intend to follow the Government pay pattern, said Mr. R. Cole, the director.

There had been no pay rise for the Government sector since last July and no increases are in the offing in spite of inflation from trade unions and labour relations some months ago.

At 30 a.m. after Mr. Cole addressed them in the dining hall where they had assembled instead of starting work yesterday.

He told them that by the end of next month the pay of every Black worker at headquarters would have been increased as part of a job evaluation and restructuring exercise already in progress. Mr. Cole said — (S.A. Press)

6/50

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'S AT COURT

r aid

hite attorneys at
ES obtained proof
mation to the Law

and photographed by the
SUNDAY TIMES team

Mr Mansehl said the
society was aware that
"touting" was taking
place

"When we get evidence
of it, we act. There is
always some degree of
touting in many profes-
sions, unhappily also in
ours

No 0076

PROKUREUR/ATTORNEY

POSBUS/P.O. BOX JOHANNESBURG, 2000. TEL. 11-11-11

Ontvang van/Received from *Lesley Scott*

Bedrag/Amount *Fifty Rand*

Re/iz *Lesley Scott*

R *50* Get/Sign

Ontvande deur ons sonder benadeling van regte
Received by us without prejudice.

A receipt for the R50 "deposit" paid by reporter
Scott to the attorney, who later demanded an
additional R150 following his court "appearance"
The attorney's name has been deleted by the
SUNDAY TIMES

SUNDAY TIMES, August 24, 1975.

Am To	MAGISTRATE'S OFFICE	Uf verwysing Your reference
	21-8-975	No
	JOHANNESBURG	Gedateer Dated
Insake Re	LANDDROSKANTOOR	

Lesley Scott het by die Klerk
van hantse hof gerapporteer op.
21/8/75
Mr. Mulder
Klerk van hof

The so-called "letter of freedom," a document
which the attorney arranged should be collected
by reporter Scott, and which merely states that
Mr Scott reported to the court on August 21.

LAWYERS HAVE TOUT

High fees demanded fo

250

AFRICAN "touts" are openly soliciting business for the Johannesburg Magistrate's Court. The SUNDAY TIMES of this racket this week, and has arranged to hand info Society.

By HERB KIMMEL and

NEIL HOOPER

When informed of the SUNDAY TIMES investigation, the vice-president of the Law Society of the Transvaal, Mr Ben Mansell said that if the society obtained proof of such "touting", it would apply to the courts for the attorneys involved to be struck off the roll.

This week Leslie Scott, an African reporter, posed as a person awaiting trial on charges of trespass. The reporter who was shabbily dressed, and pretended to be bewildered was approached by a flashily-dressed African soon after he arrived outside Court 13.

The man, who said his name was "Mr Dube" said he worked for a solicitor who would be prepared to take up the reporter's case.

Mr Scott was carrying a concealed tape recorder, and his movements were watched by two other reporters and photographed by a SUNDAY TIMES photographer.

"Mr Dube" told Mr Scott to go immediately to the solicitor, whose name and address he wrote on a card which he handed to the reporter.

"Mr Dube" said he did not accept money because he worked for the attorney, but added that the reporter would have to pay the attorney himself in cash.

The "tout" said he could not accompany the reporter to the attorney's nearby office, as he had to remain at the court to look for other clients.

Mr Scott then met us, and told us what had happened. It was decided that he should go to the attorney's office — still carrying the tape recorder

— saying that the "tout" had sent him there. He should find out whether the attorney would act for him in the fictitious case.

The lawyer, whose offices are in Commissioner Street, told the reporter he would meet him at court an hour later — if he first paid him R50. The reporter said he did not have this much money on him but would try to borrow some.

Half an hour later he returned to the attorney's offices, and handed over R50, for which he received a receipt, numbered 0076. When he made this payment he was accompanied by a woman posing as his sister, to ensure that there was a witness to the transaction.

Details

He then returned to the court where we again watched and photographed his movements. There he was met by the attorney — a well-dressed long-haired moustachioed man in his middle thirties.

The attorney asked for details of the fictitious charge, and then spent about 30 minutes apparently searching for the relevant court documents.

We heard the attorney tell the reporter that no trace could be found of the case, and that he would arrange a "letter of freedom" which the reporter should collect after the lunch recess.

The attorney then left, saying that the reporter

should phone him that afternoon after he had received the document.

After the recess, the reporter was given an official document from the Magistrate's Office, stating that Mr Scott "had reported to the clerk of this court on 21/8/75". The document was signed "M Mulder, Clerk of Court".

A court official told him to go to Hillbrow Police Station to see whether they could trace the documents relating to his "case". If they could not find any record, he could take it for granted that he no longer had to appear in court.

As arranged Mr Scott then telephoned his lawyer to advise him of what had happened.

The attorney then told him that he still owed another R150, and that the R50 already paid was merely a deposit for his services at court that morning.

He said he always charged R200 to go to court for his clients in the morning.

If the Hillbrow Police found that there was still a case against him, the lawyer would appear for him again, but this would cost an additional R200 for each court appearance.

The previous day another African reporter, also posing as someone due to appear in court, was approached by two different "touts" within minutes of arriving at the court building. This meeting was also watched

Attorney's "tout" "Mr Dube" (left) hands over a card with the lawyer's name and address to reporter Leslie Scott. Picture: ALF KUMALO

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Methodist drive for equal pay

STAR 29/8/75

Own Correspondent

CAPE TOWN — More than 200 000 letters in seven languages will be sent to Methodists throughout Southern Africa in the next few weeks in an appeal for funds to wipe out the pay gap between White and Black clergy.

It is the first time in the history of the Methodist Church that a personal letter has gone out to every member of the church, the church confer-

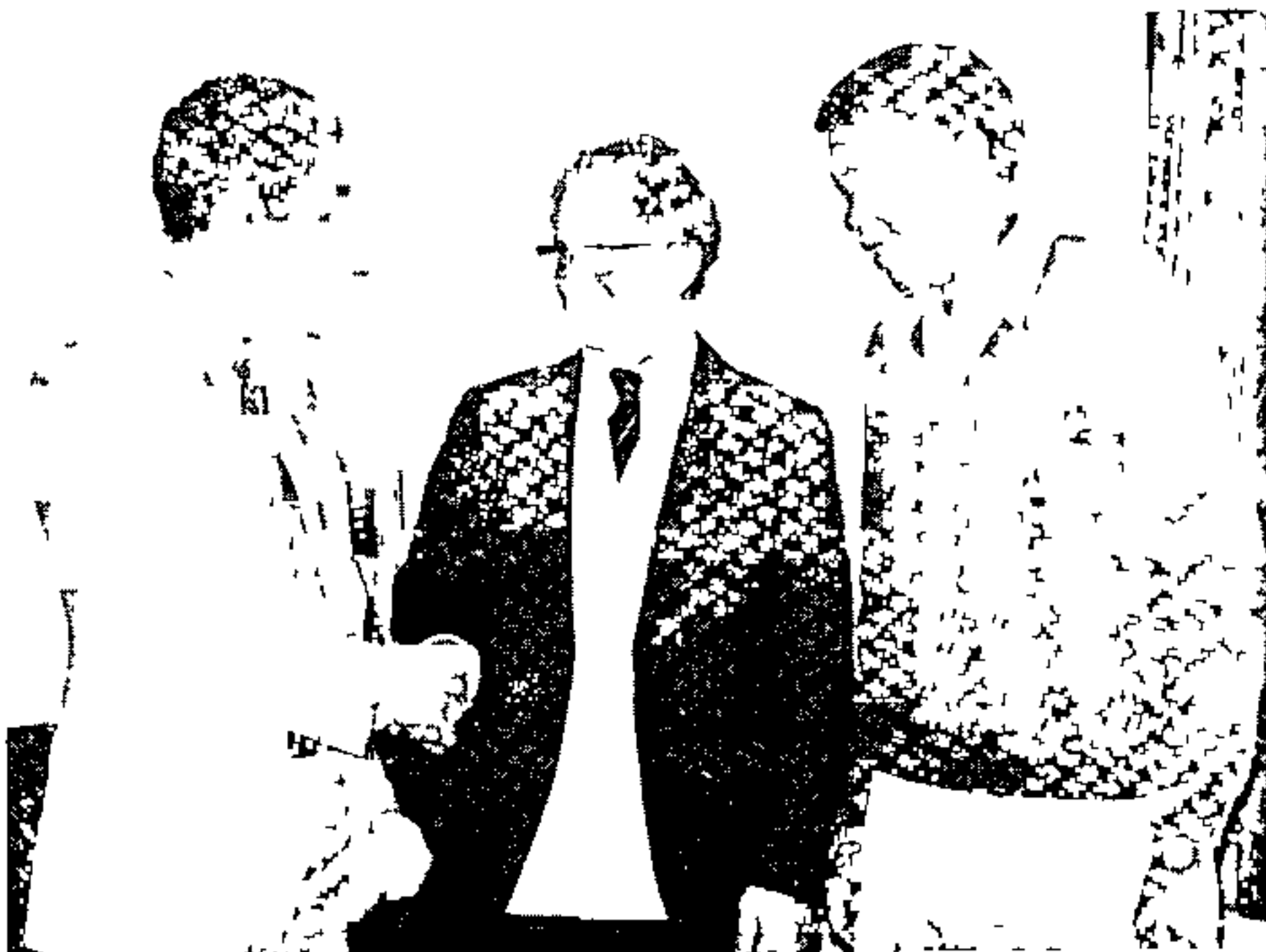
ence president, the Rev Vivian Harris, said today.

"We in the Methodist Church have realised for some time that racial discrimination when paying stipends cannot be justified," the letter states. "It is something which has been a barrier to fellowship in the ministry — a cause of resentment to Black and of guilt to Whites."

The 200 000 letters — in English, Afrikaans, Xhosa, Zulu, Tswana, South Sotho and North Sotho are expected to reach more than a million Methodists in South Africa, South West Africa, Botswana, Lesotho, Swaziland and Mozambique.

It is intended to raise 500 000 to enable the church to pay all ministers equal stipends in 1976.

Mr Harris was in Cape Town for a meeting last night of Methodist experts in finance, property, personnel, marketing and law, created into a committee to advise the church's 11 district chairmen.



Mr William Krieger (centre) has been elected chairman of the UCT Workers Association, Mr Bernard Daniels (left) is secretary, and Mr Jerry Witbooi is treasurer. Mr William Aries, the vice-chairman, is away and could not be included in the photograph

WA choose executive

The UCT Workers Association elected the following office bearers at an annual general meeting on July 24

Mr William Krieger, Law Library (chairman), Mr William Aries, Medical School (vice-chairman), Mr Jerry Witbooi, Department of Mathematics (treasurer), Mr Bernard Daniels, Department of Geography (secretary), Mr Mathew Daniels, Arts Block (assistant secretary), Mr N Allen, Maintenance (trustee), Mr R E Parsons, Department of Architecture (examiner), Mr A Adams, Department of Oceanography

(trustee), Mr Norman Julies, Department of Applied Sociology (examiner)

The following sectional representatives were elected at a meeting on July 30

Mr Bernard Grieves, Department of Mechanical Engineering (Groote Schuur Campus), Mr J N Rossouw, Animal House (Medical School), Mr T D Meringo, Library (Hiddingh Hall), Mr P Petersen, Sports Fields (Pine-lands), Mr A L Jamodien, Maintenance (Maintenance Department), Mr Vernon Daniels, Postal Room (Administration)

A 'PLATTELANDER' IN THE ANGLICAN HOT SEAT

SUNDAY TRIBUNE

14/9/75

RICHARD GIBBS in JOHANNESBURG

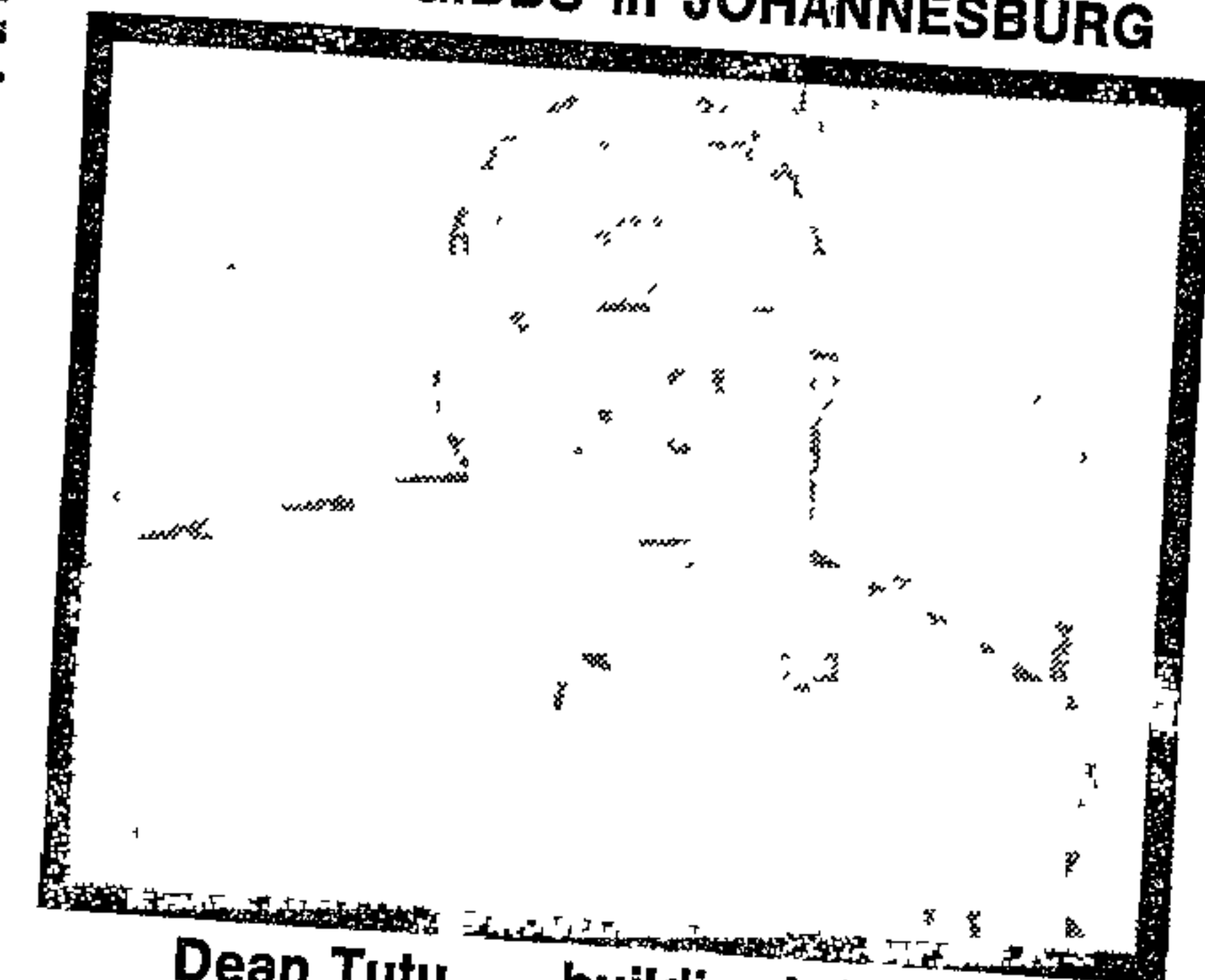
DEAN DESMOND TUTU, the first Black Dean of Johannesburg, is in his own words, "a platte-landse kerel".

A true son of the South African soil and a patriot. But his patriotism is not blind: "I love this land passionately," he told me. "But ours is not a just society. There is discrimination and unfairness and many wrongs will have to be righted before we can have true reconciliation between Black and White."

At his installation as Dean of the largest and wealthiest diocese in South Africa this month, the Anglican Bishop of Johannesburg, the Rt Reverend Timothy Bavin, said: "Today... is the start of a new era for both the Church and South Africa."

For Dean Tutu the investiture marks the beginning of a mammoth task to try to bring about reconciliation between White and Black in a land where apartheid has torn them apart.

"There is still considerable goodwill on the part of Blacks willing to work for peaceful change



Dean Tutu... building bridges

— but time is running out fast. The White group must show they are willing to work towards fundamental change NOW."

In an interview in his tiny office in St Mary's Cathedral, Dean Tutu came across as a humble but sincere and forceful man, articulate, outspoken and totally dedicated in his beliefs of racial and social justice.

"I don't see myself setting out on a campaign to seek confrontation with the authorities. But where the actions of the State conflict with the law of God, as I see it, I will not hesitate to speak out," he said.

"I am firmly and deeply committed to reconciliation between Black and White in this country, but not cheap reconciliation."

"There can only be true reconciliation when there is true equality and the Black man can speak as a person with a firm voice."

"The time is ripe for Whites to give an indication that they are serious about peaceful change. And they could start right now by recognising the permanency of the urban African and granting us freehold rights."

Dean Tutu surprised many of his parishioners when he made it clear he would not be living in the Dean's official residence in the posh Johannesburg suburb of Lower Houghton.

He is having a modest R15 000 house built in Soweto — "with a good view of the railway line."

His reasons are simple:

He refuses to be given a special status which is denied the rest of the Black population.

"Living in Houghton would have compromised any chance I would have had in participating in reconciliation," he said.

"It would have meant becoming a marginal man. I would have belonged to neither group — Black nor White — and my role as a bridge-builder between the two groups would have been considerably compromised, if not made totally ineffective."

He said he felt slightly anxious about returning to South Africa after living a "free life" in England.

"There was a lot that was attractive about England, like buying our own house, which we can't do here, or taking our children to the ballet at the Royal Festival Hall."

"But after all, home is home and we love South Africa. I am truly glad to be back."

Dean Tutu worked as associate director to the Theological Fund of the World Council of Churches in London for three years.

The Tutus have four children. The eldest, Trevor (19), is studying science at King's College. Theresa (17) will be taking her "A" levels in June. The two younger girls, Naomi (14) and Mpho (11), will be going to Waterford School in Swaziland.

"I never want them to be subjected to Bantu Education," he told me. "It curbs a person's potential to develop to the full."

Church circles in Johannesburg are confident Dean Tutu will make a success of his seven-year appointment.

His charm, courtesy, easy manner and bubbling humour are necessary attributes in what has become known as the Anglican Church's "hot seat" in South Africa.

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250
~~107~~

Border cleric is *Dispatch* new bishop 15/9/75

EMPANGENI — Canon Lawrence Bekisisa Zulu, of Grahamstown, was elected Bishop of Zululand on Saturday and becomes the youngest Anglican bishop in South Africa.

Canon Zulu, the co-director of religious education in Grahamstown and a former tutor at St Peter's Theological College, Alice, will succeed his distant relation, Bishop Alphaeus Zulu.

Canon Zulu, 38, will probably be consecrated in November. He will take up residence in Eshowe with his wife, Ruth, a nurse.

Canon Zulu matriculated at St Augustine's High School, near Ngutu in 1956. After three years at St Peter's Theological College in Johannesburg he was awarded his licence in theology.

He was assistant priest at St Margaret's, Ngoma, before being awarded a bursary to study at Selwyn College, Cambridge.

He completed a BA degree in theology at Cambridge and was awarded his MA degree in 1967.

After serving as priest in charge of All Saints' Church in Mbebe, he was appointed the first black rector of the Holy Name Church in Empangeni.

In 1970 he became a tutor at St Peter's

Theological College, Alice, before being appointed to his post in Grahamstown.
— DDC.

Architects challenged

Building designers have submitted to the Minister of Public Works, Mr A H du Plessis, a list of objections to a proposal that certain types of building work be reserved for architects.

The proposals, gazetted last month, would prevent designers from preparing plans of buildings covering more than 500 sq m.

The South African Institute of Building Designers objects to the principle of reserving work — as proposed by the South African Council for Architects — for several reasons, including:

- Previously a building designer could prepare the plans for submission to a local authority, of any single storey building or structure used mainly for domestic purposes, provided it was not part

of a housing scheme. Now it is proposed that such buildings be limited to 500 sq m.

- The proposed provisions are too stringent and would deprive building designers of their livelihood.

- Designers cater for the less-privileged person who cannot afford the professional fees of an architect.

The institute has also asked the Minister to exempt all its members from the provisions of the proposed work reservations.

Husband, wife hold two top church jobs

29/9/75
The Argus Religious Affairs
Correspondent

THE Rev Edgar Hendricks, the Cape Town minister who will be inducted this week as head of the United Congregational Church of Southern Africa, is a career teacher who retired last year as headmaster of Kewtown Primary School.

Mr Hendricks was born in Grahamstown and educated in the Eastern Cape. He trained as a teacher at Zonnebloem College in Cape Town, and obtained his BA degree through the University of South Africa, majoring in Afrikaans, Nederlands and history.

He taught at Dower Training College, Uitenhage, prior to his ordination to the ministry in 1960. He was appointed headmaster of Kewtown Primary School.

After his ordination he served part-time at Wynberg Congregational Church. Since his retirement from teaching, he has been minister at Gleemoor Congregational Church. He is Moderator of the Western Cape region of the church.

Mrs Olive Hendricks is chairman of the Women's Fellowship of the whole denomination. This will be the first time in the history of the United Congregational Church of Southern Africa that a husband and wife have held the church's two top elected offices.

Mr Hendricks will be inducted as Chairman of the United Congregational Church at Rondebosch Congregational Church next Thursday evening. He will succeed the Rev Leon Duze of Mdantsane, East London. Chairmen hold office for a year.

Mr and Mrs Hendricks have two sons and a daughter, all married and living in Canada, for obvious reasons, said Mr Hendricks — in South Africa the family is classified as 'Coloured'.

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Wits Student 29th September 1975

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Compound Changes -at last

Chris Marchand

Two weeks ago, the Administration at last galvanised itself into action with the appointment of Mr J.H. Fourie as Compound Manager, Mr Smith as Assistant Compound Manager at Medical School and Mr William Mkwana as Compound Committee Chairman.

Their appointments and those of four other committee members were approved at a meeting of the BUWA (Black University Workers Association) Executive and an Admin Committee on 16th September

On Friday, 19th September Mr Fourie and the Compound House Committee had their first meeting at which it was decided to take some immediate action

Both compounds, one at University and one at Medical School, are to be fumigated in October and during the following four weekends

The workers are to have a say when it is decided what colour the compound should be painted

'Open' waste paper baskets will be provided as soon as possible

Complaints that beds in the compound are very old are to be investigated 'If there are some beds that have to be replaced, then they must be replaced,' Mr Fourie declared. However, the workers were less certain about an Admin proposal to number the beds 'in the interests of security' The proposal will be further discussed

Alterations to the compound or even rebuilding it altogether will be discussed in the future. Some plans are afoot

The two full-time compound cleaners have had detailed and comprehensive lists for their work-schedules prepared. They will be expected to stick to these schedules ensuring that the compound is cleaned

A card system for the inmates of the compound will be introduced. It will be similar to that used by students

Strict regulations have been evolved for visitors. A bell will ring at 9 pm for all visitors to leave. Checks will be instituted to ensure visitors have left. A watchman will stand guard at the gate from 5 pm to 6.30 am to prevent illegal entries. Visitors may only stay overnight at weekends. Permits must be issued for them to stay

The idea of temporary accommodation on compassionate grounds for visiting members of workers' families will be taken up by Mr Fourie with higher authorities

Another pressing problem is communication between Admin and compound workers

Communication was non-existent over the three months that it took to appoint a Compound Manager. At the meeting, BUWA was attacked for not liaising properly between the two parties. To help bridge the problem, the meeting decided that Mr Fourie and the House Committee should meet once a week over the next few weeks

'Slave labour' pay for clergy?

16/10/75
The Argus Correspondent

MARITZBURG. — The Anglican clergy had been 'grossly underpaid for too long' and was no more than 'slave labour,' it was claimed during discussion of a motion at the Natal Anglican synod in Maritzburg this week.

Father John Pender-Smith, an unpaid priest at Merebank and head of the medical technology department at Addington Hospital in Durban, said this when speaking against a motion calling for the clergy to support the Prime Minister's call to combat inflation by not having their stipends increased for next year.

The motion was introduced by the Reverend G. A. Povall, of Pinetown who said he was aware that some clergy found it difficult to live on their stipends but added that they were given houses, lights and water and that

the stipends were really only living allowances.

Father Pender-Smith replied that it was impossible for a priest with a wife and four children to feed, clothe, educate and take them on a holiday on the present stipend.

"This is slave labour that has been allowed to exist in the diocese for too long," he said.

Mr Povall's motion was unanimously rejected and a motion was later approved that the basic stipend for rectors, assistant priests and deacons would be increased by R300 a year from the beginning of next year. This will give a senior clergyman a total stipend of R2 400 a year.

CONTROVERSIAL

In another controversial motion, it was decided that in principle there were no reasons why women should not be ordained into Anglican priesthood.

The proposer of the motion and head of a provincial commission on the ordination of women, the Reverend Dr R. B. Nicholson, said if it were introduced it could hinder further co-operation between the Anglican Church and the Roman Catholic Church. However, if this step were not taken, they would be barred from union with most Protestant churches which had gone ahead with introducing women to priesthood.

ORDINATION

The report on the ordination of women was referred to the church's regional council for discussion and the council was asked to make a recommendation to the Bishop of Natal by next June.

It was also decided at the synod to make a yearly grant to the Christian Institute which the Government has made an Affected Organisation. The resolution urged all members of the diocese to consider joining the institute.

I'm no libber, says the 'Pastor'

STAR

21/10/75

250

Elizabeth Wilson

"The introduction of women to the ministry will embellish and enrich it," said a determined Miss Lindsay Hayward, one of three women in the Transvaal admitted as Methodist ministers this week.

Miss Lindsay said "Particularly where it comes to dealing with people on a day to day basis, and doing pastoral work, women have an important role to play."

Blonde, blue-eyed and frank, Miss Hayward is the sort of person people take to on first meeting.

She introduces herself simply as "Pastor Hayward," and, if people are somewhat surprised, they soon find she is a most capable and caring person.

A one-time private secretary, she gave up her job in commerce because she wanted "to do something of lasting worth."

Today, her work can bring dozens of different calls — someone asking

her to organise a camp for several hundred youngsters, a call to the local hospital where a young couple has just lost their first child, a call late at night to act as peacemaker between a rowing parent and child.

For several years now, she has been acting as a youth worker and youth counsellor for the Wesley Methodist Church, in Pretoria, and has also been a lay preacher.

She gave no thought to becoming a minister as "there seemed no chance at all for women."

But one day she was approached by a prominent woman in the congregation who suggested she offer herself as a candidate for the ministry.

"The thought suddenly crystallised. I realised that here was the purpose and direction for my life," she says.

Does she consider the appointment of women ministers a breakthrough for feminists?

"I suppose it is a breakthrough — but I won't say I'm militantly women's lib," she laughs.

"Still I'm not one of those who says 'shush and stay in the kitchen' either."

LINDSAY HAYWARD

"I think women do have a contribution to make. Is today's church meeting the needs of society?"

Lindsay shakes her head. "It's trying hard, but it has a traditional background to contend with."

"We need to consider new ways of communicating to people what Christianity is all about — what it can mean in their everyday lives."

"I feel very strongly that a child's concept of Christ is useless to adults coping with adult problems."

Lindsay believes that more women may be attracted to the ministry now that a place has been made for them.

Shortage in professions is critical

SUN. TIMES
(Bus. Times)
26/10/75

250

THE ECONOMIC downturn may make it a little more difficult for the boy or girl without qualifications to obtain the right job this year, but the door of opportunity is still wide open for those with the right scholastic background.

Training is still very much the key that opens the door to the top jobs in commerce and industry, and top employers are almost falling over each other in their anxiety to offer bursaries for full-time university study to the right students.

There is an ever-growing shortage of professionally-trained people, and it seems that the only way in which this shortage can be filled is by importing people for top jobs from abroad. The latest statistics published by the Department of Labour show a manpower shortage of 13 216 men and 3 176 women — many of these for professional jobs.

The figures may have changed, for a new manpower survey is now being completed, but the general picture certainly has not changed.

There is, for example, a big shortage of medical doctors. South Africa's six medical faculties can produce only about 500 doctors a year — not nearly enough to close the gap between the supply of doctors and the demand for their services.

Engineers, too, are in very short supply. South Africa has only about four engineers for every 10 000 people, whereas in many parts of Europe and



Prof R.P. Plewman
... "Not enough engineers."

America the ratio is 12 or more to every 10 000.

Prof R.P. Plewman, head of the mining engineering department at the University of the Witwatersrand, said only 15 mining engineers graduated from South African universities last year.

He says "At least 80 graduates are needed annually to meet the requirements of South Africa's largest industry."

At present, there are 1 100 mining engineers in South Africa, but 60 have to be replaced each year owing to retirement. The result is that engineers are having to be imported from overseas.

Prof Plewman estimates that by 1980 South Africa will need 1 400 mining engineers.

The Chamber of Mines has

recruited 32 engineers in Britain for its 10-year research programme.

South Africa could probably get by with its present ratio of engineers if it could produce or attract more technicians for it has been estimated that with the right volume of technicians the effectiveness of our engineers could be improved by 50 per cent.

Despite the growing industrialisation of South Africa, we are still producing more arts graduates than we need and too few graduates with a science background.

Many of the arts graduates, of course, go into commerce, where there is a big demand for their services in such fields as personnel management — there are 8 000 vacancies in this field — marketing management, teaching, banking and allied fields.

Other fields in which there is an embarrassing shortage of skilled people are chemistry, chemical engineering, mining engineering, civil engineering, mechanical engineering, architecture, nursing, teaching, public administration and metallurgy.

Even lower down the working scale, training is still very much the key to

the future. The number of apprenticeships being offered by firms is almost too large to count, and even in jobs which do not offer apprenticeships the eager newcomer is expected to put in a lot of study — both inside and outside working hours.

Facilities for people to improve their skills or to learn a new one have never been so great as they are at present.

Colleges for advanced technical education offer almost limitless facilities for young men and women keen to advance themselves, while correspondence courses can take the student to any height — including a university degree.

Once that knowledge has been gained the job opportunities are greater than at any time in South Africa's history.

Despite the present downturn, South Africa's economy and its industrialisation is still expanding at a high rate, but if this expansion is to continue we must have the men to fill the vital jobs.

The expansion is providing the jobs, but training — either academic or on-the-job — is still the name of the game, and in the modern world few young people will get very far without it.

and

PS 23.9.1975

a.d. 28/10/75

Black teachers barred

PRETORIA — The University of South Africa's Teachers' Association yesterday agreed by a narrow majority to exclude blacks from the association.

Those in favour of black membership failed by seven votes to gain a necessary two-thirds majority to amend the constitution. Of the 393 members present 255 voted in favour and 139 opposed the motion. It was the third successive defeat

of such a motion in as many years.

Only ten members of the 800 teaching staff of the university are black.

Prof Cas van Vuuren, head of the Education Department, in opposing the motion said he had written to the Prime Minister, Mr Vorster, to ask his view and that the Prime Minister had replied that cultural and social mixing, even at academic level, was decidedly not Government policy.

Mr J. Mulder, a brother of the Minister of the Interior, Dr C. Mulder, said he would set up an all-white association if the motion were approved.

Mr P. J. Hugo, who introduced the motion, said discrimination of this type was indefensible. — SAPA.

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NGK TO NARROW

GAP IN WAGES

ARGUS 31/10/75

The Argus Religious Affairs
Correspondent

THE CAPE SYNOD of the Ned Geref Kerk yesterday voted funds to narrow the wage gap between White and Black clergymen and evangelists in the Ned Geref Kerk family of churches

The increased Black salaries were requested by the recent Worcester Synod of the Ned Geref Kerk in Afrika, the Black fighter church

The previous minimum of R1080 a year for a Black preacher (Ieraar) was increased to R2450, and that of an evangelist from R564 to R1500

The Synod also increased the salaries of missionaries in the service of the Synod's Mission Commission, bringing them in line with the pay of Ned Geref Kerk clergymen.

BUDGET

A budget of R1448159 for salaries alone, an increase of 32 percent over the vote at the last Cape Synod in 1969, was approved.

Dr J. Hattingh, who presented the budget to Synod said inflation had hit church funds. While the pay of Black and mission workers would be increased, no consideration could be given to increasing the salaries of Ned Geref Kerk clergymen in the Cape in the next three years.

They would receive only their usual salary increases, with special increases to cope with the increased cost of living.

● Suggestions that Die Kerkbode, official organ of the Ned Geref Kerk,

should be published weekly in a newspaper format, and made available in the streets as 'an answer to the Sunday newspapers,' were made at yesterday's Cape Synod.

Delegates had a specially-prepared edition of the newspaper in the proposed format.

Synod approved resolutions which in effect asked the Ned Geref Kerk General Synod, the national body, to consider a weekly newspaper format.

(4-6)
(7) 250

Financial Mail

BLACK WAGES 31/10/75 Whither Wits?

What is a fair wage for a Black worker?
It all depends on where he works

The last Urwick-International survey of *Non-White employment* (FM August 8) found that the average unskilled Black currently earns R80 a month. So the average R123,40 drawn by men at the University of the Witwatersrand looks handsome by comparison.

But is it? There have been ripples of discontent among certain students and staff at the University ever since the Wits Wages and Economics Commission recently looked into the conditions of 467 workers (out of 750) on SA's premier liberal campus and found that 28% of them — 18% of the 369 men and 81% of the 98 women surveyed — are being paid below the Johannesburg poverty datum line (PDL).

The Commission, using University of Port Elizabeth statistics augmented by a CoL calculation, put the relevant PDL at R105-R110 a month at the time of the survey (April). The Johannesburg Chamber of Commerce's May figure of R105,84 for a Soweto household's essential monthly budget (for five people) corroborates the estimate.

A spokesman for the Wits personnel department told the *FM* this week that "we would like to set the pace".

However, like everyone else Wits is strapped financially, so to raise wages to the extent suggested by the survey — to 150% of the PDL — would probably entail retrenchment of Black staff. Workers have already been assured by

250



Wits worker . . . bearing the burden of tight money

Wits that there will be no retrenchment.

But as the survey also shows, the Blacks are far from satisfied with their lot. Only 3% are happy with their wages, the men feeling they ought to get R196,40 a month. The women (with an average R97,00 for full-time work) want R185,00.

The University will undoubtedly not "close down" as the Commission sug-

gests it should if it cannot foot a wage bill of that scale. But unless there are solid improvements the administration is going to go on being needed on the issue.

First black archdeacon to serve Mdantsane ^{3/12/75} *D. Despatch*

250

KING WILLIAM'S TOWN

— The Rev James Gawe will be the first black Anglican Archdeacon to serve Mdantsane and the surrounding area.

Mr Gawe is presently rector of the St John's parish in Zwelitsha and has recently resigned as chairman of the Border Council of Churches.

Mr Gawe said the Anglican Church decided to have a second archdeacon in the East London area to help Archdeacon Ronald Fielding, who was presently serving the whole of East London including Mdantsane, because of the tremendous amount of work one man had to do and because of expansion in that area.

"My being the Archdeacon of Mdantsane does not necessarily mean that I will only serve blacks at Mdantsane, which would be creating an impression of the church conforming to apartheid.

"I will serve the area

nearest to Mdantsane — Cambridge, and Archdeacon Fielding will serve the area nearest to him — Duncan Village and East London. In this way East London will be divided equally between us," he said.

They would co-operate with each other, he said, and work together as a team and would alternate as chairman for the benefit of the church.

Mr Gawe said he was still having difficulty over accommodation and might have to live temporarily either at Grahamstown or at St Luke's when he commenced his duties on January 1, 1976.

"This post to me is a challenge and I look forward to getting down to work. I will miss St John's with its many outstations," Mr Gawe said.

The Rev Patrick Ncanca from Peddie will replace Mr Gawe who has worked in this parish for six years.

— DDR.

SA Librarians

Employers differentiating between males and females in advertising vacancies for librarians on their staff, will in future be notified by the South African Library Association that such discrimination runs counter to the official point of view of the association.

The decision to take this action resulted from a motion adopted at the recent annual conference of the Library Association.

The motion requested that representations be made to all

pay increase is backed

authorities employing librarians to attach one salary scale to a position, whether the incumbent be male or female.

In the memorandum accompanying the motion it was stated that cases still occur where different salary scales for male and female applicants are specified in advertisements for

vacancies.

More often still, advertisements state that applications are invited from librarians (female), leading one to infer that the salary scale attached to the position is too low to interest male applicants.

When discussing the implementation of the motion, the adminis-

tration decided that the same point of view on equal salaries for equal work should be maintained by male and female librarians.

Attention will also be given to specific cases of employers differentiating between male and female applicants in advertisements for vacancies.

Cases brought to the attention of the association will be referred to a committee which will then inform the organisation concerned that the association advocates equal salaries for male and female librarians.

SUN TIMES EXTRA 21/12/75

(10250)
(2) Education - University

FOR EVERY 130 000 — ONE LAWYER

By BERNARD JONGBLOED

ALTHOUGH there are approximately 4 200 practising attorneys in South Africa, only 16 of them are Coloured — and this means that there is one Coloured attorney for every 130 000 Coloured people.

And the future is not very bright. At the University of the Western Cape this year there are eight law students in their final year.

At the end of next year it is estimated that there would be 13 final-year students and at the end of 1977 13 final-year students. It all depends on whether these students pass their examinations.

This shocking shortage of Coloured lawyers was highlighted in the Debus Procuratorius, the official journal of the Association of Law Societies of the Republic of South Africa in its November edition. The journal published

Taking into account the population per attorney ratio in countries such as the USA, United Kingdom, Canada and Australia, it could be safely concluded that the ratio relating to South African Whites was normal in an economically advanced community.

Census

However, according to the 1970 population census, there were in South Africa 15 036 360 Africans, 630 465 Indians and 2 051 922 Coloureds. In 1974 there were 79 African attorneys, 108 Indian attorneys, and 108 Coloured attorneys. It is necessary to understand the reasons why the ratios of population per attorney vary to such an extent," the journal said.

There was a very definite relationship between general economic activity and growth, and lawyer population.

"This fact is not only compared with Blacks and Coloureds, but also by the small numbers of attorneys in several of our neighbouring African states."

In South Africa the economic position of the Indian community was relatively sound, because not less than 22 percent was engaged in trade.

The Indian community was in a very favourable position as far as the development of the attorneys' profession was concerned.

The journal expressed concern about the future relating to African and

pect of an over-supply of attorneys seems to be remote for the present, but for the maintenance of standards in respect of those who do qualify a clear duty rests on the profession to ensure that all are trained adequately and to the same standards.

Dr R E van der Ross, rector of the University of the Western Cape, agreed there was a shortage of Coloured attorneys and said the reason was that Coloured people had been clinging to the traditional jobs of teacher and preacher and lately doctor.

"The reason is also that Coloured youngsters are ignorant as to what avenues are open to them. I often give lifts to hikers

Dr R E van der Ross... Coloureds cling to traditional jobs.

who are still at high school and talk to them, and find that they are not very well informed about the various careers they can take up. "It is imperative that school teachers give these youngsters proper vocational guidance."

UNIVERSITY		FINAL-YEAR STUDENTS		
		1975	1976 (est)	1977 (est)
Zululand	LL B	0	4	3
	B Proc	8	6	15
Fort Hare	LL B	3	2	5
	B Proc	1	4	25
North	LL B	2	3	6
	B Proc	8	18	23
*Western Cape	LL B	5	7	10
	B Proc	3	4	3
Durban-Westville	LL B	5	10	10
	B Proc	1	2	20
Unisa	LL B	4	5	6
	B Proc	12	13	14
		52	78	140

figures relating to practising attorneys of all race groups in South Africa. According to a survey undertaken the population per attorney ratio for Coloured people fell far short of the normal ratio in the United States, Canada, the United Kingdom and Australia.

In South Africa there were, in 1974, 4 200 practising attorneys in the country. Of these, 4 000 were White, giving a ratio of approximately 1 000 Whites for each attorney

dian attorneys and only 16 Coloured attorneys.

This means that for every one African attorney there were 187 972 Africans, for every one Indian attorney, 5 837 Indians, and for every one Coloured attorney 128 245 Coloureds.

Except for the Indian group, the ratio of population to attorney of the Coloured and African groups did not bear comparison with that of the Whites in South Africa.

"Not very much socio-

published actual and estimated figures obtained from universities which cater for African and Coloured law students.

The journal added: "It appears that especially Blacks (Africans) are keenly interested in the study of law and that in the near future the number of Black law graduates will increase substantially.

"A large number of these students may wish to qualify as attorneys. This trend is to be welcomed, even if the opportunities for Blacks in some fields of practice such as company and tax law, conveyance and notarial practice, seem limited. . . the demand for qualified Black lawyers in all fields of legal practice and administration should increase in future as a result of the constitutional development and economic growth of the homelands."

The journal did not discuss the future of the Coloured attorney, but it was obvious the serious lack of qualified attorneys among the Coloured group was a cause for alarm.

It concluded: "The pros-

Sun. Times
21/12/75

Black graduates: the true position

Star 16/1/76

In your issue of December 10 Mr C W H du Toit said that a Black graduate from Pieterburg has to go through the same laborious processes as an illiterate if he wants to take up employment in Johannesburg. I would like to point out that this can be applicable only where the Labour Office is not functioning properly.

When a vacancy is advertised and a Black graduate wishes to apply for it, the only problem that could cause a laborious process for his registration is the availability of housing. If there is no housing available, no Labour Officer can even consider that application.

The necessity for this housing qualification originated during World War 2 to stop the mushrooming of squatter towns, where health conditions are bad.

HOMELANDS

The policy of homeland development also needs contemplation when the employment of Black graduates is discussed. Certainly, there is a much greater need of qualified persons in the homelands than in South Africa, and the homelands should have the first option on this type of labour.

For your further enlightenment I point out that, in accordance with Regulation 28, Chapter 8

of Government Notice R1892, dated December 3, 1965, certain Blacks, mostly graduates, can under certain circumstances be exempted from these regulations as far as their employment is concerned.

No such person need register as a workseeker, as prescribed, provided that he is authorised under Section 10(1) (d) of the Urban Areas Act to be in the prescribed area concerned.

(1) 319
(2) (250)
(3)

① 172
② 173
③ 250

Computer jobs draw 210 Blacks

More than 210 Black men have applied for three posts in Johannesburg as trainee computer programmers and operators—at a time when Rand companies are desperately short of skilled computer staff.

An advertisement for trainees was placed by a city firm of personnel consultants on behalf of a leading computer company.

A "good matriculation" was the minimum requirement, but several applicants had degrees or were studying for them.

"We were very impressed with the high calibre of applicants," said Mrs. G. Fenwick, promotions executive for the consultants. "Indian and Coloured graduates also applied, but the training posts were for Black men only."

The total of 210 applicants would be shaved down to a short list of 30 names.

All the applicants had clerical jobs and many were studying for degrees part-time.

Mr John Raymond, director of a Johannesburg company specialising in computer staff selection, said several large companies were employing Black computer operators, and data capture staff.

"If you place an advertisement for Black computer staff you can get killed in the rush of applications," he said. "Blacks are trying to get into white collar jobs."

In the past six years, as a consultant, he had been asked only once to place a Black programmer.

A survey conducted by his company late last year showed that major Reef companies were short of 350 programmers, 250 operators, 160 analyst programmers and 150 systems analysts.

There was a greater demand for all levels of computer staff now than at the same time last year, indicating that companies were expanding.

Council cuts Black staff to beat inflation

SUN. TIMES 22/2/76

By NICHOLAS VAN OUDTSHOORN

PORT ELIZABETH has found a new way of fighting inflation — by reducing non-White staff.

The municipality is carrying out a City Council order to cut down African staff by 10 per cent and the University of Port Elizabeth has sacked six of its small contingent of Black cleaners. Some of those dismissed have been with the university since its inception 10 years ago.

Mr I Racki, chairman of the council's Finance and General Purposes Committee, said: "We are not firing anyone. We are merely not replacing them when they leave."

He said the municipality would save about R300 000 a year.

The public relations officer of the University of Port Elizabeth, Mr Jan Barnardo confirmed that six Black cleaners had been dismissed. He said the university had this year started a new system for cleaning buildings at night, and this enabled them to reduce the labour force. The cleaners had previously worked during the day.

A compliment

"It is actually a compliment to the university that we gave these weekly-paid people more than a month's notice," he said.

However, angry White staff members insisted that the dismissed Africans had received only a month's notice early this year.

He said the decision had been taken at a meeting in October last year but the workers to be dismissed had not been told then because "they might then leave us while we still need them."

① ~~262 - Cape~~

② ~~250~~ 250

Black Umtata seminary enrols white student

DD 28/2/76.
UMTATA — St Bede's Anglican Seminary here has enrolled its first white student.

He is Mr Ivor Shapiro, 23, a former member of the executive staff of the Christian Institute in Cape Town.

His wife, Erica, has been appointed a lecturer at the college.

Mr Shapiro, who was brought up in a Jewish family in Cape Town and went to Jewish schools, adopted Christianity while he was working for the Christian Institute as information officer.

Mrs Shapiro has degrees in psychology and has studied adult education and Christian education in America. She has worked for churches and universities in South Africa and in the US, mainly running courses for priests and laity.

When her husband decided last year to study for the ministry, they applied to come to St Bede's together and permission was finally granted by Archbishop Bill Burnett.

White students for Anglican priesthood normally study at St Paul's

College in Grahamstown, although it is understood there has never been a church rule enforcing apartheid in its teaching institutions — DDR.

Q250

2 27

3 Educ Tech + Voc

'Clinics deserve support'

Cape Times

23/3/76

250

THE LEGAL aid clinics opened by South African universities deserved the support of the legal profession, *De Rebus Procuratoris*, official journal of the country's attorneys, said in a leading article.

The clinics, the journal said, introduced an element of reality into student training and their value could not be overstressed.

The journal listed four reasons why attorneys should become involved in and actively support legal aid clinics at universities. They were:

- Legal aid clinics were important adjuncts to legal aid generally;

- The practical work done by students could help overcome the inadequacy of the system of articles in legal training.

- The work might stimulate an interest in criminal law as practised in the magistrate's courts — "a somewhat neglected area of law practice".

- Law students constituted a pool of highly educated unused manpower. This was an artificial situation that could be bridged by properly-supervised student practice at the clinics.

PMB legal clinic refuses worker involvement

The legal aid clinic at the university of Pietermaritzburg has this year again refused to run a weekly clinic at the offices of Transport and General Workers Union on the grounds that "trade unions are overly political".

The Legal Aid Clinic has established informal contact with the Child Welfare Society, Lifeline, Marriage Guidance as well as the Transport and General Workers Union. In August 1975, the Union approached Legal Aid asking for help dealing with various problems regarding workers. It was pointed out to the Clinic that many workers would require a translator and that many were unable to avail themselves of the services of the Legal Aid Clinic as it functions only on campus and during the day. The Union offered Legal Aid an

office at the Union on Saturday morning in addition to a translator.

Because clinic organizers feel that Unions are "political" and that Natal Law Society and Pietermaritzburg Attorneys Association do not appreciate of Law being involved in political affairs, the offer was not taken up.

However, it has been ascertained that the law bodies have no objections to the opening of a Legal Aid Clinic in the offices of a Trade Union.

Early this year the Legal Aid Clinic was offered an office in town from which to function. This offer was turned down because the office is situated next door to the Black Sash office and there is fear on the part of the Legal Aid Clinic that this again would have political connotations.

Natalian Study for 6 April 1976

Attorneys back legal clinics

The South African attorney's profession has advocated the establishment of legal aid clinics which would enable law students to assist litigants unable to afford the services of a practising attorney.

In a leading article in the legal journal *De Rebus Procuratoris*, the idea of using law students for consultation work is encouraged for two reasons.

Firstly, the writer says, it would assist greatly in bring-

ing the benefits of legal assistance to poor people, specially those involved in criminal cases.

As far as the students are concerned, practical law training at such clinics could be extremely useful in imparting a knowledge of human nature and of the best method of handling clients.

INADEQUACY

'A further fact which the profession must face is the inadequacy of the system of

articles

'Much of the contents of examinations deal with what may be termed substantive law enabling candidates to pass examinations on crammed knowledge.'

Practical law training, the writer said, could to a great extent, fill this deficiency.

Also, it is pointed out, there is a lack of interest in the profession towards criminal law as opposed to company law and conveyancing

(1) 134

(2) 297

(3) 250

(1) Manpower Training
(2) 250

Professor hits at employers

28/4/76 STAR

Labour Reporter

White enterprises are anxious to get well-trained Black personnel officers, but they

do not want to pay for the training

That is the opinion of Professor Georg Marais, director of the University of South Africa's School

of Business Leadership.

He complains of a very poor response to the school's new on-the-job training programme for Black personnel officers

"Interest is great, but leading companies anxious to promote a good image in the labour field, take fright when they hear that the 15 months of intensive training will cost them R650," Professor Marais said.

Only about 20 students have been signed up so far for the first course due to start late next month

The school has three Black faculty members with wide experience in personnel management — one of them working on a doctorate and one just back from the United States with an MA degree in industrial psychology.

GROUP PROJECTS

The new course is similar to the one for Black businessmen which started last year with regular group assignments and group projects as well as a week's full-time school about every quarter in addition to the normal correspondence study offered by Unisa.

About 100 businessmen, many of them self-employed men from the Transkei and Zululand, are expected to enter this course when it starts again in August.

Executive greed 20/8/26 STAR. devastating

Personal greed is far more apparent at senior executive levels than among those on lower wages

This is the view of Mr S E Dawson, president of the South African Federation of Civil Engineering Contractors

He told a contractors' seminar in Johannesburg today that while the civil engineering industry identified completely with the anti-inflation campaign, it could not be said that all of its senior executives fully accepted their responsibilities in this area

"There is little doubt that personal avarice is the most devastating problem with which we have

to deal if some semblance of stability is to be restored in the national economy

"This avarice is far more manifest at senior executive levels in business and at professional levels, than at artisan, operator or operative levels and has become a parasitic manifestation which, if given the opportunity, will drag out economy into a limbo from which it will have the greatest difficulty in ultimately extracting itself," said Mr Dawson.

"I speak of exorbitant salary levels and of extortionate professional fees. This applies not only to the construction industry, but also in the legal, medical, accountancy and consulting professions

"We ask trade unions to be modest in their demands for increased wages, while setting an example of profligacy at the more educated levels

"If this profligacy is not

dealt with by voluntary action, then I would say that it will probably in due course have to be dealt with by far more harsh taxation measures than have ever been imagined in the past"

Mr Dawson described the situation as a "disease affecting the South African economy as well as that of other countries"

Mr Dawson appears to practice what he preaches

He was asked by The Star this afternoon how much he earned

Mr Dawson, chairman of the Group 5 company, says that he only accepts two thirds of his authorised salary — which gives him R18 000 a year

"I consider I'm overpaid"

Mr Dawson says that the only "perk" he gets from the company is a car. He receives no club fees from the company. His house is his own and the engineers' federation pays him no honorarium

(1) 250
(2) 334
(3) 150A

Call for CAPE TIMES 13/10/76 new deal for Black Anglicans

WHITES in the Church of the Province of South Africa are blocking Black aspirations, the leader of the Anglican Church's Black caucus, Mr M W Ngxiki said in a statement yesterday.

Mr Ngxiki, a delegate at the last Provincial Anglican Synod, said Black aspirations were being blocked by a self-imposed White majority in the Church's decision and policy making councils.

"In spite of a call made three years ago at the last Provincial Synod of the Church in Johannesburg to give Blacks a new deal in spiritual and administrative leadership, the Synod this year will see little or no change in White majority representation," Mr Ngxiki said.

"The structures of the Church are deplorably White-centred — as if Blacks have not been able to produce capable men and women to figure prominently in the Church world," Mr Ngxiki said, and added that it was the "old form of White preservation against the Swart Gevaar".

Rand Bar hits at Kruger

The Argus Correspondent

JOHANNESBURG. — The Johannesburg Bar Council has accused the Minister of Justice, Mr J. T. Kruger, of giving publicity to a defamatory statement, which the Minister himself does not believe to be true.

In a statement issued by the council the chairman, Mr J. C. Kriegler, said it was 'regrettable' that the Minister read in Parliament a document supposedly published by the ANC or Communist Party, in which certain members of the Johannesburg Bar were praised as 'comrades' helping their cause.

'UNFORTUNATE'

Mr Kruger's publication of the document could give rise to the 'unfortunate' belief on the part of the public that certain advocates who handle charges of a political nature identify themselves with the cause of their clients.

Mr Kriegler said this was not so. It was a rule of the Johannesburg Bar that advocates could not turn down a case because they disagreed with the client's political beliefs.

This was the second time Mr Kruger had produced the document naming the lawyers.

Mr Kriegler said this was first produced at the end of the past parliamentary session.

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Sacking angers Natal students

Mercury Reporter

ARCHITECTURAL students at the University of Natal are furious because a popular lecturer has been sacked in spite of assurances which they claim were given by their professor that his contract would be extended.

The students claim the popular young lecturer, Mr. Luiz da Silva, has been fired for political reasons — his sympathies with liberal students.

One student, who did not want to be named, said the students' Architectural Association (A.A.) had on record an assurance that Mr. da Silva would be retained.

"Last year there was an attempt to exclude him and the students objected," he said.

"The A.A. sent a delegation to Prof L. T. Croft, head of the faculty, and delivered a petition from the students stating they thought Mr. da Silva was a valuable staff member and that his dismissal would be a great loss."

"The petition was signed by 90 percent of the student in the school and Prof. Croft assured us that Mr. da Silva would not be dismissed and that his contract would be extended. We have this on record in the minutes of the meeting."

"Then, during the Christmas vacation Mr. da Silva was sent a letter of dismissal."

Mr. da Silva declined to comment on the controversy "for professional reasons."

LIST OF PARTICIPANTS AD

LEGAL CLERKS DEMAND FALLS
Court Reporter
 LAW students and graduates are finding it increasingly difficult to get positions as articled clerks in Durban law firms.

The secretary of the Durban Legal Circle, Mr. Jon Herholdt, said yesterday that he had had 35 requests from candidates for articles of clerkship during the past year, and had been able to place only three with local firms.

The Durban Legal Circle deals with a small percentage of law graduates who want to complete their clerkship and be admitted as attorneys.

The secretary of the Natal Law Society, Mr. F. P. van der Merwe, said that he had applications for six admissions this month.

Over supply
 In some centres there were more than 50 names on the waiting list for articles. A large number of those without situations were graduates.

According to the attorneys' monthly journal, *de Rebus Procuratorum*, the supply of articled clerks exceeds the demand and the situation is deteriorating.

"It has been suggested that the real cause of the bottle-neck may be that universities do not limit the intake into law faculties, as is the case in certain other countries," the editor, Mr. H. F. Mellet, said.

"Consequently there may be an over-production of law graduates beyond the number which the profession can absorb."

Africa Mr. R. c/o SALDRU School of Law, I.C.T. RONDEBOSCH 7700
 Aires Mr. A. Dunbrody Estate, ND 6115
 Antrobus Mr. G. Economics Department, y GRAHAMSTOWN 6140
 Archer Mr. S. c/o School of Law, NDEBOSCH 7700
 Ardington Mr. A. P O Box 58, AND
 Ardington Mrs. L. P O Box 58, AND
 Baffoe Mr. F. The National, ESOTHO
 Bates Mr. R. 14 Park Crescent, OF 3600
 Behrmann Prof. H. University, 5 PIETERMARITZBURG 3200
 Birt Mr. M. c/o School of Law, T. RONDEBOSCH 7700
 Bloch Mr. N. c/o SALDRU, School, T. RONDEBOSCH 7700
 Boonzaier Mr. E. 2 Baronrath, Cape Town 7700
 Botha Mr. D. c/o Die Burger
 Boyle Mr. B. c/o The Argus
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 Brown Mr. P. P O Box 71, Hilltop
 Bromberger Mr. N. 7 Cavendish, Street CLAREMONT 7700
 Budlender Ms. D. c/o Economics, EBOSCH 7700
 Christie Mr. R. 20 Cook Street
 Clarke Mr. D. c/o Dept. of Economics, EBOSCH 7700
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 Dorrington Mrs. P O Box 47
 Evans Mr. A. P O Box 41, Viljoenskroon, O.F.S. 9520
 Finlay Mr. W. Tue Moss, Klein Constantia Road, CONSTANTIA 7800
 Ford Mr. Cape Midlands Bantu Affairs, Admin. Board. P O Box 14024, PORT ELIZABETH
 Fiske Mr. S. 6 Pat Newson Road, PIETERMARITZBURG 3205
 Frean Mr. N. c/o S.A.Cane Growers Association, P O Box 1278, DURBAN 4000
 Gebhardt Ms. B. P O Box 469, WINDHOEK S.W.A.

Lawyers 'praised by ANC'

THE ASSEMBLY —
The Minister of Justice, Mr Jimmy Kruger, yesterday read out the names of prominent members of the South African legal profession praised in an African National Congress letter as helping their cause.

Mr Kruger said he did not believe the ANC allegation that they were helping their cause, and which Mrs Helen Suzman (PRP, Houghton) described as a disgusting smear.

The ANC letter included instructions for the men detained by the police, including orders to commit suicide rather than betray the ANC cause.

It praised "comrades" George Bizos, Issie Maisels, David Soggot, Royce Arenstein, Vernon Berrange, M. D. Naidoo and others for the assistance they had given.

Most of the lawyers have been involved in the defence of people charged with security offences.

"I am worried that they will put the name of Comrade Helen Suzman there one day," Mr Kruger said.

Mrs Suzman: "I dare you to say that outside the House." — Sapa.

Lawyers take back door exodus step

Staff Reporter

LAWYERS have been flocking to Maseru to register on the Lesotho roll — apparently as a step to possibly leaving South Africa.

It has been claimed that Lesotho papers help smooth the way for South African lawyers who want to emigrate and work in certain Commonwealth countries.

The registrar of the High Court in Maseru, Mr M L Lelehla, said yesterday that the number registering there had risen from 10 in 1971 to 100 in 1975.

But for the number has more than doubled to 205.

Very few of them overpriced in Lesotho, he said. It seems they must have personal reasons.

Mr Lelehla said most of the lawyers were from Johannesburg, but since last

year's riots there had been quite a number from Cape Town.

There was no plan to cross off the names of lawyers who did not work in Lesotho, although the idea had been suggested. Lesotho judges believed the country benefited from those who did appear in Lesotho courts.

As an alternative, many Maseru lawyers say the South Africans should pay an annual fee to stay on the Lesotho roll.

There is also a feeling that the South Africans should be fitted in Lesotho before they are allowed to register.

Maseru has a lively law practice of its own. Local attorneys are kept busy. A number of South Africans, particularly counsel, do appear in the courts.

But one Maseru lawyer, Mr A M Ramolase, said: "Most come to Lesotho for their own personal advantage. They want to go to Commonwealth countries using Lesotho admission certificates."

A judge of the Lesotho High Court, Mr Justice Mokeng, told a group of South African lawyers applying for admission that they should put pressure on the South African Government to allow Lesotho lawyers to practise in South Africa. At present they are barred.

The Chief Justice, Mr Justice Cotran, is expected to raise the issue when he opens a new session of the High Court on Tuesday.

Despite the number taking out Lesotho papers, few lawyers have left South Africa recently.

The secretary of the Cape Law Society, Mr B van der Riet, said only one attorney from the Cape Province had left permanently for overseas since July.

The president of the Natal Law Society, Mr O D Hart, did not know of any lawyers who had left lately.

The President of the Transvaal Law Society, Mr B Mansell, said he had heard of people enrolling in Lesotho but he doubted whether they saw them any advantages.

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'I like to dance mod style'

Chain-smoking Judge Snyman . . . "clinical age of 55."

hearing, two old ladies were talking and the one said to the other: 'It's shocking I don't know how they can allow children to see something like that'."

He laughs, shrugs, "You see, it's impossible to please everybody."

South African censorship which, Mr Snyman admits, is among the strictest in the world, has displeased a large slice of the population.

Mr Snyman says the laws are aimed at satisfying the bulk of the population — that elusive man in the street — and he

wants more people to help the censors assess South Africa's moral standard.

The problem is compounded by the fact that South Africa has great divergence of race and culture and the censors must be careful not to offend any one group by allowing objectionable material.

In that case why hasn't he banned Van Der Merwe jokes?

That's a tricky one and he thinks before answering. "I don't think they're offensive to the Afrikaner. Some of them might be offensive but

you usually find the best Van Der Merwe stories come from Afrikaans people.

"The same as the Jews are the best Jewish joke tellers."

BALANCED

The old censorship outlawed material which would "deprave or corrupt" people. If censors are the people most exposed to this material then it might follow that they will turn out the most depraved and corrupt.

Mr Snyman points out that the new Act no longer contains the words "deprave and corrupt."

"I don't think that would happen. We are all balanced people and we try to be objective. A book could only corrupt you if you became so fascinated that you read and re-read it.

"We don't do that. The censors are just concerned about things which would outrage the morals of the country as a whole."

Mr Snyman's own tastes run to law reports, law

journals and books on electricity — "I like fiddling about with electrical things."

He reads novels only on holiday and Agatha Christie is his favourite. He is a regular cinemagoer — "mainly light things, I don't like heavy drama" — and is a confirmed Bob Newhart fan.

His other interest is politics. He stood for the United Party against Ben Schoeman in Maraisburg during the 1948 election. He is not affiliated to any party now and does not vote because he feels it would be wrong for him to do so in his capacity as a judge.

But it is his work that takes up most of his time. "I go to Hillbrow sometimes, to the bookshops. Sometimes I think there must be hundreds of books there that are as bad or worse as some of those that have been banned."

Does he take the matter up further?

"No. That's not my job. I'm a judge. I'm not a prosecutor."

What subjects most often crop-up in appeals to the Publications Appeal Board? An approximate breakdown of cases into their subject matter shows the board's work load is divided as follows.

SUBJECT MATTER OF APPEAL:

Race relations and security
Violence
Sex and nudity
Religion

PERCENTAGE OF CASES:

30 percent
30 percent
20 percent
20 percent

Part Two of The Star Insight Team's series on censorship. TERRY BARON speaks to the chairman of the Publications Appeal Board and MUFFY TURBEVILLE to the vice chairman.

Blunt! That's the blue pencil judge

Judge Snyman is a chain-smoking 70-year-old who likes rock music and who sometimes walks around nude in front of his 13-year-old daughter and 11-year-old son.

He is also chairman of the Publications Appeal Board which makes him top-man in South Africa's censorship system. In an interview at his

Randpark Ridge home Mr Snyman went through eight cigarettes as he talked about the problems of being South Africa's moral watchdog.

That's a lot of nicotine by any standards but 70-year-old Mr Snyman says, "My doctor says I have a clinical age of 55". He has a young attractive wife, who sometimes reads books he wouldn't like his two pre-adolescent children to see, an assort-

ment of dogs and a Siamese cat which duels with him for his favourite chair.

So where does the rock 'n' roll and the nudism come in?

"You can imagine," he says, "in my position I hear a lot of complaints that it's the devil's music and a communist plot. I don't really know enough about it, but from the little I do know, I like it."

"I like dancing to this modern music. My wife and I often go out to dance. We don't wait for a party. If we feel like dancing we'll go to a restaurant or somewhere on our own."

His two children are Lulu Merle (13) and Dirk (11). They, as much as anything, are the reasons he believes South African censorship should be strict.

29/1/77
Steel

'We decide for ourselves'

It is said that Professor Van Rooyen is his chairman and by his own admission he regards the Publications Act as "more idealistic than realistic."

On the other hand, he feels deeply that his duty to the public is to maintain what the Act calls "a Christian view of life."

Professor van Rooyen talks about determining "community standards" in his work on the appeal board but he also admits those standards change with time. (The Act itself makes provision for this by allowing appeals that have been turned down to be resubmitted after two years).

The point about the Appeal Board, he stresses, is that its function is a judicial one and that, "it is not proper for us to explain whether censorship is right or wrong".

Professor van Rooyen points out that the board cannot take cognisance of, and does not even know, the view of censorship committees against whose decisions it hears appeals

BANNED

Neither does it take into account the views of the Minister when he refers a matter to the board. (One such referral was "The Rocky Horror Show" which the Minister referred to the board after it had been showing for a considerable period

and had been cleared by a censorship committee. The board banned it).

"We never hear their reasons and we do not want to know them. We decide for ourselves," Professor van Rooyen said.

On the question of children and censorship, Professor van Rooyen said: "We should not be over-protective of our children but neither should we underestimate them."

The normal lower limit of an age restriction (four) is too high, he feels, and should be dropped to two.

"Children of three are already very much aware of what is going on," he says, "and all children under 10 should be guaranteed."

NATURAL

"There's no ban on discussions about sex in this house," he says. "Sometimes I walk around bare in front of the children and that's open and natural."

"It's important that they be well-informed about these things. When they see sex life in the barnyard I talk to them about it. I don't want them to grow up with a distorted view about things."

He tells with enjoyment the story of how his children reacted to "Jaws" — one of the films that was snipped by the censors.

"I love the bioscope and go often. This time I'd seen 'Jaws' and I didn't like it too much. I don't want to go again with my wife and the kids."

"But before they left I said to Margaret: 'Watch the kids' reaction. See how it affects them'."

"Anyway, they got out of the bioscope and the kids were arguing about whether it was possible for a shark to bite a man like that. They were eating popcorn and laughing and arguing. They

Professor van Rooyen... "We should not underestimate our children."

Dr Buthelezi

There IS a crisis, *Cape Times* says Dr 29/1/77 Buthelezi

Staff Reporter

THE Rt Rev Manas Buthelezi, Bishop of the Evangelical Lutheran Church of South Africa, said last night that there was a crisis in South Africa although some people denied it.

Dr Buthelezi, addressing a UCT Summer School course on civil religion, said the Blacks feared political tyranny and conversely the Whites feared that they would lose their traditional privileges and political security if they shared power with the Blacks.

The "South African way of life", he said, was motivated more by fear than trust and it was in this context that religion should seek to provide a peaceful solution to the problems of the country.

A major problem, however, was the failure to "elicit from the Bible themes that relate to our national life", he said, adding that our problems should not be transposed to biblical situations but vice versa.

Good news?

"We must indigenize the Bible to the South African situation."

The "good news" of the Gospel was only good news to oppressed people if it pointed to a way out of the present racial impasse.

To legislate against racial mixing was to legislate against Christianity — one could not expect Christian love to flourish when there was no opportunity for fellowship.

31/1/77

He's the people's dean

Religion Reporter

Joseph Simeon Nkoane was born in a rented property in End Street, Johannesburg.

Yesterday he came full circle when, as the Very Rev Joseph Simeon Nkoane, CR, he was installed as Anglican dean of Johannesburg not too far from End Street—in St Mary's Cathedral, Hoek Street.

His people—those of the

diocese of Johannesburg—streamed into the cathedral in their hundreds, packing it to overflowing, for a moving service conducted by Bishop Timothy Bavin, a former dean.

GREY SKY

For an hour the multi-racial crowd forgot the grey sky, the steady rain and the drab surroundings of the central city on a Sunday to join in a ceremony of splendour and colourful robes.

Whites from suburbs of Johannesburg and the Reef and blacks from Soweto, Katlehong and other townships forgot South Africa outside and shared service sheets.

A young black boy and a young white boy, standing near each other in new jackets and trousers, were conspicuous by their studious concentration on the long proceedings.

Rich women in chic dresses and poor women

wearing black scarves or berets on their heads craned their necks alike to watch Bishop Timothy and Dean Simeon.

TIGHT SHOES

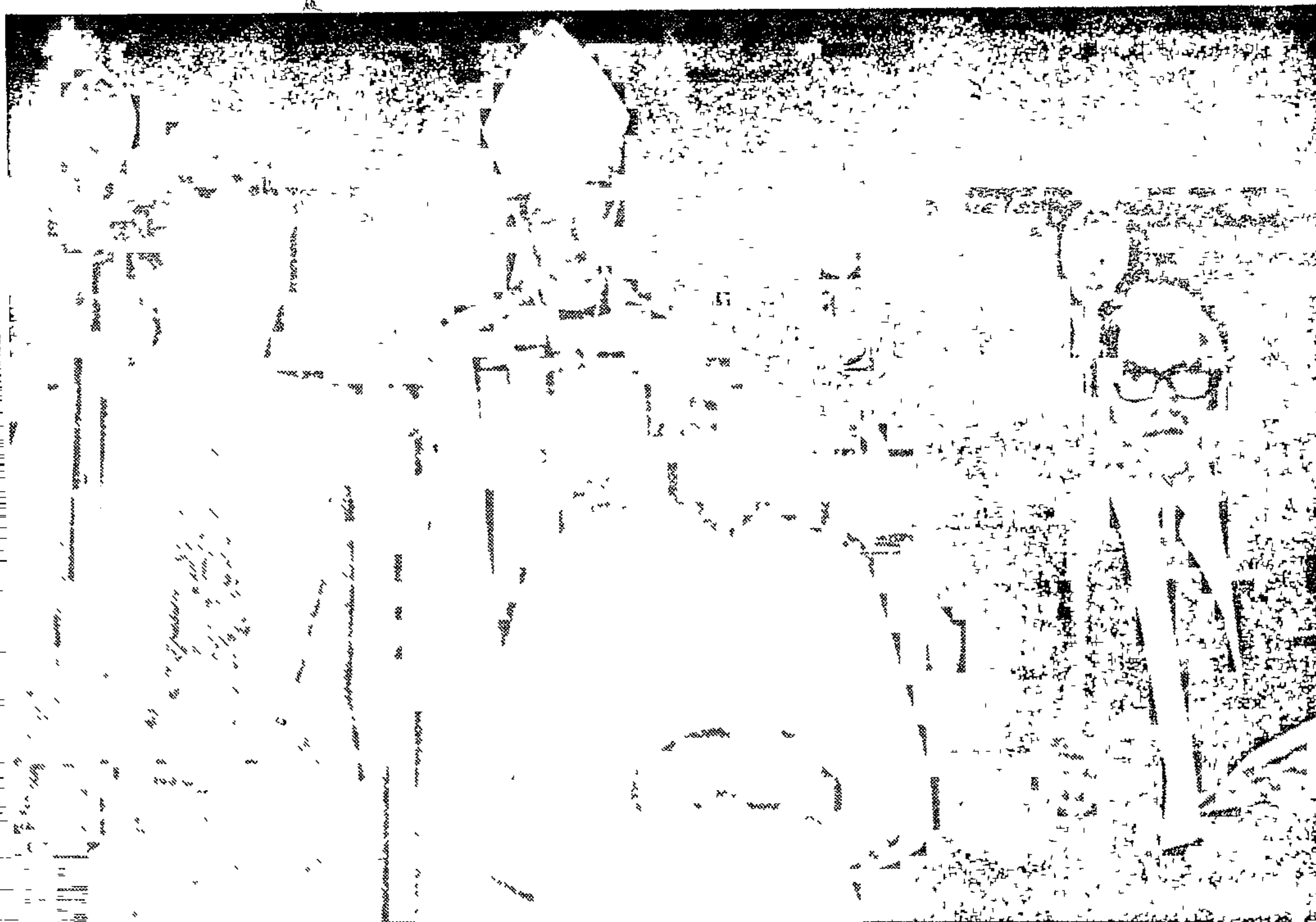
Towards the end of the hour, as the cathedral became hot and stuffy, a matron in distinctive black woollen cap, white blouse and black skirt, eased her tight shoes off her feet.

A Soweto schoolgirl in a simple blue dress, wearing black school shoes without

socks, finally overcame her shyness of two white faces nearby and gazed broadly and long at them.

The congregation was led by the bishop in the Prayer for Africa: "God bless Africa; Guard her children, guide her rulers and give her peace, for Jesus Christ's sake."

Laughing and happy, they crushed through the doors of the cathedral first to shake hands with Dean Simeon and Bishop Timothy — who stood bareheaded in the rain.



Father Simeon Nkoane, new Anglican dean of Johannesburg in St Mary's Cathedral Bishop Timothy Bavin is behind him.

Rand lawyers attack Kruger

JOHANNESBURG — The Johannesburg Bar Council said yesterday an African National Congress document which praised prominent members of the South African legal profession as "comrades" for helping its cause was defamatory.

Mr J. Kriegler, chairman of the Bar council, strongly attacked Mr Kruger, Minister of Justice, for reading a passage from the document in Parliament last week.

"Although the Minister told Parliament he did not believe the statement to be true, the very publication by him of such a statement is regrettable," he said.

This publicity to a "defamatory statement" might give rise to the incorrect belief on the part

of the public that advocates appearing for clients charged with political offences identified themselves with the causes of their clients.

"This is not so. It is a tradition and a rule of the Johannesburg Bar that an advocate may not refuse a brief in the court in which he normally practises because he disagrees with the political views of his client.

"The proper administration of justice demands that this condition be respected," Mr Kriegler said.

On Wednesday last week Mr Kruger read a passage from an ANC letter which praised "comrades" George Bizos, I. Maisels, David Soggot, Roley Arenstein, Vernon Berrange and others.

The document, spread in Soweto, also praised the work of a number of banned personalities and other people.

According to Mr Kriegler this was the second time Mr Kruger had read the passage in Parliament. — DDC

World population now 3 967m

UNITED NATIONS — The world's population totalled 3 967 million, the latest edition of the UN Demographic Yearbook reported yesterday.

Fewer revs per minute

LONDON—The Church of England could be facing a severe manpower shortage soon, Dr. Donald Coggan, Archbishop of Canterbury, said today.

In a special letter to all his clergy, Dr. Coggan said that last year the number of men ordained had been the lowest for 25 years.

There was also an all-time low in the numbers wanting to be ordained.

"If these low numbers

continue, the Church will face a manpower shortage of considerable magnitude," the archbishop said.

Commenting on Dr. Coggan's letter, the Advisory Council for the Church's Ministry said the Church was in competition with industry, government, the professions and employers of every kind in the recruitment race.

Church of England statistics showed that out of 14,350 clergy in 1975, a total of 3,530 were expected to retire by 1980, with only 1,500 ordinations expected. (Sapa-Reuter.)

Editor tipped for rectorship

JOHANNESBURG — Dr Willem de Klerk, editor of Die Transvaler, is tipped to become the new rector of Potchefstroom University on May 1 after the sudden resignation of Prof Hennie Bingle on Monday.

This move would have significant implications in Afrikaner academic circles and the newspaper war between the Transvaal and Cape press groups, Perskor and Nasionale Pers.

Prof Bingle resigned at a special meeting of the council. A council statement said since the rector had reached normal retirement age.

During his controversial career he sent a student to a psychiatrist for wearing his hair long, clashed with a professor who accused him of alleged irregular purchases of university building material and was involved in a controversy when efforts to have his son appointed registrar were opposed.

Nationalist sources indicate that Dr De Klerk will be his successor, although Prof Tjaart Van Der Walt, chairman of the Afrikaanse Calvinistiese Beweging, has an outside chance. Prof Van Der Walt is a more outspoken critic of the government than Dr De Klerk.

Dr De Klerk considered entering politics, the sources indicate, but

feared joining the small group of impotent verligte voices in the Nationalist Parliamentary caucus. The rectorship of Potchefstroom University, where Dr De Klerk was professor of psychology before entering journalism, would give him a more powerful base.

Yesterday he declined to comment when asked through his secretary about the rectorship. He was elected to the executive of the Afrikaner Broederbond last year.

If he is elected, Perskor will have to find a replacement to continue the fight for circulation with Nasionale Pers's Johannesburg morning newspaper, Beeld — DDC.

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Lesotho registers lawyers

South Africa Bureau

MASERU. — The Chief Justice of Lesotho, Mr Justice T. S. Cottrill, said in Maseru yesterday that since February last year 225 South African legal practitioners had been admitted to practise in Lesotho courts.

Two South African legal practitioners were admitted yesterday. They were Mr Leopold Brian Cohen, of Johannesburg, and Brian Allen Genn, of Cape Town.

Mr Justice Cottrill said the Lesotho bar had been trying for some time to get the South African judiciary to reciprocate and allow Basotho lawyers to conduct cases in South Africa.

There have been reports that South African lawyers were registering in Lesotho in order to practise in other Commonwealth countries, but some legal opinion says the "loophole" would not work.

Prayer to make S.A. all-White

PIETERSBURG — Most Afrikaners felt non-Whites should "disappear" and prayed fervently to God to make this happen, the head of the theological faculty at the University of the North, Professor J. A. van Wyk, said near here at the weekend.

He was speaking at a conference on "The promotion of human relations in a multi-racial society" at Kratzenstein in the Lebowa homeland.

The conference, which was organised by members of various religious denominations in the area, was held under the auspices of the Christian Institute.

Prof. van Wyk said Afrikaners had always prayed to God "not for the interests of all" but for help and protection for themselves. When they moved from the farms to the cities they felt lost, struggled to adapt themselves, and eventually saw non-Whites as their competitors.

A Lebowa Member of Parliament, the Rev. S. S. Mothapo, said the White man had taken away "the whole of my dignity" and had reduced him to "the lowest level ever."

"The law imposed on me does not allow me to develop, therefore I become hostile towards the White man," he said.

Dr. M. Bopape, professor in social welfare at the University of the North, said there were two fields among others in which Blacks could play a role in a multi-racial society: the politics of racism, and the politics of inferior and superior which caused troubled relationships between the races.

Since the days of Jan van Riebeeck no Blacks had had the right to decide the future of the country. Today the Church had accommodated about 70 per cent of the Government's policies.

"Blacks should be given a chance to decide the future of the country," Dr. Bopape said. "We cannot live together if we cannot decide together."

He added that separate development had been introduced by Whites who had asked a few Blacks to help them.

Now Blacks had reached a point where they had to "kill poison by using poison," or had to resort to hostility because of the manner in which they were treated by Whites. — (Sana)

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Jo'burg's dean chooses his base

Johannesburg's new Anglican dean has chosen to live neither in the white deanery in Houghton nor in the black deanery in Soweto.

The Very Rev Simeon Nkoane is instead living in between the two

Shunning publicity, clearly anxious not to make an issue of something he regards as unimportant, the Dean has moved into an office and flat in Darragh House, a church-owned premises next to St Mary's Cathedral, in Hoek Street, Johannesburg

Dean Nkoane, as rector of the cathedral, regards his new home as being 'the most effective base' for his new work. Two small adjoining flats have been provided for him.

He is following the example of at least two of his predecessors who also lived in flats near the cathedral

His decision to live in Darragh House is in line with the normal church practice of having rectors living next door to the churches, he feels

Bishop Desmond Tutu, Johannesburg's first black Anglican dean, was appointed went to a new house in Soweto instead of to Houghton. He felt he could not carry out his work properly from a Houghton mansion

Attorney ^{Sp} for trial ^{8/18}

EAST LONDON — A former East London attorney, Mr Dugmore Popo, 40, will be appearing in the Supreme Court here on Monday on a charge of theft involving a general deficiency and 85 alternate counts of theft involving trust funds.

In another hearing, a policeman, Const Lumakile Bomela, 26, will appear on Wednesday on a charge of murder.

He will appear with a bus driver of the Ciskei Transport Corporation, Mr Monde Nkonki, 30.

Their appearance follows the death of a former Robben Island prisoner, Mr Mandisi Wellington Tanana, 40, of NU9, Mdantsane.

The State alleges that Mr Tanana's throat had been cut with a hacksaw.

— DDR

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Professionally trained Coloureds

(275) Mr S A VAN DEN HEEVER asked the Minister of Statistics

- (a) How many trained Coloured (i) doctors, (ii) dentists, (iii) chemists and druggists, (iv) veterinarians, (v) nurses, (vi) architects, (vii) attorneys and (viii) advocates were there in the Republic at the latest date for which figures are available and (b) in respect of what date are these figures given

The MINISTER OF STATISTICS

(a)	(i)	139
	(ii)	2
	(iii)	6
	(iv)	2
	(v)	3 573
	(vi)	18
	(vii) and (viii)	24

Data for attorneys and advocates are not separately available

- (b) Population census 1970

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hier, soos die Nederlandse taalkundige J. L. Pauwels aantoon, met 'n oorgeërde verskynsel te make.

J. A. VERHAGE, „De fuge en gemeensame vorme in die sinsverband van ou Kaapse taal”, *Tydskrif vir geesteswetenskappe*, jg. 5, nr. 3, 1965, pp. 307-323.

J. A. VERHAGE, „Die herkoms van die verbinding *as wat na 'n kompara-* tiefen sy verbreiding in Afrikaans”, *Tydskrif vir geesteswetenskappe*, jg. 7, nr. 1, 1967, pp. 328-342.

J. DU P. SCHOLTZ, *Taalhist. opstelle*, pp. 162-168.

J. L. PAUWELS, „De volgorde van verbogen verbale vormen in het Nederlands”, in *Diets studies*, pp. 105-110.

R150 000 missing: lawyer in court

PORT ELIZABETH — A former Port Elizabeth attorney, Mr Llewellyn Strydom, 31, told the Supreme Court here yesterday he was shocked to find a deficit of over R150 000 in his trust accounts.

Strydom, who said he was now living in Stellenbosch, was convicted on three counts of theft, two of fraud and one of failing to keep proper books.

He was originally charged with nine counts. One count of fraud was withdrawn by the State and he was acquitted on one count of theft and a charge of failing to render proper returns after the sequestration of his estate.

He originally pleaded not guilty on all counts, but later changed his plea to guilty to the following counts, on which he was convicted:

Theft of R153 470 from trust funds; fraudulently trading in a car under lease on another vehicle; theft of a diamond ring from a deceased estate he

was controlling, failing to keep proper books for his practice; and thefts of R36 500 and R1 498 from a company Bosgrensbeleggers Ltd between December 1975 and March 1976.

In mitigation Strydom said in January last year he convened a meeting in his office with his two partners, Mr Crause and Mr Viljoen and a representative of the Law Society, Mr H. Murray.

He told them he had lost control of the practice and he believed there was a R20 000 deficit in the trust accounts. He said he was later surprised to find a deficit in excess of R150 000.

He said he originally altered trust accounts to pay clients when there were delays in transfers.

Later he took money from trust accounts to keep a company, Oosgrensbeleggers (Pty), of which he was a director, on its legs.

The trial will continue today. Bail of R2 000 was extended. — DDC

1. Teorie oor die invloed van Afrikaans

Vroeër is daar wel 'n die een of ander beslissende taalinvloed gedink. Dit was die geval voordat 'n taamlik groot hoeveelheid direkte ge-

meentelike invloed die Franse of Duitse immigrante die Afrikaanse taal beïnvloed het nie, of in hoever hulle die vereenvoudiging van die taal veroorsaak het nie.

antwoordelik hou. Ons kan by.

wens van die Kaapse taal in die Argief in Kaapstad gevind is. Kort na die stigting van die GRA het die belangstelling in die herkoms en ontstaan van Afrikaans by taalgeleerdes begin posvat en aanleiding gegee tot 'n poësie van verskillende teorieë oor die ontstaan van Afrikaans. Th Hahn se *Hottentots-teorie* van 1882 was die eerste poging tot 'n verklaring van die karakter van Afrikaans. Hoewel hy vasstel dat Afrikaans „phonetically teutonic” is, d.w.s. sy Germaanse struktuur behou het, is dit volgens hom „psychologically an essential Hottentot idiom”. Maar hierdie vae stelling kan hy nie bewys nie. Kort ná hom kry ons die belangstelling van Nederlandse geleerdes soos M de Vries en J de Winkler, wat die *Franse-teorie* voorstaan. Volgens die teorie sou Afrikaans onder die invloed van die Franse Hugonote ontstaan het, maar D C Hesselning het die teorie in 1897 al weerlê. In 1885 wys Hugo Schuchardt, die beroemde Duitse geleerde en kenner in Kreoolse tale, op twee belangrike faktore wat by die wording van Afrikaans 'n rol kon gespeel het, hy dink aan die een kant aan Duitse invloed: aan die ander kant was hy die eerste wat in 1891, op grond van kennis van Indo-Portugees en Maleis-Portugees, op moontlike kreoolingsfaktore in Afrikaans die aandag gevestig het. D. C Hesselning het die gedagtes in 1897 en 1899 verder gevoer, veral in sy beroemde *Her Afrikaansch* (1899) waarin hy sy *Maleis-Portugees-teorie* eengesit het. In teenstelling met die vorige teorieë was Hesselning se eerste wat werklike verantwoordelik was. Volgens Hesselning moes daar binne die eerste dertig jaar van die volksplanting 'n heftige botsing van tale aan die Kaap plaasgevind het, nl. 'n botsing tussen die 17de-eeuse Nederlanders van die vryburgers, soldate en ampstare en die taal van die Oosterse slawe wat Maleis en 'n vorm van *Portugees* gepraat het, of 'n vermenging van albei („Maleis-Portugees”). In 1658 en daarna het 'n groot aantal slawe wat gebroke *Portugees* gepraat het, Kaap toe gekom; dit sou volgens Hesselning 'n kielike kommunikasieprobleem veroorsaak het wat tot 'n vinnige verandering van Nederlands gelei het. Die resultaat was 'n sterk vereenvoudigde taal met 'n reduksie in sy grammatika. Wanneer 'n kultureel staande taal binne 'n kort tydperk 'n drastiese reduksie, struktuurverandering en vereenvoudiging ondergaan, praat 'n mens van kreolisering. Hesselning moet egter self erken dat die tipiese kenmerke van kreolisering in Afrikaans ontbreek, daarom kom hy tot die konklusie dat Afrikaans beskou moet word as Nederlands wat halfpad bly staan het om 'n Kreoolse taal te word.

Ongeukkig het Hesselning destyds nie oor die nodige direkte taalgegewens beskik nie; hy kon sy teorie feitlik net op sosio-historiese gegewens baseer wat bowendien nie volledig en korrek was nie. Daarom was ook sy teorie ontoereikend en eensydig; dit het 'n hipotese gebly wat hy nie kon bewys nie.

Attorney sentenced

PORT ELIZABETH — Mr Llewellyn Strydom, a former attorney, was sentenced to six years imprisonment by the Judge President, Mr Justice Cloete, when he was found guilty in the Supreme Court here yesterday of the theft of R153 470 from his trust funds.

He was sentenced to a further five years imprisonment on two further counts of theft,

two counts of fraud and one count of failing to keep proper books. The sentences on the subsequent counts will run concurrently with the sentence on the first count.

Passing sentence, Mr Justice Cloete said the misuse of trust funds was always a serious offence and in this case a large amount was involved. — SAPA

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hier, soos die Nederlandse taalkundige J. L. Pauwels aantoon, met 'n oorgeërfde verskynsel te make.

J. A. VERHAGE, „Defüge en gemeensame vorme in die sinsverband van ou Kaapse taal”, *Tydskrif vir geesteswetenskappe*, jg. 5, nr. 3, 1965, pp. 307-323.

J. A. VERHAGE, „Die herkoms van die verbinding as wat na 'n kompara-tief en sy verbreiding in Afrikaans”, *Tydskrif vir geesteswetenskappe*, jg. 7, nr. 1, 1967, pp. 328-342.

Priest killed in church stabbing, court told

By BARRY LEVY

A STATEMENT read out before a Pretoria magistrate yesterday told how a Kwaggasrand priest was stabbed to death in a churchyard on January 11. Mr Jack Chauke, 47, who made the statement, was appearing at a preparatory examination into an allegation of murder.

He said he made the statement because a police man threatened to assault him. He said he was in the churchyard at the time of the killing. He said he saw a man and a woman walking towards him. The man grabbed him and asked what he wanted. Chauke pulled out a knife and stabbed him. He did not mean to kill him. He only wanted to frighten him away. Mr Chauke said Mr Sam Molefe denied an evidence in an allegation by Mr Chauke that he was one of three involved in the church robbery. However, he said he met Mr Chauke in the Pretoria West police cells on January 26. He said Mr Chauke confessed to him that he had killed the priest.

but he did not deny its contents were true. In the statement made before a magistrate after his arrest, Mr Chauke said he stabbed a man who confronted him in a churchyard. He did not mean to kill Mr John Miller, priest of the Old Apostolic Church of Africa in Kwaggasrand, he said. Mr Chauke said he and two others broke into the church on the night of January 11 because they had been told that the priest stored his money in the church. Mr Chauke was standing guard at the church door when he saw a man and a woman walking towards him. The man grabbed him and asked what he wanted. Chauke pulled out a knife and stabbed him. He did not mean to kill him. He only wanted to frighten him away. Mr Chauke said Mr Sam Molefe denied an evidence in an allegation by Mr Chauke that he was one of three involved in the church robbery. However, he said he met Mr Chauke in the Pretoria West police cells on January 26. He said Mr Chauke confessed to him that he had killed the priest.

invloed van die talie vreemdeinge aan die Kaap 'n rol gespeel. Ook hier kan ons net by uitsondering een groep sprekers isoleer en vir die wording van 'n bepaalde taalvorm verantwoordelik hou. Ons kan by me aantoon in hoever die Franse of Duitse immigrante die Afrikaanse sinsbou direk beïnvloed het nie, of in hoever hulle die vereenvoudiging van die vormstelsel veroorsaak het nie.

1. Teorie oor die ontstaan van Afrikaans

Vroeër is daar wel aan die een of ander beslissende taalinvloed gedink Dit was die geval voordat 'n taamlik groot hoeveelheid direkte ge-

wens van die Kaapse taal in die Argief in Kaapstad gevind is. Kort na die stigting van die GRA het die belangstelling in die herkoms en ontstaan van Afrikaans by taalgeleerdes begin posvat en aanleiding gegee tot die ponering van verskillende teorieë oor die ontstaan van Afrikaans Th Hahn se *Hottentots-teorie* van 1882 was die eerste pos-ging tot 'n verklaring van die karakter van Afrikaans. Hoewel hy vas-stel dat Afrikaans „phonetically teutonic” is, d.w.s. sy Germaanse

het, is dit volgens hom „psychologically an essential”. Maar hierdie vae stelling kan hy nie bewys nie. Kort s, die belangstelling van Nederlandse geleerdes soos J. te Winkel, wat die *Frans-teorie* voorstaan. Volgens Afrikaans onder die invloed van die Franse Huguenote ar D C Hesseling het die teorie in 1897 al weerle. In Schuchardt, die beroemde Duitse geleerde en kenner le, op twee belangrike faktore wat by die wording van kon gespeel het, hy dink aan die een kant aan Duitse in-nder kant was hy die eerste wat in 1891, op grond van do-Portugees en Maleis-Portugees, op moontlike kreo-in Afrikaans die aandag gevestig het. D. C Hesseling in Afrikaans die aandag gevestig het. D. C Hesseling

werk *Het Afrikaans* (1899) waarin hy sy *Maleis-Portugees-teorie* uiteengesit het. In teenstelling met die vorige teorieë was Hesseling s'n die eerste wat werklik wetenskaplik verantwoord was. Volgens Hesse-ling moes daar binne die eerste dertig jaar van die volksplanting 'n skielike botsing van tale aan die Kaap plaasgevind het, nl 'n botsing tussen die 17de-eeuse Nederlands van die vryburgers, soldate en am-tenare en die taal van die Oosterse slawe wat Maleis en 'n vorm van gebroke Portugees gepraat het, of 'n vermenging van albei („Maleis-Portugees”). In 1658 en daarna het 'n groot aantal slawe wat gebroke Portugees gepraat het, Kaap toe gekom; dit sou volgens Hesseling 'n skielike kommunikasieprobleem veroorsaak het wat tot 'n vinnige verandering van Nederlands gelei het. Die resultaat was 'n sterk ver-eenvoudigde taal met 'n reduksie in sy grammatika. Wanneer 'n kul-tuurtaal in 'n bepaalde kontaksituasie deur 'n botsing met 'n sosiaal laerstaande taal binne 'n kort tydperk 'n drastiese reduksie, struktuur-verandering en vereenvoudiging ondergaan, praat 'n mens van kreoalise-ring. Hesseling moet egter self erken dat die tipiese kenmerke van kreoïsering in Afrikaans ontbreek, daarom kom hy tot die konklusie dat Afrikaans beskou moet word as Nederlands wat halfpad bly staan het om 'n Kreoolse taal te word.

Ongeukkig het Hesseling destyds nie oor die nodige direkte taal-gegewens beskik nie, hy kon sy teorie feitlik net op sosio-historiese gegewens baseer wat bowendien nie volledig en korrek was nie. Daar-om was ook sy teorie ontoereikend en eensydig; dit het 'n hipotese gebly wat hy nie kon bewys nie.

Outside the law

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HUNDREDS of law graduates are being forced to look for jobs outside the legal profession.

Finding it impossible to get employment with practising attorneys, they are queuing up for posts in commerce and industry.

But, with the general scarcity of work in the economic recession, many are not having much success.

An Act of Parliament re-

Hundreds of graduates queue for work as legal jobs dry up

By SUZANNE VOS

quires law graduates to be articled for two years' practical training before they can practise and be registered as attorneys

However, established firms are not employing articled clerks and, instead, a large number of

white, Indian and coloured graduates are now being forced to look for jobs in commerce and industry.

Law society offices say they have long lists of

graduates seeking articles, and the problem has prompted the Association of Law Societies to set up a private commission of inquiry.

Dr C. F. Eckard, director of legal education for the association, told me this week that the association was concerned about the situation

"We are trying to establish what can be done," he said "The commission is

making investigations throughout the country and we hope the report will be ready soon."

He revealed that thought was being given to an alternative to the present system of articles.

"It may well turn out that, although articles will not be abolished, we may have to provide a school for practical training."

Mr D. Sampson, chairman of the association's planning committee on legal education, said the suggestion had been made that universities were turning out more law graduates than could be absorbed into the profession.

"England, Canada and Australia have experienced a similar problem," he said.

Mr Sampson said his committee had studied a pattern now in vogue in Australia in which schools for the practical training of attorneys had been set up and which had proved to be successful.

In one state of Australia, the system of articles was being phased out. This would take an Act of Parliament in South Africa

Standard 7 @ 626-627 11/3/77

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Price increases: Bread/milk

566 Mr G H WADDELL asked the Minister of Agriculture.

(a) How many price increases for (i) bread and (ii) milk have been granted since 1 October 1975 and (b) what was the

percentage increase in respect of each commodity in each case

The MINISTER OF AGRICULTURE

(a) (i) One

(ii) One

(b)

White bread	25
Brown and whole-wheat bread	23
Milk*	
Bloemfontein	6,7
Durban	7,55
Cape Peninsula	6,1
Pietermaritzburg	7,55
Port Elizabeth	8,0
Pretoria	8,2
Western Transvaal	8,1
Witwatersrand	8,0

*Consumers' prices for milk delivered at premises of purchaser in exchange for coupons

32. In a simple two country world the effect of removing an import duty would be to :
1. Increase world trade.
 2. Decrease the price of the commodity in the importing country.
 3. Lower the price in the exporting country.
 4. Increase output by the exporting country.
 5. Both 1. and 3. above.
31. If the demand for strawberries is perfectly elastic and the supply is perfectly inelastic, a bad harvest which reduced output would :
1. Lower the price of strawberries.
 2. Raise the income of strawberry growers.
 3. Have no effect on strawberry growers' income.
 4. Lower the incomes of strawberry growers.
 5. Both 1. and 4. above.
30. "If the railways are making a loss on passenger traffic they should lower their fares". The suggested remedy would only work if the demand for rail travel has a price elasticity of :
1. (a) and (b) only.
 2. (b) only.
 3. (c) only.
 4. (d) only.
 5. None of them.
29. (A) The prices of agricultural products tend to fluctuate less than the prices of manufactured goods. (B) The demand for agricultural goods tends to have a lower price elasticity than the demand for manufactured goods.
1. A is correct because B is correct.
 2. Both A and B are correct but there is no causal relation.
 3. A and B are both incorrect.
 4. B is correct because A is correct.
 5. None of the above.
28. The quotation is free of logical error but does not describe the way prices behave in actual competitive markets. The quotation would be correct if "excess supply" were substituted for "excess demand".
1. The analysis in the quotation is correct.
 2. The quotation confuses shifts in curves with movements along the curve.
 3. The quotation is free of logical error but does not describe the way prices behave in actual competitive markets.
 4. The quotation would be correct if "excess supply" were substituted for "excess demand".
 5. None of the above.

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3.

12. Which of the following is most elastic of demand?

1. Cigarettes.
2. Motor car tyres.
3. Chocolate ice cream.
4. Food.
5. Shoelaces.

13. Given two straight line demand curves, the price elasticity of demand at a point A is

1. Less than at point A.
2. More than at point A.
3. Equal to that at point A.
4. Dependent on the supply curve.
5. None of the above.

14. Price increases: Cement/bricks/steel/electricity

1. (567) Mr G H WADDELL asked the Minister of Economic Affairs
2. (a) How many price increases for (i) cement, (ii) bricks, (iii) steel and (iv) electricity have been granted since 1 October 1975 and (b) what was the percentage increase in respect of each commodity in each case.
- 3.
- 4.
- 5.

15. The MINISTER OF ECONOMIC AFFAIRS

1. (a) (i) The prices of cement were increased four times
- 2.
- 3.
- 4.
- 5.

16. Date of Price Increase

1. 2 January 1976
2. 16 July 1976
3. 14 January 1977
- 4.
- 5.

- 1.
2. A rise in the supply of refr
3. A leftward shift in the supply
4. A rightward shift in the demand
5. A leftward shift in the demand

17. Income elasticity of demand is defined as

1. $\frac{Y}{Q} \times \frac{\Delta Q}{\Delta Y}$
2. $\frac{\Delta Q}{Q} \times \frac{\Delta Y}{Y}$
3. $\frac{Q}{\Delta Q} \times \frac{Y}{\Delta Y}$
4. $\frac{Q}{Y} \times \frac{\Delta Q}{\Delta Y}$
5. $\frac{\Delta Q}{\Delta P} \times \frac{P}{Q}$

(ii) The prices of bricks in the Pretoria/Witwatersrand/Vereeniging area which is the only area in which brick prices are determined on a regional basis, were increased three times. In the rest of the country brick prices are determined for each individual manufacturer. It will, therefore, be a comprehensive task to extract the required information in respect of undertakings in the rest of the country from the Price Controller's records which could only be undertaken at the expense of more important work by the limited personnel of the Price Controller.

(iii) The prices of primary steel products were increased twice.

(iv) The electricity tariffs of Escom were increased three times.

(b) (i) Cement is sold on a delivered price basis with the result that almost every place in the country, depending on the distance by rail from the nearest factory, has a different price. It is, therefore, not possible to furnish the percentage increases in the prices for the various destinations. In the Pretoria area the percentage increases were as follows:

2 February 1976	11,6%
1 April 1976	2,4%
1 September 1976	6,1%
16 November 1976	1,7%

(ii) In the Pretoria/Witwatersrand/Vereeniging area the percentage increases in respect of brick prices were as follows:

Price at Works	Delivered Price
%	%
16,11	13,14
3,96	3,05
10,38	13,15

(iii) 7 May 1976 15,0%
3 December 1976 8,8%

(iv) 1 April 1976 15,0%
1 September 1976 13,0%
1 January 1977 25,0%

NM. 18/3/77

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African attorney with 2 problems

Mercury Reporter

AN African attorney in Vryheid, Mr. James Lesala, is faced with two problems: he cannot be allocated a house in the local township and he cannot enter into a partnership with a White attorney.

The Mondlo Town Council has refused to allocate him a house on the grounds that he is not a Zulu but a Mosotho.

This was confirmed by the township manager, Mr. A. J. Jele.

The chairman of the town council could not be contacted yesterday.

Meanwhile a White Vryheid attorney's application to have an African partner in his firm has been refused.

He intends taking up the matter with a National Party MP, Mr. Jooste le Roux.

The attorney, Mr. M. J. Viljoen, told the council that Mr. Lesala would attend to matters connected with African clients only.

But Mr. P. Grabe, Vryheid's town clerk, told the Mercury yesterday, Mr. Viljoen's application had been rejected because he had not applied in accordance with town planning regulations.

Round hanged

Row over political sermons

Religion Reporter

The Anglican Dean of Johannesburg the Very Rev Simeon Nkoane, says he has never had a "political sermon" preached in St Mary's Cathedral.

Father Nkoane was commenting on the row that has erupted over an editorial in the St Mary's parish magazine, The Parishioner, on political preachers.

The honorary editor, Mr Colm Campbell, provoked sharp reaction when he wrote: "There lurks a danger — which must be sought out and destroyed — that St Mary's fine reputation will become besmirched by political clerics."

A protest petition was sent to Mr Campbell and there was a call for his resignation.

UNHAPPINESS

Father Nkoane disclosed that he had expressed unhappiness with the editorial.

"If I had seen it before it went to print I would definitely have criticised it. I wouldn't have allowed it to go in as it is.

"I have never had a political sermon preached in the cathedral."

But Father Nkoane did not ask Mr Campbell to resign and Mr Campbell has no intention of doing so. He considers himself responsible only to Father Nkoane.

Father Nkoane said he thought the debate will ultimately strengthen the cathedral.

"It's healthy because it will lead to more understanding of other people's views. Many people who worship here are very concerned at the role the cathedral should play in the city and the diocese."

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VRYPHEID'S LEGAL HIT

BY CHRIS OCKERS

Mr Frans van der Merwe, secretary of the Law Society of Natal, said the society would discuss the issue. They foresaw no problems as there were several other partnerships between blacks and whites in Natal.

He is a qualified lawyer and I have a big black clientele. But I am sure this matter will be resolved. It was a misunderstanding.

Mr Frans van der Merwe, secretary of the Law Society of Natal, said the society would discuss the issue. They foresaw no problems as there were several other partnerships between blacks and whites in Natal.

Unaware

Mr Jan Slabbert, Mayor of Vryheid, said he was unaware of the fact that there were other black-white partnerships in Natal.

"I'm positive the Town Council will discuss the issue again. If Mr Viljoen complies with all the conditions we will look at it again," he said.

A leading Natal advocate said this week he was sure the application should have been granted in the first instance.

"Mr Viljoen does not have to advertise the fact as far as I know. If he wants to, he can go direct to the Minister concerned," he said.

"This so-called technicality is nonsense. But I understand Mr Viljoen's position. I cannot see how his application can be turned down once he does what they want."

TOWN COUNCIL BLOCKS

LAWYER'S

BID FOR

BLACK PARTNER

AN Afrikaner lawyer from Vryheid in Northern Natal is determined to have a black partner despite a refusal by the Town Council to grant permission over a technicality.

Mr Kobie Viljoen said this week he was sure the Vryheid Town Council would eventually agree to the move when they realised there was nothing in law to prevent the move.

The Town Clerk, Mr Piet Grabe, said the application had been turned down because Mr Viljoen did not advertise

Formality

the fact that he intended to take a black man as his partner. "It is a by-law of this town that the intent should be advertised. If Mr Viljoen complies with this, the council will most definitely discuss the issue again," Mr Grabe said.

Mr Viljoen said: "I was very disappointed when they told me Mr Lesale could not be my partner. I thought it would be a mere formality."

right hand yourself by analysis have and

Permission

"Under the Bantu (Urban Areas) Act No. 25 of 1945, the local Town Council must give permission for me to become a partner. Once they have done it, it becomes merely a formality when the Minister of Bantu Affairs considers the application."

"I was very disappointed when they refused but we hope this

Window". Here it is:

TH	W
kr	a
s	s
k	t

No.1

No.2

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252
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A

Black - white lawyers' partnership ruling this week

SUN 3/4/77
TIMES

SUN 3/4/77
TIMES

Sunday Times Reporter

ATTORNEY Mr M. J. Viljoen will know this week if the Natal Law Society can help him enter into a partnership with his black professional assistant, Mr James Lesala.

Mr Viljoen, of Vryheid, appealed to the Law Society after his partnership application was rejected by the town council. The Law Society discussed it on Friday.

Mr Lesala, 28, completed his law degree through Unisa. He served his articles in Maritzburg and joined Mr Viljoen's firm in February.

Mr Viljoen then decided to make him a partner responsible for handling the affairs of the firm's growing number of black clients.

Mr Lesala, who is married, suffered a second setback when Mondlo Town Council refused to allocate him a house on the grounds that he is not a Zulu, but a Mosotho. However, he has been given a home in the Vryheid location.

Cape Times 4/4/77

Law society to help attorney

Own Correspondent

MARITZBURG — The Natal Law Society is to give a Vryheid attorney and his African professional assistant "whatever help they may need" in obtaining authority to practise in a partnership in the town.

This resolution by the society — taken at its meeting

here on Friday — follows an unsuccessful partnership application by the attorney, Mr F J Viljoen, to the Vryheid Town Council.

The council rejected his application to have his African professional assistant, Mr James Lesala, as a partner in his firm.

Mr Viljoen then appealed to the Natal Law Society for help.

Mr O Hart, president of the

society, said here yesterday. "Basically, it is a question of Government policy — whether a black professional man can practise in a group area other than his own."

He said the Law Society would do all it could to support Mr Viljoen, if a renewed application was made to the Vryheid Town Council, but added that the issue would most likely be settled ultimately with the

Department of Bantu Administration and Development.

Mr Lesala joined Mr Viljoen's firm in February after serving his articles in Maritzburg. Mr Viljoen decided to make him a partner in the firm responsible for the affairs of a growing number of African clients.

Mr Viljoen was not available for comment yesterday.

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Bantu population/qualified Bantu in Port Elizabeth

801 Mr T ARONSON asked the Minister of Statistics.

(a) What is the Bantu population of Port Elizabeth, (b) how many qualified Bantu (i) doctors, (ii) dentists, (iii) chemists and druggists, (iv) veterinarians, (v) nurses, (vi) architects, (vii) attorneys and (viii) advocates were living in Port Elizabeth as at the latest date for which figures are available and (c) in respect of what date are the figures given.

The MINISTER OF STATISTICS

(a) Port Elizabeth metropolitan area	205 055
(b) (i) To (viii) not separately available However, the following information is available	
Medical, dental and related workers	1 415
Physical scientists and related technical workers	8
Architects, quantity surveyor and engineers	2
Jurists	4
(c) 6 May 1970	

Rumpff calls for more black lawyers

Staff Reporter

THE Chief Justice, Mr Justice Rumpff, has called on the state and the legal profession to step up the training of black lawyers as the country moved steadily away from racial separation.

Speaking at the centenary celebration of the Transvaal Division of the Supreme Court in Pretoria at the weekend, Mr Justice Rumpff said it was imperative that South African common law be maintained in the independent homelands.

A prognosis of the future in South Africa indicated that whites could not afford to fall backwards, because their own freedom, law and religion would disappear.

Authority and law would therefore have to be enforced with firmness and justice.

"It is clearly our duty to produce, in cooperation with universities, non-white lawyers and jurists into whose willing hands our legal heritage can be placed — not only in the Republic but also in the independent homelands.

"It is our task to help adapt their law to our own common law."

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The breakdown of farms surveyed into product categories as a percentage of farms in different types of product is shown in Table 9.

PRODUCTS FARMED AS A DETERMINANT OF LABOUR CONDITIONS

A watch urged on professions

ORMANDE POLLOK
Political Correspondent

CAPE TOWN — The medical and other professions which set their own fees create what appear to be monopolies and should be kept under "constant surveillance" says the Commission of Inquiry into Monopolies.

The commission's report was published in Parliament yesterday.

It says: "The commission recommends that the board (the proposed Monopolies Board) keeps the position of the professions and their organisations under constant surveillance with a view to having their activities investigated where it appears that they

operate, or may operate, against the public interest."

Commenting on the professional bodies, the commission says that in almost all cases their activities are the subject of special legislation.

The commission "recognises" that they have to be monopolistic in the sense that for the protection of the public, only those who have the necessary qualifications are allowed to practice.

"The exercise of these monopolies, in a greater or lesser degree, inevita-

bly conflicts with or impinges on the principles contained in this report," says the commission.

The professional bodies, it says, make their own rules and regulations and set their prices. In many cases minimum charges are laid down but on the other hand advertising is not allowed.

"These monopolies will no doubt be considered by the proposed Monopolies Board when deemed necessary."

% Farmers finding supply of labour adequate

30
50
70
90

C. THE SUPPLY OF LABOUR

The strongest indication of the effect of different wage rates is given in figure 10. Here varying wage rates are plotted against the percentage of farmers in the specified wage categories finding their supplies of labour adequate. An argument has been put forward by many farmers that as wages increase, turnover rate increases and there is no need for workers to work as long to reach their critical savings point which enable them to accumulate sufficient income to return to the homelands. As a consequence, so the argument goes, the supply of labour falls off at higher wage rates. This is shown in figure 11. The average working week is 46.2 hours: Table 11). As was explained in relation to figure 5, rates of pay at this level are in themselves a demotivating factor. As the hours worked increases, wage rates increase and workers are prepared to accept the wages, rather than to seek new employment. It thus appears that workers are more concerned with wages than with hours worked, where these hours worked are low. As the working week is increased to beyond fifty hours, the worker is more concerned with having some leisure time, rather than greater income, and turnover again begins to increase.

Architects find it tough to build a career

19/6/77
S.F.
SUN TIMES 19/6/77

ARCHITECTS are facing the worst work crisis in 32 years in South Africa — and some have taken jobs driving taxis and selling ice cream to make ends meet.

The slump in the building industry, has forced many to close their practices and find other jobs. While some have found architectural jobs in Government or with local authorities, a Johannesburg architect has opened an ice cream parlour and a Durban architect, forced to sell his house and move into a flat, is becoming a taxi driver.

Firms have laid off architects and draughtsmen. University graduates are finding it difficult to get practical experience.

The national president of the Institute of South African Architects, Mr Rod Philip, said this week that the profession was facing its worst crisis since World War II.

"There has been a continuing decline in work over the past six months, and many architects are out of work."

Mr Philip said he could see no signs of improvement for at least six months.

"A serious problem, one for which there is no ready solution, is that our final-year students need to work under architects for a minimum of a year before registering with the Council for Architects."

"They are unable to find work because architects are laying off qualified staff."

The Defence Force and certain local authorities had been approached to help, he said.

New commissions in the public sector are down by 46 per cent, and 29 per cent in the private sector.

"We can see no signs of improvement, at least not for the next few years," said Mr Jack Barnett, president of the Cape Provin-

By RAY SMUTS

cial Institute of Architects
He attributed the lean times to.

- The general economic crisis;
- The glut of office and shopping space in the cities;
- The country's political situation,
- Lack of finance.

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Cape Law Society supports clinics

Staff Reporter

To be completed legal aid clinics were taking away work from practising attorneys have resulted in a statement from the Law Society of the Cape of Good Hope that it supports the clinics — if set "conditions" are strictly followed.

1. Constant

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- b) mean
- c) mean
- d) mean
- e) none

Which of

CLAIMS that the student-run legal aid clinics were taking away work from practising attorneys have resulted in a statement from the Law Society of the Cape of Good Hope that it supports the clinics — if set "conditions" are strictly followed.

The law society said in the statement that the clinics, established by the University of Cape Town, should serve a "useful purpose" to students and members of the public who qualified for assistance, if the interviews were held only to determine problems. If the problem proved to be a legal one, students should direct the person to an attorney or to the legal aid officer if the person qualified for aid according to the means test.

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Permission

Permission to conduct clinics was granted to the students on condition the clinics were supervised by qualified practising attorneys.

"The purpose in stipulating this provision was to ensure particularly that members of the public would not be given advice by unqualified persons which could perhaps result in their being deprived of their legal remedies and consequently their right of access to the courts

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R 20 per bushel

R 50 per bushel

farmer in the short and long term? What Explain your assumptions.

(15%)

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"The Legal Aid Boards and the law society accept that a service can be rendered by students by acting as a link between the members of the public referred to and the Legal Aid Board."

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(No. of men)

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Assuming wages of R5 per man, fixed cost of R100, calculate Total cost, Total Variable Cost, Average Fixed Cost, Marginal Cost.

Draw graphs to show the relationship between these curves.

(30%)

p.t.o.

2/...

Mdantsane gets woman lawyer

PORT ELIZABETH — When Miss Grace Nontobeko Mapasa, 25, of Mdantsane, was admitted to the roll of attorneys of the Eastern Cape division of the Supreme Court in Grahamstown yesterday she became one of South Africa's few black woman attorneys.

In admitting her to the roll, the Judge-President

of the Eastern Cape, Mr Justice Cloete, said: "It is not usual for a woman of your race to be admitted and therefore your admission is a distinction."

"I congratulate you warmly and wish you happiness in your career."

In an interview yesterday, Miss Mapasa said she was the only one of a family of four sisters and a brother to have studied at university. Her parents, both dead, had been labourers in Transkei.

Miss Mapasa matriculated at Blythwood High School, Transkei, and then studied law at Fort Hare University. She completed her B Proc degree in 1974 and in 1975 and 1976 she did her articles with a legal firm at Mdantsane.

She said she would practise as an attorney at Mdantsane — DDC

1252 FM 15/7/77

FRENCH INTENSIVE

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MONOPOLIES

Accountants, attorneys, stockbrokers, doctors, dentists and other professionals will find themselves under the spotlight when the proposed Monopolies Board starts to tick.

The report of the Mouton Commission into Monopolistic Conditions points out that many professions operate as monopolies, although it accepts that the strict entrance requirements are designed to protect the public.

But the report notes that — subject in some cases to government control — the professions make their own rules, enforce and administer their own internal disciplines and fix their own charges. In many cases, minimum charges are laid down.

The Commission observes that the legal profession, for example, has been the subject of controversy abroad, where it has been suggested that its monopoly operates against the public interest. The US Supreme Court recently ruled against the competence of some professional bodies to fix charges binding on all their members. In the UK, a Royal Commission is investigating the legal profession. Both countries are reconsidering the ban on advertising by professionals.

"The exercise of these monopolies, in a greater or lesser degree," continues the Commission, "inevitably conflicts with or impinges on the (free competition) principles contained in this report".

Accordingly, the Commission recommends "that the Monopolies Board keep the position of the professions and their organisations under constant surveillance with a view to having their activities investigated where it appears that they operate, or may operate, against the public interest".

to be answered

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YEAR'S WORK:

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PAPER I:

A. 1. Thème

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2. Exercices de langue

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B. Ancien Français

2 x 30

60

C. Civilisation (1 question may be answered in English)

2 x 30

60

PAPER II:

Littérature (essays and commentaries:

1 of these may be written in English)

3 x 60

180

ORAL:

100

600

N. Mercury 19/7/77

Envoy prof

MAFEKING — A former lecturer at the University of the North, Prof. E. P. I. Lekhela, has been appointed roving ambassador for Bophuthatswana. — (Sapa.)

(249)

(28)

RDM 1/8/77

Lawyers fear forced move to homeland

By SHEILA WING

NATAL'S decision to bar African lawyers from practising in Durban was a ridiculous and impractical move, black Johannesburg lawyers said yesterday.

They were reacting to reports of the one-year deadline which the Port Natal Administration Board has given African lawyers in Durban to leave their city offices and move to the homelands.

Several African lawyers in Johannesburg yesterday said this was an indirect move to promote business among white attorneys and said that the Transvaal may follow suit.

"If it happens in Natal — which is more liberal than other provinces in the application of discriminatory laws — what will happen in the Transvaal?" one lawyer said.

PERSUADE

But yesterday, a spokesman for the West Rand Administration Board said the issue had never been considered by the board.

The chief Bantu Affairs Commissioner for the Witwatersrand, Mr F B du Randt, added that it was policy to try to persuade professional men to use their expertise in the homelands. But no timetable or deadline was laid down.

Several African lawyers practised in Johannesburg and his department did not refuse them permission to operate from offices in the city, Mr Du Randt said.

Johannesburg's handful of black attorneys illegally occupy their city premises in terms of the Group Areas Act.

They have made representations to the Law Society and the Bantu Administration Department with a view to gaining immunity from the Act but

have not received replies. Several lawyers have on occasion been threatened with eviction.

RIDICULOUS

All agreed that their services were needed more in urban areas than in the homelands.

"It's wrong that these people should be moved. The authorities are probably trying to test the reaction of lawyers by starting in Durban," one attorney said yesterday.

"It's ridiculous and impractical," another added. "There is no sense in a man receiving a divorce summons in the city and then having to travel about 300 km to the homeland to look for an attorney."

Another lawyer said: "This is going to kill us. People in the homelands do not understand their rights — baasskap still predominates there."

"There is no moral or professional justification for this kind of forced removal."

Sudan Times
1977. *Bosman Times*

Blight on the 1977 CA crop

By NIGEL BRUCE

THIS year has been a tough one for most of us, but for fledgling accountants it's been the worst since 1962. Of the 896 students who wrote their final examinations to qualify as chartered accountants, only 307 (or 34 per cent) have passed.

A spokesman for the education committee of the Public Accountants and Auditors Board says that this is the second worst pass rate in the history of the examination in this country.

The worst was in 1962 when only 32 per cent passed. Last year it was 64 per cent — which some accountants say was on the high side.

The education committee spokesman says the examination papers this year were not "particularly difficult" and were "marked objectively." The committee itself is fairly widely representative of the profession, having three professors of accounting as well as practising accountants on it.

Since the passing in 1951 of the Public Accountants and Auditors Act, most of the teaching of accountants has been done by the universities and it is through the final qualifying examination that the profession monitors this process.

However, the education committee spokesman emphasises that the poor pass rate does not suggest university teaching standards are not up to scratch. Indeed, the feeling among leading accountants in Johannesburg is that the Year of '77 was one of doubtful vintage.

If it's any consolation, the 589 students that failed may take some heart from the economic truism that a limited supply of accountants keeps auditors' incomes rising.

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'Quit' order

to black

lawyers

frica Labour and Development Research Unit

Own Correspondent

DURBAN — African attorneys throughout Natal have been given a 12-month deadline in which to quit their present offices in large towns and cities and set up their practices in the homelands.

The directive, authorised by the Department of Bantu Administration, will affect most of the province's 52 African attorneys, many of whom had applied for permits to continue practising in non-African group areas.

It could also lead to many African attorneys leaving the profession, because the bulk of their clientele do not live in the homelands.

Attorneys in Durban were told of the deadline in letters from the central districts manager of the Port Natal Bantu Affairs Administration Board, Mr G. F. Baker, earlier this month.

TRACT LABOUR FROM RHODESIA

THE SOUTH AFRICAN GOLD MINES :

y in the international division

of a labour reserve

by D.G. Clarke

Saldru Working Paper No. 6

Cape Town

October, 1976

D.D. 31/8/77
Black law

men told: (252) (216)

quit town

DURBAN — Black lawyers here have been given a year to get out of their city offices and re-establish themselves in the homelands.

The manager of the centre district of the Port Natal Bantu Administration Board, Mr Gerald Baker, said he had received instructions from Pretoria to advise black lawyers that their authority to operate in Durban will be withdrawn in August next year.

"Pretoria has decided after careful consideration that the homelands need is so great that African lawyers should be re-established in the homeland areas," he said.

A black lawyer said: "White lawyers are not forced to move into the rural areas because of a shortage of lawyers, why should we be moved?"

Lawyers said yesterday they were thinking of protesting to the Government about "this incredible decision." Black attorneys will probably hold a meeting to discuss the ruling next week. — DDC.

Black law men to go

N. Mercury 31/8/77

252

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Page No.

African Affairs Correspondent

AFRICAN lawyers in Durban have been given a year to get out of their city offices and re-establish themselves in the homelands.

LIST OF MAPS

- General location of men living as bachelors
- Accommodation for men living as bachelors
- Accommodation for men living as bachelors
- Accommodation for men living as bachelors

LIST OF FIGURES

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- 1. Diagram of a hostel in the Zor
- 2. Cooking area in employers' dor
- 3. Bicycle room in flats in Langa
- 4. Plan of two dormitories in Sec

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- 2. Accommodation for single men in
- 3. Accommodation for single men in
- 4. Accommodation for single men in
- 5. Accommodation for single men ou
- 6. Population in Cape Peninsula -
- 7. Total accommodation figures --
- 8. Accommodation in Langa Zones -
- 9. Accommodation in the Langa 'New' hostels
- 10. Accommodation figures for the employers' dormitories in Langa and key to statistical data
- 11. Langa employer dormitories - statistical data
- 12. Accommodation figures in the Langa flats
- 13. Accommodation figures for employers' dormitories in Section 2 Guguletu and key to statistical data
- 14. Guguletu Section 2 - employer dormitories statistical data
- 15. Accommodation figures for employers' dormitories in Section 3 Guguletu and key to statistical data
- 16. Guguletu Section 3 employer dormitories statistical data

Confirming this yesterday Mr Gerald Baker, manager of the central district of the Port Natal Bantu Administration Board, said he had received instructions from Pretoria to advise African lawyers that their authority to operate in Durban would be withdrawn in August next year.

"Pretoria has decided after careful consideration that the homelands' need is so great that African lawyers should be re-established in those areas," he said.

An African lawyer told the Mercury "White lawyers are not forced to move into the rural areas because of a short age of lawyers, why should we be moved?"

Durban was convenient to clients in Umlazi, Kwa Mashu and Clermont.

One lawyer said: "Legal work is done during office hours Africans are in the townships only after dark. A worker could kill a whole day simply consulting a lawyer in one of the townships."

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'Pretoria has decided . . .'

N. Mercury 11/9/77

(1252)

(218)

135

IN SPITE OF all the Nationalist talk of a bright new era in race relations, it seems that some Government Departments are still intent on trying to implement the Verwoerdian dream of racial segregation right down to the last pettifogging detail.

The latest example is the announcement by the Department of Bantu Administration and Development that African lawyers in Durban and other Natal towns have been given 12 months in which to get out of their present offices and re-establish themselves in the homelands.

Many of the African attorneys have objected that as most of their clients do not live in the homelands, or are not there during business hours, their practices would be adversely affected if they were forced to move. Some believe that they would be forced to give up their profession. Now they have been told that their applications for Group Area permits to practise in the towns will not be granted after September next year.

Confirming the edict, a local official of the Bantu Administration Board explained. "Pretoria has decided after careful consideration that the homelands' need is so great that African lawyers should be re-established in those areas."

The immediate question that comes to mind is that if the homelands are in fact crammed with would-be litigants queueing up outside the offices of a few over-worked lawyers, why have Black lawyers in Durban and elsewhere not moved into the homelands to get their share of the pickings?

The answer is fairly obvious. The tried and trusted laws of supply and demand have resulted in most Black lawyers being in the towns because that is where business is best.

But the Government, bound in its ideological straitjacket, knows best, and so "Pretoria has decided." We are all victims of this bureaucratic monster to a greater or lesser extent, but it is at its worst when it is applied in such a grossly discriminatory way, and for no good reason.

Aem. Bot. Surv. S. Afr.

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Technical Publication

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nd Hope. C. Struik

ASHTON, H., 1952. The Basuto. Oxford University Press, London, New York & Toronto.

ASTLE, W.L., WEBSTER, R., & LAWRENCE, G.J., 1969. Land classification for management planning in the Luangwa Valley - Zambia. J. Appl. Ecol. 6:143-169.

AYYAD, M., 1971. A study of solar radiation on sloping surfaces of Alexandria. U.A.R. J. Bot. 14(1):65-73.

BAWDEN, M.G., & CARROLL, D.M., 1968. Land resources of Lesotho. Land Resources Division of Directorate of Overseas Surveys, England. Land Resources Study No. 3. pp 89.

BECKING, R.W., 1957. The Zürich-Montpellier School of Phytosociology. Bot. Rev. 23:411-488.

BENSON, M.L., & SIMS, W.G., 1967. False colour film fails in practice. J. For. 65(12)904

AFRICAN ATTORNEYS

Botha's bulldozer

FM 2/9/77

253

The ideological bulldozer of Minister Michiel Botha grinds on. Latest casualties of his ministrations are African attorneys practising in Durban. Bantu Administration and Development (BAD) minute A7/6/2/D35 under reference to a file N9/26/2(2) this week informed African attorneys that "after due consideration it has been decided that the Bantu attorneys be granted a final period of 12 months as from the 1 September 1977 to remove themselves from the white area into the homelands."

Association of Law Societies president Oliver Hart says "We are extremely concerned about the situation and have made urgent representations to the Minister of Justice to protect our African members. They would face insurmountable difficulties if they were forced to leave their present premises to practise in the Bantustans."

The ostensible reason for the get-out orders is revealed in an earlier BAD letter sent to an African attorney who applied for permission to have premises in "white" Durban. "The position is that with the establishment of magisterial districts in the homelands and the demand for jurists there is increasing (sic) this department is consequently obliged to consider such applications more and more critically."

Pressure on African attorneys in Durban has increased steadily since 1971, when inspectors visited attorneys to "regularise" the occupation of their premises (African advocates have a blanket exemption to occupy chambers along with white advocates.) Applications for permission to have offices in the city were often delayed for two years or more "pending a policy decision". Now Botha seems determined to press the issue.

The alleged "need" in the Bantustans is regarded by both black and white attorneys as so much hokum. African attorneys banished from the city to the Bantustans would probably try to move to KwaMashu and Umlazi, Durban's two main African townships, which are nominally part of KwaZulu. Though this would be less disruptive than moving to KwaZulu proper, the attorneys point out that neither township has a supreme court, while the magistrate who commutes daily to KwaMashu hears criminal cases only.

Apart from the insurmountable prac-

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that Botswana can afford and would benefit from a more mental, more locally determined approach to rural apparent inappropriate drive for greater precision. As examples of such an approach, the upgrading of s to graze to a right over communal land under a concept and a regular employment guarantee scheme, are tories in which to test and improve budgetary rules, cities, centre-periphery relations, individual and initiative, and technology. At the same time they are for income distribution, for the management of common provision of physical infrastructure.

tical difficulties of practising in dormitory townships where there are neither clients during the day, nor courts, African attorneys make the simple and unanswerable

point that white lawyers are not forced to move out of town because of alleged shortages of lawyers elsewhere "So why should we?"

Attorneys meet ^{3/9/77}

Mercury Reporter

AFRICAN attorneys met last night to discuss the directive giving them 12 months to set up their practices in homeland areas.

A spokesman for the attorneys said they would not release a statement.

"We will give information to the Natal Law Society — and if they wish to release it they will," he said.

The meeting follows protests from attorneys who feel that being forced to move would seriously affect their practices.

Mr. Oliver Hart, president of the Natal Law Society, confirmed this week that the matter had been taken up with the Association of Law Societies of South Africa — and through them with the Minister of Justice, Mr. Jimmy Kruger.

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rson born outside Rhodesia)
ntly the main urban areas)
already in employment.

apply to men, but the Minister

has been amended to apply to women. The 69 000 foreign male workers not in agrarian or mining employment would appear to be those most likely to be first affected by this measure. They constitute 35 percent of the total number (196 000) of foreign male workers in 1975.

TABLE 6.

FOREIGN AFRICAN WORKERS IN RHODESIA

1972-75

YEAR	Foreign			All Workers		
	Male	Female	Total	Male	Female	Total
1972	203 658	18 130	221 788	696 663	105 177	801 840
1973	201 987	18 461	220 448	733 497	119 487	852 984
1974	199 333	18 418	217 752	766 055	123 373	889 428
1975	195 725	18 296	214 021	861 482	127 158	928 640

TABLE 7.

FOREIGN AFRICAN WORKERS IN RHODESIA

1956-75

Year	Number	% of Total
1956	309 775	50,8
1961	278 373	45,4
1969	229 154	34,0
1972	221 788	27,7
1975	214 021	23,0

Source: Rhodesia, Final Report on the September 1961 Census of Employees, C.S.O., Salisbury; Rhodesia, 1969 Census of Employees, C.S.O., Salisbury, (mimeo); C.S.O., African Employees By Country of Origin, DL/978/15, Salisbury, (mimeo)

As an

252 249

Black attorneys may be forced out of jobs

By G. R. NAIDOO

Sunday Times

4/9/77

SEVENTEEN black attorneys who have been told to get out of Durban may have to quit their profession.

A Government directive says they must close their offices and set up in the homelands within a year.

And that will make it "virtually impossible for a black attorney to practise," according to a leading Durban lawyer.

The attorneys have been in limbo since 1971, when they first applied to the Durban Bantu Affairs Commissioner for permits to remain in the area.

When they heard nothing further for a year, the attorneys thought that moves to remove them had been shelved.

The Department of Bantu Administration and De-

velopment suggested to the attorneys that they negotiate with the Bantu Investment Corporation for offices in areas like Kwa Mashu and Umlazi, two townships near Durban, both of which are now under the control of the Kwa-Zulu Government.

The Association of Law Societies has lobbied the Minister of Justice to raise their plight at Cabinet level.

Professor Tony Matthews, dean of the faculty of law at the University of Natal, told the Sunday Times that the move was "disgraceful"

"It is the kind of thing where it is unnecessary to spell out one's feelings."

It is feared that the 52 other African attorneys in Natal urban areas may be next.

ROM
Black 7/9/77
252
attorneys

240

DURBAN. — Black attorneys met in Durban at the weekend to discuss the directive by the Department of Bantu Administration and Development giving them 12 months to set up their practices in homeland areas.

No statement was made, but a spokesman for the attorneys said: "We will give information to the Natal Law Society and if they wish to release it, they will."

The meeting follows protests from attorneys who feel that being forced to move would seriously affect their practices.

The president of the Natal Law Society, Mr Oliver Hart, confirmed that the matter had been taken up with the Association of Law Societies of South Africa. — Sapa

Bar on Black lawyers under attack

JOHANNESBURG — A Government - supporting newspaper here described as indefensible the decision to force Black Durban lawyers to go to the homelands.

The Department of Bantu Administration and Development order gives the Black lawyers a year to leave the White area, and says their services are needed in the homelands.

The Afrikaans-language newspaper Beeld said White lawyers were not subject to such proscriptions, while South Africa was supposed to be removing discrimination.

"It is indefensible, especially in the light of the explanation that these people will then actually be exercising their profession nearer their clients," the paper said in an editorial.

"We hope this inexplicable decision will rapidly be cancelled at a high level."

"Professional people are being instructed, purely on grounds of their race, to leave their established work and to begin again in a prescribed area."

"White lawyers are not treated in this way — and we hear that South Africa wishes to remove discrimination?"

An additional problem was that the decision made it impossible for such Black lawyers to draw clients from other racial groups.

"Does this 'nearer to their clients' mean that a kind of professional job reservation is being applied — which will not exactly affect White legal practitioners?" the editorial asked. — (Sapa.)

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Plea to Govt on black lawyers

RDM 10/9/77

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Own Correspondent
MARITZBURG. — Urgent action "at the highest level" is to be taken on behalf of African lawyers given a year to move their practices in Natal to the homelands.

Mr Olivier Hart, president of the South African Association of Law Societies, said at the end of its annual meeting yesterday that representations had already been made to the Government.

However, the matter was now being treated as urgent because of the deadline set by the Minister of Bantu Administration and Development.

Mr Hart could not elaborate on what move the association intends making.

First news of the Gov-

ernment decision not to renew Group Areas permits which allow African attorneys to practise in white areas came late last month.

Mr G F Baker, central district manager of the Port Natal Administration Board, told African attorneys a 12-month deadline had been set with effect from September 1 this year.

The move will affect most of the 52 African attorneys who practise in areas other than homelands in Natal.

Fears have been expressed that their practices will be severely cut back if they are forced to move. Others say they may be squeezed out of the profession altogether.

Blind man becomes advocate

PRETORIA — Clutching the hand of an attorney colleague, a 26-year-old man — blind from birth — was sworn in yesterday as a full advocate before the Pretoria Supreme Court Bar

The advocate, Mr Joseph Malataji, was led to the Bar by a Pretoria attorney, Mr J. du Preez, after his admission had been proposed by a fellow barrister, Mr A. C. le

Roux

Mr Malataji was formally granted permission to appear at the Bar by Mr Justice Nicholas, with Mr Justice La Grange. "Yours is a magnificent achievement," Mr Justice Nicholas told him, wishing him success.

Later, an admiring crowd gathered outside Pretoria's old Palace of Justice as Mr Malataji told how he became interested in law through his father's

work as a police detective in Pietersburg.

His father died 11 years ago when Mr Malataji, one of eight children, was at high school.

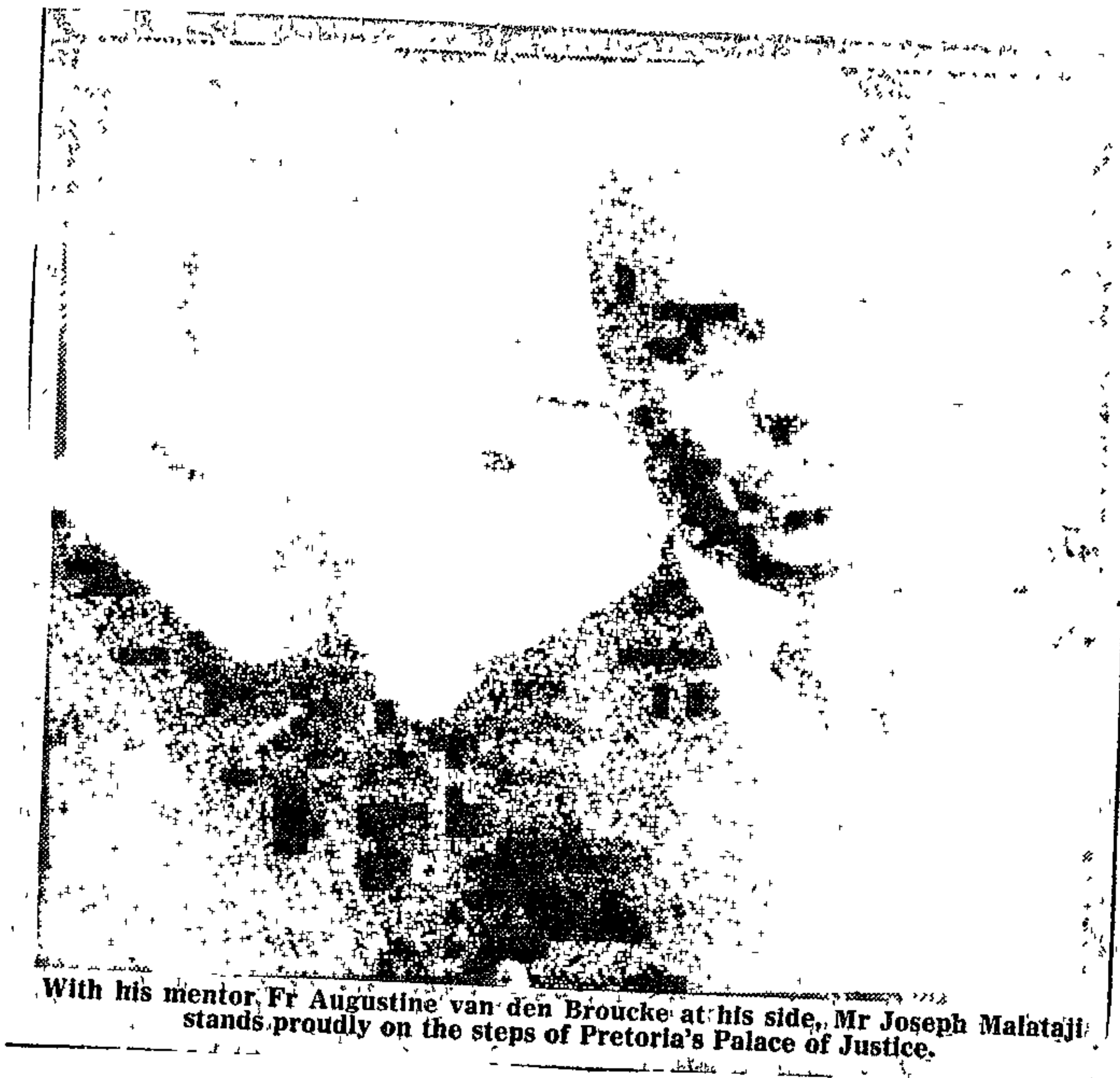
Mr Malataji said he owed much of his success to Fr Augustine van den Broucke, of the Siloe School for the Blind at Pietersburg, and financial aid given by the National Council for the Blind and the South African In-

stitute for Race Relations.

Married with a year-old son, he matriculated in 1970, obtained his B. Juris degree at the University of the North in 1974, and his LLB last year.

He now works for the Lebowa Government as a legal adviser

But, said a proud Fr Van den Broucke: "We know you are on your way to becoming a judge." — DDC.



With his mentor, Fr Augustine van den Broucke at his side, Mr Joseph Malataji stands proudly on the steps of Pretoria's Palace of Justice.

Black anger at lawyers' permit plan

The Mercury 5/10/77 African Affairs Correspondent

AFRICAN attorneys in Durban were quietly angry yesterday over a Government statement which said they would have to apply for permits to work in the city.

The Secretary for Bantu Administration, Mr. I. P. van Onselen, said yesterday that the African attorneys, who were last month given a year to move to the homelands, could now apply for permits.

He added that individual cases would be considered on merit.

An African attorney told *The Mercury*: "I don't like that idea. If we fell for that approach some of us would stay and some would fall by the wayside."

"We believe, that a professional man has the right to practise his profession where he feels it is most rewarding both in a financial sense and in terms of personal satisfaction."

"Our clients are all around us in this city. They spend very little time in the townships."

Another African lawyer said: "If my clients were not here I would obviously not be here either. I can see now that we are going to have to prove that we are serving the public, by remaining in the city. Frankly, this will not be difficult."

Mr. O. D. Hart, president of the Association of Law Societies of South Africa and head of the Natal society, recalled that his society had met the African attorneys and later had made representations to the Department of Justice.

He would not comment on Mr. van Onselen's statement until he had studied it in full and had had a meeting with the society's executive committee.

Selfish—Session

itšepa, ho ikholisa, self-will, bo-
iketsiso, boithatelo
Selfish, adj, e ithang, a selfish

116

Separate, v, to divide into parts, ho
arohanya, khaohanya, aroha, to
sever from the rest, ho khetla, ho
nanna, to withdraw from each
other, ho aroha, arohana, kha-
hana le, adj, e khaahaneng,
arohaneng
Separately, adv, ka bomong, ka
ho arohana, kathoko
Separation, n, karohano, khaohano,
khaohanyo
September, n, Loetse
Septuagenarian, n, motho ea
lemo tse mashome a supileng
Sepulchre, n, lebitla
Sequel, n, that which follows, se
hlalamang, se kamorao, result,
getello, tholwana
Sequester, v, ho tsoara ka nako
e iseng ntho e tsekoang
Seraph, n, lengeloi, serafime
Serenade, n, lipina tse etsetsoang
motho bosu ka mokete
Serene, adj, clear, e ehleng, peace-
ful, e khutsiseng
Serge, n, lesela la mofuta le etsoang
ka boea ba linku
Sergeant, n, molaoli oa masole kapa
oa mapolesa
Serial, adj, ea lenaneo, e latelanang.
Series, n, lenaneo
Serious, adj, waghy, e etsoang ka
kelello, ka nahano e kholo
Sermon, n, thuto e etsoang kere-
keng, khothatsa

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Set, v, to put or place, ho bea, lu-
lisa, to fix, ho emisa, tusa, to
be fixed, ho tusa, of the sun, ho
likela, to set about, ho qala, to
set apart, ho bea thoko, to set
aside, ho lahla, to set down, ho
bea fatše, to set free, ho lokolla,
to set out, ho qala leeto, to set
right, ho lokisa, to set to, ho neta
Set, n, ntho tsa mofuta o le mong
kapa tse lunellanang, joaleka
a set of tools
Settle, v, to establish, ho lula, aha,
to close by agreement, ho lokisa
(taba), ho felisa (tsheko), to sink,
ho oela tlase, seka, to pay, ho
lela (molato)
Settlement, n, a colony, moo batho
ba tlang ho aha teng
Settler, n, motho ea ahang naheng
e ncha.
Seven, adj, tse supileng
Seventeen, adj, tse leshome le
metso e supileng
Seventh, adj, ea bosupa
Seventeenth, adj, ea mashome a
supileng
Seventy, adj, mashome a supileng
Sever, v, to divide, ho khaola,
poma, to be divided, ho khaola
Sever, n, adj, more than two, ba
bang, tse ling, etc
Severally, adv, ka ho khaola, ka
bomngoe

Set—Shark

Shadow, v, to cloud or darken, ho
sirela, fatisa, n, moriti, a faint
appearance, moroeroe
Shady, adj, e morining
Shaft, n, an arrow, motsu, a pul,
tsela e phumsoeng fatše ho theo-
hela morafong, a handle, mofeng,
theko ea lerumo
Shake, v, to agitate, ho sisinya,
hlhlorisa, tsukuta, tsokotsa, na-
una, tsulubanya, to waver, ho
sisinyeha, to tremble, ho thotho-
mela, tlakasa, to shake hands,
ho lumelisa, ka letsoho, to
shake off, ho lahlela hole le uena,
ho utubatsa, n, an agitation,
tšisinyo, tšisinyeho
Shaking, n, bohorochošo
Shaky, adj, e sisinyehang
Shallot, n, setlana sa shaloto
Shallow, adj, having no depth, e
sa tebang, tryfing, e se nang taba,
ea lefeela, n, sebaka moo metsi
a sa tebang
Sham, n, theso, phomo, ntho e se
nang 'nete, adj, e se nang 'nete,
e leshanō, v, to deceive, ho
thetsa, phoma, to counterfeit, ho
ipeta joaleka hoja, ho ikakasa
Shamble, v, ho tsamaea ka ho
hula maoto, ka ho kutlula
Shame, v, ho hlabisa hlhloro
Shameless, adj, e se nang sebōpe-
ho
Shapely, adj, e sebōpeho se setle
Share, n, a portion, karolo, seabo,
kabelo, the blade of a plough,
sekara sa mohōma, v, to dis-
tribute, ho aroha, aba, abela,
tsela
Shark, n, hlapu e telele e bohale.

ntsoe a kopaneng ho etsa taba,
a judgement, kahlo ea lekhōla,
v, ho ahloa
Sentiment, n, boikutlo, khōpolo
Sentry, n, molebeli sebōholi

Servitude, n, kholōho, bohoba,
bofo, bohanka
Session, n, a meeting, phutho,
mohadoto, a period, nako e
itseng ea ho itluta, kapa ea ho
lula ha phutho

Shackle, v, ho tiana, fasa
Shackles, n, plur, mahlahelela
Shade, v, to screen, ho sirela, to
obscure, ho fatisa, n, moriti,
a screen, ntho e sirelang, a slight
difference, phapano e nyenyane ea
mala

Leave them be

He, 6/10/77

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WHY are black lawyers being harassed with a new Group Areas permit system, at a time when all emphasis should be on eliminating pointless discrimination? Recently African attorneys practising in Durban were given a year to transfer their offices to homeland areas. Now several in Pretoria have had even shorter notice to move to

the townships, and a similar decree is to apply in all cities. Most black lawyers work from city-centre offices because these are best situated for their clients and most accessible to the courts. To make each lawyer prove this, even on a "merit" basis, is not only offensive. It is an unwarranted interference with the legal profession.

veys of woodlands

pgy. 30:101-104

of Wisconsin Press,

analysis.

DAHL, E. & HADAC, E., 1949. Homogeneity of plant communities.

Studia Bot. Cechosl. 10:159-176.

DANSEREAU, P., 1958. A universal system for recording vegetation.

Contributions de l'Institut Botanique de l'Université de Montreal.

No. 72:1-58.

DAUBENMIRE, R.F., 1962. Plants and environment, a text book of plant

autecology. (2nd edition). John Wiley & Sons, Inc., New York, London. pp 422.

DAUBENMIRE, R.F., 1966. Vegetation identification of typical communities.

Science. 151:291-298.

DAUBENMIRE, R.F., 1968. Plant communities - a text book of plant synecology.

Harper & Row Publisher, New York, Evanstown and London. pp 300.

DE KLERK, J.C., 1947i. Development of the sheep industry in the Orange

Free State. Farming in S.A. 22:443-454.

DE KLERK, J.C., 1947ii. Pastures of the Southern Free State a century ago

and today. Farming in S.A. 22:347.

DIXEY, F., 1942. Erosion cycles in Central and Southern Africa. Trans. Geol.

Soc. S.Afr. XLV:151-181.

DRISCOLL, R.S., 1969. Aerial colour and colour infra red photography -

some applications and problems for grazing resource inventories.

Proceedings of Aerial Color Photography Workshop, Cainesville, Florida. pp 140-149.

DRISCOLL, R.S., 1971. Color aerial photography - a new view for range

management. U.S. For. Research Paper RM 672-8.

DU TOIT, A.L., 1956. The Geology of South Africa. Oliver & Boyd, London.

Black lawyers slam race discrimination

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RDH 6/10/77

By I S NOJAPETO

RACIAL discrimination against black attorneys in some court rooms in the Transvaal was embarrassing and distasteful for the attorneys.

This complaint is contained in a memorandum compiled by 22 black attorneys in Johannesburg.

Pretoria, Rustenburg, Vereeniging and Pietersburg which has been sent to the Incorporated Law Society of the Transvaal.

The society is expected to discuss it at a meeting in Pretoria on October 21.

In it, the lawyers said they welcomed the Government's intention to do

away with discrimination based on colour.

The lawyers said racial discrimination was still seen in some court buildings which had separate entrances for "whites and non-whites". This included courts in Alberton, Germiston, Kempton Park and Randburg

"At Brixton, separate consulting rooms for black and white attorneys are provided," the lawyers said.

They also said separate sitting accommodation was provided in some magisterial districts. Black attorneys were given separate chairs and tables, or asked

to accept one portion of the defence long-table.

The lawyers asked that the application for influx control measures against them be relaxed.

"It seems to us incompatible with professional status to be directed where to live and practise."

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Order against black lawyers is reviewed

DURBAN — The Department of Bantu Administration and Development is reviewing a directive ordering 24 black lawyers out of Durban.

The directive, which told the lawyers they had to find "alternative accommodation" in black areas, was issued two months ago.

The Law Society had made representations to the department on behalf of the lawyers and the department had taken up the matter, a spokesman for the Bantu Affairs Commissioner's office here said yesterday.

The principle behind the directive, which he understood to apply to other cities in South Africa as well, was that black lawyers should serve their own communities, the spokesman said.

A spokesman for the black lawyers said they were upset by the directive and did not know where they would go if it took effect.

The president of the South African Attorney's Association, Mr Oliver Hart, refused to comment on the directive until he had met with the Association of Law Societies.

Mr Hart said there were 52 black lawyers in Natal, 24 of them in Durban. He said the department of Bantu Administration and Development had decided to review each case on merit.

The Durban Legal Circle has officially protested against the move.

The council of the Legal Circle, which is the official representative body of attorneys practising in Durban, has asked the Natal Law Society to advise the Minister of Justice and the Department of Bantu Administration and Development of its opposition to the scheme.

Meanwhile, two black lawyers in Pretoria are believed to have been given notice by the department. A third has been told by his landlord to move out, according to a Cape Town newspaper.

There are only three black lawyers operating in a white area in the Cape as far as could be ascertained last night. They are all in Kimberley. One of these is Mr Robert Sobukwe, the banned leader of the Pan African Congress.

Spokesmen for two of their offices said they had not received any directive

to move out.

The Western Cape did not have any black lawyers in white areas because Coloured lawyers received "preferential" treatment, a spokesman for the Cape Town Law Society said — DDC.

ects 'culture' is as Anthropologists, ere follow seem to eople cherished, or these seemingly

ideas back to he latter's notion es' notions of 'human resulting nature/

derstand the individual analytic insights can

terms of their dominant o psychological terms. re".

aracter' a 'national

nd outlook of the rmal institutions.

: "A given kind of social system requires certain kinds of psychological structures in people in order to make the social system work". (Spindler:1967)

There has been much variation in opinion about the proper concerns of C & P. According to Honigman the central focus of concern is "... an overt and intense interest in the fate of individuals in specific cultural settings".

Culture & Personality includes:

- 1) Work of anthropologists with a knowledge of psychological concepts.
- 2) Work stressing the individual as the locus of the culture
- 3) The recognition of some functional relationship between culture and personality.
- 4) Work involving cross-cultural studies of personality and socio-cultural systems
- 5) Emphasis on natural group differences as subject.
- 6) Concerned with behaviour always with reference to its antecedents (Hsu).

Notions of 'shared ideas', 'cultural configurations' as well as 'psychological characterization' and 'cultural influences' are seen as basic to the inter-relationship between the individual and his society.

The lawyers be beyond

SUNDAY

EXPRESS 9/10/77

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HALF of South Africa's 19-million Blacks live in White areas. They are served by fewer than 100 Black attorneys.

South Africa's 4,5-million Whites have more than 6 000 attorneys to look after their legal interests.

Yet the Government, ever anxious to boost the manpower assets of the homelands, has ordered Black attorneys to move to these areas.

For the men involved, who have built up busy, effective city practices providing legal aid and representation to thousands of urban Blacks, it could mean the end of their legal careers.

IF Black attorneys have to move to the homelands they will be forced out of business

And legal aid will be put even further out of the reach of impoverished urban Blacks for whom Black attorneys in the cities do a lot of work free of

This is the view of the Black attorneys themselves, as well as the president of the Transvaal Law Society Mr Ben Mansell

Mr Mansell said the problems Black attorneys would face if forced to practise in homeland townships would be "insuperable"

At least one Black attorney in Pretoria stated this week that he would flatly refuse to go to the homelands

"I didn't struggle to get to law school and spend years building up my practice so that I can go and consult under a baobab tree," he said

The Black attorneys — a scattered handful of 80 to 100 men — are the latest group to fall under the apartheid axe only individual permits granted "on merit" will save them from deportation to the homelands

How do you assess the "merit" of one qualified attorney against another? The Sunday Express was unable to put this question to the Secretary for Bantu Administration, Mr I P Van Onselen, this week because he was unavailable

However, Black attorneys interviewed were angry and bitter about their new set of marching orders

In Durban 20 of them have been given a year to move to Umlazi or KwaMashu townships, in Pretoria the deadline for the move to Atteridgeville or Mamelodi is the end of this month

And the irony, they point out, is that most of them have long given up applying for permits to practise in the cities where the bulk of their clientele work

"Most of us applied about six years ago but never heard from the department," said one

BY JENNIFER HYMAN

Durban attorney

He said he believed many attorneys would "go right out of business as lawyers and look for other jobs if they were forced to close down city practices

Factors that would make it impossible to practise in townships were outlined by Black attorneys this week and confirmed by Mr Mansell

Attorneys acting in civil cases have to occupy offices within an 8 km radius of the magistrate's court — which immediately excludes all African areas.

If the attorney works outside this limit, he has to employ another attorney on commission to represent his

client

"This duplicates fees for the client and slows down the legal process," said one lawyer.

Most urban Blacks work in the cities where they can get an hour or two off work to consult an attorney. They spend very little time in the townships, due to long working hours and time spent travelling.

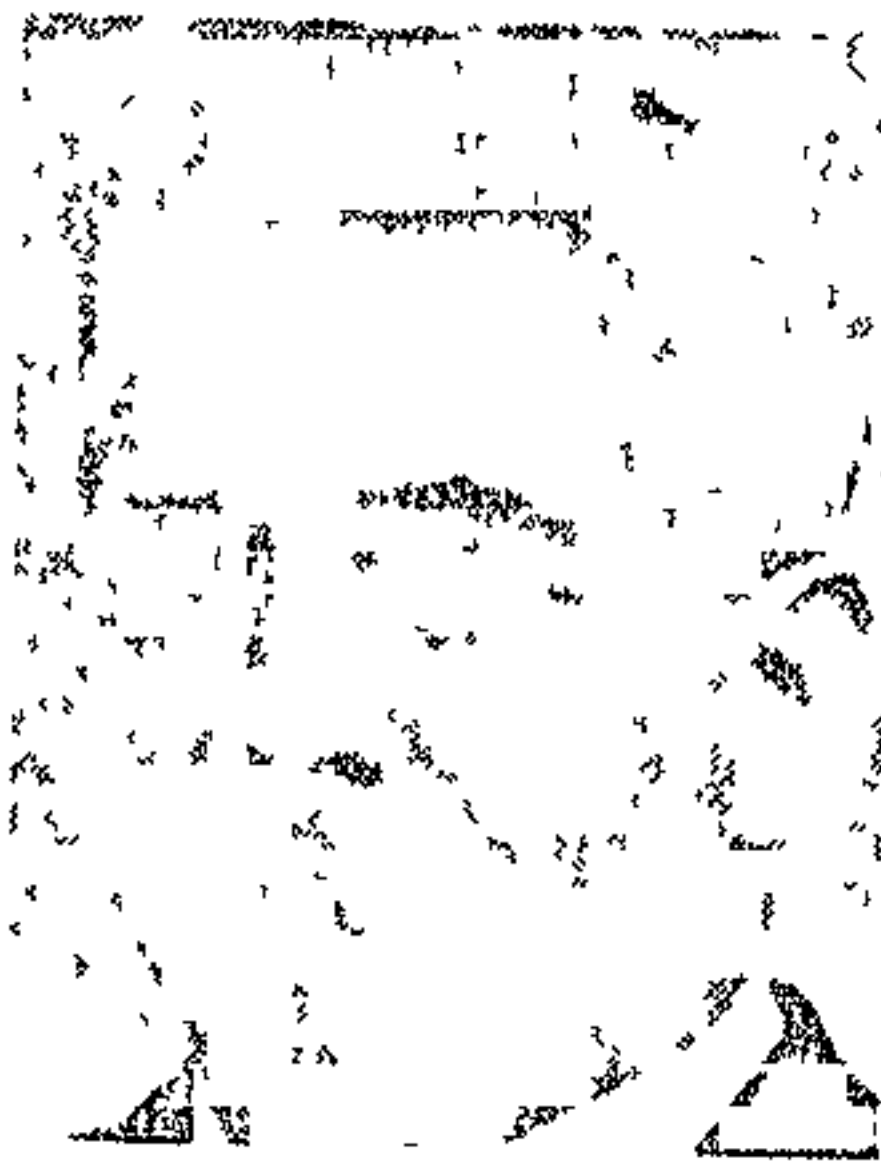
"What sort of office hours would we keep in the townships?" asked one Black lawyer. "We would be consulting at midnight or at four in the morning"

A Durban attorney pointed out that his clients came from townships at opposite ends of the city.

I live in Umlazi and have to travel to Durban to consult me. In cities like Johannesburg, with workers com-

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who may the law



• Andries Treurnicht ..
hardliner

muting from several bordering townships, the problems become even more acute

"Our clientele would eventually be narrowed down to residents of our immediate area — and during the day the townships are inhabited by women and children," one lawyer said • Inade-

quate postal facilities and almost no phones in townships like Soweto were also insurmountable problems

"How do we consult counsel?" asked one Black attorney "We will probably not be able to reach him on the telephone and to travel into the city can take all day"

A brief appearance in court or the collection of documents would also "write off a whole working day"

The inevitable result, according to several lawyers, will be that their clients either do without legal representation or switch to other (White), city law firms if they can afford it

"Either way we will be downgraded in the eyes of our people — we will be seen as second-grade lawyers," said a Pretoria attorney

The Black attorneys

themselves are suspicious of the "permits on merit" system, claiming that permits may be granted to established lawyers "to quell bad publicity"

"But what happens when these permits come up for renewal in a few years?" one attorney asked "And what about newly-qualified attorneys wanting to establish practices?"

The Transvaal Law Society is hoping to have some of these questions answered by the Department of Bantu Administration

Mr Mansell said the society had requested an interview but had not yet heard whether it would be granted

However, the Express understands that, if granted, the interview will be with the Deputy Minister of Bantu Administration, Dr Andries Treurnicht, known for his hardline attitude.

Quit notices to attorneys withdrawn

Augus 19/10/77

(252)

(248)

JOHANNESBURG — All notices given to black attorneys to vacate city offices throughout South Africa are to be withdrawn, Mr B Mansell, president of the Law Society of the Transvaal, has announced

Mr Mansell said this was as a result of 'long and fruitful' discussions yesterday with Dr A. P. Treurnicht, Deputy Minister for Bantu Administration

Mr Mansell added that the Minister, Mr M. C. Botha, was investigating and reviewing the whole position and would be consulting interested parties.

Mr Botha hoped to make an announcement soon, Mr Mansell said

Last week black attorneys were given until the end of the month to quit their city offices and move into the townships.

— Sapa.

Black lawyers to stay in cities

JOHANNESBURG — All notices given to Black attorneys to vacate city offices throughout South Africa are to be withdrawn. Mr. B. Mansell, president of the Law Society of the Transvaal, announced yesterday.

Mr. Mansell said this was as a result of "long and fruitful" discussions yesterday with Dr. A. P. Treurnicht, Deputy Minister for Bantu Administration.

Mr. Mansell added that the Minister, Mr. M. C. Botha, was now investigating and reviewing the whole position and would be consulting with interested parties.

Mr. Botha hoped to make an announcement in the near future," Mr. Mansell said.

Last week Black attorneys in Pretoria were given until the end of the month to quit their offices

and move to the various townships around the city.

It is understood that Pietersburg received similar instructions.

Black attorneys in Johannesburg were awaiting a similar order.

In Durban recently, Black attorneys were told to move their practices in Natal to the homelands within a year.

The Secretary for Bantu Administration, Mr. I. P. van Onselen, said, however, that they could apply for a permit to stay in Durban and each application would be treated on merit. — (Sapa.)

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SUNEXP. BUS.

4/12/77

It pays to pay yourself survey

IT definitely pays to pay yourself. If you don't believe me, look at the latest statistics from the Institute of Manpower Research

They tell that highly qualified White men employing themselves earn almost twice as much as highly qualified White men working for the public sector

Public servants earned an average R10 540 a year while men in the private sector earned R12 110 and self-employed persons earned R20 210. Enough said?

Not really, for another interesting fact is thrown up in the manpower research. For most occupations the biggest increases in income were registered in the period 1973-75 than in the 1971-73 or 1975-77 periods

Highest professional achievers in the income

**Yours
unfaithfully,
Penelope**

stakes were the attorneys, for the period 1971-77. They notched up an annual income increase of 12,2%.

And among the self-employed, advocates and vets each bettered their incomes by 11,5%. Public servants were lucky enough to have their salaries increased by 8,1% each year for the seven year period, while the self-employed increased their pay 8,9% and the private sector had to make do with 10,4%.

Advocates and dentists lead on income

RDM 8/12/77

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ADVOCATES and self-employed dentists led the professions in increased income between 1975 and 1977, according to a survey by the human sciences Research Council.

Advocates' average annual income rose by 22,5% and dentists' by 12,8%.

The survey was conducted among highly qualified men — with at least a bachelor's degree or equivalent qualification. Earlier surveys were in 1971, 1973 and 1975.

A total of 30 890 took part, all economically active white men up to the age of 64.

The survey found that the highest-paid employees were managing directors and financial directors, with an average of R20 500.

Among the self-em-

ployed, medical specialists were top with R28 110, registered accountants and auditors next with R24 190 and advocates third with R21 000.

Analysing income increases by sector between 1975 and this year, the private sector showed the biggest jump of 19% followed by the self-employed with 14% and the public sector with 10%.

A separate report on the incomes of engineers showed that between 1975 and 1977, metallurgical, industrial and mining engineers had increases ranging from 11,2 to 12,3%.

Civil, mechanical and electrical engineers, who represent 75% of engineers, had increases ranging from 5,6 to 8,6% — Sapa.

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PROFESSIONS

1-1-80 - 31-12-80

The recent graduation of South Africa's first and only female black clinical psychologist highlights the urgent need for attention to the broad mental health needs of South Africa's 18-million black people.

The immediate future prospects are not encouraging either. A recent survey carried out at all South African universities indicated that from 1977 to 1979 inclusive, a mere nine black persons were enrolled in clinical or counselling psychology programmes (this figure contrasts sharply with the 326 white persons in training).

The scarcity of black psychologists is in marked contrast to the enormity of mental health problems among black people in South Africa. A 1977 Department of Health report estimated that more than 52 per cent of total patients in institutions were black, and there are estimates that more than 8 000 black persons are detained in private psychiatric institutions. Mr N Manganyi, the first black clinical psychologist in South Africa, reflecting upon the scope of the mental health problem for blacks has said that

"The black communities must continue to be considered communities at special risk because it is in these communities where poverty and starvation are rife, where there is the greatest organised disruption of family life and an associated decrease in the number of supportive interpersonal relationships. In such disintegrating communities there can be no reasonable doubt about the existence of confusion with respect to cultural values."

The scarcity of black mental professionals and services, and the enormous scope of mental health problems among South African blacks, create a dismal picture. So says Professor James M Gardner, head of the division of applied psychology at the University of the Witwatersrand. Professor Gardner, an internationally acclaimed expert on training in clinical psychology, takes a critical look at the situation, and offers some constructive alternatives.

Thus, westernisation has not brought an advance for the psychological well-being of the black person in South Africa, just as it has failed to do so for the vast majority of the world's population. Indeed, the strains of urban living have tended to increase mental health problems while at the same time eroding the traditional avenues of help. This fact is equally true for South African blacks, American Indians, British coalminers, etc.

If there is a huge unmet need for psychological services for black persons, cannot the comparative abundance of white professionals solve the problem? No, considerable overseas research conducted in the past 20 years, clearly shows that to be effective as a helping agent, there must be a close resemblance between the helper and the person to be helped.

Thus, the young, white, middle-to-upper class, extremely verbal, largely Jewish, English-speaking South Africans

may be excellent helpers for the white, middle-to-upper class, extremely verbal, largely Jewish, English-speaking South Africans who seek their help. But their ability to be effective with poor black, Zulu, Sotho, Xhosa, etc., with different language, religions, and cultural habits is minimal. The psychological needs of black people will be met only by an increase in the training of black professionals and paraprofessionals, and this increase seems a long way off.

Yet the scarcity of black professionals means that in the foreseeable future it will be a case of whites supervising blacks.

Not only are black people handicapped by virtue of the few black professionals, the methods and procedures used to assist them are drawn, with almost no modification, from white, middle-class, Western standards.

In a country where nearly 70 per cent of the population is black, it is incredible that there are so

few standardised psychological tests for the black majority for the white minority (30 per cent), the number and range of tests are enormous.

There are no quick and easy solutions to the problems, yet there are solutions which can be embarked upon. One obviously desirable path would be a massive increase in scholarships and bursaries for undergraduate and postgraduate education in the vital human services area (including social work, psychiatry, occupational and psychotherapy). Current funding for black persons is too meagre and often too bureaucratic to be meaningful.

A second desirable course of action would be for South African universities, training centres and research institutes to embark on a programme designed to develop appropriate measures for black South Africans of all types. The few tests in existence today are designed largely not for an adequate assessment of the black person as a person, but rather his/her propensity to provide labour.

A third desirable course of action would be for the profession to consider the creation of a paraprofessional role designed primarily but not exclusively for blacks. The growth of paraprofessional workers has been a world-wide trend over the past 20 years, and has added immeasurably to the expansion of helping services.

Normally, paraprofessionals are trained from one to two years in an intensive helping-orientated programme which eliminates much of the irrelevant "pseudoscience" which surrounds the professional's training.

Thus, with respect to basic helping skills, in less than a third of the time it takes to train the traditional professional, an adequately efficient and effective para-professional can be trained. Enormous economic, social and personal gains are to be made by the paraprofessionals themselves.

Urban blacks are faced with a choice between the white westernised services or the black traditional approach. The obvious compromise is the black professional and paraprofessional so that the full range of alternatives is available.

A third distinct advantage of the creation of paraprofessionals is that it is an innovation capable of being enacted in a short time. Given Government backing and appropriate funding, full-blown para-professional training programmes could be started in a year, with the first graduates appearing in three years.

These are but a few of the salient concepts with which South African mental health professionals must concern themselves in the 1980s. If they choose to ignore them, the plight of black people will only continue to worsen.

Urgent SA need for black psychologists 4/1/80 Rk

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by 1970, this figure had decreased to 15,7%, indicating that the whites had improved disproportionately to the 'coloureds'. Similarly, for children 1 to 4 years of age, during the period 1941 to 1970, the white mortality experience as a percentage of the 'coloureds' had decreased from 15,2% to 7,1%. It should be noted that the 0 year age specific death rates are higher than the corresponding IMRs. This is because the denominator for the former is the number of live births whilst for the latter it is the mid-year populations under one year of age.

Fig. 4 provides an indication of the proportional contribution of selected causes of death to the overall mortality experience of the white, 'coloured' and African communities.

During the period 1929 to 1970, the whites have shown a changing spectrum of mortality which is classically associated with an improving health status. Infectious diseases have become less important and the major causes of death are increasingly related to Cardiovascular and Neoplastic diseases. The 'coloureds' and Africans, however, have a persistently high proportion of deaths caused by infectious diseases. The Africans exhibit a spectrum of mortality which is characteristically associated with developing communities whilst the 'coloureds' appear to occupy an intermediate position between whites and Africans, although it is clearly much more similar to the Africans than it is to the whites.

What is of particular concern about the 'intermediate' position of the 'coloureds' is that it would appear to incorporate the worst of both the developed and the developing experiences. This becomes apparent from Table II which provides a more detailed analysis of the different diseases contributing to the overall mortality of the whites and 'coloureds' in the form of cause specific mortality rates for defined age groups. Thus, although cardiovascular diseases are consistently responsible for a fairly small proportion of the overall mortality of the 'coloureds', Table I indicates that the actual rates for cardiovascular diseases have been fairly similar for both whites and 'coloureds' since 1941.

Clearly, the broad diagnostic categories used in this analysis conceal a certain amount of information. However, because of the changes in disease classification which have taken place since 1929, it is not possible to examine the temporal changes of mortality rates in greater detail. Disease categories with rates greater than 5/1 000 appear in italics in Table II. It will be noted that the mortality experiences of the 'coloureds'

(iv) Proportional Mortality, accounted for by specific conditions.

(v) Expectation of Life. This was calculated both at birth (e_0) and at 45 years of age (e_{45}) for both males and females. It expresses the average number of additional years an individual would be expected to live beyond birth and 45 years.

For Africans, the proportional mortality was the only index calculated.

RESULTS

Engineers to get better deal from SADF

Staff Reporter

GRADUATE engineers in future can expect a better deal while undergoing military training after discussions between the Federation of Societies of Professional Engineers (Fespe) and the Defence Force.

The South African Council for Professional Engineers (Sacpe) says in a Press statement engineers will now be placed in positions where they can receive required post-graduate training while doing their national service.

This follows steps recently taken by the Defence Force to classify recruits according to broad educational divisions. "However, owing to the number of civil and chemical engineering graduates available, not all are able to be placed in

engineering situations," the council says in its statement. "Fespe is endeavouring to reduce this number to zero, but at the same time realises that the defence authorities have their problems in dealing adequately with engineering graduates and others with similar levels of education."

Sacpe says it has agreed certain military experience will now be recognised and credited as appropriate training towards professional engineer status. This includes actual experience through work on engineering projects, service as commissioned officers and as NCOs engaged in training and lecturing.

Fespe has urged all graduates to submit quarterly reports on the engineering experience they receive while doing national service.

RAND DAILY MAIL, Monday

the mortality rates have also increased between 1960 and 1970 for 'coloureds' in the 25-44 and 45-64 years age groups.

The imbalance between the age specific mortality rates of whites and 'coloureds' has improved or remained constant for persons between the ages of 5 and 64. However, for children less than 5 years of age, the gap between whites and 'coloureds' is widening. In 1941, white children under one year old experienced 28,0% of the mortality of 'coloured' children;

No easy readmission for judges

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18/1/80

Argus

Argus Correspondent

DURBAN—The two Supreme Court judges — Mr Justice Anton Mostert of the Natal Bench and Mr Justice Mervyn King of the Transvaal Bench, — who intend asking for readmittance to the Johannesburg Bar, will face strong opposition to their applications.

A prominent lawyer said in Durban today that it was not a desirable move. 'I have absolutely nothing to say on the matter,' he said.

'It is felt by many of us in the legal profession, that the readmittance to the Bar of the former judges is not in accordance with their standing of office, and that they should not return to private practice.'

These attitudes are in line with a decision taken some years ago by the Bar Council in Johannesburg that in the absence of 'exceptional' circumstances it was undesirable for a judge to return to practice.

NO COMMENT

Mr Justice Mostert, who will remain a judge until his term of leave expires, was asked to comment today on the possibility that his application may not be accepted.

Since the 'shock' decision by both judges to resign from the Bench this week — a move believed to be unprecedented in South African legal history — there has been some opposition to the stand they have taken.

Several members of the legal fraternity expressed their disappointment with the decision of the judges.

Said one prominent advocate 'If the judges felt that certain official inroads were being made into South Africa's judicial system — which many of us agree is the case — then surely they could best serve any threatened independence of the judiciary by staying where they were and campaigning from within to keep things on an even keel.'



Judge steps down for young 'with new ideas'

THE former Judge-President of the Cape, Mr Justice J W van Zijl, who retired on December 22, said from his old chambers this week that he was going to miss his work on the Bench.

FORMER Judge President of the Cape, Mr Justice J W van Zijl 'Retirement leaves more opportunities for younger people with new ideas'

'You can't shake off 30 years just like that,' he said. 'But I feel retirement is a good thing because it leaves more opportunities for younger people with new ideas.'

The judge has no immediate plans for the future. 'I'm going to have a long holiday and relax,' he said. 'I'm

also going to do certain domestic jobs which I've been wanting to do for a long time, but have not got round to doing.'

Mr Justice van Zijl has not yet decided where he is going on holiday.

CAPETONIAN

A born-and-bred Capetonian, he went to Rondebosch Boys' High School, graduated from Stellenbosch University and was admitted to the Cape Bar in December 1933.

He took silk in 1949 and in the same year he was appointed an acting judge of the South

West African division of the Supreme Court.

In 1950, soon after his appointment as judge of the Supreme Court, Cape Town, Mr Justice van Zijl was appointed chairman of the Press Commission.

The hearings of the Press Commission and the Delimitation Commission, of which he was a member, took up the next 13 years, and the judge returned to the Bench only in 1963.

For a short while in 1974 Mr Justice van Zijl acted as a judge of Appeal in Bloemfontein.

He was appointed Judge-President of the Cape at the end of 1975 and replaced Mr Justice van Wyk.

His father, Mr Justice H S van Zijl was also Judge-President of the Cape.

With the retirement of Mr Justice van Zijl and Mr Justice L van Winsen, who retired on December 3, the Cape has lost two of its most senior judges.

New appointments to the Cape Bench are the former Attorney-General of the Cape, Mr A J Lategan, and South Africa's only woman judge, Miss Justice Leonora van den Heever.

17/1/80

The Star Thursday Jan 17/1/80

Judge quit over conflict of conscience —legal men

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Mr Justice Mervyn King resigned from the Bench as a result of a "conflict of conscience" after a judgment he gave under the Group Areas Act last year, legal sources have suggested

Mr Justice King's resignation from the Transvaal Bench, was handed in a week ago and takes effect at the end of the month.

And Mr Justice Mostert, who resigned from the Natal Bench of the Supreme Court yesterday, is believed to be dissatisfied at the Government's attitudes towards judges in general

But reasons advanced by sources close to Mr Justice Mostert for his decision were that he is dissatisfied with the treatment of — and attitudes towards — the judiciary and with certain controversial appointments to the Bench.

Mr Justice King declined to comment on his reasons for resigning, but said he intended to return to practice at the Johannesburg Bar

And from his home in Maritzburg, Mr Justice Mostert said he intended practising at the Bar, and that he had already served his last day on the Bench

"At present I'm on leave," he said.

The Minister of Justice, Mr Schlebusch, today declined to comment on the resignation of the two judges

In August, last year, Mr Justice King dismissed an appeal against the eviction on an Indian couple of Mr Ahmed Zahir Adams and his wife from a flat in Doornfontein, Johannesburg, which is a white group area.

In judgment, Mr Justice King said "As a judge in a court of law, I am obliged to give effect to the provisions of an Act of Parliament

"Speaking for myself, and if I were sitting as a court of equity, I would

have come to the assistance of the appellant
"Unfortunately, and on an intellectually honest approach, I am compelled to conclude that the appeal must fail"

CONFLICT

Commenting on the resignations of Mr Justice King and Mr Justice Mostert, Professor John Dugard, professor of law at the University of the Witwatersrand and director of the Centre of Applied Legal Studies, said these were the first resignations by judges in South Africa for many years for reasons other than health

"Although no reasons have been advanced for their resignations, the public is entitled to believe that Mr Justice Mostert has resigned as a result of his treatment after the Information scandal, and that Mr Justice King has resigned as a result of the conflict of conscience that arose in the implementation of the Group Areas Act"

Professor Dugard said the last such resignations in southern Africa occurred when judges resigned in what was then Southern Rhodesia

"Repressive laws over the past 30 years have inevitably led to problems of conflict between conscience and the enforcing of laws on the part of judges

"The Government should realise that laws of the kind it has enacted place a severe strain on judicial conscience.

"If future resignations are to be avoided, the Government will have to seriously consider eliminating the areas which give rise to the most serious conflicts of conscience."

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INTER-OSSIT

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17/1/80

(248)

ORIT

Mercury Correspondent

JOHANNESBURG — Mr Justice Anton Mostert, who shocked the nation with his revelations about the information scandal 15 months ago, resigned as a judge yesterday.

Judge Mostert, who sits on the Natal Bench and is one of the youngest judges in the country, informed the Minister of Justice, Mr Alwyn Schlebusch, and his Judge-President, Mr Justice James, of his decision yesterday.

It is understood that another young judge from the Transvaal, Mr Justice Mervyn King, who was appointed to the Bench two years ago, has also resigned. This could not be confirmed last night.

Judge Mostert confirmed his resignation last night.

Future plans

He said, 'It is my intention to return to practice.'

Asked for his reasons for resigning he said: 'I will not furnish my reasons to the Press because the matter is not for public discussion.'

The resignation of Judge Mostert and Mr Justice King is unprecedented in that it is the first time there have been resignations from the Bench for reasons other than old age or ill health.

Mr Justice James last night said: 'Judge Mostert was an extremely co-operative and friendly colleague on the Bench. He got on extremely well with his colleagues.'

'We are all very sorry to see him resign. He will be missed.'

'He told me today that he had resigned. I



JUDGE Mostert . . . He broke info n scandal.

have no idea why. It was for his own personal reasons. We didn't discuss it before he rang up the minister.'

One of Judge Mostert's colleagues, Mr Justice Leon, said: 'I think he was a most valuable colleague. I am very sorry to hear it.'

Mr Schlebusch said he was not prepared to comment on the resignations and directed me to the judges involved.

Mrs Helen Suzman, a PFP spokesman on justice, said last night: 'Both these gentlemen will be a great loss to the Bench. We had learned to expect judgment and justice of a very high quality from them both.'

'Judge Mostert will go down in history as the man most responsible for exposing one of the greatest scandals in South Africa's political history.'

Judge Mostert was appointed to the Bench in the Transvaal Division of the Supreme Court in 1974.

His rise to his position had been meteoric. He was admitted to the Bar in 1965. Seven years later he had become a Senior Counsel.

Started

Mr Justice King started as a lawyer in 1962 and was admitted to the Bar in 1965.

He was gazetted a Senior Counsel in 1975 and appointed a judge in early in 1977.

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tions on November 2, 1978, confirmed exposes about the massive misuse of public money through the Department of Information's secret funds including the financing of the Citizen.

The disclosures came soon after he had had a major row with Prime Minister P W Botha in the Union Buildings over his decision to make public evidence about the department's dealings put to his Commission of Inquiry into Exchange Control contraventions.

Lawyers unhappy at new 'judges' plan

'Four-tier' court structure attacked

Mercury Reporter

THE legal profession in Natal is unhappy about some of the ramifications of the Government's proposal to introduce intermediate courts

Their fears have been given added impetus by the publication of an article by a regional magistrate, Mr C F Klopper, in Nuntius, the annual journal of the Justice Society

Last year Mr Klopper undertook a study tour of court structures in Europe and presented a

comprehensive document on intermediate courts to the Department of Justice

One of his observations was that judicial officials in the lower courts should be called 'judges' instead of 'magistrates'

The views of the legal profession vary between regarding the proposals of the Department of Justice as a 'sinister plot to whittle away the independence of the judiciary' to acceptance of the principle but objection to the fact that magistrates would be appointed

to the Benches of these courts

Should an intermediate court be set up, the present regional court would, according to legal circles, presumably have to be incorporated into it

This would then give South Africa a four-tier court structure an Appeal Court, a Supreme Court, intermediate courts — with 'regional judges' — and magistrate's courts

One observer felt that intermediate courts would have no

merit at all — certainly not in criminal cases

He pointed out that South Africa already had regional magistrate's courts with extensive powers of jurisdiction. The country had adequate machinery, he said, but it needed the manpower

A backlog of adjudications would be met simply by increased staff

The theory behind the introduction of intermediate courts was that the new system would make the courts more readily available to the

common man and would reduce costs. At least one legal observer found this a very questionable proposition

In addition, attorneys and advocates would appear in court and this, he said, would tend to advance the notion of a fusion of the two professions. It would give the impression that attorneys were specialists in court work

Some observers were unhappy that the proposed development would unnecessarily enhance the status of the public service because the vast majority of people serving in the courts would be magistrates.

Their view was that if officers were to be given the status of judges then they should be people of similar background and experience

They felt that a magistrate was not as well equipped as an advocate or an attorney to handle civil disputes. He did not have the same background in practical experience

On the other hand, some lawyers were of the opinion that the principle of intermediate courts was not a bad one if it was going to bring down the costs of litigation

mal, nm., mal, tort, malheur, maladie

mangonel, nm., mangonneau, machine de guerre

mangonix, var. i.f. of mangonel

manjoie, III v. mangier

mantir, var. mentir

mantirai, var. FI v. mentir

marchis, nm., marquis

Martin: la (feste) saint Martin, la fête de saint Martin

martire, nf., martyre, supplice

maus, i.f. of mal

mauvais, adj., mauvais, méchant, vil, lâche

meillor, corp.Cl.IV, NS mieudre

meisme, adj.adv., même

mellé, var. FP v. mecler

melz, see meuz

nen, see mien

mendier, mendoier, vanquer de tout, mendier

mercit, nf., grâce, pitié, miséricorde

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more, poss. more

molt, mout, adj. ad lès, beaucoup

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morir, ue/o, Wk/u,

mors, Pl v. mordre

morut, P3 v. morir

mostier, nm., mona

mostrar, montrer

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moveir, ue/o, prov remuer, s'en

moz, i.f. of mot

mucier, cacher

muet, PI3 v. moveir

mult, see molt

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DEPARTEMENT VAN JUSTISIE

No R 91

18 Januarie 1980

**TOELATING OM IN DIE REPUBLIEK TE PRAK-
TISEER VAN ADVOKATE WAT ELDERS PRAK-
TISEER**

Kragtens die bevoegdheid my verleen by artikel 5 (1) (a) van die Wet op die Toelating van Advokate, 1964 (Wet 74 van 1964), wys ek, Alwyn Louis Schlebusch, Minister van Justisie, hierby die Republiek van Transkei vir die doeleindes van die genoemde artikel 5 aan

A L SCHLEBUSCH, Minister van Justisie

DEPARTMENT OF JUSTICE

No R 91

18 January 1980

**ADMISSION TO PRACTISE IN THE REPUBLIC
OF ADVOCATES PRACTISING ELSEWHERE**

Under the powers vested in me by section 5 (1) (a) of the Admission of Advocates Act, 1964 (Act 74 of 1964), I, Alwyn Louis Schlebusch, Minister of Justice, hereby designate the Republic of Transkei for the purposes of the said section 5

A L SCHLEBUSCH, Minister of Justice

Nog regters kan bedank

Rapport
20/1/80

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Deur HENRI CROUS en MARISSA VAN NIEKERK
NOG regters gaan moontlik binnekort om dieselfde redes as regters Anton Mostert en Mervyn King bedank. Regsgeleerdes het gister aan RAPPORT bevestig dat daar wye ontevredenheid onder regters heers oor toestande in die regstelsel.

RE 1 2 3

of disease. Clearly, this is an entirely new, these competing risks life tables not the relative importance of various disease mortality experience and also to expectancies, but also, since there is an approximation between the reduction of mortality and the percentage increase in life expectancy, any improvement will give rise to

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jaar gelede as regter aangestel is, sal aanby tot 26 Februarie wanneer sy vakansie verstryk. Hy is van plan om voorlopig in Pietermaritzburg te woon totdat hy in Johannesburg

* VERVOLG OP BL. 2

Die hoofgriewe berus op beweerde miskenning van die Suid-Afrikaanse regbank deur politici en sekere staatsdepartemente en die verontagsaming van besware van die regbank. In laasgenoemde geval word die voorbeeld genoem van adv. Braam Lategan, wat ondanks besware van die Balieraad deur mnr. Alwyn Schlebusch, Minister van Justisie, as regter aangestel is.

Regter Lategan was vooreen Prokureur-generaal van Kaapland en lid van die Erasmus-kommissie.

Mnr. Schlebusch, wat binne 'n bietjie meer as ses maande ná sy oornome van justisie te kampe het met regterlike probleme, is nie bereid om kommentaar te lewer oor die bedanking van regter Mostert nie.

„Die rede daarvoor is dat ek vanselfsprekend nie (die redes) weet nie, en as ek geweet het, sou ek nie gesê het nie,” sê hy.

Volgens adv. J. P. J. Coetzer, Sekretaris van Justisie, is die departement nie bekommerd oor die bedankings van die twee regters nie. Regter Mervyn King het skaars agt maande as Transvaalse regter gedien, sê hy.

Adv. Coetzer sê alles wat hy van die bedankings weet, het hy in koerante gelees.

Regter Mostert het gister gesê „Ek hoop nie dat dit vir my nodig sal wees om op my verklaring (die bedankingsaankondiging) uit te brei nie. Deur dit te doen, sal dit net die huidige polemiek aanblaas. Dit is in belang van die regspleging dat die twisgeskryf tot 'n einde kom”

simple methods of prevention.

Regter wil nie uitpraat

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In regskeie besware teen die aanstelling van regter Lategan.
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werk feitlik uitsluitend met strafsake, terwyl dit maar sowaat 'n derde van die Hooggeregshof se werk uitmaak, verduidelik 'n oorkant. „'n Man wat sy hele lewe net met strafreg te doen gehad het, gaan dit anders moedlik in 'n regterstoel ad. Ek weet nie hoe hy sy eie reg gaan toepas as hy reg advokaat gepraktiseer het nie. Ek dink dit

is onmoontlik om dit te doen. Dit sal so 'n man jare kos om in te haal.

„Die feit dat 'n voormalige regsadviseur, L. C. Steyn, as regter aangestel is, is nie as precedent van toepassing nie, want regter Steyn het as regsadviseur met die hele spektrum van die reg te doen gehad,” sê die advokaat.

In regskringe word ook gesê dat 'n staatsamptenaar

meertlik nie so onafhanklik soos 'n advokaat kan wees nie.

„'n Man wat sy hele lewe vir die staat opgetree het, kan miskien onbewus neig om hom aan die staat se lant te skaar. Dit is die gevoel in regskringe.”

... or bureaucratic interference in recent months, however, several judges and senior counsel expressed concern that several intrusions were being made

...ter eg... as a "growing tendency on the part of the authorities" to tamper with the administration of the judiciary, "thus threatening a tradition of independence that has stood firm for

...tions of similar appointments to come This issue is said to involve a vital question of principle, namely that after the controversial appointment of the for-

ment appointed to the Mr Braam Lategan, formerly Attorney-General of the Cape and a member of the controversial three-man Erasmus Commission which investigated irregularities in the former Department of Information

In a statement shortly after he was appointed, the General Council of the Bar said that Mr Lategan would inevitably be suspected of lacking impartiality

Mr Douglas Shaw QC, chairman of the council, said the council believed it was self-evident that judges should be completely independent and impartial

The Supreme Court, he said, had a reputation here and overseas for independence and impartiality

But the council believed a person appointed from the public service "who has of necessity throughout his career approached matters from the point of view of the State, will not at the outset have, and is unlikely to acquire, the necessary degree of independence and will inevitably be suspected not to be impartial, however unjustified any such suspicion may in fact be"

The General Bar Council tried without success to see Mr Schlebusch for urgent talks about Mr Lategan's appointment

Judges and senior counsel are also concerned about reports that the Government had intended appointing a second senior civil servant — Mr C F Smalberger, its chief law advisor, and also a member of the Erasmus Commission, to the bench

There are reports that more judges would follow Mr Justice Mostert's example and resign if this happened, although the Minister of Justice, Mr Alwyn Schlebusch, has indicated that Mr Smalberger would not be appointed to the bench

There has also been general dissatisfaction about the appointment of Mr Justice Piet Cillie, former Judge President of the Transvaal, to the Appeal Court in December last year Judge Cillie conducted a one-man commission of inquiry into the Soweto riots of 1976 but his

information Department, and its findings led to immediate resignation of Mr Vorster as State President

It has been said that Judge Erasmus's appointment as an appeal judge would be construed as a "blatant political manoeuvre"

The Judge, a former Rhodes Scholar, is known to be on friendly terms with both the Prime Minister, Mr Botha, and the Minister of Justice, who is the leader of the National Party in the Free State

Other dissatisfaction about top judicial jobs include that over last year's appointment of Mr Acting Justice Ernst Lichtenberg, of the Free State, to the South West Africa bench The General Bar Council and Sidebar of SWA protested on the grounds that his was a non-local appointment and against the acceptable tradition of appointments to the bench

A deputation to Mr Schlebusch from these two bodies to reverse the appointment was unsuccessful

Meanwhile, certain judges, I was reliably informed, are considering discussing the circumstances of Judge Mostert's resignation, recent appointments to the bench, and issues concerning the general administration of the Supreme Court, and working conditions

I understand that both the Pretoria and Johannesburg Bar Councils, and the General Bar Council, intend to discuss the circumstances surrounding the resignations

There is a strong feeling in some quarters that judges, acting either independently or jointly, should confront Mr Schlebusch with these issues and obtain from him categorical assurances that judges in future would be appointed only from the ranks of competent senior counsel

Several judges, including Judge Mostert, and senior counsel fear that the dignity, the impartiality and the competence of the judiciary in South Africa could all be severely threatened if judges were not drawn from silks in private practice

The overall function, duties and responsibilities of the Su-

net should comply with one significant convention that judges should be appointed only from the ranks of senior counsel in private practice and not from the civil service or other Government agencies

Dissatisfaction in the administration of the Supreme Court appears to be widely-based One informed source told me there wasn't a single judge in South Africa who did not feel aggrieved about "some or other aspect of judicial life in this country"

Added to this is a mounting wave of frustration that their voices, they believe, are apparently not being heard, and that they are unable even to air their views publicly, or privately, about the fears some hold for the consequences of growing political interference

In the wake of the King and Mostert resignations this week

The official Progressive Federal Party Opposition called for the reasons of the resignation of the judges to be made public

The New Republic Party called for a parliamentary commission to probe the circumstances surrounding the resignations

Mrs Helen Suzman, the PFP spokeswoman on Justice, said it was a matter of great concern that a judge of Mr Mostert's calibre had been forced to make such a decision

However, she called on both judges to clarify the issue and not leave it to speculation if political issues were involved (Mr Justice King has also refused to comment)

Mr John Malcomess, the NRP spokesman on Justice, said a parliamentary commission should also make recommendations to ensure that South Africa's judiciary was above political interference of any kind

The Judge President of the Transvaal, Mr Justice W G Boshoff, commenting on Mr King's resignation, said he had no idea why he made the decision — "although he is still young and I suppose he would make much more money off the bench"

Mr King, however, I was told

JUDGES FEAR INDEPENDENCE OF SA'S JUDICIARY IS AT STAKE

From Page 1

"desperately disillusioned and dissatisfied" with the government's treatment of and attitude toward the judiciary, and with certain controversial appointments to the bench in recent months

His decision to quit, however, is not based on any single factor as such but on a series of "uninspiring and unsatisfactory" developments which, say informed sources, led him to believe that certain tenets of the judiciary's independent status are in danger of being threatened

His deeply-rooted principles concerning the total independence of the judiciary had, it was told, "undoubtedly placed a severe strain on his judicial conscience"

In the end, said one close colleague, Judge Mostert was left with no choice but to exercise the courage, for which he is universally known, and resign

"I salute him for having the guts to do it — without a doubt, it must have been the most excruciating judgment of his brilliant career."

Yesterday another close colleague, Mr Justice John Didcott, who served on the Natal bench with Judge Mostert, described his resignation as a "personal and public blow"

"His intellect, his courage and his immense integrity made him an outstanding judge," said Mr Justice Didcott "I am proud to have served on the same bench as him"

Judge Mostert's "fiercely" strong views on the total independence of the judiciary, and particularly the provincial divisions, became well known in his five years on the bench in the Transvaal and Natal

He was also known to believe firmly that judicial independence could not be maintained without administrative indepen-

Strong Views left Judge Mostert no choice but to resign

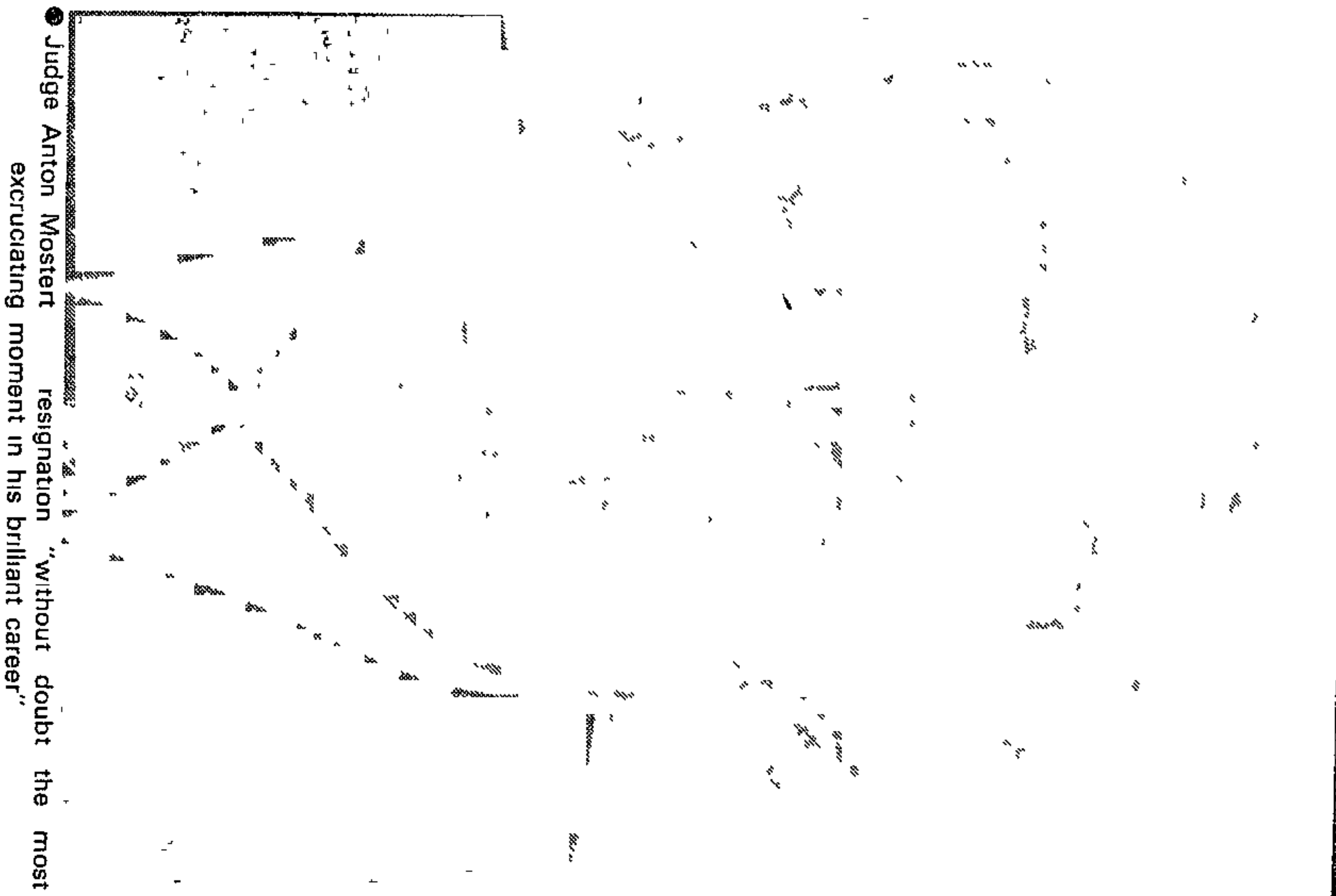
into this form of independence, and some went so far as to say it no longer existed, particularly at the level of the provincial divisions

Judge Mostert, for one, was known to have expressed deep concern and

almost 70 years"

Many of his close colleagues know that these considerations weighed heavily in his decision to resign

What set the spark to his decision was the appointment



Judge Anton Mostert resignation "without doubt the most excruciating moment in his brilliant career"

mer Chief Justice, Mr Justice L C Steyn, to the bench, the Bar Council was given to understand that judges would in future be appointed from the ranks of competent senior counsel

appointed to the Appellate Division from the Free State bench as a token of gratitude for his commission's work

The commission submitted three detailed reports in less than six months on the millions

reflected by the fact that only few of more than 70 senior counsel holding silk in South Africa have accepted judgeships or acting judgeships

And never before have judges, like Mr Justice Mostert and Mr Justice King, resigned in South Africa for reasons other than ill health

But the judge, who declined to accept the South African Society of Journalists' 1979 News maker of the Year Award, was also known to be deeply distressed about working conditions in the Supreme Court and the haphazard way judges were treated

Several judges attached to the Pretoria Supreme Court are without permanent offices, and many complain of being given unqualified and inadequate administrative and secretarial personnel

Suggestions have been made that one of the reasons that led to the resignation of Judge Mostert and Judge King was that they were not earning enough and wanted to return to the Bar after making big names for themselves on the bench

But close sources discounted this altogether, saying that judges' salaries are to be substantially increased shortly, although this in itself would not remove present grievances

"And in any event," said one source, "judges, and particularly men of the calibre of Mr Justice Mostert and Mr Justice King, don't accept appointments to the bench for financial reasons"

"If anything, Judge Mostert made substantial personal sacrifices and an enormous individual contribution to maintaining the status and dignity of the bench — the very issue which, broadly speaking, probably contributed more than any other to his resignation"

Judge Mostert, say my informants, accepts that it should always be the responsibility of the Cabinet to appoint judges

248 Star 21/1/80

Judicial independence is vital

A recent report in The Star has drawn attention to an article in the Journal known as, Nuntius in which the writer raises a number of questions. He expresses two of the questions in the following words:

"Then I began to wonder whether it is really necessary that the English lot of Settlement of the year 1700 and its circuitous procedure to which we have succeeded according to which the legislative authority has the final say in the dismissal of judges ought still to be the law with us; whether it has not become time for us to call our judicial officers in our lower courts judges' instead of magistrates."

In the same publication prominence is given to a statement by the present Minister of Justice that he will do everything in his power to improve the position of the legally qualified person who makes his talents available to the State.

The price of liberty is constant vigilance. One liberty of which South Africa can be proud, and

for which it is respected both in this country and abroad, is the independence of the judges of the Supreme Court. Vigilance may well see in the pastages referred to a tendency, perhaps unconscious, to recommend steps which may reduce the independence of the judiciary and open the way still further to the inroads of bureaucracy

The effect of those provisions of the Act of Settlement to which the writer of the article refers is contained in the provisions of the Supreme Court Act which enact that no judge of the Supreme Court may be removed from office except by the State President upon an address from both Houses of Parliament in the same session on praying for removal on the ground of misbehaviour or incapacity

The only case in which a South African judge was ever subjected to an inquiry with a view to the presentation of such an

address, in his case by the Parliament of the Cape Colony, was that of Mr Justice Fitzpatrick (the father incidentally of the author of "Jock of the Bushveld") with regard to whom the Committee of Parliament appointed abolished him from the large majority of the charges and no address was ever presented

In these circumstances it may well be asked what is the point of suggesting any change? What is suggested as appropriate to be substituted? Is it suggested that judges should be liable to dismissal at pleasure, or on the recommendation of the Public Service Commission? If there is no alternative suggestion, why, one may ask, is the point raised at all? Even those who are not very vigilant may feel some sense of disquiet.

With regard to the use of the title "judge" it may seem at first sight that this is a matter of indifference. In many coun-

The resignation last week of Mr Justice Mostert and Mr Justice King emphasises the importance of preserving judicial independence. A senior South African advocate examines the subject.

tries the members of the judiciary are known by a variety of titles. Many of them derive their significance from the local usage.

A judge is a member of the Supreme Court. He is appointed by the State President and holds office until he voluntarily retires, or reaches, returning age, subject only to removal by the very special procedure mentioned above

The custom is to appoint him (or her) from the legal profession. The tradition of that profession is one of independence. The duty of a practising member of the profession in conducting a case in court has been stated by an eminent Scottish judge, Lord Reid, in the following words:

"Every counsel has a duty to his client fearlessly to raise every issue, advance every argument, and ask every question, however distasteful, which he thinks will help his client's case. As an officer of the court concerned in the administration of justice he has an overriding duty to the court, to the standards of his profession and to the public which may and often does lead to a conflict with his clients' wishes or with what the client thinks are his personal interests."

The South African Supreme Court frequently has to decide on disputes between private individuals or companies on one hand and the Government or governmental bodies on the other. The independence engendered by

practice, with the duties described by Lord Reid, is an essential ingredient for the proper decision of these cases. The notion of running to the telephone to find out what the view of head office or what a policy is with regard to a particular matter is not one which commends itself to practitioners in the profession. It is however a necessary ingredient of the life of a civil servant on the administrative side

Whatever decisions magistrates and officers of the Department of Justice may have to make, they have not been accustomed to the discharge of the duties of the practitioner in private practice. It is the discharge of those duties which promotes the ties which promote the necessary independence.

If therefore both judges and magistrates as we know them became known as judges the distinction between the Supreme Court and the inferior courts would tend to be blurred not only in South

Africa but more especially in the outside world. The suggestion that the courts might suffer not only in their reputation for independence but even in their actual independence may seem far-fetched and may, as it clearly has done in the recent past, arouse considerable indignation in some. Nevertheless, the risk seems to many a real one which ought to be avoided at all costs.

It is well worth considering whether in this field as, in accordance with the Prime Minister's statements, in others, the private sector should not be given a large role so that magistrates would be drawn from among private practitioners as well as from the ranks of the Department of Justice.

Once the independence of the judiciary is lost, or damaged, it is a hard, not impossible, task to restore it. Vigilance therefore requires what may seem an alarm degree of suspicion.

Just what does a degree mean to your bank manager?

In terms of earning power, the answer to that question depends very largely on the sector of the economy to which those years at university are applied.

Across the colour spectrum it still pays you best to shed the shackles of employment and set up business for yourself.

For the self-employed are almost without exception, better rewarded for their efforts than those who pick up monthly cheques either in the private or public sector of the economy.

If you are a self-employed patent agent, you will have little difficulty arranging overdraft facilities.

For, on average, you can expect to earn more than R50 000 a year — R10 000 above that if you are in the top 25 per cent of your profession.

At the bottom of the pile are the black ministers of religion, who have to scrape by on slightly less than R3 000 for a full year's preaching.

The facts are there in black and white at last!

They have emerged from intensive research conducted by the Human Sciences Research Council's Institute for Manpower Research of the earnings of 54 390 economically active graduates — white, black, Asian and Coloured, male and female — last year.

If in 1979 you were a self-employed university graduate and ran your business correctly, then you earned nearly double the average gross salary of any other South African graduate in the public or private sector, irrespective of your colour or sex.

The average wage of the self-employed white man was R20 980, considerably higher than the average wage of R11 890 of employees in the government sector or R14 110 of employees in the private sector.

The researchers found that there was a relatively

Will a degree mean big pay?

small difference between the earnings of white women in the public (R6 740) and private (R6 870) sectors in comparison with this however, the average wage for self-employed women was high at R14 170.

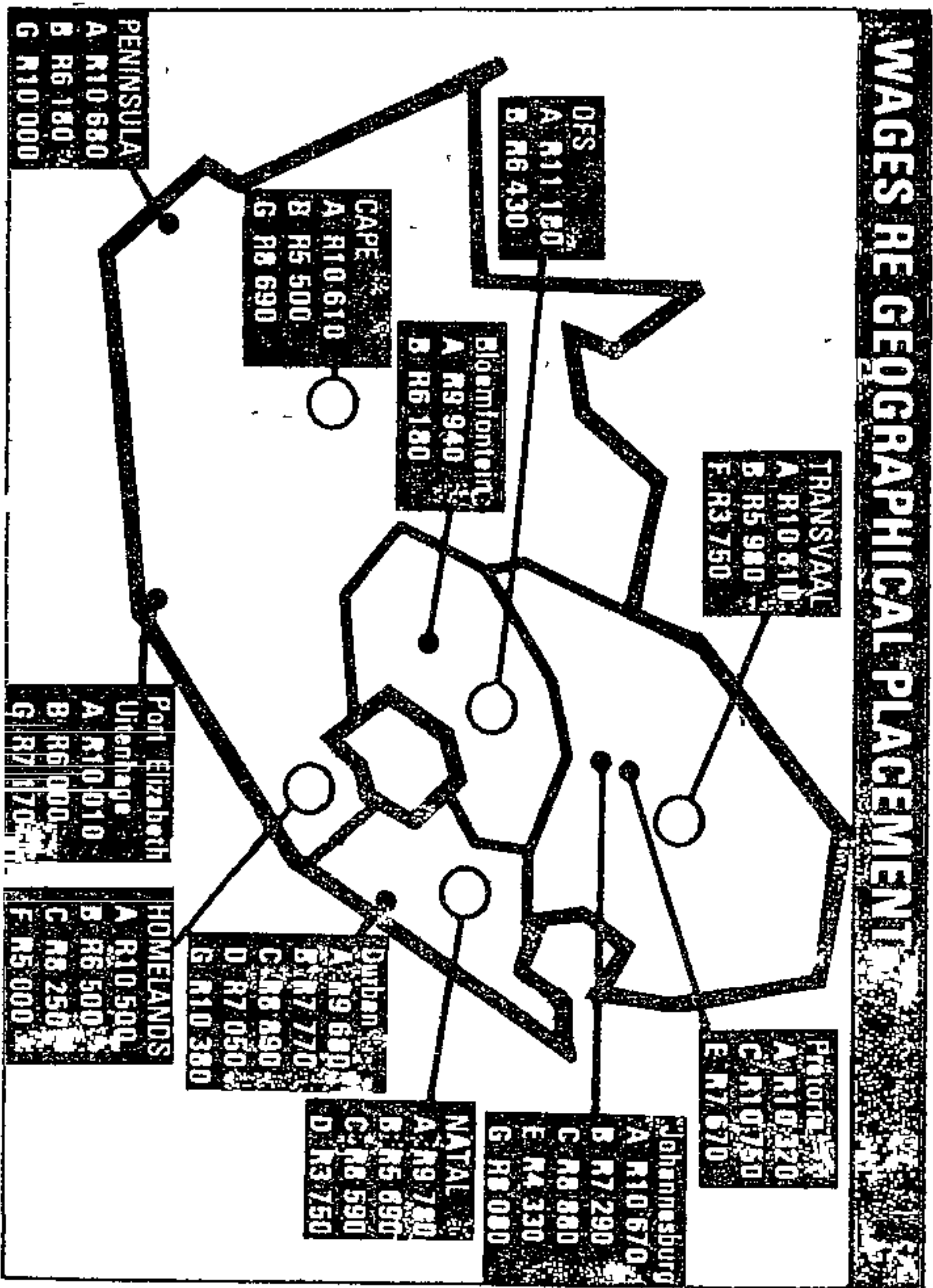
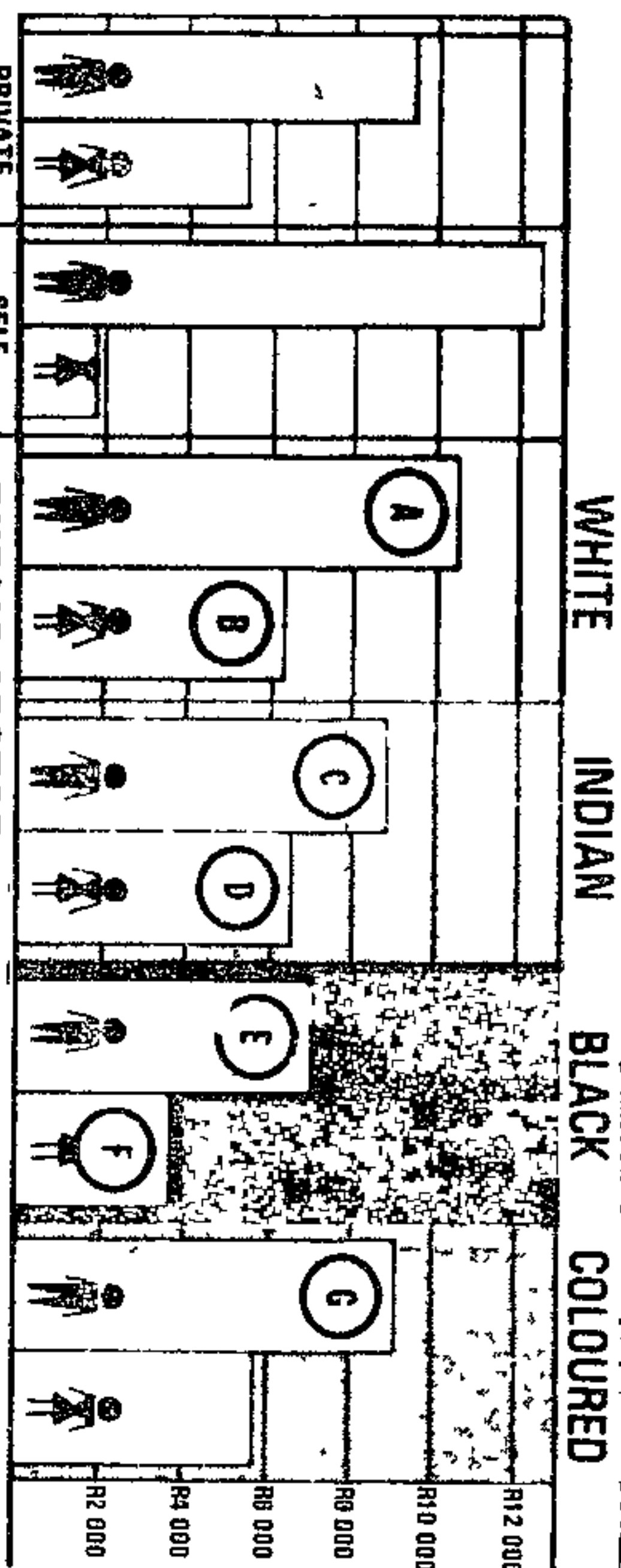
Conversely, blacks, Asians and Coloureds earned more in the public sector in general than in the private sector.

although the average wage for the self-employed was as proportionately high as in the white group. Coloured and black teachers have had the highest growth of income in the five years 1975-79 and in the Asian community articulated law clerks and teachers benefited most.

For the period 1973-79, wages for white males in the private sector increased annually by 10 per cent as compared with about 7 per cent in the public sector. The existing wage gap is therefore increasing.

The difference in salaries between various professions is often startling. White male journalists averaged R9 500 in the public sector and R11 440 in the private sec-

TEACHERS' GROSS EARNINGS IN 1979



BRUCE STEPHENSON examines a recent survey of the earnings of graduates and concludes that to be young, gifted and degreed, in many cases, is not enough.

For actors, musicians, TV and radio announcers averaged R5 500 and R7 750 in the public and private sectors, respectively. On the other hand, while a self-employed doctor grossed R24 010, a nuclear physicist made R16 130 — about the same as a State-employed psychiatrist.

At the top of the list are managing directors of companies at R28 960, self-employed patent agents at R50 170 and self-employed pathologists at R36 500.

While the top wages are to be found in Johannesburg, where the average wage is R15 840 in the private sector, the self-employed in Bloemfontein were laughing all the way to the bank with R25 110. The average salary for the white male graduate was R11 890 in the public sector, R14 110 in the private sector and R20 980 for the self-employed.

Your friendly airline hostess grossed R4 170, while a female religious minister reaped R4 250. Nurses averaged R4 580 — slightly more than a national serviceman's R4 350.

White police salaries averaged R7 600 and prison service personnel around R8 390. While Asian architects grossed R3 380, black magistrates averaged R5 000, and black ministers of religion R2 750.

But the average salaries can be deceptive. It also depends where you work. The teaching profession is the easiest to follow with a line drawn through all races and sexes, as they form the bulk of the respondent group.

The 40-year-old white male teacher, researchers discovered, earned an average salary of R10 530 in the public sector. However 25 per cent earned less than R8 770 and 25 per cent more than R12 520.

The average salary dropped to R9 620 in the private sector, where 25 per cent earned less than R7 730 and 25 per cent more than R11 630. Again it was the self-employed who skimmed the cream with an average R12 500 a year.

The average male teacher earned R5 540 in the 20-24 age group, rising steadily to R12 400 in the 45-49 age group. His earnings are then likely to remain more or less constant until retirement.

Earnings also varied as much as R500 a year depending on where you were in the country.

The highest average salary in the 35-42 age group was in the Orange Free State outside of Bloemfontein. There the average was R11 180 and in other areas was

Witwatersrand-Vereeniging R10 930, the rest of Transvaal R10 810.

● Cape Peninsula R10 680, rest of the Cape R10 610.

● Johannesburg R10 670, Pretoria R10 320.

● Homelands, including Transkei R10 500.

● Port Elizabeth-Uitenhage R10 010.

● South West Africa R9 950.

● Bloemfontein R9 940.

● Rest of Natal R9 780 and Durban R9 680.

The Government teacher has had an annual

increase of 8.8 per cent in the years 1973-79 and the private school teacher a 9.3 per cent increase over the same period.

The survey also proves what women's libbers have been saying for years, that women get less than their male counterparts for the same job. It also shows that single women have a higher average with the same number of years of job experience.

The reason for this perhaps lies in the continuity of years of job experience. The careers of married women are interrupted and all the years of job experience are perhaps not applicable to the occupations practised by the women at present.

The researchers say the average salary of a white female teacher in 1979 was R6 230 in the public sector and R5 420 in the private sector.

Married teachers and headmistresses started off with R4 790 — more than their single counterparts who earned R4 770 — but almost immediately are overtaken when, with one year's experience, their earnings increased to R5 120 and those of their unmarried counterparts increased to R5 170.

After 30-34 years experience married teachers averaged R9 130 and single teachers R9 380.

Salaries varied a great deal from province to province. Women teachers in the public sector earned highest in Johannesburg at R7 290, followed by Durban at R7 270, Bloemfontein at R6 750, Natal outside of Durban at R6 690, homelands at R6 500 and the rest of the O.F.S. at R6 430.

South West Africans earned least at R5 480. The highest salaries paid to women in the private sector were in Natal out-

side of Durban, where the average was R5 500. The lowest were in the Port Elizabeth-Uitenhage district at R4 170.

In the 35-49 age group, the average salary for white teachers in the public sector was R10 530 in the public sector and R9 620 in the private sector. He earned R10 530 in the public sector and R9 620 in the private sector.

The next highest earner was the Indian male teacher, averaging out at R8 600. Salaries in the 30-34 age group for the 39-year-old, averaged R10 750 — 30 higher than white teachers at present.

The average salary of a white female teacher in 1979 was R6 230 in the public sector and R5 420 in the private sector.

The black male graduate teacher averaged R7 020 in the public sector and R7 540 in the private sector. He started at R3 740 at 25-29 years old, peaked at R8 000 at 35-39 and then levelled out at R7 500 all the way to retirement.

A 46-year-old averaged R7 670 in Pretoria, about R7 250 over the rest of the country and, surprisingly, lowest in Johannesburg at R4 330.

The black woman in the Transvaal earned the national average of R3 750 and R5 000 in the homelands. Salaries have improved by 14.9 per cent a year since 1975.

The survey took place on March 1, 1979, therefore the increases of between 5 per cent and 10 per cent in the public sector have not been taken into account. Increases in the private sector after March 1 were not known. Additional earnings from cash bonuses, part-time lecturing and consultation fees have not been included in this article.

LEGAL AID

Am 25/1/80 (28)

Counselling the poor

Recent law suits over public transport involving Putco in Johannesburg and City Tramways in Cape Town have been lent weight by the active involvement and support of the Legal Resource Centre (LRC).

What is the nature of the Johannesburg-based body? The first of this kind in SA, the LRC was recently established under the direction of advocate Arthur Chaskalson SC with the explicit aim of making legal assistance available to the poor and to undertake public interest law cases.

The centre has the backing of the Transvaal Law Society, the Johannesburg Bar Council and the Legal Resource Trust. It is funded by private enterprise and charitable foundations here and abroad and has secured sufficient finance to ensure operations for at least three years.

Director Chaskalson says: "The LRC will take on cases which have a particular

community interest in the sense that they affect a large number of persons, and where a ruling in one case can be of benefit to many other persons in a similar position. However, it is not contemplated that the LRC will deal directly with the public, but will take cases referred to it by the clinics or other legal aid agencies."

Although there are established legal aid services such as the Legal Aid Bureau, the LRC is seen as complementary rather than in opposition to them. It has established its own clinic in Hoek Street.

According to Geoff Budlender, one of the centres' three full-time attorneys: "The poor often have an even greater need for legal assistance than the rich, as they are the most easily exploitable class and have no comeback or access to legal services. Poverty leads to legal problems. It is not only lack of funds which allow for exploitation, but also ignorance of their rights on the part of the poor."

The LRC is also strongly committed to the notion of practical legal education. The centre now offers students the opportunity of gaining this experience (for which they can gain course credits). It is hoped that the clinical experience will stimulate awareness by lawyers of the problems of the poor and black communities in particular — areas to which lawyers are seldom exposed.

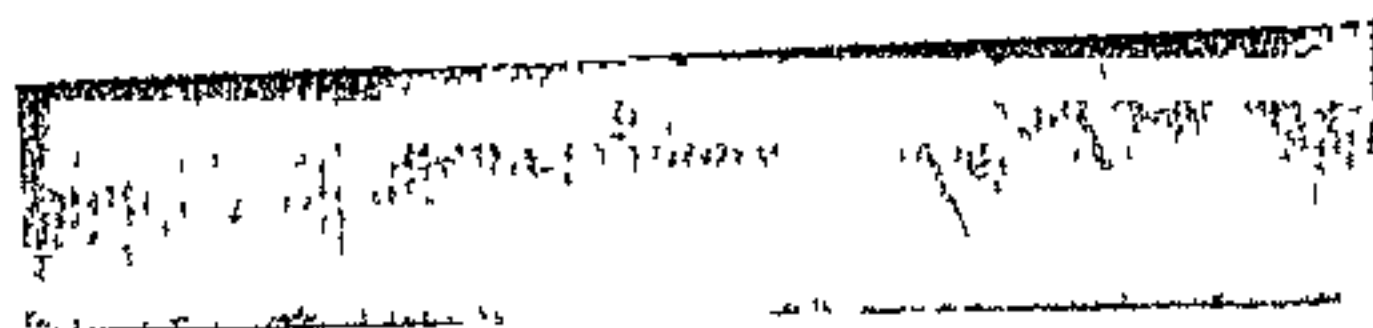
To attain this, the centre is offering one-year fellowships to recently graduated lawyers so that they can gain practical experience.

To date, legal aid clinics have generally been manned by students who were not able to take cases to court, so the services offered by these agencies have of necessity been limited. Also time and the costs of undertaking litigation have inhibited the extent of available legal aid. The LRC has both the professional expertise and financial resources to undertake litigation.

The Hoek Street clinic has dealt with over 700 cases in the six months since it opened, and the services of the Wits students have now been bolstered by the support of students from Rau and Unisa.

Says Budlender: "There has been increasing interest from law schools around the country both in practical legal education and in clinical law, which bodes well for the future expansion of legal services to the community."

Financial Mail January 25 1980



Former judges face tough road back to the Bar

By BRUCE STEPHENSON

THE two judges, who resigned recently with the intention of working again as advocates, might not be re-admitted to the Bar.

On Saturday the executive committee of the General Council of the Bar of South Africa ruled that it would not be desirable for a judge who has left the Bench to be re-admitted to the Bar to practice as an advocate.

The chairman of the General Council, Mr Douglas Shaw, QC, said yesterday that the matter had been reconsidered in the light of the applications by Mr Justice Anton Mostert and Mr Justice Mervyn King to return to practice at the Johannesburg Bar.

But Mr Shaw said the Johannesburg Bar would have the final say in the two former judges' applications for readmission.

The general council's decisions are not binding on its members but, normally speaking, all local societies will have agreed with that decision before it is reached by the general council.

Should the Johannesburg Bar turn the two judges down, they would not be barred from practising.

"We recognise that they are qualified advocates and, in theory, they can practice.

"However, it is not permit-

ted for a member of the Bar to appear (in court) with a non-member. So they will be held put to find juniors.

Mr Shaw said they could be readmitted if there were found to be special circumstances.

Only two former judges have ever been readmitted to the Bar. They are Senior Transvaal Judge Joseph Ludorf and Judge Willem Muller of the Natal Bench. Both left for health reasons and were re-admitted when they felt fit.

Mr Johan Kriegler, SC, chairman of the Johannesburg Bar Council, said the council would meet "within the next few weeks" to consider the two applications.

Judge Mostert, 47, who defied the Prime Minister in disclosing vital aspects of the Information scandal, is said to have resigned from the Bench because of concern over aspects of the judicial system.

Judge King, at 42 the youngest man ever appointed to a South African Bench, is said to have resigned over a "crisis of conscience" concerning a judgement he was forced to hand down in terms of the Group Areas Act.

Legal sources say judges and lawyers are extremely concerned that a system of "intermediate courts" might be introduced. This would mean that magistrates could be appointed to the Bench in a junior capacity.

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28/1/80

In addition, much research at universities is funded privately. MRC grants constituted only 21.5% of UCT medical research funds.

Additional costs are: disability grants; compensation for industrial accidents; compensation for occupational disease.

In the latter category, the mines alone accounted for compensation worth R17 million for occupational diseases:

sick pay funds; unemployment insurance paid to workers off sick, health care provided by the industrial sector.

These figures include only direct costs to government, private persons or firms. Indirect costs: loss of productivity, inconvenience etc. which can be measured in money terms would probably be far greater; e.g. Wynand Louw (*20) estimated the cost of alcoholism and problem drinking in the Western Cape alone to be R33 million, of which R14-15 million was accounted for by loss of production. Oosthuizen (*63) estimated the cost of peptic ulcers in South Africa to be R50,8 million p.a., of which R31,9 million p.a. was loss of production. Thus, these direct expenditures are not the only, or the main economic loss to be avoided by improved health care and prevention. Added to this, are the unquantifiable costs of inconvenience, pain and bereavement.

McGrath (Ch.5) pointed out that health expenditure in South Africa has not kept up with the growth of GNP since 1959/60 and is now below the average proportion of GNP for other countries with the same income level. This is associated with a falling proportion of government expenditure allocated to health services. (See Ch.5, Table 4).

BRUCE STEPHENSON

His resignation of a judge from the Bench of the Supreme Court without special reason detracted from the reliance the public placed in the office, Mr Douglas Shaw, chairman of the General Council of the Bar of South Africa, said yesterday, commenting on the decisions of the General Council and the Johannesburg Bar Council that it was "unfortunate" that a judge, before being admitted to the Bar to practise as an advocate, his decisions came a few weeks after the resignations of Mr Justice Anton Mostert and Mr Justice Mervyn King, and their applications to return to private practice. The men have not stated publicly or to the Bar society their reasons for stepping down from office. The General Council's attitude is based on the assumption that a judge takes office for the rest of the term of his working life, and if he resigns it indicates that he has changed his mind. This change of mind, in the absence of special circumstances such as ill-health or personal tragedy, as in the case of Judge Willem Muller, detracts from the reliance that the public places in the office of a judge. A judge is not expected to change his mind."

Mr Shaw said the General Society's decision had not been taken lightly.

"We are concerned with the wider administration of justice. Before coming to a decision at Saturday's meeting, there was a very far ranging and thorough discussion. The concern of all present was the effect the admission of former judges would have on the esteem in which the Supreme Court is held."

Despite rumours to the contrary, council members have not been concerned with the competition the two former judges might present, Mr Shaw said.

A Senior Counsel who does not want to be named, said that a judge — who has power not given to ordinary people — was expected to know clearly what he was doing. Otherwise he could not take decisions that affected the lives of those who appear before him.

3.3 URBAN SERVICES

acceptance in South Africa.

The Commission advised the establishment of a modern concept of health and curative service at grassroots

"A judge ⁱⁿ takes office for life, and in my opinion he or she should stay there," said an advocate.

Another said that a judge, who could have shared confidences and worked with another judge, should not face a former colleague across a court.

"There are many who believe that such a situation would come perilously close to a breach of confidence."

● The Johannesburg Bar Council will meet within a few weeks to consider the applications of Mr King and Mr Mostert.

3.2 HEALTH STRUCTURES IN SOUTHERN AFRICA: SOME CASE STUDIES

Papers discussed in this section are those by Smith (*11), Raine (Ch. 15), Ross, Maswago and Moja (Ch.17) and Kital (Ch.16), on urban health services and Westcott (Ch.11 & *55) and Scott (*58) on rural services. Kevin Solomons' paper on mental health services, although relevant here, will be discussed in section 9.

All these provide some evaluation of the existing models of health service in South Africa and illustrate the practical possibilities of simple health-service based research. It is useful to consider these studies in the light of some historical experience with alternative health structures, as described by Kanis, in Chapter 8, where he discusses the Gluckman Commission and the Health Centre experiment. The 1944 Gluckman Commission⁹ investigated the contemporary health service structure and found it fragmented, poorly distributed in relation to health needs, and excessively oriented towards alternatives for future development in Israel and other countries, but with acceptance in South Africa.

The Commission advised the establishment of a new health service, "based on a modern concept of health and curative service at grassroots level, and in my opinion he or she should stay there," said an advocate.

Another said that a judge, who could have shared confidences and worked with another judge, should not face a former colleague across a court.

"There are many who believe that such a situation would come perilously close to a breach of confidence."

● The Johannesburg Bar Council will meet within a few weeks to consider the applications of Mr King and Mr Mostert.

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By KITT KATZIN

PRETORIA'S verkramppte advocates have been told in blunt terms by Minister of Justice Alwyn Schlebusch that they will have to change their racial attitudes and admit Black members to the all-White Bar Association

Documents given to the Sunday Express this week reveal that the Minister said he would support the application of a Black advocate, received last year, to become a fully-fledged and practising member of the Pretoria Bar

The Pretoria Bar is the only one in the country to ban Blacks

Mr Schlebusch laid down these policy lines in "friendly but serious" discussions with the chairman of the Bar, Kees van Dykhorst, SC. The discussions took place at Civitas, Pre-

Schlebusch lays down law to verkramppte advocates

Pretoria, two months ago
A memorandum based on his remarks was circulated to members of the Bar

According to that memorandum, Mr Schlebusch said the Bar's constitutional ban on Blacks "stuck out like a sore thumb" and should be abolished

He warned Mr Van Dykhorst, SC, that the Bar "was swimming against the stream"

He said it would have to give in eventually
The Minister was told by Mr

Van Dykhorst that a Black advocate, Mr T B R Kgalegi, had applied to practise as a junior at the Bar and possibly become a member

Discussing this application, Mr Schlebusch told Mr Van Dykhorst that, if it was decided to admit Mr Kgalegi the necessary forms should be sent to Mr Schlebusch. He would then see they were submitted to the proper authorities

And he would support the granting of a permit

The ban on Blacks by the

Pretoria Bar — largest and most active in the country — has generated considerable racial bitterness in the past

During recent years there have been several moves to open the Bar to all races

Ironically, at a number of meetings a majority was in favour of doing so but there was not the two-thirds majority necessary to change the constitution

Early last year Black attorneys in the city threatened to expose the 48 advocates who had voted against admission of

Blacks to the Bar in a secret ballot

It was the second year running that a move to allow Blacks had been blocked in secret ballot

Black attorneys then informed the Bar Association that in future advocates would have to answer a questionnaire on their personal racial views before being briefed by a local Black attorney

"We feel we would not be doing our clients, who are predominantly Black, a good service by having their cases han-

dled by people who have deep seated racial prejudices," said Mr A Cassim, a spokesman for the Black attorneys

Yesterday the secretary of the Pretoria Bar, Willem Heath, commenting on Mr Schlebusch's remarks, said it was well known that the constitution of the Bar did not allow Blacks to become members

Asked whether, in the light of Mr Schlebusch's views, the restriction was likely to be abolished, Mr Heath said it was possible the matter would be discussed, although Mr Kgalegi's application had not yet been considered

However, it did not mean that because Black advocates were not permitted to join the Bar in terms of its constitution members were necessarily opposed to the move
"It depends on individual opinions," Mr Heath said

and taken to the doctor only after four days, in Patterson, because a lift was available in that direction. The child had meningitis and was crippled as a result. Perhaps the illness would have been left to see if it would cure itself in any case, but transport difficulties contributed to this. However, to remedy such a situation, cheaper transport alone would not suffice; a local health worker who is able to diagnose, not necessarily to treat such emergencies, would be able to distinguish cases needing urgent attention from those which do not. Such a person would have to be consulted early in the course of an illness; this means his/her services would also have to be cheap.

The solution suggested by the residents themselves was a different one, perhaps more practicable until such time as the diagnostically trained auxiliaries are available. They wanted a regular clinic to be held at Suurberg, even if they had to pay a rand or more for treatment, since it cost then at least R5 to reach Addo. If Albany Divisional Council would have to pay, if other areas are in the same bound, without excessive cost to

Pretoria Bar silent on black applicant

Pretoria Bureau

THE chairman of the Pretoria Bar Association, Mr Kees van Dijkhorst, SC, yesterday refused to comment on the position of a black Pretoria advocate, Mr T. B. R. Kgalegi, who had applied for membership of the association.

Mr Van Dijkhorst was asked to comment on allegations in a Sunday newspaper that the Minister of Justice, Mr Alwyn Schlebusch, had told his associ-

ation to change its attitude and admit black members.

Mr Schlebusch, is also alleged to have said he would support Mr Kgalegi's application to practise as an advocate and would see to it that he was granted a permit.

Mr Van Dijkhorst said he cannot comment on this. It is an internal matter.

Mr Kgalegi could not be reached for comment.

APPENDIX II

RURAL HEALTH SURVEY QUESTIONNAIRE

1. Name	M/F	W/C/B
2. Age		
3. Place of Residence		
4. Distance from nearest health facility		km
5. Distance from nearest low cost facility		km
Last episode of illness		
Relation		
How long ago (yrs, months)		
What was problem?		
Chronic or acute?		
History		
Who told first		
How long from onset of illness before med. treatment got		
Where did you go? (dr/hospital & place, or home Rx)		
No. of visits		
Afterwards?		
Charge per visit (include medicine)		
How did you get there?		
How much did it cost?		
How long did it take?		
How far was it (if not nearest)		
How long did illness last?		
Did treatment seem to help recovery? (much, little etc)		
Are you working? (job, pay)		
Did you take time off?		
Loss of pay?		
Easy to take time off?		
Were you insured?		
Reasons for choice of facility or waiting before seeing doctor		
Xhosa healers? Probe.		

CAPE TOWN 5/2/80 2648

Legal skills 'not fairly distributed'

By STEPHEN WROTTESELEY

LEGAL skills are unfairly distributed because they are available to the rich and powerful but are not readily available to the poor or in an increasing degree to the middle class, the director of the Legal Resources Centre has written in the latest edition of De Rebus, the South African attorneys' journal.

"It is not that lawyers are unwilling to work for the poor or the weak. It is simply that the legal process is so complex, so time consuming and thus so expensive that the poor cannot easily gain access to the system," Mr A Chaskalson, SC, wrote.

He said the irony was that the poor probably had greater need for legal assistance than any other group in society.

The article dealt with the

formation of the Legal Resources Centre in Johannesburg.

Mr Chaskalson said the LRC, which was constituted last year, sought to perform a community service through its supervision of law clinics and through the handling of cases itself, and to assist in the training of lawyers.

It would take on cases which might have a particular community interest in the sense that they would affect a large number of persons where a ruling in one case could be of a benefit to many other persons in a similar position.

He said that the work done in the clinics would hopefully lead to a greater awareness by lawyers of the problems of the poor.

If the impact of these measures on health is not taken into account in deciding their priority, there will be inconsistency between the decisions of the health and other ministries; and one can normally save money and achieve the same or better results by eliminating inconsistency (equalising the marginal net social profit of expenditures). Such inconsistency is apparent where the programmes of another sector require costly investment by the health authorities to remove or ameliorate health hazards thus created. An example of this kind would be the choice of providing some, or cheaper public transport over a certain route which would reduce by more than the financial losses on the transport programme, the additional hospital expenses resulting from delayed treatment, and the excessive cost of private transport for many individuals over the same route. Similarly, the designs or legislation for industrial plants could be chosen to improve safety, saving hospitalisation, workmen's compensation and the surplus losses of the employees injured; or a food policy implemented which might prevent a large number of diseases at small cost to the general budget.

However, one cannot merely incorporate 'health' as an additional criterion in development plans; it has to be made commensurate with other goals.

3.1 The Value of Health

The conventional method of doing this, through cost-benefit analysis, requires us to devise a system of expressing health benefits (and costs) in money terms, according to what is known of individuals' willingness to pay for health care or to avoid health hazards. Willingness to pay is the usual criterion for measuring the benefits of projects, but because this is not always a feasible measure in the case of health - the market for 'health' is highly imperfect - other methods have been used. Often estimates have been confined to the value of production loss and medical expenditure, leaving the subjective cost of illness an undefined extra. Even measures of production loss are far from accurate since earnings are usually taken as a proxy, and these may be very tenuously related to productivity.²¹ Moreover, such a measure implies that the health of employed workers is weighed far more heavily than the unemployed (who produce little) or housewives (who produce much but have no wages); the health of children is also undervalued to the extent that there are expected to be no jobs for them.

Because health care in Southern African countries is allocated largely through the market, the quality of health care available tends in any case to depend upon income, above a certain minimum level afforded by State services whose availability and quality depends mainly upon the place of residence. Under the assumption that the cost of ill-health is measured largely by loss of earning power, the allocation prescribed by cost-benefit studies would not differ much from that of the market. This is because without adjustment cost-benefit accepts the existing distribution of buying power and the prices to which it gives rise as if they were optimal.

For this reason, it has been found necessary to adapt the valuation of benefits by a special weighting to benefits flowing to regions, social groups or individuals whose welfare is taken as a special object of policy. A system of regional weights, for example, can be based on a set of regional health status indicators.

2 judges fate still undecided

Staff Reporter

THE Johannesburg Bar Council is still deliberating on applications by former Supreme Court judges Mr Anton Mostert and Mr Mervyn King to return to private practice.

Mr Jules Brodie, SC, the council vice-chairman, said the first meeting was held on Wednesday.

It is not known whether the two former judges have submitted the "special reasons" for their applications as required by the General Bar Council of South Africa and the Johannesburg Bar Council.

Both councils have agreed it is "undesirable" for a judge to return to the Bar unless for special reasons.

The only successful applications by former judges to return to the Bar were granted to Judge Joseph Ludorf and Judge Willem Muller, who left the Supreme Court Bench for health reasons.

Articles of valuing health are multiplied when it comes to the question of human life. Those in the caring professions have argued that the exercise of valuing life in money terms is pointless. Life is the ultimate value in all they are doing, and their object is to preserve it. The economist will answer, yes, but at any cost? Public policy decisions do, in fact, imply a very definite value in human life: e.g. the decision to build a bridge or tunnel with certain safety precautions implies that the value of lives which, on the basis of past experience, it is expected will be lost, will be less than the cost of additional safety precautions. Firms also make these judgements. Suppose that a factory produces toxic fumes which are breathed in by workers and which shorten their lives. If no compensation is payable and new labourers can be hired at no extra cost, the firm may not take this factor into account. If a mine is extended to greater depths, to what extent are the additional deaths weighed against profits? A social cost-benefit

FATTIS & MONIS STRIKE

For almost a month 88 workers at the Fattis & Monis factory in Bellville Sout have been on strike. They struck because five of the fellow workers were dismissed. The workers say the dismissals were because all five were members of a trade union. The union was trying to negotiate for better pay and hours of work R40 a week and an 8-hour working day. A director of the factory says these demands are "out of all proportion" and unreasonable and would lead to "disruption" in his firm.

Officials of the 10 000 member union (the Food & Canning Workers Union) say the dismissed men had signed a document giving the union rights to negotiate for better conditions. The factory has refused to negotiate with the union. It says the men were replaced by machinery and that it was part of a cut-back of staff.

Although those dismissed are 'Coloured', more than half the men on strike are African contract workers. In spite of the threat of being endorsed back to the Homelands, the African workers have stood firm with their 'Coloured' brothers and sisters. On the first day of the strike men from the Department of Labour tried to separate 'Coloured' & African workers who had gathered outside the factory. The workers refused to be separated. One said, 'We were all there for the same purpose.'

Moves of solidarity with the striking workers are increasing. At a solidarity meeting last week more than 50 university and college students from U.W.C., Hewat, Peninsula Training College and Be reinstate and for a boycott of products.

The Western Province Traders to sell the factory's product

The South African Council of schools affiliated to SACOS and a boycott of the factory

At a meeting at U.C.T. over Fattis & Monis products.

Fattis & Monis insist that says he is worried about the blacks as much of the factory production going by employees. However production has been

Who are Fattis & Monis? The following products: All Rec flour, Bread flour, Sifted products with the Fattis &

cake cups, macaroni, spaghetti, large & small shells, ribbon noodles - broad, narrow, plain and green, rings and dilatines; All the above noodles and spaghetti under the following brand names: Pick 'n Pay, Pot o' Gold, Princess, Checkers and Roma; Philadelphia flour and Koeberg Mille pack mealie meal. Fattis and Monis also control a number of Bakeries including Wrench Town Bakery in Observatory; Good Hope Bakery in Elsie River and Ultra Bakery in Somerset West.

Mostert readmitted to Bar

The Johannesburg Bar Council has readmitted the former Supreme Court judge Mr Anton W Mostert, to the Witwatersrand Society of Advocates.

Mr Mostert, a judge of the Natal Supreme Court, announced his resignation from the bench last month.

The announcement concerning Mr Mostert's readmission to the Bar was made today by Mr Jules Browde, SC, of the Johannesburg Bar Council.

Another former judge, Mr Mervyn King, was also readmitted this month.

all instruct its members not to buy.

ad on all sports bodies and re-employment of the workers

a call for a boycott of all

However a director of the firm of the factory's products by the management have kept place of the striking workers.

factory which produces the following products: All Rec flour, Bread flour, Sifted products with the Fattis & cake cups, macaroni, spaghetti, large & small shells, ribbon noodles - broad, narrow, plain and green, rings and dilatines; All the above noodles and spaghetti under the following brand names: Pick 'n Pay, Pot o' Gold, Princess, Checkers and Roma; Philadelphia flour and Koeberg Mille pack mealie meal. Fattis and Monis also control a number of Bakeries including Wrench Town Bakery in Observatory; Good Hope Bakery in Elsie River and Ultra Bakery in Somerset West.

Profit maximisation in the form of incentives to widen the spread between costs and revenues will be restored; and that providers within the organisation (doctors, hospitals, technicians) will be motivated to engage in preventative practices, avoid duplication of equipment, and raise the throughput. Yet whether they will prove a successful general alternative seen

Former envoy joins the Bar

Court Reporter

THE former South African Ambassador to France, Mr Louis Pienaar, was admitted to the Bar yesterday after a Supreme

Court judge found that his conduct in a land deal was not "an insurmountable obstacle" to his becoming an advocate. The Cape Bar Council and

the South African Law Society yesterday dropped their objections to Mr Pienaar's application.

Objections were made to Mr Pienaar's application in December when it was found he had not mentioned that in 1970 while he was practising as an attorney, the Law Society had investigated his part in the sale of some land in Zululand and a subsequent fraud case.

Mr Pienaar was acting for a Zululand woman, Mrs J. E. Werth, who had sold her property to Pienaar Investments. The sale was subject to certain conditions.

When the conditions could not be met, Pienaar Investments approached Mr Pienaar to act for them in amending the agreement.

The Law Society investigated the matter because theoretically a conflict of interest could have arisen.

Mr E. L. King, SC, appearing for the Bar Council, said in court yesterday that after several meetings with Mr Pienaar the council had decided to withdraw their opposition to the former ambassador's application.

Mr G. A. Kuhn, appearing for the Law Society, said the Law Society had no objection to Mr Pienaar's admission.

Mr Justice Watermeyer, with Mr Justice de Kock concurring, accepted Mr Pienaar's explanation that he had forgotten to mention the incident.

He said there was no question of personal gain in Mr Pienaar's action and the incident was the only instance in 22 years of practice that the Law Society had had cause to comment on his professional conduct.

He decided that the incident should not be seen as an insurmountable obstacle in the way of Mr Pienaar's application.

Mr Pienaar was sworn in as an advocate and Mr Justice Watermeyer wished him the best of luck.

Mr W. G. Burger, SC, assisted by Mr D. van Rensburg and instructed by Marais Pienaar and Partners, appeared for Mr Pienaar. Mr E. L. King, SC, assisted by Mr W. J. Louw and instructed by Silberbauer's, appeared for the Bar Council. Mr G. A. Kuhn, instructed by Bisset, Boehmke and McBlum, appeared for the Law Society.

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or HMO medical outputs are sufficiently
criminating to obtain greater utility
he most serious potential shortcoming
tive effects. As a conjecture, they
riber population is homogeneous
abishment would entrench
the health status of national
mixed bag" (Wildavsky, 1973: 113), and
ly as a major vehicle for curbing
country [United States] in the fore-

insurance financed either through or
sector for all or designated target
an identifying feature of late capital-
This category merges at the edges with
"principle" is to have any meaning at all,
t. The purpose of health insurance is
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relatively low probability through serious or lengthy illness. But
originally, to be eligible for this coverage, the subscriber had to pay
a regular premium and possibly a fixed share of costs beyond a certain
minimum. No contribution implied no risk sharing and no valid claim.

In recent times, with the coming of state intervention, this tidy picture has disintegrated. National systems now rely either upon social insurance as the principal instrument of financing via compulsory pay-roll taxes on employers as in France and West Germany, or health is one element in a package deal of benefits for targeted groups, paid entirely or in part from general tax revenues. Programmes initiated in the United States

poll tax to retain some connection between payment and utilisation, or to
le way to general revenue financing. The latter seems to be
(Evans 1976: 438-440).

(v) Comprehensive and universal health care through public funding is the polar category of indirect financing exemplified in its essentials by the British National Health Service. This has become both a benchmark for comparisons and a historical laboratory. The original objective was to set up a health system, in the words of the 1946 Bill, "available to everyone regardless of financial means, age, sex, employment or vocation, area of residence or insurance qualification" (quoted in Drummond 1978:69). No insurance principle is applicable since access for an individual does not depend upon a prior financial contribution. Funding sources in 1970-71 were 80 per cent central government, 15 per cent local government and contributions, and 4-5 per cent by patients for private beds, drugs, spectacles and dental treatment (Forsyth 1973: 10). For 1974, an official source gives the breakdown as 97 per cent "public funds" and the remainder "payments by patients" (OHE 1976: 1).

At the present time in the United States, proposals to enact more comprehensive arrangements are being hotly debated. Virtually all suggestions have in common the enlarged use of federal financing to increase public

Hansard

3 (Q 127) 20/2/80

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BT

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Black veterinarians

*7 Mr N. B WOOD asked the Minister of National Education

How many Black veterinarians are at present being trained in the Republic of South Africa?

†The MINISTER OF NATIONAL EDUCATION

None at the universities administered by me

Banned, Black Lawyer lauds Schlebusch

BY KIT KATZIN

A BLACK advocate banned from becoming a member of the all-White Pretoria Bar has commended Minister of Justice Alwyn Schlebusch for saying bluntly that the Bar should change its racial attitudes and admit Blacks.

Former acting Attorney-General of BophuthaTswana, Mr T B R Kgalegi, applied last year to the Pretoria Bar — the only one in the country that bars Blacks — to practise as a junior and possibly become a member. Mr Kgalegi's application has still

not been considered by the Bar which, in any event, would be obliged to turn it down in terms of its constitution.

When the matter was brought to Mr Schlebusch's attention by Bar chair-man Kees van Dykhorst SC last November the Minister said he would personally support Mr Kgalegi's application — and added that the Bar's ban on Blacks "stuck out like a sore thumb" and should be scrapped.

He warned Mr Van Dykhorst the Bar was "swimming against the stream" and would have to give in eventually.

Mr Kgalegi, who graduated at Turfloop University and worked as a State advocate and personal assistant to the Attorney-General in BophuthaTswana, also applied for membership of the Johannesburg Bar.

He is now doing a four month pupilage spell before he returns to BophuthaTswana to practise privately as an advocate.

Describing the ban as "unnecessary discrimination", Mr Kgalegi said it was vital that junior advocates to gain competent experience during their "apprenticeship", be affiliated to an established Bar.

"In my case, I needed experience in civil work."

He appealed to the Pretoria Bar, in the interests of maintaining the dignity and academic standards of the legal profession, to drop the ban.

"Mr Schlebusch is correct — the Bar's attitude is outdated."

He believed many Pretoria advocates privately opposed the ban, and he was confident it would be abolished.

Mr Kgalegi, who worked as a furniture salesman to pay for his education, worked for the Department of Bantu Administration and Development, as a lecturer in private law at Turfloop, and prosecuted at the Johannesburg and Orlando Magistrates Courts.

In 1977 he joined the BophuthaTswana civil service.

Danger!

Short cost

Municipal Reporter

A CRIPPLING shortage of civil engineers in the Durban City Engineer's Department could be costing ratepayers R5 000 000 a year.

The situation is seen as so desperate that the city's essential services — such as water, sewerage and waste removal might be affected unless suitably trained staff can be found.

As a short-term measure the City Engineer, Mr Don Macleod, has suggested a priority rating for future projects.

Of a total of 61 established posts for civil engineers there are 14 vacancies.

Other professions in the department are also cause for concern.

The council's pay structure is blamed for the fact that junior and middle bracket

engineers are leaving the department.

A report by Mr Macleod, intended for the Management Committee's meeting on Thursday, calls on the council to make strong representations to the Administrator for the ceiling on the professional grading structure to be raised sufficiently to enable Durban to build up and retain a strong team of junior and middle management civil engineers.

1/3/80 Natal
Mercury

Shortage of engineers could be costing Durban ratepayers R5m a year

The only way the department could keep abreast of the city's essential development programme was to employ outside consulting civil engineers. At present, 147 projects worth R21 million are being handled by consultants.

The report said while this enabled day to day work to be done, the shortage of established staff did not permit proper forward planning to take place and made it

difficult to control and administer the work of the consultants

It had been previously pointed out that with lack of control and the increasing shortage of middle management men with long experience in civil engineering it became increasingly possible for errors to slip through

Mr Macleod said when a capital works programme of R48 million and more was in-

involved errors of judgment and lack of adequate planning could easily account for a 10 percent wastage — or R5 000 000 a year

Between now and 1986 four out of five assistant city engineers and one of the two deputy city engineers would retire. In the same period two divisional heads and four section heads would also retire.

Also of concern was the position in regard to other professions

In the land survey branch there is one vacancy for a surveyor. In the past year work done by private firms came to R277 608.

In the architectural branch, to keep up with the present workload, private architects have been commissioned to handle 29 projects with a total value in excess of R36 million. Similarly more and more use is having to be made of private quantity surveyors

Not suggested

Mr Macleod said the council was obliged to put more work out to contract. While it was not suggested that this form of operation was more costly for the council the use of consultants in the engineering field particularly was definitely a greater expense.

As an example, if all the civil engineering vacancies and their back-up staff were to be filled the total cost at present-day rates would be less than R550 000 a year — even if all the staff were at the top of the grade.

But, on a most conservative basis consultants' fees would exceed R1 000 000.

Examples

Mr Macleod gave the following examples of growth of work from 1970 to 1979:

Water consumption — from 322m³ a day to 418m³;

Contract work — from R17 million (present-day value R43 million) to R58 million;

Building plans submitted — from 8 143 to 10 616; and

Building plans submitted — from 8 143 to 10 616; and
Length of hardened roads — increased by 210km to a present 1 785km.

There were now four major waste water treatment works. Only two had been commissioned in 1970.

175
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24P

'Better pay' plea for local talent

SOUTH AFRICAN local government authorities should be able to afford to compete with the private sector for the services of professional men and not have to rely largely on their dedication to their work, a Canadian-based planning and urban design authority, Mr Peter de Tolly, says.

Born in Cape Town and a graduate of the University of Cape Town, Mr de Tolly is the City of Toronto Planning Board's

waterfront section programme manager.

During an interview in Cape Town, he said that the policy in Canada and North America had been to vote budgets which enabled the various authorities to employ many of the best professional men.

Were South Africa to follow this attitude it would enable experienced and ambitious young professionals to make a lifetime career with the public authorities.

At present it appeared that a few dedicated men stayed in the civil service while the majority of young, talented men gained experience at the expense of the service and then moved on to the more remunerative private sector, he said.

'I understand that this is being recognised in South Africa at a central government level, but has not yet filtered down to local authority level.'

He said that after talking to CT architecture

students and his colleagues in the profession, he got the impression that were there more public sector opportunities, there would be less of a 'brain drain' and more professional men would stay in the country.

'There is no question that the talent is here in quantity and quality, but professional men leave because there is not the opportunity to realise their fullest potential and they seek these opportunities elsewhere. Politics has something to do with this, but my feeling is that this is a secondary consideration,' he said.

14 UPE

lecturers

axed

Argus Bureau

PORT ELIZABETH — Fourteen lecturers at the University of Port Elizabeth have been axed in a move linked with slumps in the Eastern Cape Motor industry.

The Rector of the university, Professor Ernst Marais, said today that UPE had been forced to rationalise its activities because its special 'establishment' subsidy from the Government would fall away at the end of this year.

UPE and Rand Afrikaans University in Johannesburg have, since they were founded, been given special help to establish themselves.

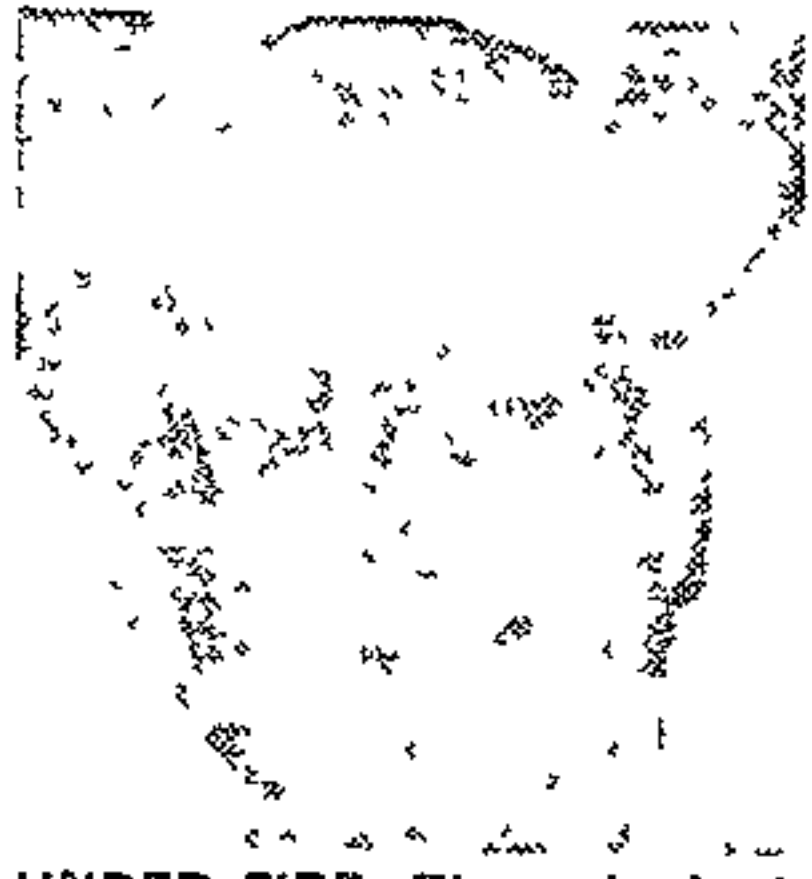
Professor Marais said while RAU had been able to build student numbers up to an optimal level, UPE had about 900 fewer students than the 3 900 it hoped to have.

SLUMPS

Its growth had been slowed down by economic circumstances in the Eastern Cape — particularly the slumps in the motor industry.

Professor Marais would not name the 14 lecturers who have been told their posts will be abolished from next year. But he said they were all 'outstanding' academics.

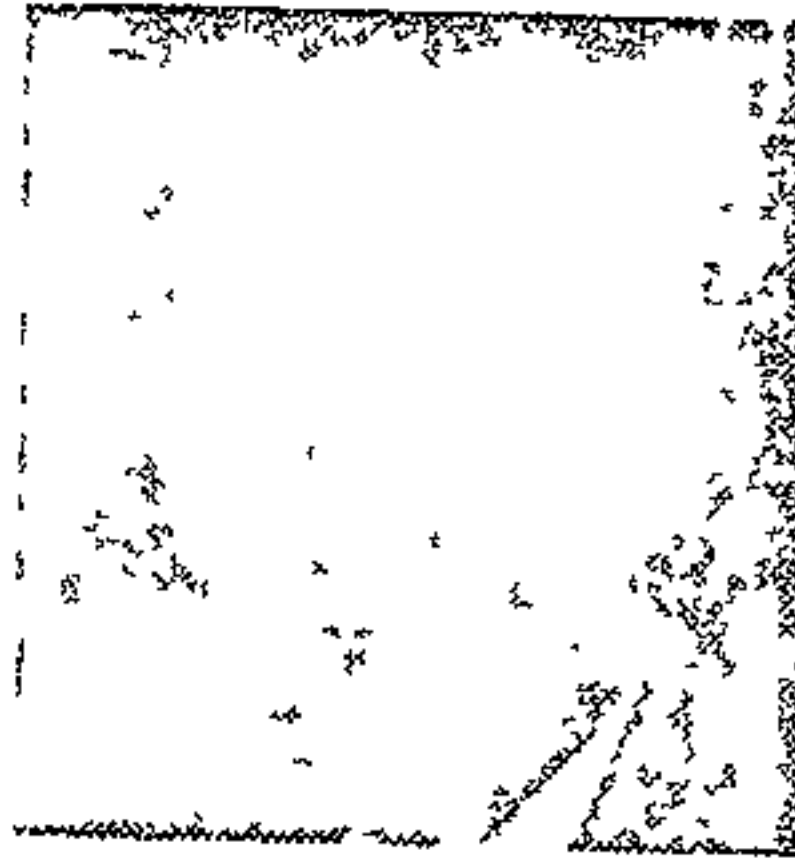
Dissatisfaction with the rationalisation moves is reportedly running high on the university's seaside campus.



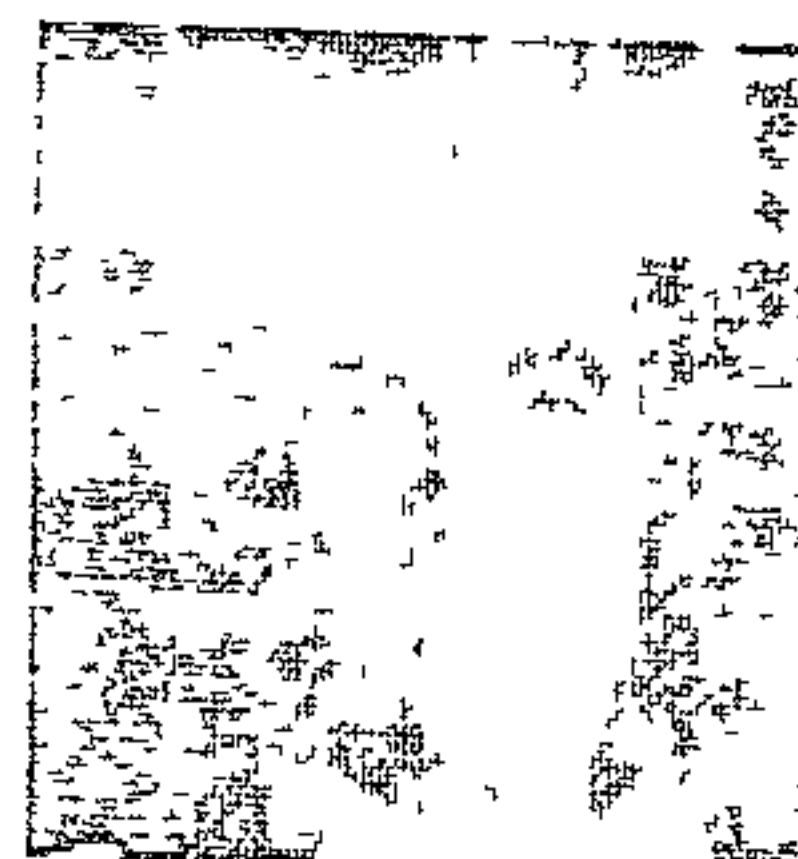
UNDER FIRE The principal, Prof E J Marais . . . he says it was "traumatic"



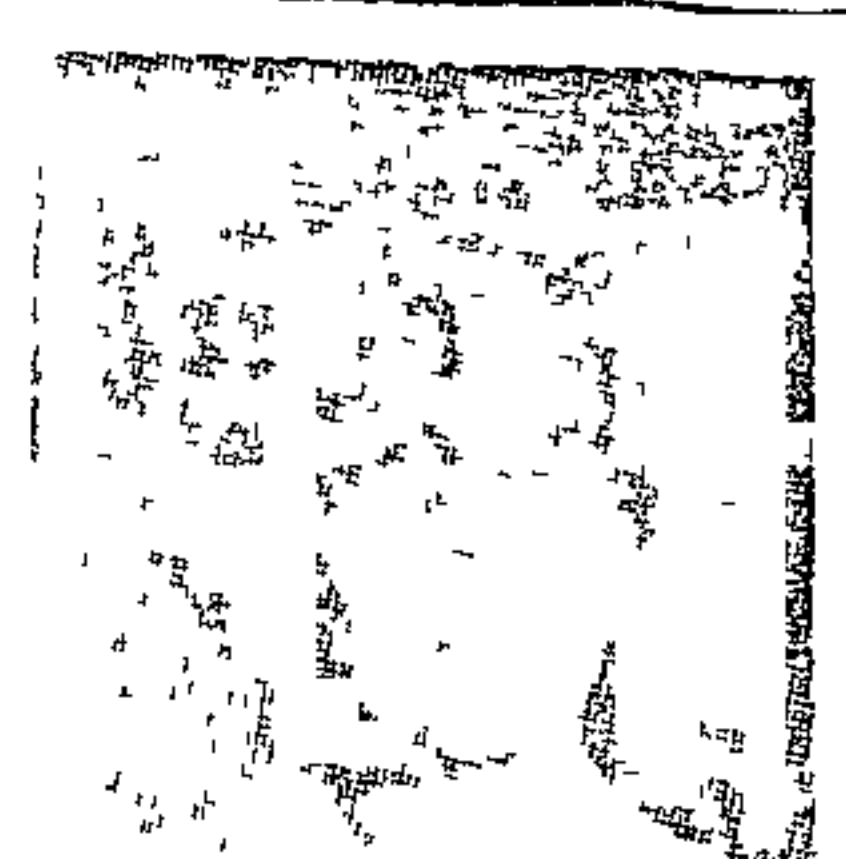
DOWNGRADED Virginia Fortescue, concert pianist and senior music lecturer



MOVED Prof Victor Webb, from Linguistics to Afrikaans-Nederlands



AXED Prof Marius Scholtz with his Theory of Literature Department



AXED Mrs Veronica Bowker, junior lecturer in literary science

STAFF at a university are living in fear of the axeman after 14 of their colleagues were sacked this week.

Lecturers at the University of Port Elizabeth are bitterly wondering who will be next for the chop.

One has forecast a mass exodus of academics looking for safer jobs

A row has broken out over this week's dismissals and demands are being made for a Government probe into the university's finances

Some students also say they will look to other universities because of the insecurity

The students have planned a mass meeting on campus for tomorrow to discuss the sackings.

Insecure

At a meeting between the staff and the rector, Professor E J Marais, on Friday a number of speakers repeatedly voiced fears over the insecurity of their careers at UPE

The shock dismissals, taken by the UPE council in a move to steer the university out of financial trouble, has already brought widespread reaction.

Academics at other universities in South Africa, including Unisa, Pretoria, Potchefstroom and Stellenbosch, have expressed their solidarity with the UPE lecturers and said they were outraged by the dismissals, described as a dangerous precedent

Never before have such sackings of academics occurred at a university in South Africa. The dismissals are effective from January 1, 1981.

Lecturers at UPE unaffected

Lecturers fear axe after university's mass dismissals

will seek posts at other universities

"We don't know who will be next," one said "I'm going as soon as I find another post"

Both staff and students have accused the university of lavish spending on buildings and projects, and lack of foresight

Professor Marais refused to comment on the allegations of wasting of funds

Allegations of wastage of funds included

○ An entire residence standing empty.

○ Expensive audio-visual equipment bought from overseas not being fully utilised

○ Overseas trips by staff members to study teaching methods, including the audio visual aids.

Informed sources say the decision to sack staff was a solution which UPE had tried to avoid. But after a Government commission visited the university last Friday, the principal said Government subsidy given to help found new universities would not be extended beyond the original cut-off date of 1981.

One sacked staffer argued that the axing of academics —

By RAY JOSEPH

R200 000 a year — would be self-defeating and could only lead the university into "deeper trouble"

"I believe that parents will be afraid to send their children to a university with such an unsettled climate.

And what academics will apply for a post at a university where this has happened

"If we lose 10 per cent of our students there will be a loss of about R200 000 in terms of the present State subsidy — and who is to say the whole process will not be repeated

Support

"Many academics have already told me they will get out as soon as they can get new posts elsewhere"

"This is a black day for the academic fraternity of South Africa. Never before has a university sacked some of its highest-trained staff like this"

About 150 students will be affected by the dissolution of the two departments, the Department of Theory of Literature

Linguistics

One of the sacked lecturers said yesterday that messages of support had been streaming in from academics all over the Republic. "The response has been overwhelming and support is coming from all sorts of people"

On Friday afternoon more than 150 members of UPE's academic staff pledged their support, some with money for colleagues who will lose their jobs.

The Lecturers' Association, after meeting with the rector, resolved

○ To appeal to the Government to reconsider withdrawing UPE's foundation subsidy next year

○ Ask the public for dona-

tions to help beat UPE's cash crisis.

○ Start a fund to cover legal costs for appeals against the sackings

Meanwhile, Prof Marais said the move had been very "traumatic" for him. "Myself and my council did everything to avoid it. Each and everyone of those who must go are outstanding people and it hurt me to do what I had to do"

Process

He said it was important for every university to build into its structure a process of rationalisation"

He said UPE had not reached its projected growth rate because of the recent depressed state of the economy "which had a very great effect on the economy of the Eastern Cape"

Professor T T Cloete, a former UPE staffer now at Potchefstroom, described the firings as a "disgrace".

"They are not giving the true reasons for what they have done. This has come about because of administration problems"

He said it was the administrative people 'who should go', not the academics.

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9/3/80
S. K. K.

UPE staff supported

PORT ELIZABETH — As University of Port Elizabeth students yesterday condemned the axing of 14 lecturers and two departments, the plight of the dismissed lecturers was evoking reaction from colleagues in other centres.

More than 280 students at a mass meeting called on the UPE council to reverse its decision to lay off the lecturers and abolish the departments of literary theory and general linguistics next

year 11/3/80 University of South Africa lecturers are signing an undertaking not to accept posts at UPE unless the fired academics are reinstated and it is believed a similar move is underway at the University of Stellenbosch.

One of the dismissed lecturers said legal advice was being taken and an appeal to the Minister of National Education, Mr Punt Janson, was being sent off this week — DDC

EXAMINATION RESULTS IN FACULTY ARTS

YEAR : 2

AS AT 29 02 80

PAGE 1

15026

STUD NO	SURNAME	FIRST NAMES	COURSE	DESCRIPTION	SYMBOL	
111062V	BAARZ	MARY ANN	105104	LATIN I	3	(52)
116983F	DAIERELL	DAVID ASHLEY	604201	ROMAN DUTCH LAW I	ABS	116983F
137001P	FIFE	DERRICK NIGEL	105201	CONSTITUTIONAL AND LAW I	2	(68)
			603202	ROMAN LAW & JURISPRUDENCE I	13	(55)
			604201	ROMAN DUTCH LAW I	2	(65)
137345A	LADD	DIANA ALICIA	105104	LATIN I	3	(36)
133987A	GORE	DAVID GEORGE	105106	LATIN I	ABS	133987A
13355F	GRIFFIN	PAUL PRINCE	105104	LATIN I	ABS	110635F
132216A	GOSS	MARC ALAIN	107101	ENGLISH I (PPE-1980)	3	(50)
139014J	HALL	PETER BRIAN	603202	ROMAN LAW & JURISPRUDENCE I	12	(62)
139014X	ISMAIL	MIVAR	105201	AFRIKAANS EN NEDERLANDS II	ABS	139014X
			604201	ROMAN DUTCH LAW I	ABS	
110281W	JANSEN	COLLEEN BENITA	602101	PUBLIC INTERNATIONAL LAW	3	(53)
			604201	ROMAN DUTCH LAW I	2	(60)
139835A	JAY	EDITH ANNE	604201	ROMAN DUTCH LAW I	2	(62)
1305300	KIRKPATRICK	JOHN BRUCE	105201	COMP AFR GOVT AND LAW I	3	(51)
			603202	ROMAN LAW & JURISPRUDENCE I	13	(52)
			604201	ROMAN DUTCH LAW I	3	(56)
603202		STEPHEN JOHN	603202	ROMAN LAW & JURISPRUDENCE IUP	1	(54)
		MELANIE	105104	LATIN I	ABS	137243C
			604201	ROMAN DUTCH LAW I	ABS	
		MARIANNA	201405	STRUCT & INTERP OF ACCTS	F	(42)
		LYNNE CATHERINE	105104	LATIN I	ABS	135970U
			107201	ENGLISH II	ABS	
			603202	ROMAN LAW & JURISPRUDENCE IARS	ABS	
			604201	ROMAN DUTCH LAW I	ABS	
		DOUGLAS ANDREW	603202	ROMAN LAW & JURISPRUDENCE IUP	1	(52)
		SAAJIYA	105201	CONSTITUTIONAL AND LAW I	3	(56)
		GADISA	103201	COMP AFR GOVT AND LAW I	3	(52)
		ANTONY GIDEON	603202	ROMAN LAW & JURISPRUDENCE IF	(49)	133011C

UCT

But the axe ²⁴⁸ still hovers...

Weekend Argus Bureau

PORT ELIZABETH. — The University of Port Elizabeth council last night reversed its decision to axe 14 lecturers at the end of the year — but uncertainty still surrounds the future of two departments destined to be abolished.

In a statement after its five-hour meeting the council said it had decided that the posts affected by its previous decision a fortnight ago, would be phased out gradually.

The committee appointed by the university Senate to find a solution to the present academic problems of the university, the statement added.

THE PROBLEMS

A joint Senate-council committee was appointed to investigate means of solving the university's financial problems. And two other watchdog committees were appointed.

A member of the council, who would not be named, said today officials of the Department of National Education had warned since 1975 that its foundation subsidy would expire at the end of 1980.

He said one committee would attempt to find out whether the university had paid attention to these warnings.

He wondered whether the university had taken it for granted that it would retain the subsidy after 1980.

The statement left open the question as to whether the departments of linguistics and literary therapy would still be abolished and the principal, Professor E J Marais, was not prepared to comment today.

GRADUALLY

However, authoritative sources said the two departments would be abolished gradually.

The members of staff will continue in their positions with no loss of status and the lecturer whose post was downgraded, has been reinstated.

The council said it came to its decision as a result of further negotiations.

The council also decided to co-operate wherever possible with

* TOTAL NUMBER OF STUDENTS 57

NAME	DEPARTMENT	STUDENT NUMBER	STATUS	TELEPHONE
EUGENE FULTNER	AFRIKAANS	102101	ABS	121723H
HENRIETTA ANNE	HISTORY II	110202	3	10216AC
	AFRICAN LANG INFLUENCE (XHOSA)	101103	1	111532F
	ENGLISH I (PRE-1980)	107101	1	133333C
	HISTORY I	110101	1	135034C
			1	137998Y
			1	134302F
			1	135878U

PAGE	2	13020
51)	1	135449N
	1	140639U
66)	1	135499H
	1	137501H
36)	1	139271G
60)	1	052892K
60)	1	121461Y
53)	1	133333C
57)	1	135034C
44)	1	137998Y
58)	1	134302F
63)	1	135878U

WEEKEND ARGUS, MARCH 15 1980

DEVELOPMENTAL AGAD

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RDM
26/3/80

defend one of the accused.

This was referred to the Law Society by the trial judge, Mr Justice Boshoff,⁹ after the records of the court proceedings had been obtained.

Mr Chetty was subsequently summoned to appear before a special council meeting of the Law Society last May

He allegedly failed to attend another meeting scheduled for August 9, a day before he left the country.

According to papers before the court, the Law Society also requested that Mr Chetty should surrender his certificate of enrolment as an attorney to the Registrar of the Supreme Court.

The Law Society asked that Mr Chetty should pay R792,45 as costs of inspecting his account books, and also pay the cost of the application

Mr Chetty fled to England, on August 10.

He shot to prominence by defending people charged with political offences

He shot to prominence by defending people charged with political offences

STUD NO	SURNAME	FIRST NAMES	COURSE
133100Z	VILJOEN	ADELE	116317
1131166	WANGENBURG	MOIRA MARIA	908307
0961466	WENGPOYE	CAROL FESSA	110301
0965606	WILLIS-SAITH	GRANT	906205
103278J	WYNGAARD	GAIL ESTELLE	110301
114463K	ZOELLER	CHRISTOPHER HANS	102101
* TOTAL NUMBER OF STUDENTS			29
----- DEAN			

Legal exodus leading to fewer magistrates

STAR 27/3/80 2.48 (242) 178

"Where are we going to get our magistrates from?" ask Johannesburg prosecutors concerned about the exodus of experienced men from their own ranks.

"Few of the new prosecutors stay long enough to be promoted to magistrates," they say. "The Government must think of the future or else we will be short of magistrates."

Many prosecutors agree that the Government is guilty of failing to match the attractive salaries and benefits offered by the private sector.

The departure of 17 colleagues in the last few months is indicative of a trend that will continue until prosecutors are given salaries worth staying on for, according to one source.

"What is causing prosecutors to leave is the pay

— it is the greatest of our grievances," said one prosecutor.

The pay problem is highlighted by a man who returned to the Department of Justice to settle his debt for the burial given to him.

"I will earn more as a lawyer doing half the work I do prosecuting. I need only defend eight clients a week at R50 each to earn R400."

"Compare this with my salary of about R700 and the five or six trials I prosecute in daily," he said.

"If there are any complaints of working conditions I haven't heard of them. But you can't take working conditions home to feed your children."

Another man is leaving because he was not promoted. His pay packet is another worry — after seven years in the courts

he earns R800 a month.

"I am going into private commercial law. My salary will be doubled. I will get free lunches, tea and a petrol allowance. You don't get those here."

"I have a degree which is important when salary is considered. The benefits of my new job cannot be matched by the department."

"On principle I did not drink tea or coffee at the courts because they cost R2.00 a month. I will be getting it free now."

An advocate who left the department a month ago said "I have three degrees. I was admitted to the bar two years ago, and my net pay was R180. I also did not like the atmosphere and attitude. It was bureaucratic and typical of a service."

"I was not treated with

the dignity of a professional person who has the ability to do his job. There is more status, professionally and socially, at the Bar."

A prosecutor for seven years has joined a leading mineral firm as a departmental secretary. He decided there was no future for him in the department.

"If I wanted to leave I would have to do it before I was too old. My wife is working, otherwise we could not manage — we cannot have children at this stage."

"At my new job I will be getting 15000 more a year."

But one prosecutor with the rank of magistrate who is earning R800 after 10 years says "I do not intend leaving. The work is enjoyable and satisfying."

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No. R. 683

248

3 April 1980

NOTICE IN TERMS OF SECTION 31 (2) OF THE
PROFESSIONAL ENGINEERS' ACT, 1968 (ACT
81 OF 1968)

In terms of section 31 (2) of the Professional Engineers' Act, 1968 (Act 81 of 1968), I, Andries Petrus Treurnicht, Minister of Public Works, hereby make known that it is my intention within eight (8) months from the date of this notice, to exempt by notice in the *Gazette* in terms of section 31 (1) of the Act, the companies and other juristic persons referred to in the Annexure hereto from the provisions of section 21 (1A) of the Act

Interested persons and bodies are invited to submit objections to or representations on the proposed exemptions within eight (8) weeks from the date of this notice to the Secretary for Public Works, Private Bag X65, Pretoria, 0001

1. Any local authority, including any institution referred to in section 84 (1) (f) of the Constitution of the Republic of South Africa Act, 1961 (Act 32 of 1961), established prior to the date on which section 21 (1A) of the Act comes into operation, which for reward performs or causes to be performed by any person employed by it in a salaried position, for any other person, whether a natural or juristic person, any kinds of work reserved for professional engineers in terms of section 7 (3) (c) of the Act. Provided that—

11 such local authority or institution shall not directly or indirectly require of any professional engineer or engineer in training in its employ in a salaried position to perform any act of commission or omission which is in violation of the code of professional conduct; and

12 not later than five years from the date on which section 21 (1A) of the Act comes into operation such local authority or institution shall arrange for work reserved for professional engineers in terms of section 7 (3) (c) of the Act to be performed by or under the direction or control of a professional engineer.

2 Any local authority, including any institution referred to in section 84 (1) (f) of the Constitution of the Republic of South Africa Act, 1961 (Act 32 of 1961), established on or after the date on which section 21 (1A) of the Act comes into operation, which for reward performs or causes to be performed by any person employed by it in a salaried position, for any

DEPARTEMENT VAN OPENBARE WERKE

No. R. 683 GG 6928

3 April 1980

KENNISGEWING INGEVOLGE ARTIKEL 31 (2)
VAN DIE WET OP PROFESSIONELE INGE-
NIEURS, 1968 (WET 81 VAN 1968)

Kragtens artikel 31 (2) van die Wet op Professionele Ingenieurs, 1968 (Wet 81 van 1968), maak ek, Andries Petrus Treurnicht, Minister van Openbare Werke, hierby bekend dat ek van voorneme is om binne agt (8) maande vanaf die datum van hierdie kennisgewing, by kennisgewing in die *Staatskoerant* ingevolge artikel 31 (1) van die Wet, die maatskappye en ander regspersone gemeld in die Bylae hiervan, onderworpe aan die voorwaardes daarin vermeld van die bepalinge van artikel 21 (1A) van die Wet vry te stel

Belanghebbendes word uitgenooi om enige besware teen of vertoe aangaande die voorgestelde vrystellings binne agt (8) weke vanaf die datum van hierdie kennisgewing te rig aan die Sekretaris van Openbare Werke, Privaatsak X65, Pretoria, 0001.

1. Enige plaaslike bestuur, insluitende enige instelling bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), ingestel voor die datum waarop artikel 21 (1A) van die Wet in werking tree, wat teen vergoeding vir iemand anders, hetsy 'n natuurlike of regs persoon, enige soorte werk wat kragtens artikel 7 (3) (c) van die Wet vir professionele ingenieurs gereserveer is, doen of laat doen deur enige persoon by hom in diens in 'n gesalarieerde hoedanigheid Met dien verstande dat—

1.1 sodanige plaaslike bestuur of instelling nie regstreeks of onregstreeks van 'n professionele ingenieur of 'n ingenieur-in-opleiding by hom in diens in 'n gesalieerde hoedanigheid verlang nie dat hy 'n handeling verrig waarvan die doen, of dat 'n versuim om 'n handeling te verrig waarvan die nalaat, 'n skending van die professionele gedragskode sou uitmaak; en

12 sodanige plaaslike bestuur of instelling nie later nie as vyf jaar vanaf die datum van inwerking-treding van artikel 21 (1A) van die Wet, reëlings tref dat werk wat kragtens artikel 7 (3) (c) van die Wet vir professionele ingenieurs gereserveer is, deur of onder die leiding of beheer van 'n professionele ingenieur verrig word

2 Enige plaaslike bestuur, insluitende enige instelling bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), ingestel op of na die datum waarop artikel 21 (1A) van die Wet in werking tree, wat teen vergoeding vir iemand anders, hetsy 'n natuurlike of regs persoon, enige soorte werk wat kragtens artikel 7 (3) (c) van die Wet vir professionele ingenieurs gereserveer is, doen

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PRICE OF PROFESSIONALISM

248

THE Appeal Court has delivered a judgment which is the latest and highest authority for what every professional person knows and fears — that the law places upon him a heavy duty in his dealings with client or patient.

The facts of the case were not extraordinary — at least, not to begin with. The appellant broke the radius and ulna bones of his right forearm in a fall while playing polo. His family doctor was called and reduced the fractures under general anaesthetic, encasing the arm in plaster.

So far so good. But while the patient ought to have been recovering in the Ermelo provincial hospital, a massive sepsis was destroying most of the muscle tissue and some of the nerves in the forearm. Several operations were performed, but the situation was irreversible. The forearm had become reduced to what the trial judge described as 'a shrunken clawlike appendage'.

The patient sued the doctor for R112 000 damages, on the ground of negligence in his post-operative care. He contended that the forearm had been destroyed by ischemia, a deficiency of the blood vessels — a condition known to the medical world as a 'Volkmann's', having been first described in 1872 by a certain Richard von Volkmann (Students are taught the classical symptoms, the 'five p's': Pain, pallor, pulselessness, paralysis and para-anaesthesia or loss of sensation).

The doctor's defence was that sepsis, and sepsis alone, had caused the damage.

On this crucial initial point, the Court, from a mass of highly technical

evidence from medical experts, found that there had indeed been a Volkmann's, albeit complicated by sepsis.

The second question was whether the doctor was negligent in not guarding against ischemia. The

against ischemia. At the first sign of trouble — on the Monday — he ought to have removed or completely split the cast. He was at fault in not doing so until the next day.

In the result, the patient was awarded R34 500 damages.

Arrows 9/14/80
Professional men who make a hash of their services to the public could be liable for heavy damages. BRIAN BAMFORD, MP, SC, reports.

accident had occurred on a Sunday and from early the next morning he began progressively to manifest the 'five p's'. The court found that the doctor, even if he had not been wrong in not completely splitting the circumferential plaster cast immediately — that is before the patient returned to the ward — that very fact placed upon him a duty of special vigilance

There are a number of lessons to be learnt from this case. First, the law expects a professional man to be reasonably skilled and careful — that is, he must at all times have the necessary skill for the task in hand, and he must perform it with care (This applies equally to the other professions — dentists, accountants, architects, surveyors, brokers, attorneys, and in-

deed to all who hold themselves out as possessing a special skill.).

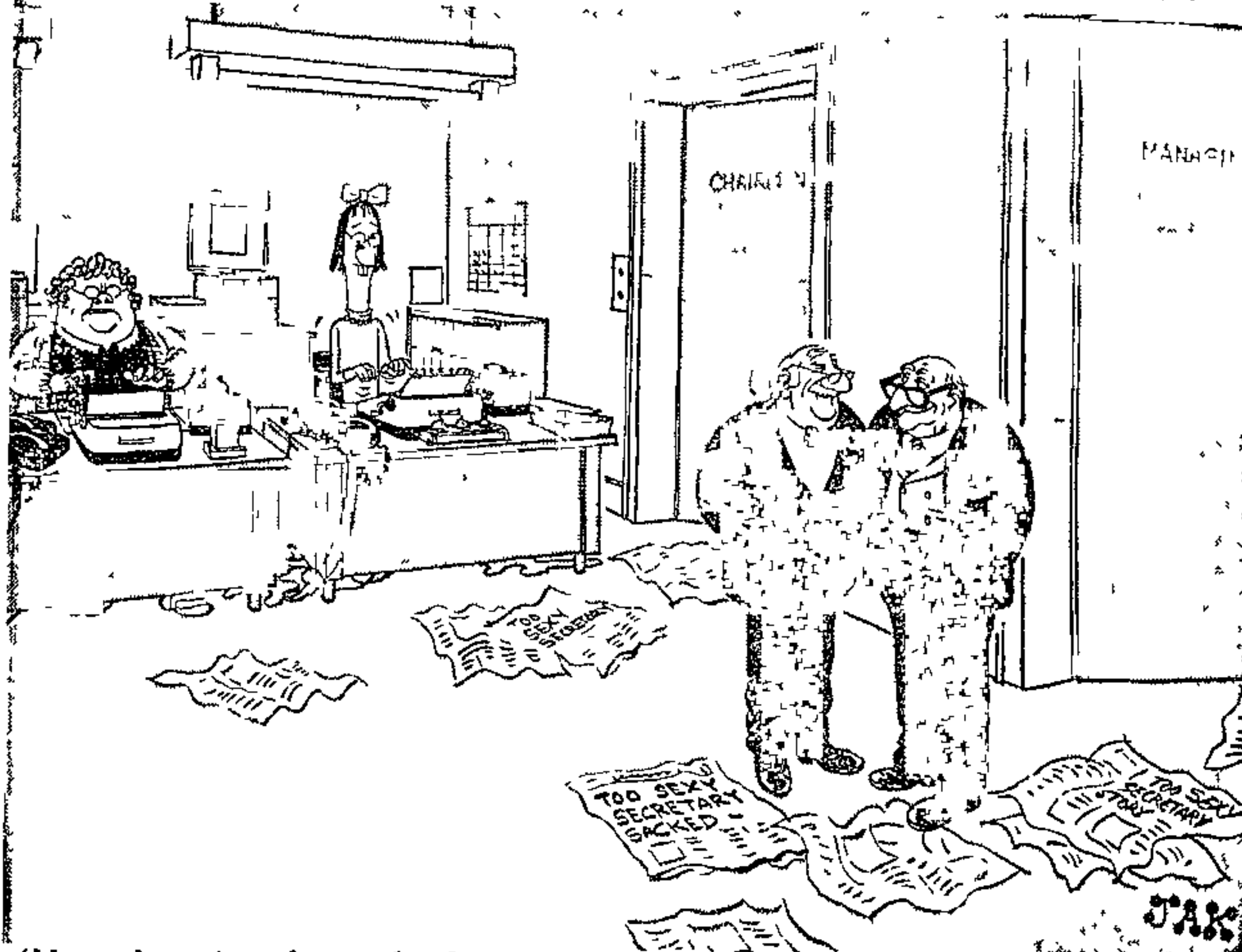
Second, the consequences of error can be disastrous. A doctor may find himself paying off damages for the rest of his natural life. It is imperative therefore that professional people are properly insured against this risk.

Let Voltaire have a penultimate word.

Doctors are men who prescribe medicines of which they know little, to cure diseases of which they know less, in human beings of whom they know nothing.

He could not possibly have written those words today. No field of human endeavour, except perhaps aviation, has made more spectacular progress than medicine since his (the 18th) century.

In any event, mimstered unto by his doctors, Voltaire lived till he was 84.



'Now the wives have checked us out, how do we get these two beauties back to the typing pool?'

—JAK in the Evening Standard, London.

Big salary

248
1574/80
2700
212
rises for

SA judges

Political Staff

SOUTH AFRICA'S judges are to receive substantial salary increases

The increases were disclosed in a Bill published in Cape Town today.

The increases are seen as a move by the Government to counteract the growing dissatisfaction among judges over service conditions, in particular the relatively low rates of pay compared with what they could receive as advocates.

The biggest increase will go to the Chief Justice whose salary goes up by 61 percent from R30 432 to R49 200.

Ordinary judges will get an increase of R6 500 and will now earn R32 100 a year.

Judges of the Appeal Court will get 52 percent, earning R43 200. The Judge Presidents of the provinces go up from R26 976 to R37 200 while their deputies receive a 30 percent increase, taking them to R34 300.

The Chief Justice will now get the second highest salary from the taxpayer with only the State President earning more than R50 000 a year although the Prime Minister grosses more with allowances, earning a total of R73 000.

Annual allowances of R2 700 paid to judges will be increased to R3 000. The increases are to be back-dated to April 1.

PE lawyer exploited clients court told

GRAHAMSTOWN — A Port Elizabeth attorney, Mr D Feldman, had been guilty of a "multiplicity of offences" involving improper or fraudulent conduct, any one of which was sufficient to have him struck from the roll of attorneys, the Supreme Court here heard yesterday.

Mr S G Rein, appearing for the Law Society of the Cape, mentioned one case in which Mr Feldman is alleged to have accepted cash payments from a client and failed to enter them in his books.

Mr Feldman had also "preyed on the lack of sophistication" of black clients who were awarded damages in third party accident cases, said Mr Rein. He had operated a scheme whereby these clients were persuaded to invest their money in one of two companies operated by him.

The Law Society brought an application more than a year ago to bar Mr Feldman from practising as an attorney. Judgment will be given today — SAPA.

A relatively stable business will have less risk in providing such assurance. A firm that makes a larger variety of products with higher probability of offsetting fluctuations in the demand for its various products can give more employment security by transferring employees from one product line to another.

Governments and some nonprofit enterprises which respectively derive incomes from taxes or investments rather than from customer sales give greater security of employment for lower wages. Initially government jobs with greater security paid less, as in the post office. But recent legislation requiring pay equal to that of private firms will create an excessive demand for those jobs if that equality of pay is not offset by disadvantages in other features of the more secure job.

Other resources employed by the firm, even the initial capital, are hired on a similar variety of terms, though usually with more explicit contracts. Firms hire (that is, borrow) capital funds for investments in plant and equipment. The stated interest rate on longer-term loans is constant over a long period and the firm continues to employ the funds even during recessions when the rate on new loans is lower. The firm also uses short-term loans, usually bank loans, of a few months' duration at interest rates that are more sensitive to short-term business conditions than are the long-term borrowing rates. These short-term loans are paid off ("laid-off" or "unemployed") when the firm reduces output in transient recessions.

Every resource used in the firm is available under a variety of risk-bearing, insuring arrangements. Labor seems to make risk sharing arrangements with the employer, probably because so willingly work for companies.

There is an understanding that despite the usual transient shocks, misfortunes, and events, each would stay with the other, with the employer bearing the risks of those fluctuations and assuring a relatively steady income to these "tenured," higher-security employees over the longer interval. During short recessions, the firm would not so quickly lay off those employees and would maintain their wages. Other unemployed people would, of course, like to get those maintained jobs during that transient recession. But the employer would not hire them, even at lower wages, to displace his "tenured" employees. We therefore observe many employers retaining workers at wages higher than those asked by other people seeking those jobs during transient decreases in demand for the firm's product. He honors his tacit agreement with his "tenured," senior employees. Otherwise, he would increase his long-run costs of getting employees during future normal conditions, because employees would not

More pay for judges

THE ASSEMBLY — Substantial increases in the salaries of judges of the Supreme Court of South Africa are provided for in a Bill published here yesterday

The annual salary of the Chief Justice of South Africa is to be raised from R30 432 to R49 200

Other judges, salaries are to be

Judge of appeal, R28 368 to R43 200, Judge

president, R26 976 to R37 200, deputy judge president R26 280 to R34 300, and that of an ordinary judge from R25 596 to R32 100

In addition allowances are to be raised from R2 700 to R3 000 — SAPA

Today's business

THE ASSEMBLY — Today's business Questions, Resumption, budget debate — SAPA

men or rents fishermen by paying them prospect-
 (3) Under the communal system (Scene Three
 of our scenario), with anyone entitled to come on
 board, the risks are borne equally by everyone on
 board. And the total social catch will, as shown
 earlier, be smaller because of overcongestion.
 (4) Under the government authority (Scene
 Four of our scenario), payments could, in princi-
 ple, be arranged exactly as with private-property
 rights. Crewmen could rent the boat and bear the
 risks of the size of catch. Or the government
 authority could hire the crew for an assured wage
 with risk borne by everyone via their government,
 according to the political system, taxes, and gov-
 ernment expenditures. In general, without a good
 theory of what government agents really do, who
 will bear which risks cannot be predicted.
 One thing that can be said is that under gov-
 ernment control no member of the public can
 avoid bearing whatever risk is in the govern-
 ment control system. If you do not like that con-
 templated risk, you cannot sell your share or
 interest to some other party. You can't sell your
 interest in Yosemite National Park, the Postal
 System, or the Tennessee Valley Authority. If it
 is profitable (or subsidized) you gain (or lose)
 depending upon the tax laws and distribution of
 government services. The risks of changes in the
 values of various government-controlled re-
 sources are not open to convenient realignment
 in accord with "individual" attitudes toward risks
 of various resources, because shares in public or
 government property cannot be traded, except by
 geographic mobility (that is, by moving to another
 county, state, or country, depending on the geo-
 graphic distribution of a given risk-bearing).

causes alter the catch: good weather, few
 schools of fish in the area that day, etc., are
 causes no man can control. Secondly, members
 working as a team can shirk and affect the out-
 come, often letting others bear some of the con-
 sequences. Since performance is not perfectly
 predictable, or controllable, it is difficult to know
 whether it is a team member's negligence or
 everyone's bad luck that altered the outcome
 from what was expected. To allow for, or to con-
 trol, those forces, institutional and organizational
 arrangements have been developed. In the re-
 mainder of this chapter we shall consider re-
 sponses to the unpredictability caused by sheer
 luck or nature. We examine the way shirking or
 opportunism by team members or agents is coun-
 tered and brought under control in a later chapter
 on the business firm, one of whose main func-
 tions as an institution is to permit team produc-
 tion while controlling shirking and opportunism.
 (1) In Scene One of our boat scenario, the
 three mutual sharing and controlling fishermen
 bore the risks of fluctuations in the amount
 caught.
 (2) In Scene Two, with private-ownership rights
 and control, if the crew rented the boat for a total
 of 14 fish (2.5 for each of the five people on
 board) they bore the day's consequences of
 catching less (or the benefits of more) than ex-
 pected. Alternatively, the boat owner could pay
 (assign to each of) the five people a wage of
 four fish. The boat owner is then an employer
 paying employees, and he bears the risk of the
 size of the total catch. With uncertainty of future
 performance, the allocation of risks depends on
 whether the boat owner rents his boat to fisher-

boat (which is the same as to assume the boat is co-chaired) charges a fee of 2.8 fish to be on board. With an of which each pays 2.8 a persons will want to be o rent (social gain) goes to distributed however the would appear that the this and the private-prop who gets the 14-fish g seeking personal profits mum social output.

However, if our govt easier and doesn't chari ho lose? The loss is im whole. But who in the p an incentive as strong detect opportunism or duty? In contrast to the authority suffers less l wealth in being less : gains And if there is unc tial catch on board, he

ple on board if that made enhanced his hold on political office. Or to make his personal life easier, the authority might allow too few on board because that permits shorter working hours for him (like closing on holidays and earlier in the afternoons) and not operating the boat as fully as would maximize profits. Soon we shall see how *incentives* and *uncertainty* about future potential production are critical influences on methods for coordinating and controlling joint production activity.

But when has a government agency been supposed to maximize *profits*? It is usually, or al-

Feldman to be struck off roll

GRAHAMSTOWN — A Port Elizabeth attorney, Mr Errol Feldman, is to be struck off the roll of attorneys for what two judges described in the Supreme Court here yesterday as his "unprofessional, unethical and dishonest conduct."

Mr Feldman, who practised under the title Marcus S Jacobs and Feldman, was recently sequestrated. He was not represented at the hearing of an application by the Law Society of the Cape of Good Hope to bar him from further practice.

Mr Justice Eksteen said in his judgment, in which Mr Justice Smalberger concurred, that Mr

Feldman had persuaded unsophisticated clients to invest the proceeds of their legal actions in one or other of two companies in which he and his wife were the only shareholders.

The companies, Markandee Investments and Ermark Management Services, were "hopelessly insolvent" at the time and it appeared that two clients had lost their entire capital investment. Further examples of unprofessional conduct involved cases where Mr Feldman had overcharged clients, the judge said.

Mr Feldman and his wife used the invested money to pay household accounts — SAPA.

public welfare and bene- be a nonprofit corporation or the post office) How is "are" interpreted? In our e number on board? Or the boat? Or the social catch on board would, as in marginal products on an on shore thereby reduc- a social waste.

al "maximum public benefit y and widespread, because the authorities wide latitude hence of measuring perfor- y mandated for government ol access to the television gnetic spectrum, air space service, highways, national beaches, airports, harbors, plied to federal forests, off- land Zoning commissions of land (such as how con- similarly instructed to maxi- ss. But hardly any govern- ructed to maximize profits:

not the post office, or the water, electricity, gas, or bus company. All are instructed to "serve the public," or "break even"—with consequences that are now more explainable

Imperfect Predictability of Performance: Risk Bearing

For two reasons the actual productivity of any group cannot be predicted perfectly First, natural

(248) 10 PM 22/4/80

Judges get big rises

THE ASSEMBLY — A Bill granting substantial increases in salary to judges was taken through all its stages today with Opposition support.

Introducing the second reading of the Judges' Remuneration Amendment Act, 1980, the Minister of Justice, Mr Alwyn Schlebusch, said the Government's approach was that judges should receive a remuneration that was in keeping with their status.

As far as possible, judges should be free from financial worries. The Bill was based on this premise.

In terms of the Bill, the salary of the Chief Justice of South Africa will be raised from R30 432 to R49 000, the salary of a Judge of Appeal from R28 368 to R43 200, the salary of a Judge President from R26 976 to R37 200, the salary of a Deputy Judge President from R26 280 to R34 300 and the salary of a Judge from R25 596 to R32 100.

The new salary scales are effective from April 1 — Sapa.

sapa

CT 22/4/80 248

Service to other states

HOUSE OF ASSEMBLY — A bill in terms of which the office of the State Attorney of South Africa can provide its services to other states was taken through all its stages here yesterday

The bill is aimed specifically at the provision of the services of the State Attorney to the Government of Venda

In his second reading speech the Minister of Justice, Mr Alwyn Schlebusch, said the Government of Venda had asked that the services be continued after it had gained independence in September last year till such services could be provided by its own State Attorney's office

The bill makes it possible to provide such services to the governments of independent states

The measure was supported by all parties in the House — Sapa

248

More for judges

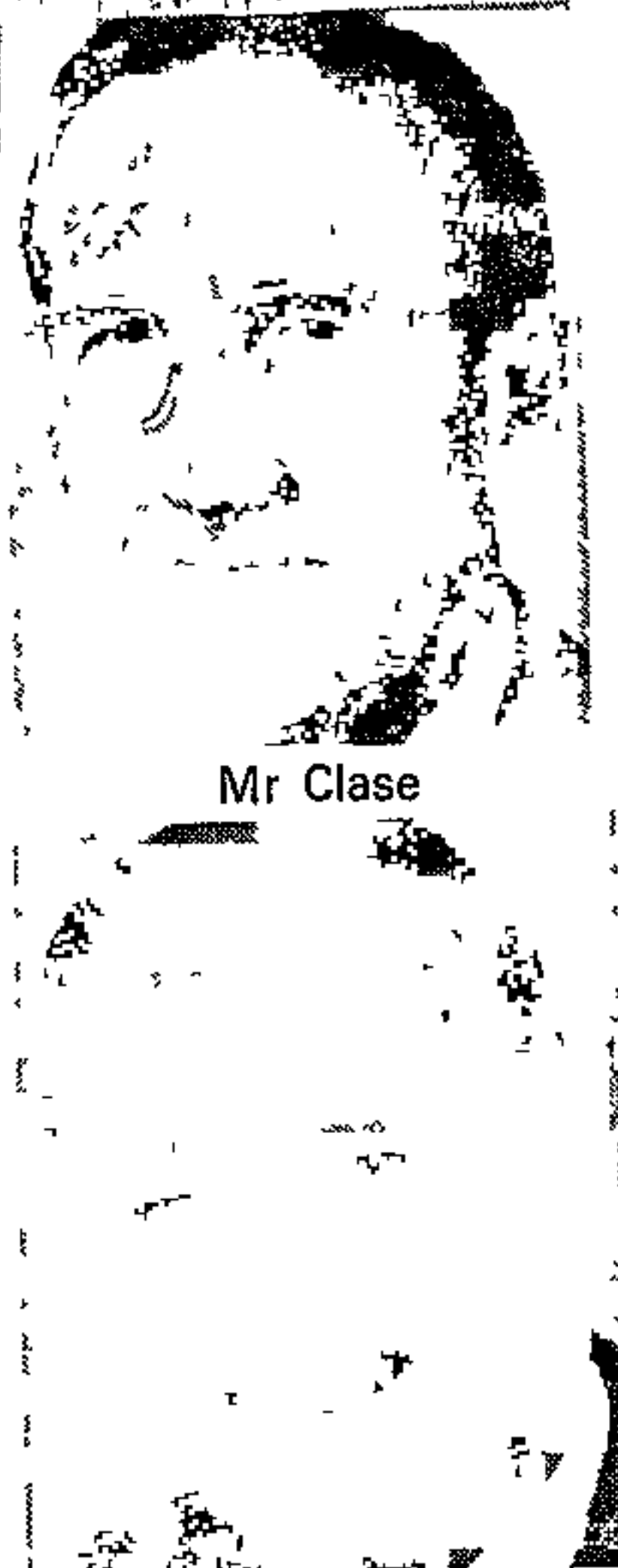
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The new salary scales are effective from April 1 —



Mr Clase

Mr Pyper

DA 24/9/80
**Lawyer
goes ~~58~~
missing ~~248~~**

JOHANNESBURG — A large amount of unpaid cheques — some for thousands of rands — are lying around the office of Mr Stanley Lipschitz, a Johannesburg attorney who allegedly fled South Africa at the weekend after telling his wife that he owed "the whole world" money.

The cheques were reportedly made out to Mr Lipschitz's firm.

Staff members at Mr Lipschitz's office said he was "secretive" in his dealings over the last few weeks and spoke in a hushed manner to people over the telephone.

Following Supreme Court applications by Mrs Lipschitz and the Law Society this week, a Johannesburg attorney representing the Law Society visited Mr Lipschitz's offices yesterday.

A friend said Mr Lipschitz had not been in contact with his wife and no one knew his whereabouts — DDC

More blacks train for accountancy

STAR 1/5/80

248

CYCLE U
CYCLE O

The training of blacks in the accounting profession is gathering pace, according to Mr Tim Potter in

his presidential address at the recent annual general meeting of the Transvaal Society of Chartered Accountants

The main thrust to date has been towards creating opportunities for aspirant black graduates to enter articles and to provide assistance to them while they are under articles to smooth their path towards qualification

There are now more than 30 blacks employed by firms in Johannesburg compared with only one or two five years ago, but none has yet qualified

One of the main problems experienced by black trainees has been a feeling of insecurity coupled with a lack of self-confidence. It was in an attempt to overcome this problem that the society initiated a vacation employment scheme for students from black universities. The scheme is to be repeated this year

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More training to become accountants

ded entry of blacks at undergraduate level to the Commerce Faculties at the white universities.

In the meantime, Mr Potter has urged members of the Society to take active steps to assist the black universities in improving their standards.

He said, "There are no simple solutions and we are bound to suffer disappointments and frustrations but we cannot afford to ignore the problem."

entrants to the profession are improved, only limited success can be expected.

The Society has made

ded entry of blacks at undergraduate level to the Commerce Faculties at the white universities.

In the meantime, Mr Potter has urged members of the Society to take active steps to assist the black universities in improving their standards.

He said, "There are no simple solutions and we are bound to suffer disappointments and frustrations but we cannot afford to ignore the problem."

Lack of lawyers called critical

THE ASSEMBLY — The administration of justice in South Africa may grind to a halt because of the shortage of qualified lawyers working for the government.

This warning was made yesterday by the Secretary for Justice, Mr J. Coetzer, in his department's annual report which was tabled here.

Mr Coetzer said the "loss of officers qualified in law as a result of resignations increased drastically over the last three years" In 1977, 83 lawyers resigned. The following year it increased to 119 and last year 150

lawyers quit the department

He said a "serious situation for the administration of justice may develop in the long term, when there may not be enough replacements for the older officers who will no longer be there"

Experience had shown that "law graduates are anxious to stay with the department provided that the state pays salaries that are reasonably competitive with those paid by the private sector," he said

However, he hoped the new dispensation following the inquiry by the Public Service Commis-

sion as well as the rationalisation programme would curb the ever increasing flow of resignations

Mr Coetzer said heavy demands were being made on his staff by lengthy and complicated prosecutions under the Terrorism Act because it meant that experienced personnel were occupied for considerable periods of time in these trials

Another factor which made heavy demands on the department were the large number of claims by government departments and claims for higher expropriation amounts against the government

During 1979, 23 claims were settled out of court, but 149 claims involving an amount of R122 million were pending.

Mr Coetzer also announced that international status was granted to 59 hotels last year

International status was also granted to 11 restaurants, two sports grounds, 72 clubs (25 in the Transvaal, 31 in the Cape Province, 14 in Natal and two in the Free State) and three theatres (the Nico Malan in Cape Town, His Majesty's and the Civic Theatre in Johannesburg). — SABA
PS

$$75,5 + 39 = 114,5$$

57% (2)



UNIVERSITY OF CAPE TOWN EXAMINATION ANSWER BOOK

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered), leave columns (2) and blank

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Brain drain threatens SA legal system

Political Staff

HOUSE OF ASSEMBLY
The administration of justice in South Africa may grind to a halt because of the shortage of qualified lawyers working for the Government

This warning was made yesterday by the Secretary for Justice, Mr J P J Coetzer, in his department's annual report which was tabled in Parliament

Mr Coetzer said the loss of officers qualified in law as a result of resignations increased drastically over the last three years

In 1977, 83 lawyers resigned. The following year the number jumped to 119 and last year 150 lawyers quit the Department of Justice

He said it was frustrating for older officers to train young officers year after year "merely to see large numbers of them resigning on account of the inadequacy of the salaries"

"A serious situation for the administration of justice may develop in the long term, when there may not be enough replacements for the older officers who will no longer be there," Mr Coetzer said

The Department offered a variety of interesting careers for jurists and experience had shown that law graduates "are anxious to stay with the Department provided that the State pays salaries that are reasonably competitive with those paid by the private sector"

However, he hoped the new dispensation following the Public Service Commission inquiry and the rationalisation programme would "curb the ever increasing flow of resignations amongst legally qualified officers"

Elsewhere in the report, Mr Coetzer said heavy demands

MR J P J COETZER Secretary for Justice

were being made on his staff by lengthy and complicated prosecutions under the Terrorism Act because experienced personnel were occupied for considerable periods of time with these trials

One Transvaal terrorism case, in which 18 accused appeared, lasted for 17½ months

Another factor which made heavy demands on the Department were the large number of claims by Government departments and claims for higher expropriation amounts against the Government

During 1979, 23 claims were settled out of court, but 149 claims involving an amount of R122-million were pending

The report disclosed that 117 officers obtained legal qualifications during 1979

Mr Coetzer also raised the question of compulsory risk liability insurance — a system devised to bring earlier financial relief to road accident victims, restrict high legal costs and cut down on the number of lengthy trials

Sapa reported him as saying that in South Africa a worker who sustains an injury which

results in his disablement or death, irrespective of any fault on the part of another, is entitled to benefits under the Workmen's Compensation Act, paid from a central fund

"The question arises whether compulsory motor vehicle insurance should not be organised along the same lines

"Such a system will not only bring about earlier financial relief for victims, but will also result in victims being entitled to compensation, irrespective of fault"

"Moreover, legal costs, which are also a matter for concern, can be restricted in this way. Savings brought about could, perhaps, be utilised to the advantage of the policyholder by lowering premiums

"The system will not only cut down considerably on the number of lengthy trials, but has several other advantages too"

According to the Secretary, the tendency is to do away with the traditional individual concept of fault and to substitute for it a social apportionment of damage which in practice can be made possible by personal insurance, namely, the basis of risk liability

Risk liability insurance makes provision for compensation to all parties concerned, irrespective of fault, by insurance companies. The compensation for medical expenses and loss of wages takes place by way of monthly payments at the increase in losses

"Such a system was recently instituted in Georgia in the United States by legislation. In terms of this every driver of a motor vehicle is compelled to obtain liability insurance, as well as risk liability insurance in respect of himself, members of his household, passengers in his vehicle and pedestrians," the report said

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DD 12/8/80 (3227)
**Pope condemns
SA detentions** (248)

JOHANNESBURG — Pope John Paul has condemned the "harassment" by the security police of churchmen in South Africa.

In a letter to the Archbishop of Johannesburg, the Most Rev Joseph Fitzgerald, the Pontiff expressed strong disapproval of "arrests, degrading harassment and maltreatment" of priests by the police.

Referring particularly to the arrests and questioning in February of Fathers Michael Mkize, Remigius Makobane and Patrick Mvemve — all from the diocese of Johannesburg — the letter — said

"Such action seems all the more distressing in view of the fact that these priests have given their

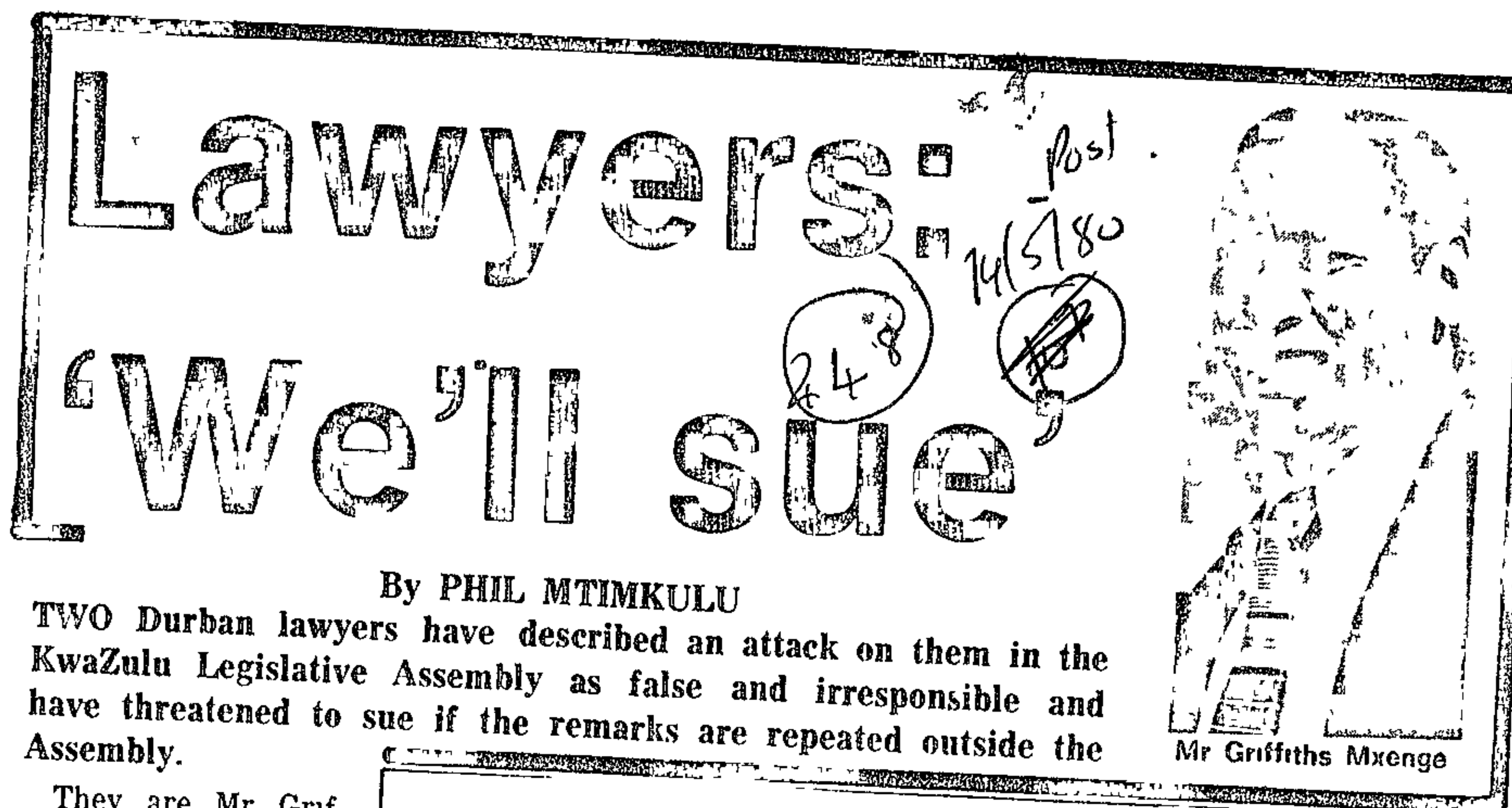
lives in the service of their people and have never engaged in any activity contrary to the security of the state."

On February 15, the three churchmen were subjected to a "humiliating interrogation after an early-morning raid on their homes," the General Secretariat of the South African Catholic bishops' conference, claimed.

In a press statement, Archbishop Fitzgerald, challenged the government to try people in an open court if they suspect them of having broken a law.

"These actions are a direct insult to human dignity and must be vehemently condemned," he said — DDC

Marxism condemned,
page 7



By PHIL MTIMKULU

TWO Durban lawyers have described an attack on them in the KwaZulu Legislative Assembly as false and irresponsible and have threatened to sue if the remarks are repeated outside the Assembly.

They are Mr Griffiths Mxenge and Mr Justice Poswa

They were attacked together with advocate Mr Louis Skweyiya during the debates by a MLA, Mr Stephen Sithebe

He accused them of being those responsible for the "orchestration" of the African schools boycott in KwaMashu

Mr Skweyiya said he would issue a statement about the accusations

Mr Sithebe said Inkatha could see those who were "standing behind the school uniform of our children".

And, after quoting lines from Shakespeare, he said "It smells like Poswa, like Mxenge and Skweyiya standing behind the uniforms of our children. This is very dangerous. We say hands off our children".

"They have not initiated anything. They just want to destroy so that they can scavenge on what is left."

Speaking for himself and Mr Poswa, Mr Mxenge said it was regrettable that the words were said in "their" Parliament which appeared to be protected.

"If the remarks are made outside their Parliament, we will definitely sue them."

UNJUST

"We feel it was absolutely unjust that we should be attacked professionally without an opportunity to defend ourselves. We are disgusted by the tribalism and we don't even want to comment on it."

The continuing school boycott in Kwa-Mashu by students who are defiant of orders issued by Inkatha has also been blamed on a journalist, Mr Muri-muthu Subramoney, who was also attacked in the Assembly.

Mr R R Mdongwe said Mr Subramoney must be very careful as he is close to the Indian Ocean and the Inkatha current is very strong.

Earlier the Chief Minister, Chief Gatsha Buthelezi, had said that "foreign representatives" were also responsible for organising the boycott.

The Minister of Health and Welfare, Dr Dennis Madide, said those behind the strike had deliberately fomented the trouble to try and convince the world the youth was spurning the leadership of Inkatha and of Chief Buthelezi.

Mr Griffiths Mxenge

broke, he said

No post for black SA veterinarian

Political Staff

CAPE TOWN — South Africa's only black veterinarian has been refused employment by the Department of Agricultural Technical Services which has almost 300 vacancies in professional posts.

Dr Anis Mohamed Karodia, of Matjiesburg qualified at the Konkani Agricultural University in Bombay and was registered as a veterinary surgeon in September last year.

He has now taken a job as a State Veterinarian for the Bophuthatswana Government.

Mr Nicol Wood MP (NPP Berea) who has been making representations to the Government on behalf of Dr Karodia said in a statement yesterday it appeared that the

fact that Dr Karodia "is not white is working against him".

In a letter to Mr Wood, the Minister of Agriculture Mr Schoeman and the Human Sciences Research Council had provisionally evaluated Dr Karodia's qualifications as being equal to four years' study in South African terms whereas five-and-a-half years were required.

Mr Wood said he could not accept this argument as Dr Karodia had undertaken six years of post matric study and his qualifications had been accepted by the Veterinary Board.

"The Government is hiding behind technicalities", he said.

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According to a recent	survey, their current sa-	laries gave them purchas-	ing powers equivalent to	R600 in 1970. Professors	salaries were now far be-	low their 1970 level, said	Professor Botha.	He added that a top	salary was currently about	R2200 a year.	Salaries would have to	increase more than R1000	a month at the current	rate of inflation so	academics could regain	their 1970 standard of liv-	ing.	Academics will have to	console themselves with	CAL SKETCH.	AGE.	NTIC UNIVERSALS.	3 : 207-59.	Living standards of	academics falling	5102 16/5/80 (248)	1951	1260:U	1254:4	1258:1	1257:1	1256:1	1255:1	1254:1	1253:1	1252:1	1251:1	1250:1	1249:1	1248:1	1247:1	1246:1	1245:1	1244:1	1243:1	1242:1	1241:1	1240:1	1239:1	1238:5	GRAMMA	1237:L	SHONA	1236:F	AS 30 : 237-	1235:1	SOME NOTES O	1234:D	1971	1233:A	FORTUNE, G.	1232:5	GRAMMA. REG	1231:L	SHONA	1230:F	ALS 11 : 172	1229:1	SOME SPEECH	1228:D	1970	1227:A	FORTUNE, G.	1226:W	NOT SAL	1225:5	GRAMMA	1224:L	SHONA	1223:C	PART 1 : 1. PHONOLOGY, 2. 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tions for a more effective profession

These are contained in a 200-page report, prepared by an internal commission after four years of lengthy consultations with members of the profession and business leaders. The recommendations will go to The National Council of Chartered Accountants (SA) and The Public Accountants' and Auditors' Board (PAAB) for consideration and ultimate implementation.

The most notable recommendations are

- The Standing Committee on Company Law should be asked to remove the audit requirement for private companies, if the shareholders unanimously agree, and provided the shareholders do not include other limited companies.

Waiver of the audit requirement might be contingent on criteria like limits to the value of turnover, number of employees and value of assets. The surrender by shareholders of the benefit of limited liability might also be deemed necessary, while shareholders' claims on liquidation might have to be subordinated to other creditors' claims.

If unaudited accounts are submitted to the Receiver for tax purposes, the responsibility for their correctness should rest on the directors.

A concurrent proposal (likely to meet with some opposition) is that all private companies not exempted from the audit requirement be required to file their annual financial statements with the Registrar of Companies in the same manner as public companies.

- Certain additional requirements should be laid down for listed companies in conjunction with the Johannesburg Stock Exchange, audit committees should be established for listed companies, the JSE should be requested to make obligatory the issue of supplementary summarised financial statements for the information of the unsophisticated investor, there should be compulsory rotation of partners and audit staff engaged in the audit of listed companies.

These additional requirements presumably are intended to increase confidence in the impartiality of the audit of listed companies and to keep a proper distance between auditors and management, as well as to assist the small shareholder.

The concept of an audit committee is particularly interesting. It would include the auditing accountants themselves and non-executive directors, and would (hopefully) be able to communicate transgressions by the executive directors direct to shareholders.

There should also be a panel of practising accountants to assist the Registrar of Financial Institutions and the JSE where investigation into possible audit failure is required.

- The disciplinary rules applicable to practitioners should be considerably tightened up. It should become a disciplinary offence for a registered accountant and

FM 23/5/80
ACCOUNTANTS

Clearing the ledger

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SA's chartered accountants have taken a long, hard look at themselves and produced important, detailed recommenda-

auditor to fail to make a report to the PAAB if it comes to his knowledge that another accountant is involved in serious misrepresentation in financial statements, or in collusion to deceive.

Minimum levels of professional indemnity insurance cover should be prescribed for practising accountants, and written proof of the maintenance of the prescribed levels of insurance should be a prerequisite for the renewal of the registration of practitioners.

The rules should provide for more severe penalties in the case of misconduct, there should be provision for disciplinary action to be taken against firms of accountants, where appropriate, as well as against individual accountants. The existing rules should be tightened up to eliminate delays in disciplinary action presently caused by pending litigation, and there should be provision for publicity for the results of disciplinary investigations.

Conflicts of interest over trusteeship appointments by auditors should be eliminated by the introduction of a new rule. This would exclude the audit appointment where a partner in the practice, or the spouse of a partner, is a trustee of a trust holding shares in a listed company and the holding is in excess of 10% of the issued share capital of the company or of the total assets held in the trust.

In cases of conflict of interest not falling under the 10% rule, the partner who is trustee or spouse of the trustee should not personally take part in the audit and there should be disclosure in the financial statement, failing which, disclosure in the audit. Wherever possible, the audit should be undertaken by persons or employees other than those involved in the trust.

- Other important recommendations cover a unified structure for the profession, improved salaries and status for academic accountants and better provision for accounting education generally. There should be measures to improve the position of small accountants and of accountants in commercial employment and in the state service.

There should be much more post-graduate training and on-going refresher courses for all accountants. The advent of the computer and of mathematical techniques generally should be acknowledged in structuring future specialist training.

Lawyers to form human rights group

SUN. TIMES
25/5/80
248

By GEOFFREY ALLEN

LEADING South African lawyers have become so concerned about the erosion of human rights in southern Africa that they intend forming an association to protect individual and group freedom

According to a draft copy of the constitution, the Lawyers' Association for the Protection of Human Rights will act as a watchdog over government, provincial and local authorities

The draft constitution will be mailed to lawyers in all parts of South Africa. They will also be invited to an inaugural meeting on June 21 in Johannesburg

In a letter accompanying the draft constitution, Professor J D van der Vyver, head of the department of law at the University of the Witwatersrand, says the socio-economic changes occurring in Southern Africa will impose an increasing strain on the fundamental rights of individuals and groups and on the administration of justice

Priority

The letter reads, in part, "The need for law and order will intensify and not diminish.

"The extent to which the society at large gives its explicit or tacit approval to the maintenance of law and order is largely dependent upon its perception of the reasonableness and fairness of the laws touching human rights

"It is a matter of the highest priority that the public at large should have a proper understanding of, and respect for, human rights, the rule of law and the administration of justice

"Lawyers have a special and greater responsibility in the field of human rights than other members of society. It is this belief which underlies the creation of the association"

The association will study and research human rights, hold conferences on human rights issues and publish a journal

Cape Times, 9/6/80
Social workers' body to meet

248 Staff Reporter **287**

THE Society for Social Workers of South Africa, the first national body of social workers of all races, will hold a working meeting today at 7 30 pm at 6 Dominion Mansions Bradwell Road, Vredehoek.

Members of the society's working committee are the president, Miss Shelagh Hurford, the organizing

secretary/treasurer, Miss Helen Starke, Mrs Alice Barv, Miss Audrey de Wet, Miss Janet Hollingshead Mr Lionel Louw and Mr Ashwin Singh.

The society was established on May 12 in Durban.

Its aims include the promotion of the profession of social work and maintaining a close relationship with universities and other training centres.

ACCOUNTANTS' EDUCATION

Changes needed

Fm 13/6/80 248

The recent report of the Commission of Inquiry into the state of the accountancy profession has recommended significant changes in the education of accountants. Its proposals will be considered at a special meeting of the National Council of Chartered Accountants on July 21.

Most noteworthy is the Commission's view that as from January 1 1986, entrants to the profession should be drawn from graduates of an approved university. The Commission believes graduate entry will improve the qualifying exam (QE) pass rate, which in the past 10 years has averaged only 53.5%, and it notes that a similar requirement already exists in law, medicine and engineering.

If graduate entry is adopted, the Commission proposes to reduce the period of articles to two years. Not surprisingly, this recommendation was supported by the majority of students surveyed. But the proposal is controversial: some accountants feel two years is insufficient to become fully versed in the principles of auditing.

However, factors which influenced the Commission are that the present length of time involved in academic study is widely acknowledged as enough to acquire a proper grounding in accountancy, especially for CAs who plan to go into commerce and industry, a shorter period of articles may encourage recruitment, and, as one member of the Commission points out, some audit firms use three-year articles not so much to provide more training but to take advantage of cheap labour.

But the major bugbear which looms over accountancy education is that of poor standards and teaching competence at the universities. This stems from such factors as inadequate university salaries, and is illustrated by the fact that too often students pass the university exams only to fail the QE exam set by the Public Accountants' and Auditors' Board (Paab).

The Commission treads on trickier ground though, when it advocates that Paab re-assesses the eligibility of universities to award accountancy qualifications in terms of its syllabus. They argue that it is better deployment of resources that would raise standards and reduce the failure rate at QE level.

However, the effect may be a further reduction in the number of students qualifying as fewer institutions teach accountancy, thus exacerbating an already critical shortage.

This might be avoided, it suggests, if

greater emphasis be given to the development of two tiers in the profession: a general auditing tier and a specialist tier dealing with taxation, management advisory services and so on. Hence it advocates that more diversity of choice in courses be given to students enabling them to specialise sooner.

The Commission also wants basic accounting and secretarial work to be treated as a separate function not regulated by Paab. At present it feels many qualified CAs engage in work which could more profitably be pursued by bookkeepers.

Still, the *FM* wonders whether these proposals really cut to the heart of the matter. Maybe the solution requires a broader perspective. Possibly standards could be lowered. Most accountants boast that SA's accounting education compares with the best in the world, but is it producing enough accountants trained for local needs?

Yet the opportunity to make courses easier is not great. The Commission's report bewails poor auditing standards which are the biggest single cause of failure at the QE stage. And the increasing complexity of financial accounting systems hardly suggests that an easing of the path entry to the profession would be judicious.

More fundamentally, the problem lies in a racially segregated education system, which has prevented many black students with potential from entering the profession. Consequently, the profession falls back on recruitment among whites, some of whom are clearly not suitable material.

JOHAN VAN DER VYVER.

Human rights now

The Lawyers' Association for the Protection of Human Rights will be launched in Johannesburg on June 21. The convener, Professor Johan van der Vyver of the Wits Law School, tells the *FM* of the role he sees the new body playing in SA.

FM. What are the main areas of your concern?

Van der Vyver The need to sustain the climate of change already abroad. Lawyers should play a major role in informing the public about the importance of adhering to human rights now.

Doesn't such a campaign presuppose a high degree of consensus on the fundamental nature of a country's political system?

Not a high level of consensus — but I must concede immediately that before you can have a meaningful system of human rights protection, certain preconditions

will have to be met. It is quite true that the South African social structure doesn't meet these conditions.

We are a long way from establishing a consensus and a lot of work still has to be done.

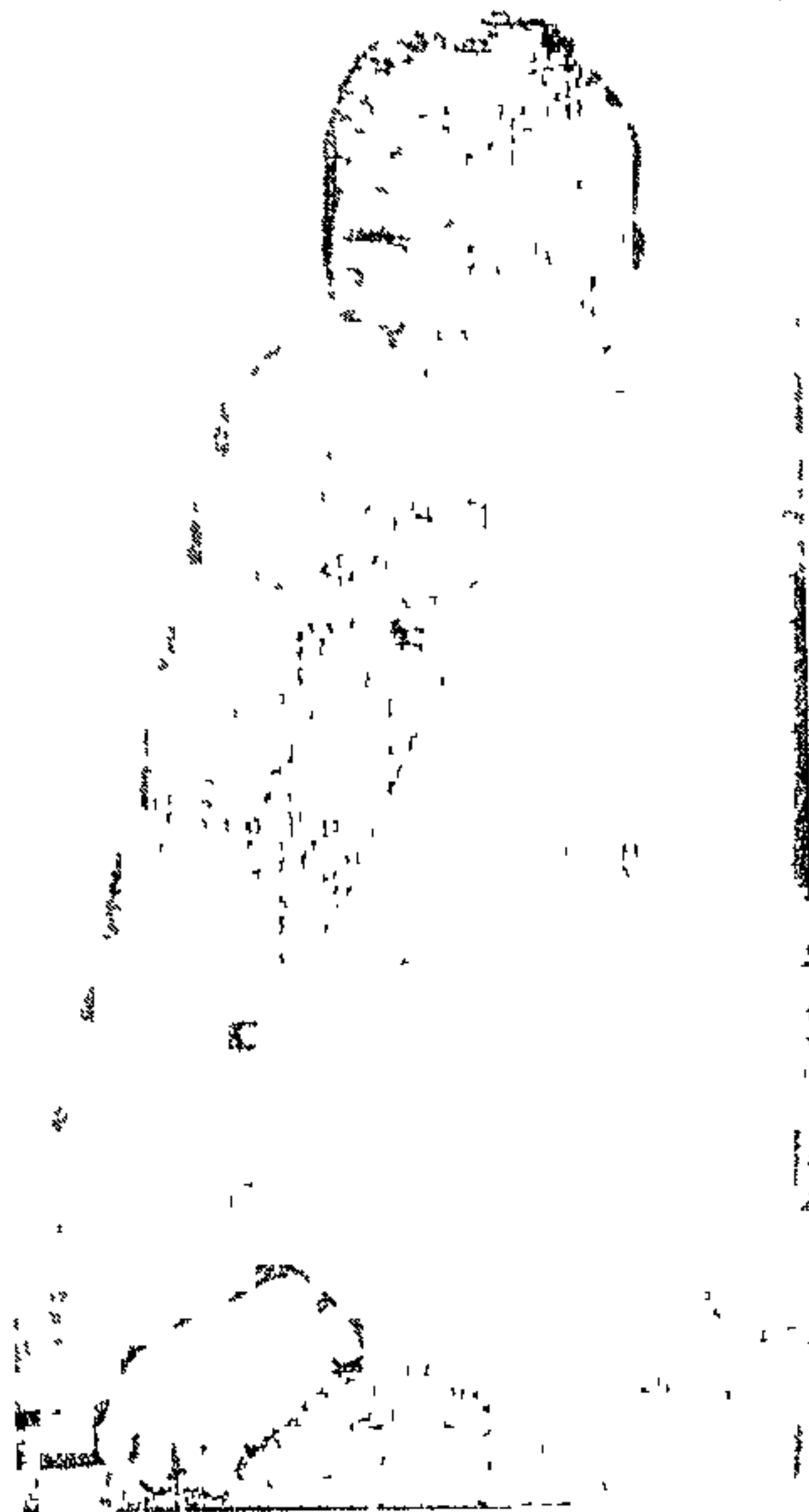
We should also remember that there is more to the human rights campaign than racial or political matters. Discrimination also affects the sexes, for example, and we shall concern ourselves with other issues which impinge on human rights violations.

How are you going to appeal to government on human rights?

The association will have to consider strategies. But it cannot publish a human rights journal and keep the contents secret. Obviously in dealing with human rights issues in this country I assume that the people who will be talking, publishing, monitoring and investigating will do so from an academic point of view and therefore critically. Though I can imagine that in certain instances purely as a matter of strategy it may be advisable to approach the government firstly behind closed doors before making a public issue on a particular matter.

How will the association reach the general public?

By distributing information written in layman's language and through press releases.



Van der Vyver more to human rights than politics

Do you expect to attract other organisations?

The constitution provides that the association will co-operate with both national and international bodies who are committed to the achievement of similar ideas.

Are there indications that the legislature would become amenable to external pressures in this sphere?

My own view is that in certain respects we have seen reforms through legislation. In other respects the road has gone backwards. I am particularly concerned with a trend in recent legislation to put a cloak of secrecy over executive actions of the government. I think this is very dangerous and it is incompatible with the idea of human rights.

JUDGE: OPPRESSION IN NAME OF ORDER

W/E ARGUS 21/6/80 248 227

Weekend Argus
Correspondent

JOHANNESBURG—

Much has been done in the name of law and order in South Africa which was actually oppression, a judge told the inaugural meeting of the Lawyers' Association for the Protection of Human Rights today

Mr Justice J M Didcott from Natal was speaking at the association's inaugural meeting at Wits University.

The judge told the 150-strong meeting, which included attorneys, advocates and judges, that the inquest into the death of the black consciousness

leader, Steve Biko, had proved the value of a strong, courageous and independent legal profession in this country

He said that lawyers today had a better opportunity to help in the field of human rights than people in other professions and lawyers in the past.

'We are now in a period of change and are entering a period of greater change,' he said

Mr Justice Didcott said that the allegiance of everybody in South Africa needed to be gained to keep law and order, but so much had been done in South Africa in the name of law and order which was oppression that this allegiance would be difficult to gain

BILL OF RIGHTS

He said that a bill of rights needed to be set up urgently. The danger was that because there had been no bill of rights yet, any such bill now produced would appear to be a device for the protection of the white minority

'Lawyers can create confidence in a bill of rights'

Lawyers form human rights organisation

227/248

Post 23/6/80

AN organisation to protect human rights was formed on Saturday at a meeting attended by about 200 lawyers at the University of the Witwatersrand.

The name of the new organisation is the Lawyers for Human Rights (LHR). The meeting was attended by advocates, attorneys, academic lawyers and three judges.

Though there was a fair

number of black lawyers, the Black Lawyers' Association did not attend the meeting. According to Prof John Dugard, who is on the committee, they have decided to adopt a wait and see attitude.

He said they felt that white lawyers have been unconcerned about human rights for a long time and there was some distrust.

Prof Dugard said the lawyers believe they have a primary responsibility in this field and they are qualified to use their training for this purpose.

"It is envisaged that these lawyers will examine the extent to which South African lawyers violate human rights and make

representations to the relevant authorities and make public statements about human rights violations.

"We hope to educate the general public and legal profession about the need to respect the rights of individuals and to abolish racial discrimination.

The following lawyers have been appointed to serve on the committee: Advocate S Kentridge, J Kriegler, E Wentzel, G Bizos, A Chaskalson.

Attorneys H J Bhengu, R Tucker, K Lister, academics, Prof S A Strauss, M Wiechers, Prof Van der Vyver, S Sithole, Prof J Dugard and Prof Matthews.

Judge urges stand on SA human rights

By ARNOLD GEYER

A JUDGE has urged lawyers, attorneys and law academics to speak up on violations of human rights in South Africa and to question the social implications of the country's laws.

Officially opening the inaugural meeting of Lawyers for Human Rights in Johannesburg at the weekend, Mr Justice J M Didcott of the Natal Supreme Court said the bulk of the population regarded the legal order as "oppression" and that the black population's allegiance to truly protective laws was therefore difficult to gain.

He said it was "deeply disturbing" that a growing number of both overseas lawyers and law students in South Africa regarded the country's legal profession as "collaborating with and lending respectability to a fundamentally illegitimate process".

"The time is past for us to be mere technicians and craftsmen — we have to question the social implications of the law and to strive for a more creative contribution by the law to society," Mr Justice Didcott said.

The reason why lawyers and attorneys had failed to take a united stand on controversial questions was that the General Bar Council and the Association of Law Societies were structurally unsuited to such a task.

"We are inevitably entering a period of great change and what accompanies and results from this will become of paramount importance — the greatest danger is that this may be widespread anarchy," he said.

Law and order, not in the sense in which the country's politicians used it but as lawyers understood it, was therefore indispensable.

"Allegiance to the idea of law and order on the part of the overwhelming bulk of the population — a belief that it truly protects them and serves their interest — is therefore an absolute prerequisite to real progress," the judge said.

But, in the name of law and order so much had been done that the majority regarded as oppression, that this allegiance

Bench members' position delicate

Staff Reporter

JUDGES' identification with, and participation in, a body such as Lawyers for Human Rights, emerged as a controversial issue at the association's inaugural meeting at the weekend.

While some at the 200-strong gathering felt judges should become active members, others said members of the Bench should be eligible for only honorary positions, and not election to the executive.

But, delegates told the Rand Daily Mail, the fact that two Supreme Court judges and one from the Appeal Court were present was indicative of the "growing mood of discontent among judges over the State's inroads into the legal order".

The judges at the meeting were Mr Justice J J Trengove, of the Appellate Division, Bloemfontein; Mr Justice V Hlemstra, Chief Justice of BophuthaTswana; and Mr Justice J M Didcott, of the Natal Supreme Court.

Executive members said yesterday that at least three more judges have expressed support for the new association and its aims.

Mr Justice Didcott, delivering the opening address at the meeting, said participation of judges in such a body and their expressions of extra-judicial opinions on public issues, was a controversial question — one on which judges themselves did not always agree.

"The association may need to involve itself from time to time in highly contentious matters, or comment on proposed legislation in an attempt to influence Parliament. No judge could be a party to that. Such an association would be unnecessarily inhibited in its activities if it had constantly to worry about whether it was going further than its judicial members could."

However, this was not to say that a judge may not declare his approval in principle for such a body. "That I, for one, do so, is proved by my presence here," said Mr Justice Didcott.

would not be easy to gain.

He echoed Professor John Dugard, director of the Centre for Applied Legal Studies at the University of the Witwatersrand, who had said that

• The legal order of apartheid had not only brought white South Africa into disrepute, but had undermined faith and confidence in the entire South African legal system,

• While whites prospered under laws designed to maintain their privileged position, blacks experienced the order as discriminatory, promoting personal insecurity and denying material advancement,

• Blacks did not share the whites' admiration for the impartiality of the South African judiciary and administration

because "an oppressive body of rules" was imposed on them without consultation and enforced by "an array of instruments of coercion", and that

• Sweeping changes had to be made to the entire "edifice of the law" — "while there is still time"

Prof Dugard told the gathering the immediate and minimum requirements to restore faith in South Africa's legal system were a new constitution with a bill of rights providing legal safeguards for individual liberty, anti-discrimination laws to educate an "unenlightened and prejudiced people", and a courageous legal profession committed to the enforcement of human rights.

Blacks will wait and see

Staff Reporter

BLACK lawyers are adopting a wait-and-see attitude towards the new Lawyers for Human Rights association.

While the black Democratic Lawyers Association (DLA) has welcomed the association — so long as it actively fights the erosion of human rights — the Black Attorneys Association (BAA) boycotted the inaugural meeting.

Mr Godfrey Pitje, the BAA chairman, who was invited to address it, said he stayed away

in protest over the Government's ban on political gatherings in 24 magisterial districts, and events of the past fortnight.

Professor John Dugard of the University of the Witwatersrand explained to the 200 delegates that many black lawyers felt their white colleagues could have taken such an initiative many years ago.

"Black lawyers now have certain suspicions and we have to show them that we mean business."

Black lawyers had been, and were being, arrested and detained, and the failure of white lawyers to speak out had increased black distrust of the South African legal profession, Prof Dugard said.

Black delegates at the meeting emphasised that black people felt the formation of such an association had been precipitated by events in Zimbabwe and Namibia, and that they first had to be sure that this was not merely another attempt by whites to preserve white minority rights.

'SA law often used as tool to stifle justice'

Staff Reporter

A LAWYER told 200 of South Africa's top legal men that instead of furthering human rights, the country's legal system had too often been used as a vehicle for the suppression of these rights and of justice.

Mr Michael Richmond, a Cape Town attorney and member of the Lawyers for Human Rights' steering committee, was speaking at the weekend launching of the group.

He said the need for involvement of South African lawyers in the human rights issue was probably more urgent than in any other country.

"The outlook for human rights in South Africa grows dimmer almost by the day. Recent legislation has once again undermined the rule of law and extended the instruments of repression."

There was very little time left to implement changes necessary to avert the destruction of the legal system.

"We should attempt to make those who govern us — and the governed — understand the futility of relying to such a great extent on the power of the law to check social, political and economic pressures, lest one day our once-envied legal system becomes merely an instrument to suppress the majority and to regulate commerce for the benefit of the minority."

Mr Richmond urged the new association to

• Become the conscience of the legal profession by freely speaking out against laws and practices which were unjust and suppressed human rights,

• Avoid becoming simply an "academic talking shop" that confined itself to "reactive sterile statements",

• Undertake and encourage studies and reports on legal aid, court impartiality and substantial — "as distinct from lip service" — adherence to due process,

• Encourage "pro bono" public work, and training of underprivileged would-be lawyers,

• Educate lawyers to expect less materially of their profession,

• Awaken an awareness among lawyers and the public of the important differences between the law and justice,

• Persuade "the most illustrious" lawyers to join the association without compromising its objectives, and to give the widest possible meaning to the concept of the rule of law, as a narrow understanding might lead to "silence in controversial areas".

A SUPREME COURT judge has called on the legal profession to make its voice heard on violations of human rights in South Africa, and to question the social implications of the country's laws.

And the chairman of the Johannesburg Bar Council has urged practising lawyers to form a bulwark against the executive and to act fearlessly in unpopular cases.

These appeals were issued at the weekend by Mr Justice J M Didcott of the Natal Division of the Supreme Court, and Mr Johan Krieger, SC, at the inaugural meeting in Johannesburg of lawyers for Human Rights.

The organisation was launched by lawyers, attorneys and law academics to fight for the promotion and protection of individual and group freedom.

The meeting, described as "historic" and a "watershed event for the legal profession", was attended by about 200 top legal men from all over the country.

Its convenor, Professor Johan van der Vyver of the University of the Witwatersrand, said another 200 lawyers had written to the group's steering committee, expressing full support.

Two other judges were also present at the meeting, in what was seen as open support of the association's objectives.

And the Rand Daily Mail has learnt that at least three other judges wrote to members of the steering committee expressing approval of the

The judges present were Justice Diddcott, A. J. M. C. V. Hiemstra, Chief Justice of Bophuthatse, and Mr. Justice J. J. Trengove of the Appellate Division, Bloemfontein. Mr. Justice Diddcott said: "We have to question the social implications of the law and to ask the question: 'What is the law to society?'"

Mr. Kriegler received a standing ovation after his speech in which he urged lawyers to fulfil their "holy duty" to act fearlessly in unpopular cases, regardless of the discomfort that might follow. The meeting for which a special permit had to be obtained because of the present ban on gatherings in certain areas — heard speaker after speaker stress the "urgent and long overdue" need for lawyers to take a united stand against mounting inroads by the State into personal and group freedom.

They agreed that the bulk of the population had no access to the law and should be provided with effective legal aid.

Professor John Dugard, director of the Centre for Applied Legal Studies, said yesterday the formation of this association by lawyers "of high standing" and their unanimous willingness to advance the promotion and protection of human rights, was "truly historic".

But, he warned, until the association actively demonstrated the application of its aims, black support would not necessarily follow.

So far, black lawyers and attorneys have adopted a "wait-and-see" attitude to the association.

Professor Marinus Wiechers, of the University of South Africa, echoed the meeting's view that academic discussions on human rights were meaningless and that only the active fight for their practical implementation was relevant.

Those elected at the meeting to an executive council for Lawyers for Human Rights are: Mr. Johan Kriegler, SC, Mr. S. W. Kentridge, SC, Mr. E. Wentzel, SC, Mr. A. Chaskalson, SC, Mr. G. Bizos, SC, Mr. Keith Lister, Mr. H. J. Benghu of the black Democratic Lawyers Association, Mr. S. Sithole, Prof. Wiechers, Professor S. A. Strauss of the University of South Africa, Professor Tony Matthews of the University of Natal, Prof. Van der Vyver and Prof. Dugard.

Judges' role on new lawyers' body debated

Own Correspondent

CAPE TOWN 23/6/80

JOHANNESBURG — Judges' identification with and participation in a body such as Lawyers for Human Rights emerged as one of the controversial issues debated at the association's inaugural meeting at the weekend.

While some members of the 200-strong gathering felt judges should become active members, others said members of the Bench should be eligible only for honorary positions and not elected to the association's executive.

'Growing mood of discontent among judges'

But, delegates said, the fact that two Supreme Court judges and an Appeal Court judge were present at the meeting indicated the "growing mood of discontent among judges over the state's inroads into the legal order".

The judges attending the meeting were Mr Justice J J Trengrove of the Appellate Division, Bloemfontein, Mr Justice V Hienstra, Chief Justice of Bophuthatswana, and Mr Justice J M Didcott of the Natal Supreme Court.

Executive members of Lawyers for Human Rights yesterday said at least three more South African judges had expressed support for the formation of the new association and its aims.

At the meeting Mr Justice Didcott, who delivered the opening address, said the participation of judges in such a body and their expression of extra-judicial opinions on public issues was a controversial question.

"The association may need to involve itself from time to time in highly contentious matters or comment on proposed legislation in an attempt to influence Parliament."

"No judge could be a party to that. Such an association would be unnecessarily inhibited in its activities if it had constantly to worry about whether it was going further than its judicial members could," he said.

SA legal system 'suppresses rights'

Own Correspondent

JOHANNESBURG — Instead of furthering human rights, the South African legal system had too frequently been used as a vehicle for the suppression of these rights and of justice, Mr Michael Richmond, a Cape Town attorney and a member of the Lawyers for Human Rights' steering committee, said yesterday.

"The outlook for human rights in South Africa grows dimmer almost by the day. Recent legislation has once again undermined the rule of law and extended the instruments of repression," he said.

"We should attempt to make those who govern us — and the governed — understand the futility of relying to such a great extent on the power of the law to check social, political and economic pressures, lest one day our once envied legal system becomes merely

an instrument to suppress the majority and to regulate commerce for the benefit of the minority."

Mr Richmond urged the new association to:

- Become the conscience of the legal profession by freely speaking out against laws and practices which were unjust and suppressed human rights,

- Avoid becoming simply "an academic talking shop" by confining itself to "reactive sterile statements",

- Undertake and encourage studies and reports on legal aid, court impartiality and substantial — as distinct from lip-service — adherence to due process,

- Encourage *pro bono* public work and training of underprivileged would-be lawyers,

- Create an awareness among lawyers and the public of the important differences between the law and justice,

Majority 'regard legal order as oppression'

Own Correspondent

JOHANNESBURG — A leading judge has called on lawyers and law academics to make their collective voice heard on violations of human rights in South Africa and question the social implications of the country's laws.

Officially opening the inaugural meeting of Lawyers for Human Rights in Johannesburg at the weekend, Mr Justice J M Didcott, of the Natal Supreme Court, said the bulk of the population regarded the legal order as "oppression" and the black population's allegiance to truly protective laws was therefore difficult to gain.

He said it was "deeply disturbing" that a growing number of both overseas lawyers and law students in South

Africa regarded the country's legal profession as "collaborating with and lending respectability to a fundamentally illegitimate process."

"We have to question the social implications of the law and strive for a more creative contribution by the law to society," Mr Justice Didcott said.

"We are inevitably entering a period of great change and what accompanies and results from this will become of paramount importance. The greatest danger is that this may be widespread anarchy," the judge said.

Law and order, not in the sense in which the country's politicians used it, but as lawyers understood it, was therefore indispensable.

SECTION 2

JUNE 27 1980

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Financial Mail

SKILLED MANPOWER

Where are all the engineers?

It's conventional wisdom that the top echelon of skilled manpower in SA — high-level professional and technical experts, from electrical and mining engineers to computer programmers — is dangerously thin on the ground. But few realise just how serious our plight is.

It's currently estimated that there is a national shortage of 15 000-20 000 professional and technical staff, and that within 10 years this shortfall will rise to more than 100 000. The country also needs some 4 000-5 000 managers more than it has just now.

Outgoing Chamber of Mines president Dennis Etheridge this week noted that the shortfall of skills in the mining industry is equivalent to the entire complement of skilled personnel for two medium-sized gold mines, which would employ a total of 20 000 people.

The Institute of Civil Engineers, meeting in Durban this week (see Business) heard that 650 first-year students registered in civil engineering at SA universities in 1974, but this year it was only 348.

There are severe shortages of accountants, engineers, metallurgists, computer programmers, draughtsmen — you name it. One major industrial group, Barlow Rand, could absorb almost the country's entire annual output of electronics engineers. Manpower has already become a bottleneck on growth, longer term, it could become a permanent constraint.

And growth, as the FM constantly points out, is essential in the search for socio-political stability. In stark terms, a failure of the economy to provide jobs for blacks will hasten the revolution.

What's going wrong in the top bracket of our society? The whole basis of our apartheid system, which does not allow capable blacks to exercise their full potential, is, of course, a contributory factor. There are simply not enough people among the 4.5m whites (even when net immigration is running at high levels) to provide the graduate requirements for a population of 25m.

Professional and technical manpower comprised only 4.5% of the country's eco-

nomically active population in 1970, compared with 14.2% in the US. By 1990, it is projected, SA may have achieved 6% (But there are already 13.5% of whites in this category, which suggests the white group is close to "saturation" level).

But this is not the complete explanation. A study by the manpower committee of the Federation of Societies of Professional Engineers cites also the low proportion of suitable students (particularly Afrikaners) studying for the engineering profession as opposed to other disciplines, the lack of

ly to continue at that level until at least 1982, even assuming that immigration builds up to its 1975 level by that year."

Present demand for engineers is estimated at between 2 057 and 2 168, of which 35% can be met by SA graduates and 20% by immigrants.

The proportions of total demand which should be met by 1982, the study says, are 80%-85% in chemical engineering, 75%-80% in agricultural and electrical engineering, 65% in mechanical and mining engineering, 55% in metallurgical engineering and 40% in civil engineering.

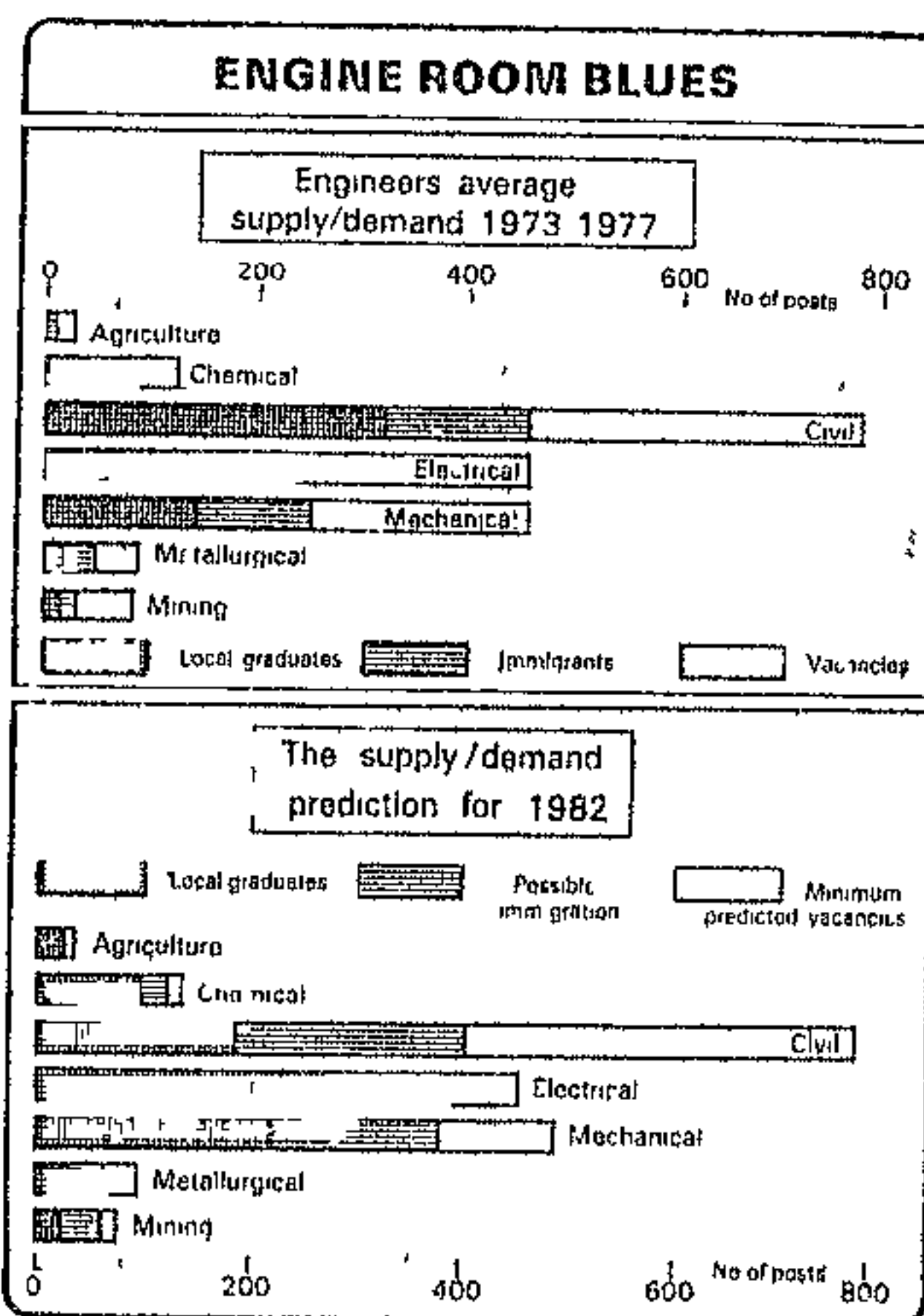
"Plainly, immigration is important in preventing an unreasonable balance between supply and demand from developing," the study comments. But it discards politics as a cause of falling immigration. "Engineers have a tradition of going to places where things are to be built, without concerning themselves unduly with the political environment."

Financial considerations could be important, though. "A European engineer is unlikely to be attracted to SA at a salary about half of that which he currently enjoys, however much lower the cost of living here may be. In addition, the early onset of high incremental tax rates must be a disincentive to the professional immigrant who can be attracted only at salaries at which income tax becomes relatively high." In addition, foreigners on contract should be permitted to remit their earnings back to their home countries.

The Citizenship Amendment Act of 1978, which requires young immigrants to place themselves in a position where they are liable for national service, or else forego the chances of obtaining SA citizenship, may also be a negative factor.

The percentage of white male SA graduates who chose engineering has remained at about 9% for two decades, the study says, which compares adversely with the 15% level in advanced Western nations. Among Afrikaners it is 7% and among English-speakers it is 12%. Clearly, there is potential for an increase.

Another factor has been pinpointed by



bursaries, and the shortage of women engineering students.

Another problem is that, because of the even more severe shortage of engineering technicians, graduate engineers' skills and time are being misused — they are forced to carry out routine tasks which technicians should be doing.

The study reports that the demand for engineers has been about twice the supply from the two main sources — local universities and immigrants — and "seems like-

Dr Colin Schlesinger, vice-president of the SA Institute of Chemical Engineers, namely, the shortage of university teachers. There is a 27% vacancy rate for lecturing staff at the six university chemical engineering faculties in the country, he notes.

One reason is the salary structure. "A chemical engineer with several years experience can command a salary in industry which is 25-50% higher than what he would get as a member of the faculty," Schlesinger told Chemisa, the institute's journal.

American system

His solution is to follow the American system where lecturers take up consultancy appointments in industry during the 3-4 months of annual university vacation to supplement their academic salaries.

"Thus a good engineer could augment his university salary by 25%-50% and at the same time have personal contact with industry and the real, practical problems experienced there. Both sides would benefit."

In the gold mining industry there is concern at the high drop-out rate of students at universities. Less than 40% of students who enter mining engineering courses end up graduating. Markedly more graduate when classes are smaller — a clear indication of a teaching problem — but the industry is worried, too, that the courses are not attracting students with sufficient motivation and ability.

Engineering in SA has not suffered as it has abroad from the impact of environmentalism, which has given the profession an unattractive image among young people. Engineers, who design and build power stations, factories and highways, tend to be seen abroad as despoilers of the environment with little sense of social

responsibility

But image has become a problem for the accountants, according to a commission of inquiry appointed jointly by the Public Accountants and Auditors Board and the National Council of Chartered Accountants. This found that the profession had failed to find and retain "enough recruits of the right calibre".

The reasons given were: the image of the profession ("stable but dull"), inadequate vocational guidance, poor academic tuition, the low standard of in-house courses, and low salaries.

Only 9% of students who wrote the PAAB's qualifying exam said they were drawn to the profession as a result of vocational guidance, the commission found, leading to the possibility that many students were not suited to careers in accountancy.

The pass rate in the qualifying examination over the last 10 years has been only 54%. The R100 000 which the PAAB spends annually in subsidising the salaries of academic accountants does not give the profession value for money, concludes the commission.

The SA Association of Consulting Engineers has exposed the shortages of draughtsmen and technicians. With present employment in these categories among the 210 member firms of 2 465, there is a shortfall of 546, which is expected to grow by another 1 054 within two years.

The computer industry is equally strapped. The annual Computer Personnel survey last August found a 30% shortfall in systems analysts and analyst programmers, and a 23% shortage in programmers. Year by year, the shortage is getting worse.

Total staff requirement in the industry was 19 344, but only 16 812 were available

— a shortage of 2 532. By August 1980, the shortage is expected to rise to 4 231. The consequence of this is high staff turnover rates (above 30% a year in some categories) and rapidly rising wages (systems analysts with 4-5 years experience in 1978 enjoyed a 29% rise to an average basic of R1 014 a month last year).

Companies respond to the shortages in different ways. In the computer industry, poaching of staff (which means offering higher wages) is rife. Yet employers are reluctant to take on qualified blacks (F.M.I. June 6).

GEC, the electrical engineering company, aims for an intake of eight graduate engineers a year, says Neville Natterville, group personnel executive. "Last year, we got only five. Of the 48 technicians we needed, we found 30. We are also losing people, so we must review salaries to stay competitive."

Undergraduate bursaries

"We have also increased our number of undergraduate bursaries". Traditionally, SA has relied heavily on immigration to fill the skills gap. After Soweto, however, the volume of net immigration fell off drastically — from a net gain of 40 000 in 1975 to a net loss of 2 000 in 1978.

Last year, immigration began to pick up again. The net gain was 4 500, though immigration of professional and technical categories continued to decline. With Europe heading for recession again, prospects for immigration are brightening. But no matter how many immigrants we get, we still have a fundamental educational problem to overcome, and nothing short of a complete reappraisal of the country's education and training systems will do. Quite simply, it's become a matter of long term economic survival.

Attorney asked for her certificate

Staff Reporter

AFTER appearing three times for a client before the same commissioner, a Johannesburg attorney was yesterday asked to produce her certificate of practice before the court could proceed

Miss Debbie Dison is representing Mrs Rebecca Seshoka, who is charged with failing or refusing to produce her reference book on demand and being in the prescribed area of Johannesburg for more than 72 hours. She has pleaded not guilty to both charges.

The commissioner, Mr J J Joubert, asked Miss Dison if she was authorised to proceed in that court and from which firm of attorneys she came. He also asked to see her admission certificate before she could proceed.

The court was adjourned while Miss Dison tried to contact the senior counsel for the Legal Resources Centre, Mr Arthur Chaskalson

After a delay the court resumed when Mr Chaskalson and a member of the Transvaal Law Society, Mr William Lane, conferred with the commissioner

Mr Ratha Mokgoatheng, a Johannesburg attorney, said later that it was customary for a magistrate who doubted the credibility of an attorney to ask him or her to produce a certificate of practice

"It is very unusual though, for a magistrate to ask for this document if the attorney has appeared before him on other occasions," Mr Mokgoatheng said

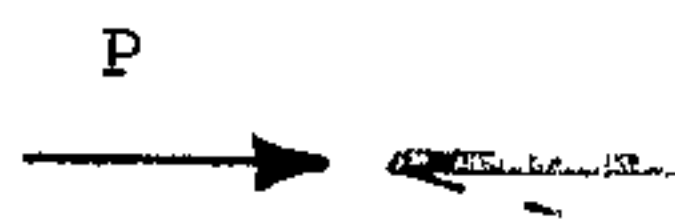
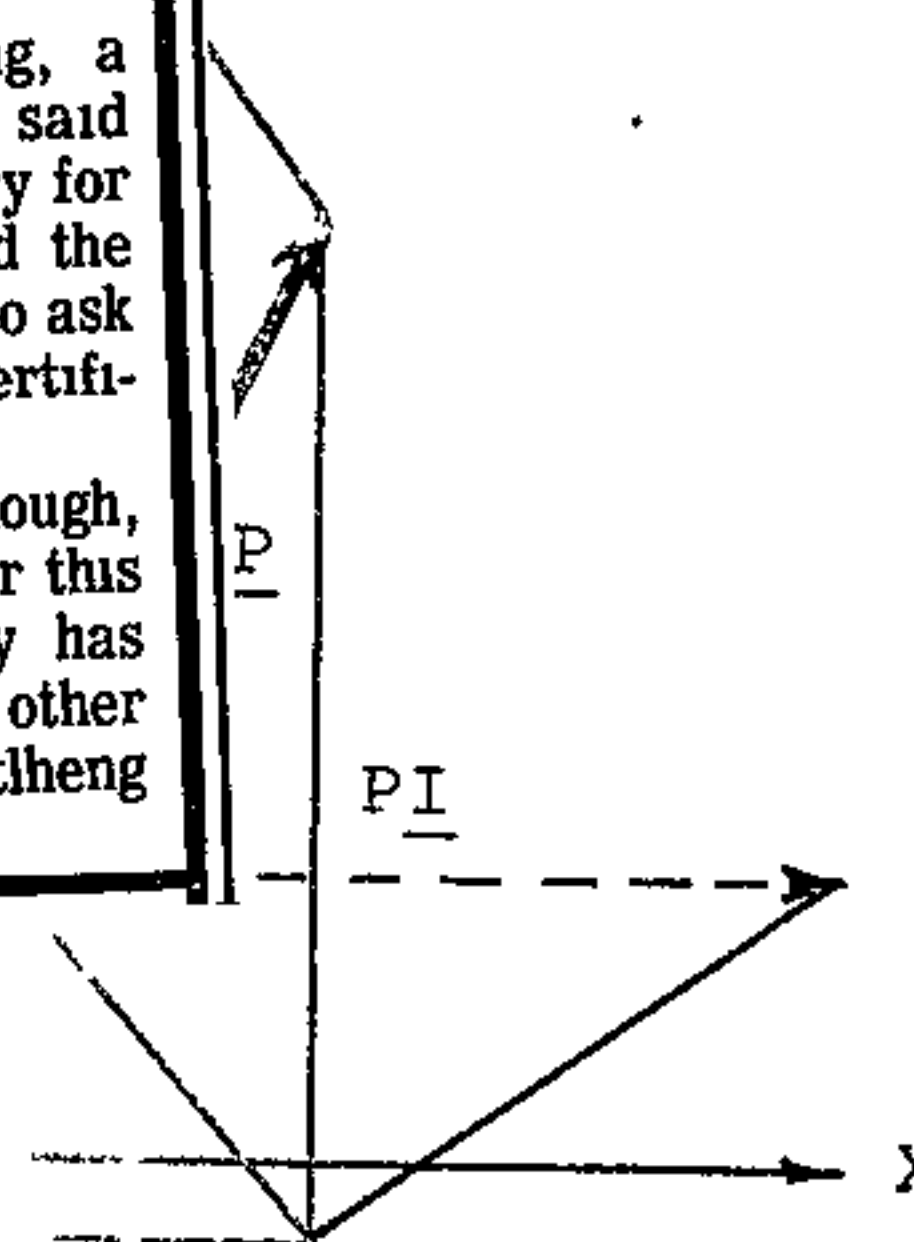


Figure 2.3



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Figure 2.4 : 50



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AUGUST

[No. 7164

ALGEMEEN • GENERAL

TRANSVAAL

DIE PROKURFURSORDE VAN TRANSVAAL

REËLS UITGEVAARDIG Kragtens ARTIKEL 74 VAN DIE WET OP PROKUREURS (No 53 VAN 1979)

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THE LAW SOCIETY OF THE TRANSVAAL

RULES MADE UNDER THE AUTHORITY OF SECTION 74 OF THE ATTORNEYS ACT
(No. 53 OF 1979)

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Legal ²⁴⁸ services 'vital ^{WM} for ^{7/7/80} poor'

By MEG BRITS

THE urban poor, a steadily growing and essentially black community, are in particular need of readily accessible legal services to enable them to deal with intricate rules which govern their day to day lives

Mr Arthur Chaskalson, director of the Legal Resources Centre in Johannesburg and executive member of the newly-formed Lawyers for Human Rights organisation, said at the weekend there was an awareness of this need among members of the legal profession in Johannesburg

Mr Chaskalson was speaking on public interest law and the work of the Legal Resources Centre at a meeting of the Zionist Luncheon Club at a Johannesburg hotel yesterday

He said public interest law arose out of a belief that all groups should have access to the law — not only the powerful — because the legal system could only function effectively if all persons with grievances or complaints or with a need for legal advice were adequately represented

The Legal Resources Centre was established in 1979, he said, because of growing awareness within the legal profession of the need for the profession to involve itself in the affairs of the poor, rather than just in the concerns of the rich, who were its traditional clients

Mr Chaskalson said he believed the work of the centre was in the public interest, because of the nature of the services it provided and the opportunity it gave to young lawyers to become involved in socially rewarding work

It could also make a contribution, he said, to a greater involvement on the part of the legal profession in social issues

The centre provided legal services to clients without charge, taught law students and supervised law clinics.

It was financed by the Legal Resources Trust, and has an

annual budget of R200 000

The Legal Resources Centre also handled cases itself — its policy was to take on cases in which a legal decision might be of direct benefit to many people, or might benefit other people in the same position

It also took on cases which might represent a particular form of abuse or exploitation and which called for redress.

Mr Chaskalson said the need served by the centre was demonstrated by the demand for its services — it already had more work than it could cope with

'Dynamic' training needed for black lawyers

Staff Reporter

THE South African legal profession should adopt a dynamic policy towards the training of black lawyers, according to an editorial in De Rebus, the South African attorneys' journal.

The editorial said in the journal's latest issue that the policies of the governing bodies of the attorneys' profession in the Republic were firmly against discrimination on the ground of race.

However, the training and placement of black

articled clerks was a case in point of where, for a number of reasons, certain conditions might adversely affect a larger proportion of one racial group than another.

Although special efforts had been and were being made to improve the training of black clerks, it remained an open question whether the needs of black law students were being met.

The number of recruits to the attorneys' profession had increased considerably in recent years and there were young black candidate attorneys who might not find places as articled

clerks

Everything possible should be done to ensure their placement in balanced practices where they could become proficient to deal with a wide range of problems in legal practice.

Adequately training was important not only to the black population of the republic, but also to the independent homelands. An ill-trained attorney could not introduce to a developing community the knowledge and expertise it needed.

The Royal Commission on Legal Services had recommended a standing commission to promote

equal opportunities for lawyers from different ethnic groups in England.

Tasks should include compiling data on recruitment of lawyers from ethnic groups and success in obtaining places in firms, giving placement assistance, reserving places if necessary, and monitoring educational needs and problems of law students.

"There can be little doubt that the South African legal profession should also commit itself to a dynamic policy in respect of the training of black lawyers", the editorial said.

GENERAL NEWS

Lawyers' earnings excessive.

Star 31/7/60 248

The large earnings of some advocates and attorneys were mentioned by two judges and an attorney at a sitting of the Hoexter Commission of Inquiry into the more expeditious administration of justice and cheaper litigation.

The Judge-President, Mr Justice James, said that he was sometimes startled when advocates of six or seven years' standing earned more than the judge trying the case.

Mr Justice Kriek said that he knew of attorneys' firms in which six or seven partners were paying more income tax than judges were earning. Some attorneys charged R600 a day to go to court and often sent juniors.

While still an advocate, Judge Kriek had appeared in a road transportation matter and had reduced his fee from 15 guineas to 12 guineas at the request of the instructing attorney. He had later found out that the attorney had received 60 guineas for the application, of which

he had received 12 guineas.

An attorney member of the Hoexter Commission, Mr J M Potgieter, said that to defend a man on a culpable homicide charge in the Supreme Court a "fairly junior" Pretoria advocate had quoted a fee of R600 a day and stipulated that he be paid for four days irrespective of the length of the trial.

Had the case been heard in a regional court he could have been defended by an attorney for a reasonable fee.

the organization and all of them together, that is to say the economic effectiveness of the organization as a whole. For this purpose, one establishes standards for measuring the effectiveness of individual members of the organization and/or of the organization as a whole. The actions and the results of the actions of members of the organization are compared with these standards and on the basis of these comparisons one can establish the effectiveness of the individual and of the whole.

STUDYING THE RELATIONSHIPS BETWEEN MEMBERS OF THE ORGANIZATION

The second factor of organizational structure is the relationships existing among members of the organization. When one deals with a relationship between two members of the organization, one can consider a *required relationship* between the two facilitating the execution of operations conducive to the carrying out of the organizational targets, such as producing or supplying products or services. On the other hand, when one deals with two people connected with each other, one usually considers the *actual relationship* existing between them, either because of work requirements or because of any other reason (e.g. because of historical circumstances, because of conditions created as a result of pressures not necessarily conducive to the organizational purposes, and, mainly, because the two people were personally attracted to each other).

The semantics of the organizational structure distinguishes between these two types of relationship

ships which are incongruent with the formal relationships, or, in other words, the informal structure covers only partially the formal structure and not all of the formal structure is covered by the informal structure.

The formal structure is *hierarchical*, meaning that it consists of a ladder or scale of hierarchy levels. When one describes the hierarchy of the formal structure in a chart, one would usually do it in a form of a pyramid in which every level of subordinates is wider, i.e. larger, than the level of superiors above it. At the top of the hierarchy levels we reach the head of the pyramid, where we find the chief executive of the organization, who is usually by himself at this level (some people say that he is not only alone, but that he is lonely too).

The superiors who have under them subordinates in the formal structures are called "managers" or in the sociological language, "formal leaders" (see Chart 1).

The informal structure has no hierarchy, and therefore, naturally, has no superiors or subordinates. Part of the relationships in the informal structure are between subordinates and their superiors, or between peers (subordinates to the same superiors), but a great part of the informal relationships is, as we have already mentioned, between people with no formal relationship between themselves. Although there are no managers in the informal structure, one can identify in it persons who are centres of informal relationships, i.e. with whom several people have established relationships. These

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26/8/80
MOM

Attorney barred

MR GEORGE Maluleka, a Pretoria-based attorney, will now have to apply for a permit to operate in BophuthaTswana.

This follows an order from the BophuthaTswana's Ministry of Internal Affairs withdrawing permission to enter BophuthaTswana without a visa or aliens temporary permit.

Mr Maluleka, a member of the Maluleka, Seriti and Moseneke company of lawyers in Ga-Rankuwa, said the order reached him by post on Saturday. This means he will no longer be able to run the Ga-Rankuwa office effectively.

The order served on Mr Maluleka states that permission has been withdrawn from him to enter and sojourn in the Republic of BophuthaTswana without an aliens temporary permit. The withdrawal means that before he can enter BophuthaTswana, he must have a permit or a visa.

Mr Maluleka, who stays in Soshanguve near Pretoria, said this withdrawal does not affect his rights to stay in the Pretoria township. Soshanguve is

Sabswa aims high

DR D R D Madida, a member of the Central Committee of Inkatha, will deliver the keynote address at the 35th annual national conference of the South African

Black Social Workers' Association.

The indaba starts today at the Ulundi

Holiday Inn, Zululand

Dr Madida, who is also the Minister of Health and Welfare in the KwaZulu government, will speak on "Social Work and Social Action and its Relevance to the Resolution of Contemporary Social Issues".

This also happens to be the theme of the conference.

The official opening of the conference will be done by Prof A C Nkabinde who is the Rector and Vice-Chancellor of the University of Zululand.

ARREST

Also on the agenda will be a report on the registration of SABSWA as a company not for gain in terms of the Companies Act. There will also be discussion on formalising SABSWA as a non-profit making organisation.

Mr Ben Nteso, a member of the national executive said they will also evaluate the projects of the Johannesburg branch and try to formulate a programme to involve all their 23 branches.

"SABSWA also intends erecting a big centre which will house all the welfare organisations. For too long disabled people and other welfare people have to go to town.

"What we intend doing is to bring the welfare service within easy reach of the people. We already have a sponsor and there is a likelihood that we will obtain a site," Mr Nteso said.

(248)
Unisa to
SAR 29/8/80
drop Latin
for LLB

Own Correspondent

LATIN — a major stumbling block for many would-be jurists — will no longer be a prerequisite to obtain the Bachelor of Law degree at the University of South Africa.

However, matriculation latin higher grade, or an equivalent examination, is still a prerequisite, says a report in the university's official newspaper, Unisa News.

Also required for the degree are courses in Afrikaans and English such as Praktiese Afrikaans or Afrikaans en Nederlands 1 and practical English or English 1.

Instead of a compulsory course in Latin 1, students can now choose one of the following: Latin 1 (Lit or Jur) either for arts or law; a course in accounting; a first course (not a special course) in a modern or an African language; or an additional law course.

Attorney defies ban

By NORMAN NGALE
MR GEORGE Maluleke, a Pretoria lawyer who was banned from entering Bophutha-Tswana without a written permit or a visa, yesterday entered the homeland without such documents.

Mr Maluleke of Maluleke, Serit and Mosenke, a Pretoria firm of attorneys, visited his Ga-Rankuwa offices and spoke to Mr P W van Niekerk, Chief Magistrate of Odi region, about his ban-

ning.

The banning served on him last weekend in a form of a letter from the BophuthaTswana Ministry of Internal Affairs, has for a week, prevented him from consulting with his client at Ga-Rankuwa.

In the company of his partner, Mr Dikgang Mosenke, Mr Maluleke said Mr van Niekerk told them he was not officially informed of the banning, but confirmed that the letter did restrict him (Mr Maluleke) from entering the homeland

530 which follows.

The general approach will now be applied to the problem in MAN.

equivalent (the displaced) loan.

from the tax deductibility of the interest on an suggested. This stream is the tax shield arising to that of Term 3 thus the same discount factor is

Re: Term 5: The riskiness of this flow is likely to be equal

ment and initial allowances.

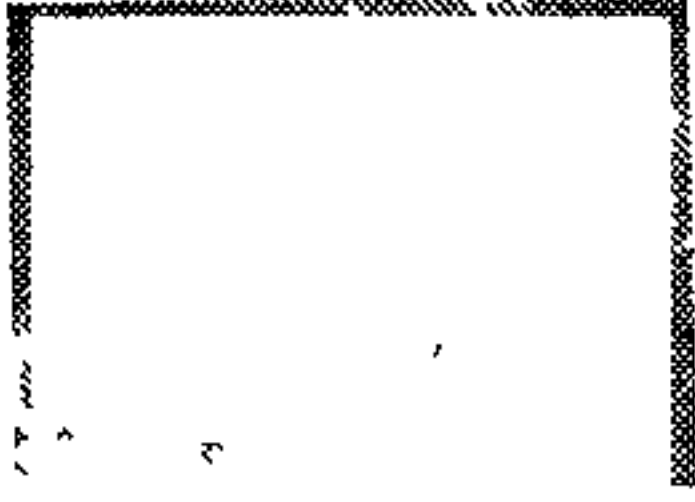
more depreciation in this context includes the investment by the Receiver of Revenue should be used. Further- leasing the most rapid method of depreciation allowed suggested. To facilitate a fair comparison with

that of Term 3 thus the same discount factor is Re: Term 4: The riskiness of this flow is likely to be equal to

to get the cash flow.

because the lessee requires to have a taxable income This stream is riskier than the stream in Term 2

a comparable loan should be used for this term. to (or slightly higher than) the interest rate on Re: Term 3: Here it is suggested that a discount factor equal



Chetty off roll

Mr Shun Chetty, above, the fugitive political trials lawyer, was yesterday struck from the roll of attorneys on the order of Mr Justice F S Steyn and Mr Justice C S Maigo in the Pretoria Supreme Court.

The Law Society of the Transvaal had applied for his removal.

The Law Society said inquiries made early this year had revealed that Mr Chetty was employed by or connected with the United Nations High Commission for Refugees, based in Geneva.

Shun Chetty is struck off

MR SHUN CHETTY, the Johannesburg attorney who fled the country in August last year was yesterday struck off the roll of attorneys.

In an application, which was granted by the Pretoria Supreme Court, the Transvaal Law Society said Mr Chetty owed R34 339 to Johannesburg ad-

The president of the society Mr Schalk van der Merwe, said in a statement that Mr Chetty owed R200 to a firm of actuaries in a civil suit against the State on behalf of members of the Biko family.

Mr Chetty also owed R6 700 to a senior counsel in Maritzburg.

The society said the object of the application was to show that there was such a deviation from standards of profes-

sional conduct by Mr Chetty as to justify his name being struck from the roll.

Mr Chetty, now thought to be working for the United Nations High Commission for refugees in Geneva, was one of the few attorneys who walked where angels feared to tread, by handling political cases.

As a lawyer who briefed advocates in many major Terrorism Act and security cases he suffer-

ed constant Security Branch harassment. His passport was withdrawn in 1976 and it is not known what travel documents he had used when he left the country.

At the time of his leaving the country, it was thought that he was fleeing for political reasons, although he had numerous fights with the law society.

He left the country a day before he was due to appear before the society on allegation of misconduct.

Before taking up his position with the United Nations, Mr Chetty addressed organisations and heads of African States on the situation in South Africa.

He and his wife, Fazila, are now travelling on United Nations passports.

4.8 Fission and Fusion

In the stable nuclei the nuclear binding energy B_{AZ} increases as the nucleon number A increases. To show the rate of increase we plot the ratio (B_{AZ}/A)

versus A in fig. 22. The ratio is approximately constant and reaches a maximum of ~ 8 MeV nucleon⁻¹ for "medium" nuclei ($A \approx 40-120$). The lower values for light nuclei can be attributed to enhanced 'nuclear surface tension'. The lower values for heavy nuclei ($A \gg 120$) can be attributed to the enhanced Coulomb repulsion of the protons in these nuclei.

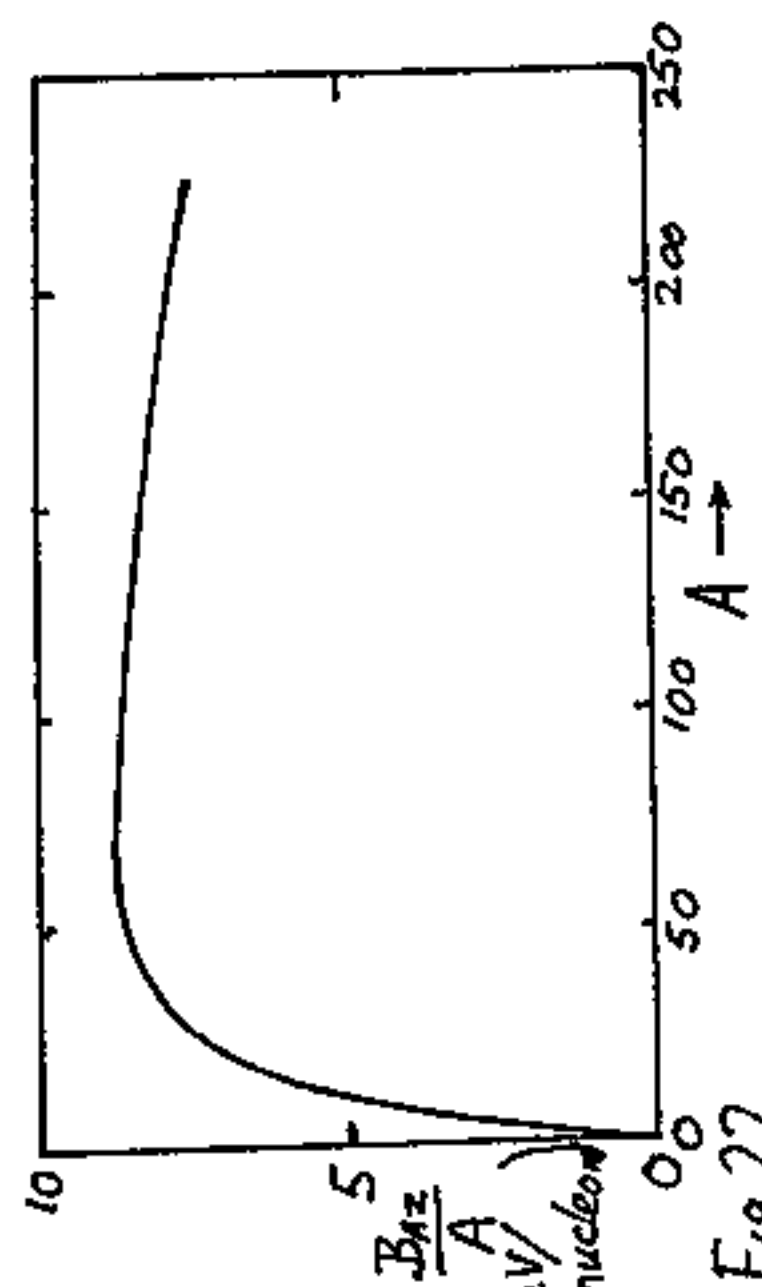


Fig. 22

If we fuse light ($A \lesssim 10$) nuclei into medium nuclei or if we split (fission) heavy ($A \gtrsim 200$) nuclei into medium nuclei our final system will therefore be more tightly bound than the initial system (fig. 22). In other words, there will be a further release of energy (like latent heat) which will be liberated as the kinetic energy of the reaction products. In order to produce fusion one or both of the initial nuclei must have sufficient energy to overcome their mutual Coulomb repulsion, so as to reduce the nuclear separation to within the range of the nuclear force. Fission occurs spontaneously in some very heavy nuclei and is thus a form of radioactivity in these cases. It may also be induced as a nuclear reaction, for example by bombarding a heavy nucleus such as ^{235}U with neutrons (fig. 23). The product nuclei (fission fragments) produced exhibit a range of A values, average $A \approx 117$, are initially highly excited and are usually unstable in their ground states and therefore radioactive. Two or three neutrons are also released in the fission process and these are important in the production of self-sustaining fission chain reactions. Most of the energy released in each fission (~ 200 MeV) appears as the kinetic energy of the fission fragments.

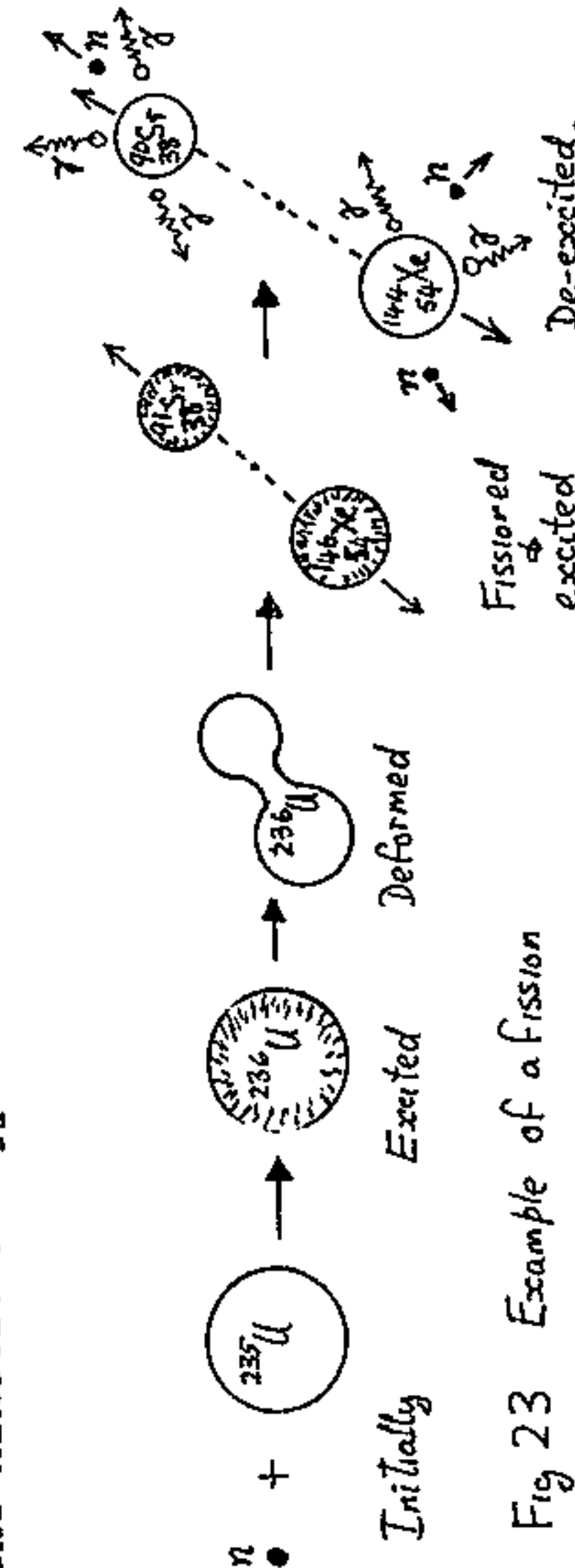


Fig. 23 Example of a fission

5.

Interactions and Measurement

We consider only radiations in the energy range (between typical of nuclear physics) radiations with matter and many aspects of nuclear radiation detection of nuclear radiation shielding and the assessment

5.1

Interaction of radiation

As a representative group consider the electron, proton, gamma photon (e , p , α , n), particles form a natural to consider together.

(a) Charged particles (electrons) with the atomic electrons nuclei are extremely rare we are considering. The and electronic excitation which can be viewed as an incident particle (e , p) absorber atoms. The processes and it will carry brought to rest (assuming thick enough to completely (thickness) required to be the range of that particular that particular incident

The range of the particle at which it loses energy on the energy loss per unit path. The energy loss (medium and the charge and higher for a higher charge compare alphas and protons the alphas have a higher a lower velocity. There larger for alphas than for

248 FM 26/9/50
ACCOUNTANCY PROFESSION
Stalling on change

Almost every reforming proposal of the commission of inquiry into the accountancy profession, set up by the profession to examine its problems, has been either rejected or unenthusiastically received.

These indications emerge from comments by some 600 members of the profession and meetings in Johannesburg last week of the Institute of Chartered Accountants and the Public Accountants and Auditors Board (PAAB). At the gatherings, it was decided to refer the recommendations back to the commission or to a joint institute/PAAB committee for further information.

Those proposals — which were flatly rejected — would have required entrants to the profession to hold a degree from an approved university and lifted the audit requirement on private companies.

The rather tepid rationale for not easing audit requirements is that government will never allow it, so why agitate for relaxation? Institute president Willem Kruger also points out, however, that audit exemptions would cause practical problems. If, for example, companies with a turnover of more than R500 000 were subject to full audit, there would be difficulty auditing a company if its turnover varied between R490 000 and R510 000 from year to year.

And why graduate entry and two-year articles rather than the present three? The profession feels the emphasis should be on ensuring that the aspirant accountant is properly trained, rather than on restricting entry at a time of manpower shortages. The argument of sound training is also used to justify three-year articles,

as it is regarded as impossible to get the right kind of practical experience in two years.

Other proposals are not rejected, but the profession queries their viability because of practicality and manpower shortages. The commission believes the profession should become more specialised to accommodate the developing complexity in all areas of accounting. But how, critics ask, will specialist registers be implemented and controlled?

Proposals for "operational audits," which would vet management efficiency, and audit committees, to review audits, are regarded as impractical as there are insufficiently qualified personnel to work the schemes. And continuing education, whereby accountants would have to attend formal post-qualifying classes, is seen as unwarranted as mere physical presence does not mean the accountant will learn anything. The good accountant will ensure he keeps abreast of latest developments.

Other objections centre on the commission's recommendation to make it a disciplinary offence for accountants not to disclose "serious misrepresentation in the financial statements," of which they may be aware, to the PAAB.

The moral correctness of "ratting," as one senior accountant puts it, is doubted. Objectors concede the "difficult nature" of the problem, but advocate the continuation of the tradition that it is the client's job to inform the PAAB of material loss he may have sustained. And there are fears that the profession's clubby and discreet existence could be upset by the rule.

But the public interest in the honest conduct of business must surely override the question of professional loyalty.

Matters are to be discussed with commission members at a Transvaal-OFS accountants seminar at Sun City in November. So it will not be until next year that final conclusions are reached.

Basically, the profession's response to the report reveals its reluctance to change familiar ways of doing things. But to go to the expense of appointing a commission to suggest methods of improving the profession's performance, only to reject its main recommendations, is rather like the Duke of York marching his soldiers up the hill only to march them down again.



Kruger . audit exemptions
would cause problems

Black lawyers slate Chief Lucas Mangope

By NORMAN NGALE

HOMELAND government's attitude towards black attorneys was attacked at the Black Lawyers' Association's (BLA) general meeting in Pretoria, yesterday.

The meeting was attended by lawyers from many parts of the Transvaal. The Press was not admitted but a statement was released later.

This strongly condemned Bophuthatswana government for restricting a member, Mr George Maluleke from entering Bophuthatswana without a visa or written permit.

It was significant that such action was taken by a government which had entrenched in its constitution a bill of rights to ensure freedom of speech said the statement.

Mr Maluleke's exemptions under the Bophuthatswana Aliens and Travelers Act were withdrawn by Mr G Makedi, Minister of Internal Affairs in August 14 days, to do so without a visa or permit.

The cancellation followed Mr Maluleke's criticism of President Mangope during the recent Nafcoc 16th annual conference held at Sun City.

Mr Maluleke, in his capacity as vice-president of the Bophuthatswana branch of Nafcoc criticised Chief Mangope's speech in the presence of two Bophuthatswana Cabinet Ministers.

His restrictions not only bar him from entering the homeland as an individual but also from practising in the homeland.

The homeland's Supreme Court at Mmabatho, recently dismissed an appeal against the restriction.

"The action represents the general attitude of some homeland leaders towards black attorneys," said the statement. Such leaders tend to confuse constructive with negative criticism.

In Lebowa, attorneys representing clients in the Lebowa bus boycott case were condemned by a Lebowa Government Minister as instigators.

The AGM was adjourned to November 11, to coincide with establishment of the Bophuthatswana Law Society at Matikeng.

GENERAL NOTICES14/11/80
NOTICE 807 OF 1980**OFFICE OF THE PRIME MINISTER**

The following proposed Professional Scientists and Related Professions Bill, 1981 is hereby published for general information and comment

Any person wishing to comment on the proposed provisions of the Bill must submit such comment before 12 December 1980 to the Director-General Office of the Prime Minister (Administration Branch), Private Bag X213, Pretoria, 0001, quoting reference A1/3/9/1

BILL

To provide for the establishment of a South African Council for Professional Scientists, for the registration of professional scientists, scientists-in-training and persons in related professions and for other incidental matters.

Be it enacted by the State President and the House of Assembly of the Republic of South Africa, as follows

Definitions

1 In this Act, unless the context otherwise indicates—

(i) "education advisory committee" means the Education Advisory Committee for Professional Scientists established under section 11.

(ii) "registered as a professional scientist", which term shall be deemed to include mathematicians, means registered as a professional scientist under section 18 (2), (4), (6) or (11),

(iii) "board of control", means a board of Control established under section 31.

(iv) "department" means the Office of the Prime Minister;

ALGEMENE KENNISGEWINGS248
KENNISGEWING 807 VAN 1980**KANTOOR VAN DIE EERSTE MINISTER**

Die onderstaande voorgestelde Wetsontwerp op Professionele Natuurwetenskaplikes en Verwante Professions 1981 word hiermee vir algemene inligting en kommentaar gepubliseer

Enige persoon wat kommentaar wil lewer op die voorgestelde bepalinge van die Wetsontwerp moet so nige kommentaar voor 12 Desember 1980 voorlê aan die Direkteur-generaal Kantoor van die Eerste Minister (1ak Administrasie), Privaatsak X213, Pretoria 0001 en Verwysing A1/3/9/1 vermeld

WETSONTWERP

Om voorsiening te maak vir die instelling van Suid-Afrikaanse Raad vir Professionele Natuurwetenskaplikes, vir die registrasie van professionele natuurwetenskaplikes, natuurwetenskaplike in-opleiding en persone in verwante professies en bykomstige aangeleenthede.

Daar word bepaal deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika so volg

Woordomskrywing

1 Tensy uit die samehang anders blyk, beteken hierdie Wet—

(i) "adviserende onderwyskomitee" die Adviserende Onderwyskomitee vir Professionele Natuurwetenskaplikes ingevolge artikel 11 ingestel.

(ii) "as 'n professionele natuurwetenskaplike geregistreer", welke begrip wiskundiges insluit, as 'n professionele natuurwetenskaplike geregistreer ingevolge die bepalinge van artikel 18 (2), (4), (6) of (11).

(iii) "beheerraad", 'n beheerraad kragtens artikel 31 ingestel.

(iv) "departement" die Kantoor van die Eerste Minister,

For full text see gazette

Own Correspondent

JOHANNESBURG — Bad pay is causing the crippling exodus of professional staff from the Department of Justice. Morale in the department has sunk to 'rock bottom' and the administration of justice is headed for 'chaos' if drastic steps are not taken.

These are the views of two Department of Justice lawyers, one of them Johannesburg's chief public prosecutor.

Details of the salary scales in the Department of Justice disclosed this week show that Pretoria bus drivers can earn more than a state prosecutor.

A lawyer in the department who released details out of 'frustration and anger' agreed to speak out on the situation which he described as 'sickening'.

Poor pay and dim career prospects he said, had dragged morale to 'rock bottom'.

The salary scales for several professional posts in the department showed that most state lawyers earned a fraction of their private-enterprise counterparts.

As a result the department — particularly the attorney-

Lawyers blame pay for crisis in Department of Justice

general's section — was losing hundreds of lawyers every year to outside companies.

And according to Johannesburg's senior public prosecutor, the administration of justice is headed for 'chaos' unless drastic steps are taken.

The scales showed that the starting salary for a qualified newcomer to the attorney-general's office, as a legal assistant, was R422 a month, with a ceiling of R645.

Prosecutors were normally appointed from the ranks of legal assistants, but because of a critical shortage of prosecutors, many legal assistants were prosecuting in court — without extra pay.

The starting salary for a municipal bus driver in Pretoria is R500 and the average salary R737. There is also overtime, which is not offered to

the State's legal officers.

According to the lawyer, the annual supply of law graduates with bursary obligations is all that is keeping staff levels in the magistrate's courts and offices of the attorney-general from slipping even further.

"Most graduate newcomers have bursary obligations," he said. "As soon as they've finished, they leave."

"None of them are prepared to receive a bad salary now in the hope of a slightly better one in 30 years' time."

The lawyer said that an annual staff turnover of nearly 50 percent has plagued the Transvaal attorney-general's office for the last three years — "and most resign over pay."

"Morale is at rock bottom. Staff talk about their pay all the time. It has become quite sickening."

"The recent (April 1) increases improved the situation but poor pay is effectively cutting off the intake of young people into the department. In some cases, those that stay are not always the best available, so the State ends up with the B team."

He said that he knew of "fairly junior" members of the bar who earned salaries "like the attorney-general's".

The equivalent of a legal assistant can expect to start at R650 a month with a private company immediately after admission.

His salary jumps to R1 000 after a year, R1 270 after two years and R1 300 plus a car after three years.

The salary scale revelations came only days after a Johannesburg senior state prosecutor told the Hoexter Commission,

which is investigating the structure and function of the courts, that

• The 'brain-drain' to the private sector — mainly because of poor pay — was seriously hampering the administration of justice and could lead to 'chaos'.

• The Secretary for Justice was warned in 1976 that the standard of prosecutions and investigations was declining due to staff shortages, but that this had been a "fruitless" warning.

• He was no longer in a position to provide an effective legal service to the community with the staff available.

• His department, which should have a complement of 107 prosecutors, had only 82.

• Ninety-four prosecutors had resigned in the past 34 months.

• From July 1974 to 1976, 53 percent of prosecutors had resigned — 37 percent over pay.

• Of 73 regional court prosecutors whom he had surveyed, 51 percent had less than two years' experience in courts which had the jurisdiction to hand down sentences of up to 10 years.

• In Soweto translator-clerks studying law were being used as prosecutors — without extra pay.

He told the commission "The standing joke among lawyers in Johannesburg is that they never have a shortage of personnel because there is always a prosecutor available. This is what magistrates and state lawyers earn (figures per month)

A magistrate depending on his qualifications and length of

service, starts at R645, with a maximum of R1 460 after about six years' experience. But Indian and coloured magistrates earn less: R690 to R812 for a magistrate, R850 to R1 240 for a senior magistrate and R1 130 to R1 405 for a chief magistrate.

A senior white magistrate earns R1 850, a chief magistrate R2 000 and a regional magistrate R1 850 to R2 000.

A regional court president — a magistrate in an administrative position — earns R2 225.

An assistant state attorney, depending on qualifications, starts at a salary of between R645 and R962. As length of service accumulates he can move to the next two "legs", R925 to R1 295 and R1 165 to R1 460. A senior assistant state attorney earns R1 850, a deputy state attorney R2 000 and a state attorney R2 225.

State prosecutors and advocates start at R645 with a ceiling of R962. The next salary "legs" are R925 to R1 295 and R1 165 to R1 460. Senior prosecutors and advocates earn R1 850.

The attorney-general earns R2 225 and his deputy R2 000.

NM 15/11/80



Mr T L Skweyiya

Transkei frees ~~1983~~ Durban ~~248~~ advocate

African Affairs Reporter

A DURBAN advocate, Mr T L Skweyiya, who was detained in Umtata by the Transkei security police on October 31, was released on Tuesday without any charges being laid against him, a spokesman for his attorney's office in Durban said yesterday.

After being released he was admitted to Umtata Hospital. The Transkei police took him there after he complained of stomach pains.

Mr Skweyiya was detained by the Transkei police in the grounds of the Magistrate's Court where he was defending clients on a charge of fraud and entering the Transkei without passports.

Before his release his wife, Mrs Edith Skweyiya, held talks with the head of the security police in the Transkei, Brigadier Martin Ngceba.

While Mr Skweyiya was in detention, Chief George Matanzima, Prime Minister of the Transkei, told a Durban newspaper that his detention had nothing to do with his work as a lawyer.

LESS, NOW public lawyers interest law are vital freedom seeks roots guards' of the rip-off

Consumer Mail

A VIGOROUS investigative Press and a body of public interest law firms were among the most important safeguards of a democratic free enterprise system, Mr Raymond Louw, general manager of South African Associated Newspapers, said last Friday

Chairing a consumer seminar in Johannesburg, Mr Louw said investigative reporters had an edge on public interest lawyers in that they could investigate the facts behind hearsay

"Lawyers and the Advocate General are unable to investigate hearsay — and this presents problems in unearthing corruption. The journalist does not have these constraints, he is untrammelled by the legal problems of hearsay and is therefore able to take up the hint, find the leads and unearth the facts," he said

Other speakers at the seminar were Mr Mervyn Rees, formerly of the Rand Daily Mail, who took a leading part in exposing the Information Scandal, Mr Carl Bernstein who, with Bob Woodward, brought the Nixon Administration down and Mr Geoff Budlender of the Legal Resources Centre

Looking at the history of newspapers, Mr Louw said in the beginning they had to fight for the right to report the news

"From there it fought the battle to report not what people were saying but what they were doing, while withstanding threats from advertisers and a minefield of increased legislation that hampered Press freedom

"While it has won nearly all these battles, the biggest battle it faces is the cloak of secrecy the Government uses to protect itself", he said

Mr Louw said the investigative journalist needed integrity, nerve and the ability to stand up to his own fears

His job is an extremely lonely, pressured one. He can't for obvious reasons talk to people about what he is doing," Mr Louw said

Referring to restrictive legislation that hampered the freedom of the Press, like the right of the authorities to imprison journalists until they disclosed their sources of information, Mr Louw said "I believe that while these threats are real, action is not always taken because there is a conscience factor in all this — that those being exposed are mesmerised by fear and panic and don't quite know how to deal with the problem"

He said the Muldergate investigation had changed South African society by destroying the myth that Cabinet Ministers were more honest than ordinary people

On the role of public interest law firms and their contribution, he said they saw to it that the elementary rights of people were upheld

They get to grips with the morass of official red tape and see to it that elementary rights are carried out

By VITA PALESTRANT
Consumer Mail Editor

THE scope of public interest law went further than litigating on behalf of individuals — it sought to expose large-scale malpractices in the private and public sector, to improve the lot of the man in the street

This function was explained by Mr Geoff Budlender of the Legal Resources Centre, Johannesburg, in his speech "Putting Investigations into Consumerism", at a Johannesburg seminar on consumerism

"In the conventional form of legal practice, once you have been to court and have got results, the case is over and you move on to something else. With public interest law you learn this is just the beginning," he said

The public interest lawyer had to look behind individual cases at a broader picture

Giving illustrative examples of cases dealt with by the Legal Resources Centre, Mr Budlender cited black burial societies, black public transport and insurance

"The services offered by these burial societies are virtually non-existent. After parting with their money, members find they are unable to get the promised benefits. They soon find the societies have become elusive, changed their names, managements, and often have closed shop and moved elsewhere

"They are still operating and mushrooming. How do you stop it? Not by litigating on behalf of individuals, although that is part of it. Not even by liquidating companies, although that too is part of it

"What one really needs to do is to put together a pattern, link together the different parts and ask why Government departments have been inactive, and why, when they have acted, they have acted in a strange fashion. There have been occasional prosecutions, for example. On what basis is the selection made of people to be prosecuted?"

"There was draft legislation some years ago to deal with the

phenomenon of burial societies — why was it stopped?"

Turning to black public transport, Mr Budlender referred to Putco and asked why the Secretary for Transport announced a new structure for Putco without apparently telling the bus company — after Legal Resources had challenged Putco's right to increase fares

"Why does the Government give bus companies running services for blacks a monopoly, give them enormous subsidies, make good any losses for reduced profits they may incur and then announce that in the interests of free enterprise, the buses must be run by a profit-making concern

"Who determines the subsidies and how is it possible that a bus company, which is crying poverty and demands fare increases, makes an increased profit after fuel price increases and before the fare increases had been granted?" he asked

Turning to insurance sold to blacks, he asked how it was possible that so many individuals had recurring complaints about being misled by insurance salesmen

"Once we have taken up the first complaint, it brings others to light — and something more serious and wider emerges"

He said there was a subculture of people who lived by "ripping off" others, especially blacks

Dealing with Government departments and the "morass" of red tape controlling blacks, Mr Budlender said bureaucratic inefficiency and callousness forced blacks on to an endless merry-go-round of Government departments

He singled out the Reference Bureau and community councils — where letters from Legal Resources made the rounds but were never answered

One also had to look behind the system

"Despite a recent Appellate decision allowing the wives and children of men with Section 10 rights to be in the townships, administrations boards are still endorsing them out"

'Investigations at end of list'

Consumer Mail

NEWSPAPERS did not devote sufficient resources or staff to their investigative sections, despite a crying need for reporting aimed at protecting the public from commercial and official abuse

This view emerged at a seminar on investigative reporting last Friday

Mr Geoff Budlender of the Legal Resources Centre in Johannesburg said "The need for investigative journalism is quite plain

"But for some reason consumer problems come at the end of newspapers' lists of priorities

"The people I know working in this area are frequently hopelessly overworked and without sufficient resources"

Mr Carl Bernstein, of Watergate fame, said even top qual-

ity newspapers in the United States tended to throw their resources behind supplements encouraging consumption rather than behind their investigative reporters

The investigative journalist is often forced to use his own free time to get to the bottom of an investigation as a result of this," he said

Mr Mervyn Rees, formerly of the Mail, said while investigative reporters needed a high level of expertise, and worked long hours, they were often badly paid

"For an investigative team to work well, it needs an enlightened newspaper management and the top editorial sector to back it

"What we are seeing now is a high turnover of staff in this area and a juniorisation of staff — this does not augur well for the industry," he said

Lawyers

told:

NM 20/11/80

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~~264~~

You've failed

Advocate slams profession over human rights

Mercury Reporter

SOUTH African lawyers had failed in their duty in the field of human rights, Mr Johann Kriegler, SC, chairman of the association Lawyers for Human Rights, said in Durban last night.

Mr Kriegler was addressing a meeting at which a local branch of the association was established.

'Lawyers are untrue to their discipline if they forget that the law means giving to

each man what is his due

'And lawyers in this country have been apathetic with regard to human rights

'Up until now the banner has been borne by the academics, but they are an isolated and vulnerable few'

The aim of Lawyers for Human Rights is to further and protect fundamental liberties in South Africa

Mr Kriegler said there was a need for a system of moni-

toring the administration of justice and legislation at all levels, as well as administrative actions

This would be one of the primary objectives of the association, as well as

Investigating, recording and reporting instances of violations of human rights and also instances of the upholding and enforcement thereof

Informing and reminding legal practitioners and the

public of human rights issues and, where appropriate, making representations to the authorities in connection therewith

Emphasising and protecting the essential role of lawyers in society

Mr Andrew Wilson, SC, was voted chairman of the local branch

Eight committee members from Durban and Pietermaritzburg were also elected

UNIVERSITY FOUNDATION COURSE

In 1981 at SACHED, MOWBRAY, a special University Foundation planned. The intention is to provide students who require training for university work with a full year of intensive. The course is designed for the post-matric students, whom English language and who plans to study part-time while working du

We have discovered that many students who go straight to u matric face many problems in understanding text, essays and knowing how to do r students at U.C.T., U.W.C., Fr students.

THE COURSE:

The University Foundation Course which will initially be tested to divide the year into two s

- Arts students two specialis
- Science students Foundation Sc

The year, therefore, is divided

FIRST SEMESTER

8 Feb. - 12 June : Foundation
Two 2-hour which writ
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cussing an
training i
breaking d
read end a
to provide

Or Foundat.
Two 2-hour
manner for
Maths. At
calculus a
will be on
and solving
This course
Course.

SECOND SEMESTER

20 July - 5 Dec. : Foundation C

Accounts.
African Studies/History
Economics
Law
Psychology
Science
Sociology

Right-wingers slam Dugard in Durban letter

Political Reporter

A RIGHT-WING smear letter attacking Prof John Dugard, director of the Centre for Applied Legal Studies at Witwatersrand University, was received yesterday by a Durban attorney, Mr Timothy Browne.

The letter comes at a time of heightening Right-wing activity and was posted three days after a bomb exploded in the office of Prof F A Maritz, head of the Department of Sociology at the University of South Africa.

Prof Maritz was a defence witness in the Silverton terrorism trial, while Prof Dugard made a controversial statement about the Court finding the accused guilty.

It appeared that the address of the law firm might have been

selected from an official list of addresses, but Mr Frans van der Merwe, secretary of the Natal Law Society, said he had received no complaints from members of similar letters. However, at least one other lawyer in Durban has received a copy.

Mr Browne, who has no connection with Prof Dugard, said 'If people want to put out this type of letter, then they should have the courage to identify themselves, or at least to indicate where replies may be sent.'

The letter was unsigned and warned that 'Delta 4' would 'expose' people who sided with the banned African National Congress.

Prof Dugard declined to comment on the letter, apart from saying that it was full of inaccuracies and untruths.

Smear attack on Rand Prof

S.M. 19/12/80

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Each course will /...

'Delta 4'

smears top

★ SUNDAY TIMES, December 21 1980

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legal man

BY MARION SPARG

ONE of South Africa's top legal men, Professor John Dugard of the University of the Witwatersrand, has become the victim of a smear campaign by an anonymous rightwing group calling itself "Delta 4".

The group is thought to have taken its name from a French terrorist organisation that fought against Algerian independence.

Pamphlets attacking Professor Dugard, who has come into prominence through his work with the Legal Resources Centre at the university and his recent historic challenges to the Group Areas Act in the Appeal Court, have been sent during the past week to firms of attorneys and newspapers in Johannesburg and Durban.

One copy was sent to the dean of the law faculty at the university.

The pamphlets claim that the public has so far been ignorant of the "secret, sinister side" to Professor Dugard

Prisoners

They attack his "leftist" views and his alleged statement that "the true leaders of South Africa are on Robben Island". They criticise him, too, for calling for an amnesty for political prisoners.

Professor Dugard said this week that he would sue the writers of the pamphlet for defamation if he knew who they were.

"The pamphlet is full of untruths and half-truths," he said.

The matter is being investigated by the police.

The smear campaign, the twelfth incident involving anonymous rightwingers this year, is reminiscent of a campaign 15 years ago against Dr Beyers

Rightwing terror threatens peace

Professor John Dugard

THE emergence of Delta 4 follows a series of rightwing terrorist acts.

● Early this year the offices of the South African Institute of Race Relations and the multi-racial Metro drive-in were fire-bombed.

The Wit Kommando later claimed responsibility.

● In August, two members of the Progressive Federal Party in East London were fired at.

● A campaign against "African traitors" began when the Wit Kommando claimed responsibility for the bombing of the offices of Professor Jan Lombard of the University of

Pretoria who formulated the controversial Lombard plan for a multiracial Natal.

● Death threats were made to leaders of the verligte student body, Polatu, and to Bishop Desmond Tutu, general secretary of the South African Council of Churches.

● Also in August, vandals damaged cars outside a Free-mason meeting in Boksburg.

● In December, three sticks of lighted dynamite were thrown into the home of Rhodes University lecturer and author of the controversial book "Maidens and Madams", Miss Jacklyn Cock.

It failed to explode.

● On December 11, the Unisa offices of Professor F A Maritz, who gave evidence at the Silverton trial that the actions of the accused were understandable, were bombed.

● This was followed by death threats against a Port Elizabeth city councillor, Mr Terry Herbst, who initiated a move to open the city library to all races.

● An anonymous pamphlet blitz began in South West Africa in Windhoek on the same day, delivering threats against Jews, Freemasons, international powers and communism.

Naude, the now-banned former director of the Christian Institute

In 1965, a group calling themselves "The White Hand" issued pamphlets alleging that Dr Naude had received large

amounts of money from "communist governments, organisations and countries and a big sum of money from the Anti-Apartheid Movement in London".

Informed sources told the Sunday Times this week that "Delta

The OAS advocated a kind of "socialist corporate state" similar to that envisaged by the South African Afrikaanse Weerstandsbeweging's (AWB) notion of "volksstaat socialism".

However, the leader of the rightwing Anglo-Afrikaner Bond, Mr H R Schmidt, who has previously boasted of rightwing connections in Belgium and France, told the Sunday Times from Cape Town this week he had never heard of any organisation called Delta or Delta 4.

Socialism

Although the OAS disintegrated after Algeria's independence, several of its members went into hiding in Belgium, Holland, Germany, Spain and Argentina.

"Delta" came to the fore again in 1978 when it claimed to have assassinated the mysterious Egyptian Jew, Henri Curiel, who played an active part in the Algerian resistance.

the military wing of the OAS (Organisation of the Secret Army) and were held responsible for more than 500 deaths by 1982 in Algeria. The Delta men would invariably draw up in cars next to groups of Muslims or selected dissidents and shoot them down with bursts from automatic weapons.

An 'intolerable situation might develop if the bill is proceeded with, as it would invite every other profession or occupational group to claim similar legal protection which would not benefit labour relations or be in the interests of the economy as a whole'

historical source material is derived from the work of linguists and anthropologists in African studies, comparative studies of African languages, and the history of Africa.

THE PROBLEMS OF SOURCES.

conceding Africa's past, and the African continent's record. African the written accounts of so many centuries. In Europe, the written accounts of the African continent are scarce. The African continent's history is not only a history of the continent, but a history of the world. The African continent's history is not only a history of the continent, but a history of the world. The African continent's history is not only a history of the continent, but a history of the world.

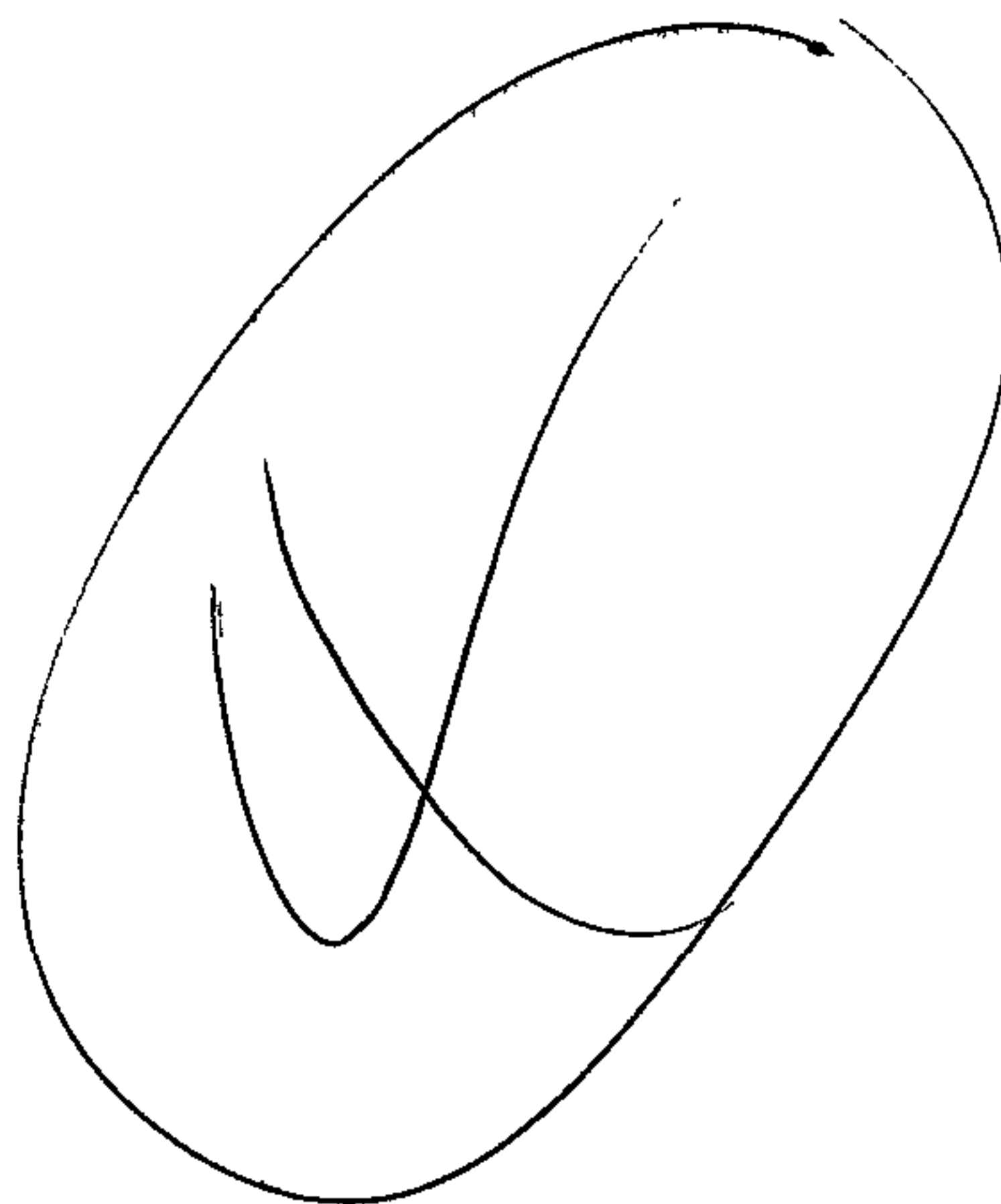
But not only from within the movement, but also from without. The importance especially for the latter source is that the documents are published and in their original form. The documents are published in their original form and in their original form.

PROFESSOR

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Die suikerpil (248) bra bitter

RAPPORT 15/11/78

DIS nie net die verbruiker wat hard geslaan word deur die onlangse verhoging van die suikerprys nie. Volgens 'n omsendbrief van die S.A. Suikervereniging word die middelmanne, die groot- en kleinhandelaars ook 'n gevoelige slag toegedien

Die bruto wins van groot-handelaars op suiker was in September 1976 nog 7,09 persent. Nou het dit gekrimp tot 5,4 persent. Die kleinhandelaars se bruto wins het ook kwaai gedaal van 11,61 persent tot 8,6 persent.

„Die groothandelaar, die kleinhandelaar en die verbruiker word gebruik om aan

die suikerbedryf 'n groter inkomste te gee,” sê 'n groot-handelaar hieroor. „Dit is verregaande, veral as 'n mens daaraan dink dat die buitenlandse prys van suiker laer is as die binnelandse prys.”

Hy sê die bruto wins van 5,4 persent wat vir die groot-handelaar toegelaat word, is baie marginaal. As al die koste wat hy met suiker het, soos onder meer vervoer, hantering en dies meer, afgetrek word, bly daar bloedweinig oor.

„Soos dinge nou staan, is daar vir die groothandelaar omtrent geen wins in suiker nie. Ons sal waarskynlik net gelyk speel.”

HIER'S

Deur TIM KRYNAUW

PRETORIA.

DIE wurm in Suid-Afrika se kosmandjie is die sogenaamde „middelman”. Hy maak meer as dubbeld soveel as die boer uit die stygende voedselprijs.

In 'n ondersoek deur die Departement van Landbou-Ekonomie en -Bemarking oor 'n tydperk van 41 maande (van Januarie 1974 tot Mei 1977) na die koste van Suid-Afrika se „kosmandjie” het die volgende aan die lig gekom:

* Die verbruiker se koste het met 42 persent van R68,03 tot R96,58 gestyg

* Die boer se bruto inkomste het met 30 persent van R36,13 tot R47,02 toegeneem.

* En die „middelman” se aandeel het ingrypend van R31,90 tot R48,51 geklim, meer as 68 persent

Mnr. Chris Cilliers, direkteur van die Suid-Afrikaanse Landbou-Unie, sê die blaam vir die hoer voedselprijs moet nie net aan die deur van die boer gelê word nie. Bogenoemde statistieke bewys dat die „middelman” met 'n steeds groter hap weekom, terwyl die boer se aandeel in die verbruikersprys daal.

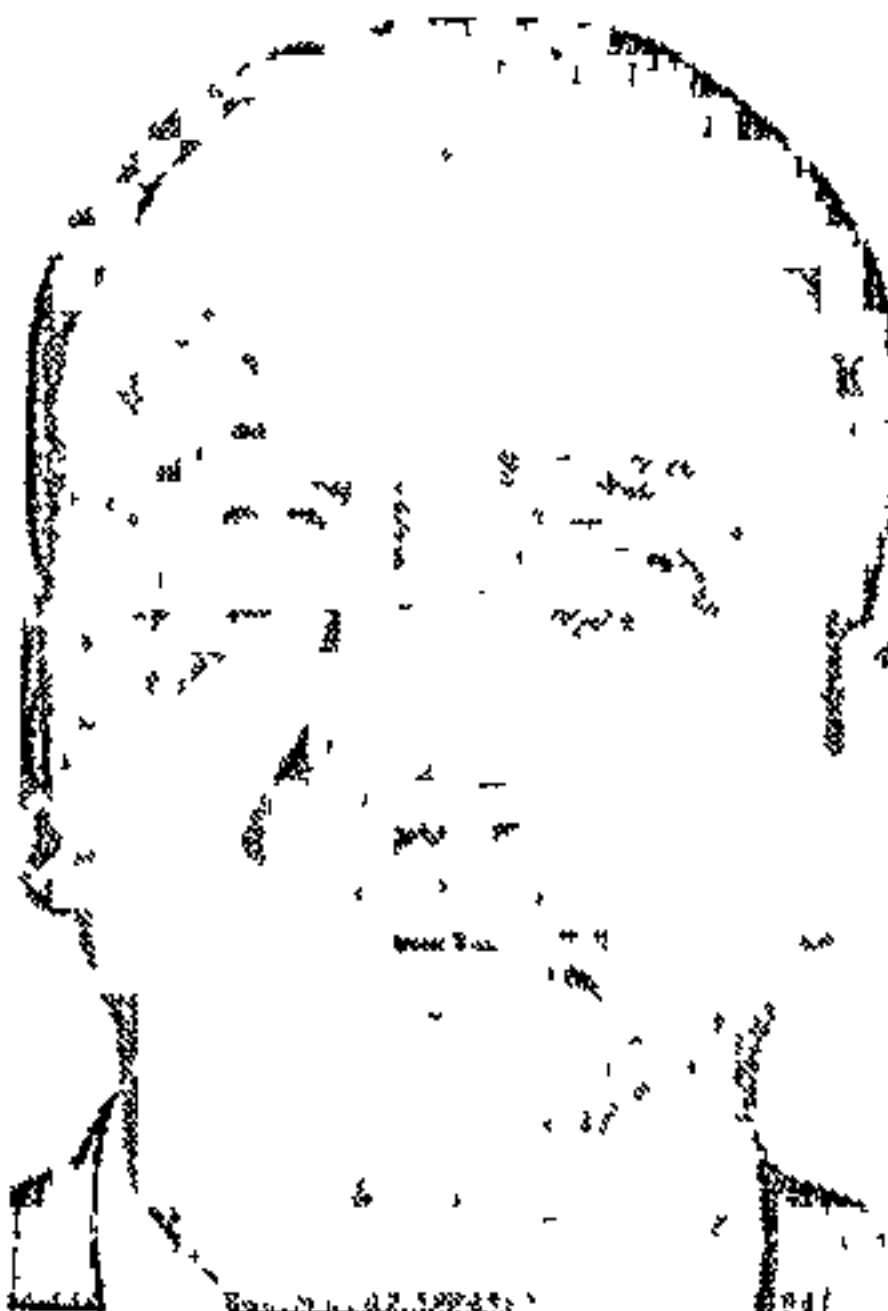
Desondanks bly voedsel in Suid-Afrika van die goedkoopste ter wêreld.

Die ondersoek na die koste van 'n sogenaamde voedselmandjie is op 'n maandelikse grondslag sedert Januarie 1974 tot Mei verlede jaar gedoen. Die doel van die ondersoek was hoofsaaklik om vas te stel watter deel van die verbruikersprys na die boer gaan en watter deel na die sogenaamde middelman.

Die gegewens waarop die berekenings berus, sluit net daardie artikels in wat van die plaas af kom. Die hoeveelheid het ook net betrekking op die gemiddelde maandelikse aankope per gesin. Die

voedsel wat by die voedselmandjie ingesluit is, is soos volg:

Graanprodukte: witbrood, bruinbrood, banketmeel-blom, mielmeel, hawermout, graanvlokkies, mariebeskuitjies, kraakbeskuitjies.



MNR CHRIS CILLIERS

Vleis: beesvleis, skaapvleis, vark- en hoendervleis.

Vette en olies: kookolie en margarien.

Suiwelprodukte en eiers: vars melk, botter, kaas, eiers.

Groente: Aartappels, uie, tamaties, groenbone, kool, geelwortels, pampoene, skorsies.

Vrugte: appels, piesangs, lemoene.

Suiker: wit suiker.

Die statistieke toon dat die boer se aandeel in die verbruikerskoste van 53 persent in Januarie 1974 tot 49 persent in Mei verlede jaar gedaal het. Vir die jare 1974, 1975 en 1976 was die gemiddelde maandelikse produsente-aandeel aan die voedselmandjie onderskeidelik R41,16, R45,93 en R48,11.

In die eerste vyf maande verlede jaar het die produsenteaandeel gemiddeld R47,62 per maand beloop, wat sowat 50 persent van die totale verbruikerskoste van die voedselmandjie verteenwoordig.

Wanneer die plaaswaarde van voedsel in Suid-Afrika en Amerika as persentasie van die verbruikerskoste uitgedruk word, lyk die prentjie soos volg (dié van die VSA word eerste genoem):

Voedselmandjie: 40 teenoor 53, wit brood: 16 teenoor 49; beesvleis: 56 teenoor 55; vars melk: 56 teenoor 59; eiers: 69 teenoor 57; margarien: 31 teenoor 35; aartappels: 30 teenoor 37; tamaties: 41 teenoor 33.

In die verslag word ook daarop gewys dat die relatief hoe Suid-Afrikaanse plaaswaarde ten opsigte van brood in 'n mate gekoppel kan word aan die verbruikerssubsidie wat in Suid-Afrika van toepassing is.

Terwyl die voedselmandjie in Mei verlede jaar op R96,58 te staan gekom het, was die bydrae van graanprodukte R11,16, vleis R36,33, vette en olies R21,80, suiwelprodukte en eiers R24,20, groente R12,62, vrugte R6,11 en suiker R3,36.

Vir dieselfde goed was die boer se plaaswaarde soos volg: die totale voedselmandjie — R47,07, graanprodukte — R4,51, vleis — R19,66, vette en olies — R1,05, suiwelprodukte en eiers — R14,99, groente — R3,51, vrugte R2,04, suiker R1,31.

Die „middelman” het met die verskil weggeloop.

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The Cape Times, Wednesday, February 1, 1978 9

Reports jog department

THE Secretary for Community Development, Mr L. Fouche, said yesterday that the case of a senior coloured clergyman, who was refused temporary residence in the white area of Heidelberg, was being investigated.

Mr Fouche said the department was investigating the case of Canon George Eksteen because of recent newspaper reports.

He said Canon George Eksteen's application for a permit to remain at the church rectory in the white area of Heidelberg till a house was built for him in the coloured area, had been refused. He had not yet received an appeal against the refusal.

"I am now waiting for a full report of his situation from the Heidelberg town clerk. I am unable to comment further at this stage," Mr Fouche said.

Two weeks after moving into the rectory in Heidelberg he was told by the town clerk that a letter was in the post from the Department of Community Development instructing him to move to the town's coloured area within two weeks.

Canon Eksteen said yesterday he was still waiting for the letter.

Advocate who speaks out for his people

PRETORIA — A brilliant lawyer, believer in equity and first and foremost a family man, 45-year-old Pretoria advocate Retief van Rooyen, SC, is by no means a government stooge

The man who was involved in heated words with former Daily Dispatch Editor Donald Woods in Washington this week, has in fact acted in litigation previously against the South African Government. At present he is involved in a major action against the Community Development Board on behalf of a family of Indians at Vryburg

Friends of Mr Van Rooyen said he had gone to the United States on private business, taking with him a professional accountant friend, when the confrontation took place after Mr Woods had addressed the United Nations House of Representatives sub-committee

"The accountant, back in Pretoria, said yesterday "We had in fact completed our business in Philadelphia when we met South African lobbyist Donald de Keiffer, and he took us on a sightseeing tour of Washington. The row came after I had already left for home,"

Lawyers, friends and colleagues who know Mr Van Rooyen — and there are many of them because of his outgoing nature — speak highly of him

At the Bar in Pretoria itself he is not all that well-

known, mainly because he is often away from chambers — usually on property expropriation matters on which he is recognised as one of the country's experts

He has acted for the State in the past, mostly recently in the Biko inquest. But his approach has always been that of the professional lawyer — objective and above any personal involvement in any legal action in which he may appear

His first taste of litigation for the Government was when he was on the legal team which represented South Africa in the South West African case at the World Court in The Hague

Of the men who were with him on the team a number have gone on to high office — two of them now Appellate Division judges, one a Cape Town judge, one a Transvaal judge, and one who is now the Minister of Foreign Affairs, Mr Pik Botha

Mr Van Rooyen was a brilliant pupil at Pretoria's Afrikaanse Hoërseunskool, where he matriculated in 1948. A devoted cricket fan, he was one of the Afrikaans boys who helped develop cricket as a sport at the school

The father of a daughter and a son, much of his private time is spent coaching and helping along his daughter, Anneli, or working on his smallholding

Anneli — a Northern Transvaal swimmer and athlete - is headgirl of Pretoria's Hoërskool Menlopark

At home is a five-year-old boy — on whom Mr Van Rooyen dotes

A close friend of his said yesterday "He is a very a tuculate bloke, a brilliant man and a person who believes in equity

"He is not frightened of a verbal clash with anybody and would face anybody, any time and anywhere if the say or do something which he regards as morally, or intellectually or politically wrong

"On his overseas trips he has been a great unofficial ambassador for South Africa — but at the same time he has never kowtowed to the State "

To journalists who know him, Mr Van Rooyen is recognised as one of the top advocates in the country — and probably the least snobbish

He recognises the face of even the lowliest courier reporter — and is always willing to stop and talk. Many journalists, out of their depth in involved court reports have found him willing to discuss, clarify and help.

His outburst against Mr Woods must be seen in the light, say his friends. Certainly none of them — including the blacks for whom he has litigated — would believe for a moment that he is a Government yes-man — DDC

MR VAN ROOYEN . . . a family man.

Green light for white, red for black

By LAWRENCE MAYEKISO

A WHITE man was admitted as an advocate of the Supreme Court of BophuthaTswana this week on the same day that a Pretoria black man failed to be admitted by the Transvaal Supreme Court to work as an attorney — because of a dispute over his citizenship. The independence of BophuthaTswana was an issue in both applications. Mr Jeremy William Nottingham is seconded to the Supreme Court of BophuthaTswana by the South African Department of Justice.

This week he applied to Mr Justice Hiemstra in the BophuthaTswana Supreme Court to be admitted as an advocate so he can officiate in the Attorney-General's office in the homeland.

He had to pledge allegiance to the State of BophuthaTswana. This meant he had to relinquish his South African citizenship, something he was not willing to do.

Reasons

Admitting him, Mr Justice Hiemstra, Chief Justice of BophuthaTswana, gave a lengthy judgment setting out his reasons for allowing him to practise in BophuthaTswana. Mr Nottingham was not obliged to take the oath of allegiance.

On the same day in the Pretoria Supreme Court Mr Dikgang Moseneke, a Pretoria-born Motswana, applied to be admitted as an attorney to practise in South Africa.

Here the court questioned whether Mr Moseneke automatically became a citizen of the homeland on independence and whether the court itself had jurisdiction over him.

His application was postponed indefinitely by Mr Justice Nestadt until the full Bench of the court could hear the application.

Mr Moseneke, who owns a house in Atteridgeville, Pretoria, holds the degrees BA, BJuris, and LLB, all through the University of South Africa.

Natal Mercury 7/2/78
**LAWYER IS
STRUCK OFF**

Mercury Reporter

PIETERMARITZBURG — A young African attorney who fled South Africa with R3 000 belonging to a client was struck off the Roll yesterday.

Mr. Thamsanqua Steven Nqayi did not contest an order brought by the Natal Law Society in November to have his name removed from the Roll. The return date for the order was yesterday.

Mr. Frans van der Merwe, secretary of the society, said in papers he believed Mr. Nqayi to be in

Botswana.

He had not been to his office since September 30 and his employees had not been paid.

Mr. van der Merwe said Mr. Nqayi was deeply in debt. He had been paid R3 000 by a client and the money had not been placed into his trust account.

The order was handed down by Mr. Justice Leon and Mr. Justice Kumleben. Mr. Johan van Rensburg appeared for the law society.

An associate of Mr. Nqayi said the young attorney had become uneasy after attending Black activist Mr. Steve Biko's funeral. Until that stage Mr. Nqayi had not appeared to have been politically minded.

n Balie hê

YUTAR: 'N REGSBOM

IGSBOM

Rapport 19/2/78
**Beroemde sake
opgebaal** (248)

Deur THINUS PRINSLOO

'N AANSOEK van een van Suid-Afrika se bekendste Prokureurs-generaal om tot die Balie toegelaat te word, word deur een van Suid-Afrika se bekendste advokate teengestaan.

Die Prokureur-generaal is dr. Percy Yutar, gewese Prokureur-generaal van die Vrystaat en van Transvaal, en die advokaat, adv. Sydney Kentridge, SC, lid van die Johannesburgse Balieraad.

Die beswaar teen dr. Yutar se toelating tot die Balie gaan om sekere optredes wat onder meer in verband staan met die Rivonia-verhoor en die eerste Breytenbach-saak, twee van die opspraakwekkendste hofsake wat nog in Suid-Afrika plaasgevind het.

Regsmanne in Johannesburg sê dat dit heeltemal uniek is dat so 'n senior regsman se aansoek betwis word.

Adv. Kentridge, wat al vir hom naam gemaak het in die sogenaamde politieke verhore, en onlangs weer by die Biko-ondersoek namens Biko se familie opgetree het, het Maandag voor die Balieraad getuie in verband met sy besware afgelê. Dinsdag het dr. P. van R. Henning ook getuig.

Die 67-jarige dr. Yutar het teenoor RAPPORT bevestig dat sekere besware spruit uit die Rivonia-verhoor en die Breytenbach-saak.



ADV. SYDNEY KENTRIDGE



DR PERCY YUTAR

Die sekretaris van die Balieraad, adv. J. Myburgh, sê die volgende vergadering van die raad is môre aand en die beslissing of dr. Yutar toegelaat sal word of nie, sal so gou moontlik daarna gegêe word.

„Dit hang af of daar verdere getuie in betoë sal wees. Ons gaan niks sê voor die besluit geneem word nie. Op die oomblik is die Balieraad besig om die saak te ondersoek.”

Die komitee voor wie die aansoek dien, bestaan uit die senior advokate van die Balieraad van Johannesburg, advv. J. Kriegler, A. Chakalson, I. Maisels, W. Schreiner en J. Coaker, wat die voorsitter van die raad is.

Adv. Kentridge is die sesde

lid van die Balieraad, maar omdat hy getuie is lewer, dien hy nie in die komitee nie.

Toe dr. Yutar genader is, het hy gesê hy wil hoegenaamd geen kommentaar lewer nie omdat die aangeleentheid uiters delikaat is. „Ek het genoeg gely dié week, die hele ding het Maandag begin.”

Toe dit aan hom gestel word dat een van die besware gaan om ondernemings wat hy tydens die Breyten-verhoor aan die verdediging gegee het, het hy gesê.

„Vra vir adv. Kentridge. Ek wil geen kommentaar lewer nie.”

Adv. Kentridge wou nie

* VERVOLG OP BL. 6 *

DR. YUTAR

* VERVOLG VAN BL. EEN *

kommentaar lewer nie. Adv. Coaker ook nie. Dr. Henning kon nie opgespoor word nie.

Dr. Yutar was 42 jaar in diens van die Departement van Justisie. Hy het in Julie verlede jaar afgetree as Prokureur-generaal van Transvaal.

Hy was van 1961 tot 1968 Adjunk - prokureur-generaal

van Transvaal en daarna Prokureur-generaal van die Vrystaat. Hy het in 1975 die pos in Transvaal aanvaar.

Hy het in 1933 die graad PP B aan die Universiteit van Kaapstad verwerf. In 1938 het hy sy doktorsgraad gekry.

Dr. Yutar was die aanklaer in die eerste saak teen Breytenbach. Breytenbach is tot nege jaar tronkstraf gevonnis.

SA argitekthe wyk na olielande uit

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rapport 26/2/78

VAN Suid-Afrika se knapste jong argitekthe verlaat die land en probeer die resessie in die hele Westerse wêreld ontwyk deur vermoedelik werk te soek in die Midde-Ooste en ander olielande.

Wye kommer heers in die Republiek oor die talle argitekthe wat werkloos is en 'n heenkome soek in ander beroepe of deur oorsee te gaan. Argitekthe van oor die wêreld sak toe op die olielande, waar reuse-uitbreidings aan die gang is.

Die Suid-Afrikaanse Instituut van Argitekthe is besig met 'n opname om onder meer vas te stel hoe groot die uittoeg uit die land is.

„Dit skok ons om ons beste mense te sien gaan. Hulle is die mense wat oorsee werk kry,” sê mnr. J. J. Barnett, lid van die Suid-Afrikaanse Raad van Argitekthe. Tot verlede jaar was hy ook voorsitter van die Kaapse afdeling van die Instituut van Argitekthe.

Mnr. Barnett sê die toestand was nog nooit so sleg nie. Jong argitekthe verlaat Kaapland. Hulle gaan of na ander sentrums of verlaat die land. Niemand weet

presies hoeveel die land verlaat nie.

Dat daar egter 'n „brain drain” na die buiteland is, is seker. „Ons is baie besorg.”

Afgedank

Mnr. Barnett wys daarop dat alle argitekthe hulle by die Suid-Afrikaanse Raad van Argitekthe moet registreer. En dié getalle bly so te sê staties.

Verlede jaar in Maart was 2 016 argitekthe geregistreer en in Februarie vanjaar was die getal net twee meer, 2 018. In Maart 1976 was die getal 1 999 en in Maart 1975 was dit 1 963. Dis duidelik uit die syfers dat argitekthe êrens heen verdwyn, want wat word van die talle wat jaarliks graduateer?

Mnr. Barnett sê die afgelope maand is by een firma alleen in Kaapstad 15 mense afgedank. Baie is in kennis gestel dat daar nog

hoogstens werk vir drie maande is indien toestande nie verbeter nie.

Die uitwerking hiervan op jong argitekthe is rampspoedig. Aanbevelings is reeds aan die Minister van Openbare Werke gedoen om die posisie te verlig.

Dis nie genoeg om net geld aan behuising te bestee nie. Die oprigting van openbare geboue is die lewensbloed van argitekthe — en daarvoor is nie genoeg geld beskikbaar nie.

Groei nie

Mnr. H. Prins, voorsitter van die Transvaalse afdeling van die Instituut van Argitekthe en ook lid van die nasionale bestuur van die Instituut, sê wanneer die ekonomie weer genoeg lewe gaan kry en groot uitbreidings aangepak moet word, gaan die land met 'n tekort aan argitekthe sit. Die Regering sal iets moet doen om argitekthe in moeilike tye te beskerm.

'n Mens sou 'n natuurlike groei in die getal geregistreerde argitekthe verwag. Dit gebeur nie.

Mnr. M. A. Jackson, gewese voorsitter van die Natalse afdeling van die Instituut van Argitekthe, sê hy weet van verskeie argitekthe in Durban wat hul werk moes opsê.

Hy vermoed argitekthe wat uit Suid-Afrika padgee, gaan soek veral werk in die Midde-Ooste en ander olielande soos Nigerië en Wes-Kanada.

● In 'n landwye opname wat die SA Instituut van Argitekthe in Augustus verlede jaar gedoen het, het

24,38 persent van die argiteksfirmas te kenne gegee hulle sal dalk moet sluit as hulle nie nuwe werk kry nie. Altesame 20 persent het gesê hulle is besig, maar kry nie nuwe werk nie.

Dr. Yutar dalk na regbank

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26/2/78
RAPPORT

DAAR is sterk sprake dat dr. Percy Yutar, S.C., gewese Prokureur-generaal van Transvaal en die Vrystaat wat gister ná 'n stryd van twee weke tot die Johannesburgse Balievereniging toegelaat is, binne afsienbare tyd as regter aangestel sal word.

Dr. Yutar weier volstrek om op hierdie gerugte kommentaar te lewer. Sy aansoek om toelating tot die Balie is deur adv. Sydney Kentridge, S.C., 'n lid van die Balieraad, teengestaan en twee weke gelede het die raad die aansoek begin aanhoor, sowel as die beswaar.

In 'n formele verklaring het die voorsitter van die raad, adv. J. F. Coaker, S.C., gister bekend gemaak dat die beswaar verwerp en dr. Yutar toegelaat is.

Die omvang wat die verhoor van die aansoek en beswaar aangeneem het, was heeltemal uniek in die Suid-Afrikaanse regspraktyk.

Volgens tradisie word regters uit 'n Balievereniging aangestel en dus is die pad nou oop indien dr. Yutar vir so 'n aanstelling oorweeg word. Daar is reeds die afgelope twee jaar in sekere kringe sterk sprake dat dr. Yutar as regter aangestel gaan word.

Met die aftrede van dr. Yutar twee jaar gelede as Prokureur-generaal van Transvaal, is gegis dat hy en adv. Braam Lategan, tans Prokureur-generaal van Kaapland, as regters aangestel sou word.

Adv. Coaker se kort verklaring oor dr. Yutar se aansoek lui:

„By die beoordeling van aansoeke om toelating tot lid-

maatskap gaan dit vir die Johannesburgse Balie om beroepsetiek en nie om politieke oorwegings nie.

„Die beswaar teen dr. Yutar se toelating het alleen op kwessies van beroepsetiek betrekking gehad. Dit het nie betrekking gehad op dr. Yutar se hantering van die Rivonia-verhoor nie, ook nie op mnr. Bram Fischer nie.

Oneties

„Daar was gewigtige oorwegings betrokke wat adv. Kentridge pliggebonde was om onder die aandag van die Balieraad te bring en wat sorgvuldig oorweeg is.

„Ná deeglike ondersoek het

* VERVOLG OP BL. 15 *

Yutar 'n regter?

* VERVOLG VAN BL. EEN *

die Balieraad besluit dat dr. Yutar nie vir lidmaatskap van die vereniging onbevoeg is nie en gevolglik is besluit om hom toe te laat.

Dr. Yutar het op navraag gesê hy wil geen kommentaar op die beslissing lewer nie. „Ek mag nie, want ek is nou lid van die vereniging. Dit sou oneties van my wees om kommentaar te lewer.”

Gevra oor sy toekomsplanne, het dr. Yutar gesê hy gaan as advokaat praktiseer. Daarom het hy aansoek gedoen om tot die vereniging toegelaat te word.

Adv. Kentridge was nie vir kommentaar beskikbaar nie.

Fury over blackballed professor

LEADING English and Afrikaans writers and academics have lashed out because Professor Ezekiel Mphahlele has been barred from working at the University of the North, Turfloop

The internationally known academic, once nominated for a Nobel Prize in literature, was refused a post at Turfloop by the Minister of Education, Mr. Willem Cruywagen, this week, although the university council unanimously approved his application

No explanation was given. No alternative job was offered

Prof Mphahlele became homesick for South Africa after 20 years of exile.

His wife, Rebecca, said he had been told that if he returned from America he must live in Lebowa and work at Turfloop

Apply

Prof Mphahlele was gagged under the Suppression of Communism Act in 1966.

Before returning to South Africa last August he was professor of English at the University of Pennsylvania. His wife was doing social work in the field of mental health in Philadelphia.

She said "We are just stunned by the news and we have absolutely no plans.

"I know we shouldn't have put all our eggs in one basket, but we had set all our hopes on this application. Now we don't know what to do

"I am the only one who can apply for work, but they hardly have a field here where I could belong, unless I became a public servant

"And there is no other university where Zeke can apply in Lebowa

"I can't sleep because of worry. I don't know how long we'll be able to manage, as we have been living on our savings

"We haven't told our children yet. They are very anxious and want us to go back,

By DOREEN LEVIN

but there is no way we will return to America

"We've come home. We belong here."

The rector of the University of the North, Professor William Kgwere, said that in each appointment the Minister of Education must have the final word.

He added "Our interest in Professor Mphahlele was purely academic and we found him suitable in every way"

Mrs Helen Suzman, MP for Houghton, said "I find it extraordinary that Zeke was rejected by the Minister, especially when the university wanted him

"I have every intention of raising this matter with the Minister as soon as possible"

Author Alan Paton. "This makes a mockery of the appointment of a black principal and the whole idea of more autonomy being given to a black university"

Replaced

Authoress Nadine Gordimer. "This great son of Africa cannot be replaced at Turfloop by some Government appointee.

"No one can compensate for all Ezekiel Mphahlele has to give, in wisdom and courage, not only to education, but also to his fellow writers and South Africans of all colours"

Black poet Siphiso Sepamla "A vindictive act. It shows the bankruptcy of the policy of separate development because, when the master says no, there is no going beyond that point"

Professor Ernst van Heerden, head of the department of Afrikaans at the University of the Witwatersrand, said the in-



ZEKE MPHAHLELE
Courageous.

cident was deplorable

"I'm shocked," he added. "It is outrageous that a political person such as the Minister should have power to turn him down"

Afrikaans writer Jan Rabie "They should give reasons. We are tired and sick of this secrecy"

Professor Andre Brink: "One can't expect real sense and development from the present regime.

"They are just bent on sabotaging themselves all the time"

Author Jack Cope. "I'm absolutely amazed. It just shows up the homeland policy

"Zeke has a diamond-sharp mind and that's probably what they are frightened of"

And poet Sheila Fugard said "This is a hard blow to the corporate body of South African literature"

Advocates will object if Yutar is made judge

JOHANNESBURG — If Dr Percy Yutar were to be appointed a judge there would be an uproar from Bar councils throughout South Africa, the chairman of the Johannesburg Bar Council, Mr J. F. Coaker, said last night.

He was reacting to a report in Rapport which speculated that Dr Yutar might be appointed a

judge in the foreseeable future

This speculation follows an announcement that Dr Yutar, former Attorney-General of the Free State and Transvaal, had been admitted to the Johannesburg Society of Advocates by the Bar Council of Johannesburg after it had considered objections by one of South Africa's top advocates, Mr Sydney Kentridge.

Mr Coaker said: "If Dr Yutar were appointed a Judge the Johannesburg Bar Council would be prepared to reconsider his admission to the Society of Advocates.

"The Bar Council would never accept this appointment if a person had not spent a life-time at the Bar. It would not be accepted as a bona fide appointment.

"An application which

was merely a device to out-manoeuvre the tradition of only appointing judges from the ranks of the Bar would be treated as a farce."

The basis of the Bar's objection is that persons who have not had the experience of independent practice at the Bar but who have spent most of their life as servants of the State are not seen by the Bar to be suitable for appointment to the Bench.

In a statement at the weekend announcing Dr Yutar's admission to the Johannesburg Society of Advocates, Mr Coaker said that after a full investigation the council had decided Dr Yutar was not disqualified from membership.

He said the objection put forward by Mr Kentridge was solely related to the questions of professional ethics.— DDC.

Celibacy Law lost him to RCC

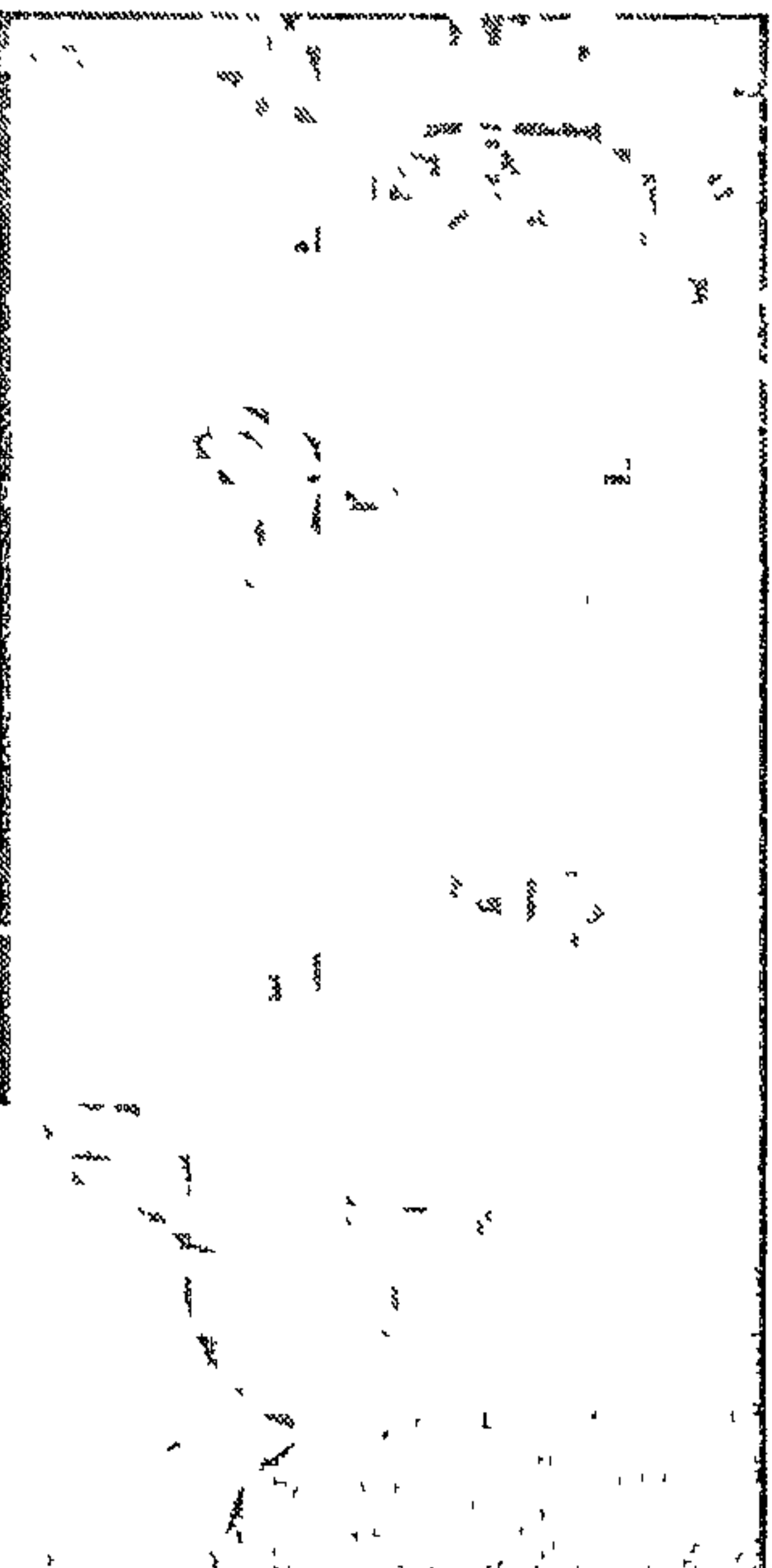
John Allen,
Religion Reporter

Johannesburg's first black Anglican bishop, the Reverend Mfaniseni Ndwandwe (49), is a Rome-trained priest who was lost to the Roman Catholic Church because of its insistence on priestly celibacy

The Anglican Diocese's other new bishop, the Very Reverend Thomas Stange (45), is an Irish-born priest known as the country's 'first flying dean'

The two men were chosen as bishops-suffragan of Johannesburg at the weekend in the first election of its type by an elective assembly composed of clergy and lay representatives. They were chosen to succeed Bishop John Carter to help the diocesan bishop, the Right Reverend Timothy Bavin

The Anglican Bishop of Johannesburg, the Rt Rev Timothy Bavin (centre), with the Rev Mfaniseni Ndwandwe and the Very Rev Tom Stange.



ty, the western part of the diocese, will include Soweto, and he made it clear after his election that if it became necessary he would step outside the confines of internal church affairs and play a wider role

the issue of the hour," he said. "I'm going to get involved in the affairs of the community as far as possible. I'll identify with the people, their needs and aspirations."

and he believes he is called upon to reconcile racial groups

Father Stange, Dean of Kimberley, was born "against a background of machine gun fire on the very day" — in Belfast. His mother was South African

As the Anglican rector at Somerset West he joined Afrikaans and took

as black people they will not be able to stand on their own"

Father Ndwandwe was born, educated, and worked in Natal until, as a young Roman Catholic priest, he was sent to Rome to study in 1958. After graduating in canon law in 3½ years he returned to Natal and then to Ermelo

But he left the Roman Catholic Church so he could marry and joined the Anglican Diocese of Johannesburg. He is at present rector of St Cyprian's, Sharpeville, and has a wife, Dorcas, and four children

At Somerset West he joined Afrikaans and took

248 28/7/78.4
**Pretoria
Bar's no
to black
lawyers**

PRETORIA — Verligte advocates here, although in the majority, have failed to force an amendment in their society's constitution to allow black membership.

It was learnt yesterday that after a lengthy and heated discussion on Saturday afternoon, the move to amend the constitution was favoured by 50 members and opposed by 40.

However, as a two-thirds majority is needed to amend the constitution of the Society of Advocates of the Transvaal Provincial Division (the Pretoria Bar) the society will remain exclusively white.

As far as could be determined yesterday the Pretoria Bar Society is the only advocates' society in the country which has membership discrimination written into its constitution.

Yesterday the chairman of the Pretoria Bar Council, Mr Kees van Dijkhorst, declined to comment.

He did say, however, that membership of the Pretoria Advocates' Society was not a prerequisite to practising in the Supreme Court.

A Pretoria MP, Mr Louis Nel, a former member of the Pretoria Bar, said it was Government policy that if the Pretoria Bar wanted to admit blacks to membership they could do so.

"This is an example," he claimed, "where the Government is not meddling in the affairs of private citizens. The Pretoria advocates' decision should be accepted as a purely domestic matter." — DDC.

248 NM
29/2/78

The attorney with quiet determination

"I MUST be sounding Black Powerish — I never meant to." Lillian Gugu Baqwa presents her case unobtrusively. As the first African woman attorney in Natal, she is well-trained in this sphere.

"Even though I am happy about my achievements, I don't think we need emphasise status more than relevance. I think I would be of more value if I could be used where the need arises, instead of towering in glory."

Lillian's rational nature is the hidden force behind her determination and success. She does not commit herself easily. She acknowledges the Black Power drive and admits to sympathising with the women's lib movement.

"I am a libber in the sense that I stand for the power of women, not so far as it stands to put women above men. We are in co-existence and need men in some areas, just as they need us in others."

Lillian was accepted by the Law Society in November last year. She was originally attracted to the law of her own people. "I wanted to know what there was for women in law — a profession dominated by males for no apparent reason.

"The womenfolk in township life are subservient. The man is the administrator and has the power to dispose of the house as he pleases — regardless of the law. He can desert his wife and come back and sell the house no matter what happens to the

woman. This should not be the case at all."

Lillian feels very strongly about the miscarriage of justice as regards the so-called weaker sex."

"It is a challenge to me to shelter those not capable of taking stock of the state of law as it prevails."

"No unusual circumstances influenced her to study law. Her father was a teacher and her mother a nurse. Lillian tried nursing on leaving school — "but it didn't like me."

Money for a university education was a problem.

"We couldn't really afford it, but I happened to know how far my mother would go if she was convinced that I was on the right track. She would stop at nothing to send me to varsity.

"Both brothers went as well. We managed. There are now two attorneys in the family."

Bursaries were scarce — "The closest I ever came to help at Varsity was a loan in my final year."

Lillian spent four years at Fort Hare University before doing her three year articles, thereby completing her B. Proc. — the recognised degree for attorneys.

The 1972 riots took place when she was still a student.

"They were fun. But they should not have happened at all. The students are always ready to air their grievances — usually nobody listens. Understanding is essential. I am naturally cut off from the student atmosphere now, but I watch it all closely."

Does she appreciate South African Law? "I studied out of sheer curiosity. I was not personally involved.

"Everything started falling into place. I got to know — I never accepted."

Most of her clients are Black, but there is no discrimination. Lillian is paid less than her White colleagues but the difference is not as marked as in other professions.

"It is encouraging working for your people."

English has been no problem. At home Lillian spoke Zulu, Xhosa and Sotho. English came as naturally as the other languages.

How much prejudice has she encountered?

"It is difficult to answer. Prejudice is a strange thing. Professional people express it in ways of conduct. People are interested to see how I hold myself as a woman. This is more particularly felt with clients.

"A few felt rather uncer-



■ Lillian Gugu Baqwa — the only African woman attorney in Natal. She is the fourth in South Africa

tain about the outcome of their respective cases. I really don't expect them to be happy at first.

"They all show surprise when the case is over — especially when they win. Then they admit that they didn't believe it would happen." A laugh is shared at the stupidity of sex discrimination.

Lillian lives in Kwa Mashu. She has a car which saves her an hour in to town each day by public transport. "It was an absolute necessity." She is "very single" and has no children. "I don't have any plans and am not over-anxious to get

married."

A wise 30-year-old, she has not let her newly acquired importance affect her life at all.

"This thing is only relevant in that it demonstrates the fact that one doesn't have to be a brilliant person. One needs only have determination and be responsive to the needs of those around you."

Her small office in Dam-gee Centre, Victoria Street, is hot and stuffy. The milling activity outside does not disturb this overtly placid lady.

The premises leave much to be desired, yet Lillian and

her fellow Black attorneys were nearly forced out of their offices and moved to the townships. This order was withdrawn following complaints on the part of the Law Society and unaffected attorneys.

Recognition at last — but the learned lady knows what it is like to struggle.

"I will always be willing to help any of our females into positions in society — especially if I could be of assistance in helping them climb the legal ladder."

GLYNNIS UNDERHILL

DA 11/3/78 (248)

Lawyers don't want Kruger

Prese

Forma

Affili

JOHANNESBURG — The Transvaal Law Society may ask the Association of South African Law Societies to withdraw an invitation to the Minister of Justice to open its law conference next month.

The request to the association depends on the outcome of a special general meeting of the Transvaal Law Society called for by 22 Johannesburg lawyers

The Johannesburg lawyers did not want to comment on the motivation behind it because they wanted the issue debated "on a professional level" within the society.

Lawyers opposed to the resolution are expected to base their opposition partly on the grounds that it constitutes an attack on the Government.

The Association of Law Society's conference, which will be attended by representatives of all the provincial law societies, will be held at a Johannesburg hotel from April 17 to 20. The theme will be the role of Law in a Changing Society.

DDC

TING OF THE SOUTHERN AFRICA LABOUR AND DEVELOPMENT NIT (SALDRU) HELD ON TUESDAY 9TH DECEMBER 1975

(Chairman)
rger

och, R. Africa, S. Ntebe
ger, A. Kooy, D. Essery
Mrs. S. Weber

on welcomed everyone to the first formal meeting of SALDRU. Purpose of these meetings, which would be held regularly, thoughts and ideas.

bled the pamphlet setting out the aims of SALDRU and said
uit of circulating about 300 of these pamphlets the
titutions had already affiliated:

nal Union of Commercial & Allied Workers
of Applied Mathematics, U.C.T.
Problems Research Group, U.C.T.
nk and Syfréts-UAL Holdings Ltd.
nal Union of Furniture & Allied Workers of S.A.
nt Workers' Union of South Africa
y Employees Industrial Union
ate School of Business, U.C.T.
O, U.C.T.
tation Institute of S.A.
-American Corporation

explain how money was being acquired by getting organis-
unions, businesses and other interested bodies) to
thus enable SALDRU to operate for five years. He
this money must be used with care. All money is paid in
ings attached - to the University which administers it
SALDRU.

With regard to affiliation fees Dr. Wilson explained that these were on a sliding scale. The marginal cost being R50 a year, with richer organisations being asked to pay up to R2 000 a year. Departments within the University were asked to contribute R30 a year, other university groups, such as at the University of Port Elizabeth, would be on an exchange basis.

Joseph Rowntree Charitable Trust: The Chairman reported that a sum of money had been given by the Joseph Rowntree Charitable Trust Company in England for Mr. Reggie Africa's airfare to South Africa. The ticket had been purchased from South Africa and the Rowntree money was being retained in England for the purchase of books.

Report from members:

Norman Bromberger reported that he was still searching for some big project but in the meantime was busy with smaller things.
A) He was a member of Urban Problems Research Group's Advisory Panel which had grown up at the University of Cape Town and had members from Architecture, Planning and Applied Mathematics, this group was concerned with giving technical advice with regard to the planning of low-cost housing. There were 7 projects Mr. Bromberger being involved in a detailed way mainly with the seventh - which was an attempt by applied mathematicians (and others) to construct a model of housing requirements in the Western Cape for the next 25 years.

'Great suffering' as Prof ~~248~~ read report

Mercury Correspondent

PRETORIA — A newspaper report had caused him great pain and suffering, the former president of the Armaments Board, Professor H. J. Samuels, told the Pretoria Supreme Court yesterday.

Prof. Samuels was giving evidence in a defamation action before Mr. Justice T. H. van Reenen in which he is claiming R100 000 from South African Associated Newspapers and the editor of the Sunday Times, Mr. Tertius Myburgh.

The action follows a report published in the Sunday Times on July 18, 1976, in which it was alleged that a witness at a trial in the Pretoria Regional Court said he had been told that part of a raising fee on a loan would have to be paid to Prof. Samuels.

Prof. Samuels said he and his wife were recuperating at home after undergoing

operations when he read the report.

It had caused him and his family great pain and suffering.

Under cross-examination Prof. Samuels said he was greatly upset that a newspaper, which had approached him from time to time for comment on other reports, had not done so in this case.

He had been stunned not to have been asked his views in this case. If he had no further action would have been taken in regard to much of the matter.

After reading the report he asked the then Attorney-General of the Transvaal, Dr. Percy Yutar, what action could be taken in advancing the postponement date of the trial referred to.

Statement

Dr. Yutar had indicated he would take certain steps, among them possibly issuing a statement.

Prof. Samuels said the report carried by the Sunday Times on July 18 had been prominently displayed with a photograph of himself.

In a subsequent report, which appeared the next week, no reference was made to him in the headline. The report was tucked away where no one could see it and was only a small correction to the previous report.

Earlier Mr. Justice van Reenen dismissed a defence application for the entering of a special plea.

Mr. C. Kinghorn, for SAAN and Mr. Myburgh, said the defendants had clearly been under the impression that had the Sunday Times published a statement by Dr. Yutar nothing further would have come of the matter.

The hearing continues today.

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R.M. (208) 1947

Lawyer's citizenship comes to court

Staff Reporter

A SOUTH African-born man, who automatically lost his citizenship to BophuthaTswana when the homeland became independent last year, swore an oath of allegiance to South Africa when he was admitted as an attorney in the Pretoria Supreme Court yesterday.

Mr Ernest Dikgang Moseneke, 30, of Atteridgeville, Pretoria, was admitted as an attorney by Mr Justice W G Boshoff and Mr Justice Monn. The judges reserved judgment on the question of Mr Moseneke's citizenship.

Mr Moseneke's application revolved around the question of whether he was now a BophuthaTswana or a South African citizen.

In papers before court, Mr Moseneke said he was born in Pretoria in 1947. While at school he was charged under the Sabotage Act and jailed for 10 years.

He had completed BA and LLB degrees and had passed his attorney's admission examination.

"I have never before or at any time lost, forfeited or denounced my citizenship of South Africa," Mr Moseneke said.

Law firm quitted use of ex-BCP offices

KING WILLIAM'S TOWN — The Borough Council here is not happy with the occupation by a new firm of attorneys of the premises at Leopold Street here which were used by the banned Black Community Programmes.

The firm of Radebe, Mankahla and Mdlalane, which moved into the building on Monday, received a letter from the council asking them to stop using the building for their business.

The letter, dated April 4 and signed by the Borough Engineer, Mr G C Smith, was received the following day.

When the attorneys moved into the building on Monday, they were visited by Lt Nel of the Special Branch, accompanied by an unidentified security policeman.

Lt Nel spoke to Mr H T Radebe and Mr T M Mdlalane and asked if the firm would use the offices

for their business and for how long the premises would be used. He was told the firm had moved into the premises permanently. The police then left.

The firm was visited by officials of the local BAAB office the following day.

The lawyers were not in but the senior clerk, Ms N Kwababana, was asked if the lawyers had a permit to operate in the building. She said the offices had been hired from the Anglican Church of St Chad.

The same officials returned in the afternoon and met Mr M Radebe, the attorney's son and again asked about the permit to use the offices, quoting the Group Areas Act.

"We were further asked to contact a certain Mr Coetzee at the BAAB offices, but we have not yet done that," Mr Radebe said.

The Acting Town Clerk, Mr G Oleker, said use of the premises at Leopold Street for business contravened the town's planning scheme.

"In terms of the town's zoning, no business can be established at Leopold Street because that area is a single residential zone. The premises are for worship only and no one can have a business undertaking there."

Asked about occupation of the building by BCP, he said the Borough Council was not aware 'until they were banned' that BCP, BPC and Saso were not using the offices 'for church purposes'.

Meanwhile, the firm of attorneys is still using the offices, pending the next move in the matter.

The lawyers have asked council to furnish them with the by-law which prohibits their use of the premises for their business — DDR

US bid to ungag professor who came home

Sun. Trib. 9/4/78

(248)

(100)

By HUGH ROBERTON

WASHINGTON: A campaign has been launched in the United States Congress against the South African Government's refusal to lift a banning order on Professor Ezekiel Mphahlele, a prominent educationist who returned to South Africa last year after 20 years in exile.

Professor Mphahlele, formerly professor of English at Pennsylvania State University, returned after the council of the University of the North at Turfloop had unanimously approved his appointment to a teaching post there.

But when Professor Mphahlele arrived in the country he was informed that the Government would not lift his banning order, thus making it impossible for him to take up his teaching post.

The University of the North later withdrew its offer of an appointment.

Heading the protest against the Government's refusal to lift Professor Mphahlele's banning order is Miss Pat Schroeder, a Democratic Party Congressman from Colorado and a friend of the Mphahlele family.

In a fiery speech in the House of Representatives this week, Miss Schroeder said the Mphahlele case illustrated the "moral bankruptcy" of the South African Government's policy.

"The university of the north is in Lebowa, a so-called black-controlled homeland, yet the South African Government stepped in and cancelled Professor Mphahlele's teaching invitation, over the unanimous approval of the university council," Miss Schroeder told the House.

She added that Professor

**IN GOVT
EYES HE
DOESN'T
EXIST,
CONGRESS
TOLD**

Mphahlele "simply does not exist in the eyes of the South African Government" and urged Congress to lodge an official protest with the South African Government.

Miss Schroeder said she planned to take up the case with the Congressional black caucus and that she had written a letter to the US Ambassador to the United Nations, Mr Andrew Young, to obtain his support for her campaign.

Professor Mphahlele obtained his PhD degree from the University of Denver in 1968 and taught there from 1970 to 1974 before taking up the post as professor of English at Pennsylvania State University.

YARD ERFES

Lawyers' ads in 'public interest'

JOHANNESBURG — Should lawyers be involved in the rough-and-ready world of marketing by advertising their services?

This was the question attorneys debated at the South African law conference here yesterday.

Most agreed that informative institutional advertisements were fine, but they were opposed to adverts promoting the legal ability of individuals.

Lawyers said the sole criterion was that advertising by attorneys should be in the public interest.

Mr. Keith Wilson, of the Cape Law Society, said advertising should not be misleading. Individual attorneys should not be allowed to suggest they had superior ability.

Mr. George Cook, chairman of the conference, suggested that lists of attorneys and their specialisation should be available to the public at legal firms and in the offices of law societies.

— (Sapa.)

Controversial lawyer made a name defending blacks

Port Elizabeth attorney Mr John David Jackson is an ambivalent figure in the Eastern Cape legal scene.

On the one hand he seems to have a considerable reputation with blacks and has probably defended more riot, sabotage, intimidation and public violence cases at the court in the Algoa Park police station than any other attorney.

He claims to have defended 95 percent of recent defended cases.

On the other hand his reputation is not high with the Law Society. In fact it is rock bottom.

In March last year the Law Society of the Cape of Good Hope applied to have his name struck from the roll of attorneys on grounds of unprofessional conduct.

They alleged irregularities in the handling of fees from accident insurance claims and they produced witnesses who swore Mr Jackson had procured false affidavits from them in order to protect himself from the charges.

On March 17 this year the order striking him

from the roll was granted by the Eastern Cape Division of the Supreme Court.

He lodged notice of appeal and continued practising pending the hearing of the appeal.

It should be noted that there was no connection between the Law Society application and his handling of riot cases. In fact, the law society investigation into his affairs pre-dated his involvement in such cases.

On April 1 the Law Society brought an urgent application to stop Mr Jackson practising while waiting for his appeal to be heard.

In the Supreme Court at Grahamstown Mr Justice Kanemeyer and Mr Justice de Wet held that Mr Jackson had been correct in assuming that he could continue practising, but they granted the application on the grounds that the prejudice to the public in allowing him to keep practising was greater than the prejudice to Mr Jackson in stopping him.

Mr Jackson says he has also lodged notice of appeal against this order.

It is necessary to examine Mr Jackson's problems with the Law Society because he is the

attorney most involved with the Algoa Park Court and also the man who is most unhappy with that court. His credibility is therefore relevant.

Many in the black community see Mr Jackson as the man who procured financial help for many accused in riot cases.

It was he who asked the South African Council of Churches to help pay their legal costs.

The help was granted. Some of Mr Jackson's critics say that this has meant his fees get paid.

One magistrate, Mr J Moon, in refusing a bail application for 19 blacks accused of public violence, commented that Mr Jackson had found a source of funds to tap for the defence of his public violence clients.

He said the whole business appeared to be well-organised and that a defence fund similar to the one used in the "notorious Biko affair" existed to help contributors when they landed in trouble.

This comment attracted judicial criticism when the bail refusal was taken on appeal.

Mr Justice Solomon said the source of funds had no bearing on the bail application and the magistrate's reference to the Biko affair amazed him. He added that if the comment meant the fees aspect of the Biko affair had been notorious, then the magistrate's words had been unwarranted, ill-considered and injudicious.

In the same case a police witness, Sergeant P Nel in giving evidence opposing the bail application, told the magistrate that the society that paid Mr Sydney Kenridge SC to appear in the Biko inquest was also financing the defence of people appearing on public violence charges in Port Elizabeth.

Whatever one's view of Mr Jackson, most people would accept that he performed a public service in helping procure the best possible defence for people appearing on serious charges.

On Wednesday this week Alfred Lungile Mjiza, aged 20, was convicted of public violence and sentenced to eight years in jail.

He was not represented.

The riotous and efficient

The Algoa Park police station in Port Elizabeth is an armed camp with riot vehicles parked in fenced-off grounds, with a helicopter landing pad and with a guarded and boom-blocked gate. It is also the venue of a special Regional Court where stern sentences have been imposed on hundreds of people arrested during riots. Recently a foreign newspaper correspondent commented in the Christian Science Monitor that the court dispensed "the same sort of questionable justice the world witnessed during the inquest into the death of imprisoned black leader Steve



Biko." Today The Star questions this statement. An investigation by KEVIN STOCKS of The Star's Insight Team, suggests that there may be at least some ground for concern.

Where the law

Is imprinted on their bottoms

Many of the lessons in respect for the law dispensed by the Regional Court in the Algoa Park police station have been imprinted on the bottoms of black children.

In fact it was the number of juveniles being sentenced to canings that stirred the local legal fraternity to what seems to have been their only formal action in connection with the administration of justice during the riot situation.

Last year the Bar Council announced that advocates and attorneys would voluntarily sit through the records of about 700 cases (mainly concerning juveniles who had been canned) with the idea of presenting some of them to the Judge President of the Eastern Cape for review.

This week the chairman of the bar council, Mr T M Mullins, told The Star that no cases had yet been sent for review.

Those who are unhappy with the special Regional Court in the Algoa Park Police Station do not accuse the magistrates concerned of bad faith.

They feel that within the compass of the laws they must enforce, they do a difficult job to the best of their abilities.

On occasion there is a feeling that some magistrates may have been mistaken in their view of a case or that they have shown too much severity.

Often quoted is the case of four youths aged from 14 to 16 who are now on Robben Island facing five year sentences for sabotage. They were accused

Attorneys and advocates were still giving their own time to going through the records, he said, but in any case there was no urgency as the cuts had already been administered. What might be achieved was that in some cases convictions would be removed from the records of the juveniles concerned.

Mr Mullins said that in most cases the cuts were administered immediately after sentencing.

He felt, however, that it was not the Bar Council's function to comment on the propriety of holding a court in a police station where accused were tried on the same premises where, they often alleged, they had been beaten and tortured and where they were taken to court by the same policemen they claimed had maltreated them.

Nor would he comment on a case where a witness, prepared to give evidence in a bail hearing for the 280 schoolchildren, was de-

tained in the corridor outside the court under Section 22 of the General Law Amendment Act. At the time, the prosecutor told the court he was "as surprised" as the defence by the detention.

All Mr Mullins would say was that it often happened that a required witness was in detention and there was nothing to be done about it. "If the law says that then we must uphold the law," he said.

The vice president of the Law Society of the Cape of Good Hope, Mr H R M Murray, also refused to comment.

Mr Murray felt that any comment on such matters would have to come from the president of the Association of Law Societies, Mr W van Rensburg.

The Star telephoned Mr van Rensburg's office in Johannesburg but was told he would not be available until Monday. The immediate past president, Mr B Mansell, was contacted but he felt that

only the president could comment.

Mr Mansell said he had strong personal convictions but was not prepared to make them public. He suggested that it might be best if any comment came from the Law Society of the Cape of Good Hope.

One person who did comment was Mr Reg Coulter, chairman of the Port Elizabeth Attorneys' Association.

He dismissed allegations that there was anything untoward about the Algoa Park police station court as "absolute poppycock."

Mr Coulter said there had been concern that there might be whiplash law with large numbers of cases being heard in specially convened courts and that members of the association had been asked to keep a close watch on the situation.

In addition certain generalised complaints had been investigated: "We found them to be utterly groundless."

Are the sentences too severe?

of burning down the house of the Transkei envoy and of trying to burn down two other houses.

As an appeal has been lodged the merits of this case cannot be discussed.

Another case where the lawyer concerned, Mr John Jackson, felt the sentence was surprisingly severe, is that of Moses Matanise who received an 18-month sentence for throwing a rock at a police vehicle and causing damage of approximately R10.

On the same day in

another court another youth, who like Matanise was 19 and a first offender, received a 12-month sentence for culpable homicide — having killed a man in a stabbing incident.

Mr Jackson's main objection to the court is its location in a police station. On one occasion he applied to have the court moved. He complained that, with helicopters taking off, armed policemen marching about and police dogs barking, the atmosphere was not conducive

to justice.

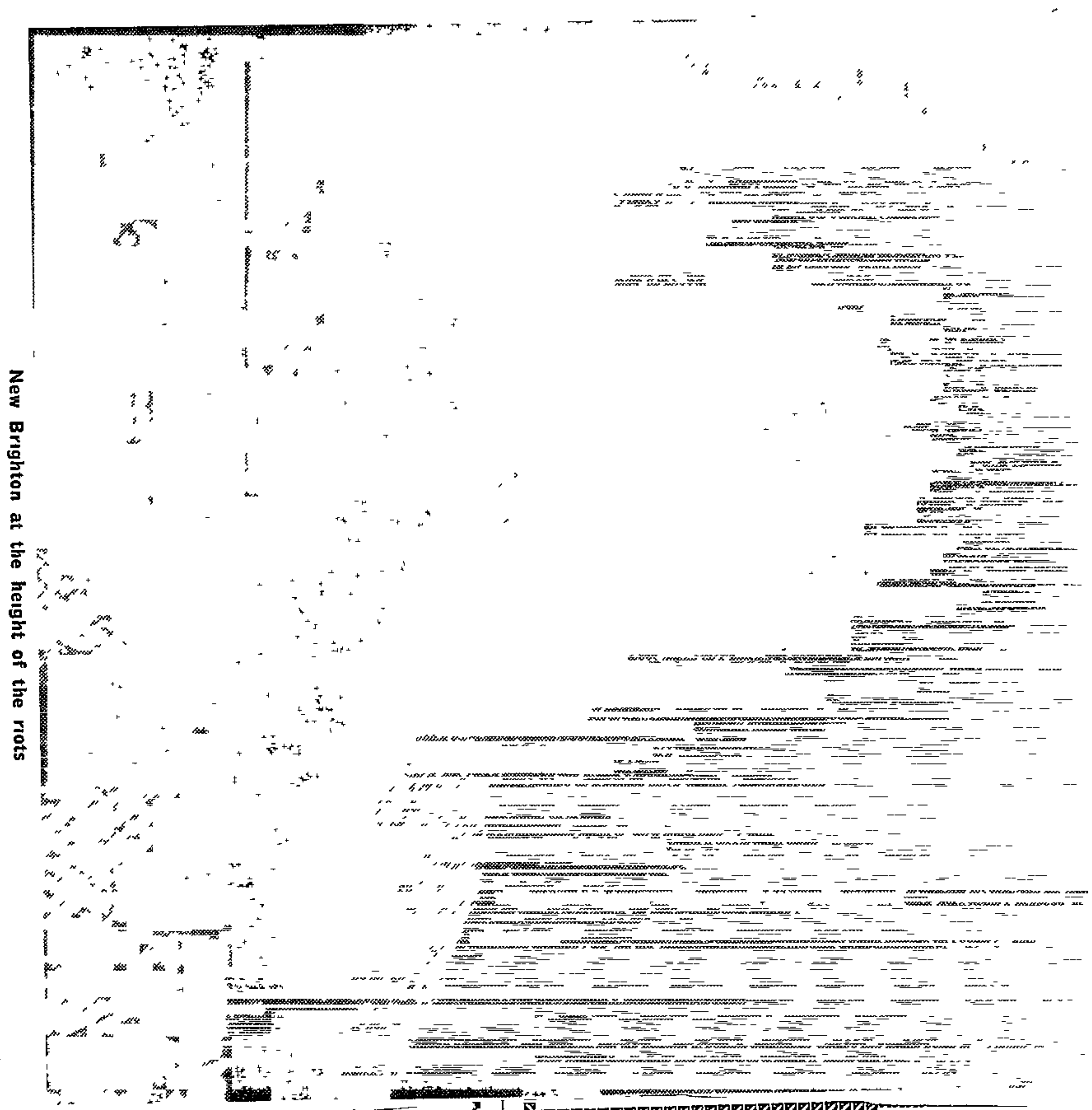
Mr Jackson also complained that he had been subjected to jibes and remarks by policemen about his defence in riot cases.

The prosecutor, Mr C C Klackers, opposed the motion saying the police station had a room where State witnesses could be protected from intimidation while the law courts did not.

Park police station Mr Jackson has also complained that spectators often found it difficult to get into the closely guarded police station.

He points out now that the court is temporarily out of use while being re-roofed and that riot cases are being heard in the normal law courts — seemingly without inconvenience to anyone.

Mr Jackson also complained the motion saying that in the present circumstances it was important that the court remain at the Algoa



New Brighton at the height of the riots

incident and try the various accused separately.

He quotes the case of Buy Hoho and Zolile Banda—both now serving 30-month sentences (with 12 months suspended) for public violence. They were convicted on the evidence of a police sergeant.

Subsequently Mr Jackson was retained to defend a Mr Mhlahlo in a case that is still proceeding and that he is being permitted to complete. A different policeman gave evidence but it soon

became apparent that the case arose from the same incident.

He told us that it seemed to him that there were significant differences between the evidence of this policeman and the one who gave evidence in the first trial.

He said he applied for an adjournment in order to obtain a certified copy of the evidence of the first trial and he intends introducing this into evidence and cross-examining the witness of any contradictions.

Where possible, he says, accused from the same incident should be tried together so that any differences between witnesses can be examined.

Mr Jackson says that it was only the coincidence of the same lawyer appearing in both cases that brought possible contradictions to light. If a different lawyer had handled the second case, it is probable that he would not have been aware of what was said in the first trial and the police evidence would have gone unchallenged.

This, he points out, may help Mr Mhlahlo, but will it do anything for Boy Hoho and Zolile Banda who have already been tried and sentenced?

Those who are unhappy with the special Regional Court in the Algoa Park Police Station do not accuse the magistrates concerned of bad faith. They feel that within the compass of the laws they must enforce, they do a difficult job to the best of their abilities. On occasion there is a feeling that some magistrates may have been mistaken in their view of a case or that they have shown too much severity. Often quoted is the case of four youths aged from 14 to 16 who are now on Robben Island facing five year sentences for sabotage. They were accused

Harold Fridjon
IT OUT
SPITS

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LIMITED (VS) TESIIO SNIMMUC

Bar Council to question Kruger

JOHANNESBURG — The Johannesburg Bar Council will send a telegram to the Minister of Justice, Mr Kruger, today asking for details on his allegation that unnamed lawyers are undermining the legal system.

It was decided on Saturday to ask Mr Kruger for details so the Bar Council could investigate, Mr J F Coaker, the chairman, said yesterday.

The telegram would urge Mr Kruger to send relevant details on his allegations to bar councils throughout South Africa.

In Parliament on Friday, Mr Kruger referred to lawyers in security trials who used delaying tactics, who appeared frequently in

security trials, and who had access to large sums of money.

"I am not referring to advocates and lawyers generally and also not to all advocates and lawyers appearing in security cases."

"I am referring to those individuals who associate themselves with the case and the aims of the under-miners to such an extent that it becomes questionable whether the trust vested in them as officials of the court is justified," Mr Kruger said — DDC.

Business 2
Editorial Comment: The Chief

GENERAL FUND:

DONATIONS:

to Stipend Appeal

to Langa

to Angmenting Special Col
Cathedral Bldg Fund)
U.S.P.G./S.P.C.K.

SUNDRIES:

Hire of buses
Socials & Picnic
Manyani
Synod Expenses
Bank Charges

Lawyers want to probe Kruger claims

BY PATRICK LAURENCE

THE Johannesburg Bar Council will send a telegram to the Minister of Justice, Mr Kruger, today asking for details on his allegation that unnamed lawyers are undermining the legal system.

"It was decided on Saturday to send a telegram to Mr Kruger asking for details so that the Bar Council can investigate," Mr J F Coaker, chairman of the Johannesburg Bar Council, said yesterday.

The telegram will urge Mr Kruger to send relevant details on his allegations to Bar councils throughout South Africa, if he had not already done so, Mr Coaker added.

In a statement in Parliament on Friday, Mr Kruger referred to lawyers in security trials who used delaying tactics, who appeared frequently in security trials, and who had access to large sums of money.

"I am not referring to advocates and lawyers generally, and not to all advocates and lawyers appearing in security cases.

"I am referring to those individuals who associate themselves with the case and the aims of the underminers to such an extent that it becomes questionable whether the trust vested in them as officials of the court is justified."

Meanwhile, it was disclosed at the weekend that several lawyers who have been prominent as defence counsel in political trials have been denied the right to see clients in prison if they were convicted prisoners.

The Sunday Express said five lawyers were "banned" from seeing convicted prisoners — but not awaiting-trial prisoners — under a new regulation empowering the Commissioner of Prisons to refuse lawyers access to prisoners.

The Rand Daily Mail was able to confirm that three of the lawyers were "banned" under the new regulation — Mr David Soggot, Mr Shun Chetty, and Mr Ishmael Ayob. Another of the lawyers named, Mr George Bizos, denied that the ban applied to him.

"The matter goes back years," Mr Bizos

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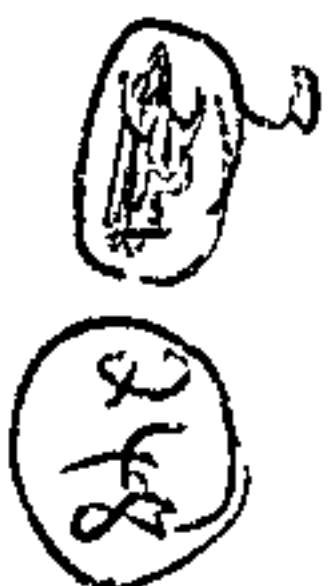
23-60

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528 - 33

said "I was informed on my return from holiday that certain officials had been informed that I was not to see certain convicted prisoners on Robben Island.

"I was later assured by the then chairman of the Bar Council, who had taken the matter up with the Minister, that I would not have any difficulty in seeing anyone in prison who required me to defend him."



Dugard warning on Kruger claim

By PATRICK LAURENCE
Deputy Political Editor

ACCUSATIONS against unnamed lawyers by the Minister of Justice, Mr. J. T. Kruger, could aggravate the current shortage of lawyers willing to serve in political trials. Professor John Dugard, of the University of the Witwatersrand, said yesterday

Prof Dugard was commenting on allegations by Mr. Kruger that lawyers who served frequently in political trials identified with the aims of people seeking to undermine the legal system.

"There is a relative scarcity of lawyers prepared and able to serve as defence counsel in security trials, particularly as far as attorneys are concerned," Prof Dugard said.

"In Johannesburg there are probably not more than four of five such attorneys. It is not so bad at the advocate level. I would put the list at a maximum of 20."

It was not enough for lawyers — attorneys or advocates — to be willing to serve in security trials, Prof Dugard said. Just as a man facing serious tax problems needed a specialist, so did a man facing serious political charges.

There were a limited number of such legal specialists which explained why the same lawyers appeared frequently.

Professor A. S. Mathews, Dean of Law at the University of Natal, said it seemed very hard to get lawyers to act in political cases, and referred to dif-

ficulties experienced by the instructing attorney in the Pretoria Saso trial of 1976-1977.

In response to an inquiry yesterday, the instructing attorney said "I had a list of 54 advocates who were either not available or unwilling to take the case."

A Johannesburg advocate who has appeared for the defence in several political trials said yesterday: "Mr. Kruger's statement is likely to create an atmosphere of intimidation."

The Johannesburg Bar Council yesterday sent a telegram to Mr. Kruger asking for details on his allegations. Mr. Kruger declined to comment "at this stage."

on whether he would provide the council with the requested details, including names of the lawyers.

Transvaal Law Society Secretary Mr. P. J. Erasmus, said yesterday:

"We are not aware of any complaint."

"I am not aware of any lack of attorneys prepared to undertake this kind of mandate. We would take it amiss if an attorney refused to do so without good reason."

In his statement in Parliament, Mr. Kruger disclosed that there were 66 Terror Act cases before the courts, with 111 prospective State witnesses for these trials in protective detention. There were 95 security trials last year, according to the Institute of Race Relations.

(248) 16/5/78 MD

Kruger attack: Dugard replies

JOHANNESBURG — Accusations against unnamed lawyers by the Minister of Justice, Mr Kruger, might aggravate the shortage of lawyers able and willing to serve in political trials, Prof John Dugard, of the University of the Witwatersrand, said yesterday

Prof Dugard was commenting on allegations by Mr Kruger that unidentified lawyers who served in political trials identified with the aims of persons seeking to undermine the existing legal system

"There is a relative scarcity of lawyers prepared and able to serve as defence counsel in security trials, particularly as far as attorneys are concerned," Prof Dugard said

"In Johannesburg there are probably not more than four or five at-

torneys. It is not so bad at the advocate level, where I would put the list at a maximum of 20 "

It was not enough for lawyers, whether attorneys or advocates, to be willing to serve in security trials

Just as a man facing serious tax problems needed the advice of a specialist, so, too, a man facing serious political charges needed the services of a specialist.

There were a limited number of specialists in political trials, which explained why the same lawyers tended to appear frequently in political trials

Mr Kruger's statement was likely to dissuade lawyers from specialising in political trials and thus add to an already existing shortage, Prof Dugard said

Bengu quits his university post

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African Affairs Correspondent

NM 2/6/78

ULUNDI — Dr. S. M. Bengu, the director of Student Advisory Services at the University of Zululand, announced last night that he had resigned his post because the administration was making it impossible for him to help the students.

He told the Mercury that his letter of appointment had said he would be given a light teaching load in his field of specialisation.

Dr. Bengu is a Geneva-trained political scientist, and Secretary-General of Inkatha.

He was given nothing to do in the academic field and when he complained he was allowed to lecture in educational psychology.

He said that as director of students' advisory services, his advice to the administration on students' needs, aspirations and complaints were ignored.

Debarred

He said the rector, Professor A. C. Nkabinde, had debarred him from meetings with the student representative council and the administration.

It became difficult for him to play a consultative role between students and administration.

Dr. Bengu said that he believed in open negotiations and this was the reason he had refused to give the rector the names of the students who signed the science student memorandum.

He recalled that he announced last year that information given him by students would be confidential and he felt he had a responsibility to make sure students were not victimised.

Dr. Bengu said that certain attitudes and practises at the university would have to change "if there is going to be peace that will enable the university to become an educational institution worthy of its name."

24. How to apply this to your reading if you come across the Dative of a noun or person, in advantage or _____ dative indicates the person, to whose advantage or _____ takes place.

Read and translate

The goddess

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Vocabulary

(a) Now b

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Full-time law reform needed says Dean

DURBAN — The Dean of the Faculty of Law at the University of Durban-Westville, Prof. B. Ranchod, yesterday called for the establishment of a permanent law reform commission in South Africa.

Welcoming delegates to the congress of the Society of University Teachers of Law, at the university, he said they should try and identify themselves with the needs of the South African community.

"I feel that the law can only serve its true end in maintaining order in society if the principles and needs which the law formulates to meet social needs are examined in the light of these social needs," he said.

The establishment of a law reform commission, he said, could be more

representative of South Africa's cultural groups.

"We are living in a period of adjustment and change. The consequences of urbanisation, the dismantling of racial discrimination entrenched by law, the impact of recent political developments, alterations in moral emphasis, all these place new burdens."

A commission could review the law with a view to systematic development and reform. It would deal with problems facing the profession and ensure the law operated justly and "conveniently" for the people affected.

"In our society especially, the first consideration in law reform should be to ensure that the law serves the needs of those unlikely to seek legal advice or likely to delay seeking legal advice," he said. — SAPA.

De Rerum Natura.

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the sea

ences of which it depends
sentence you will
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ve.

1. _____ (trans. or intrans.)
2. _____ " "
3. _____ " "
4. _____ " "

(b) Explain the case of te: _____

(c) Explain the case of tibi: _____

(d) Write down the adjectives that agree with the following nouns:

adventum _____ flores _____ tellus _____

25. The Genitive

The standard definition of the Genitive is that it indicates possession. That this definition falls short of the truth, should be obvious from the following examples:

Ex-banned man an SC

DURBAN — An advocate here, Mr Hassan Mall, has become the first black senior counsel in Natal, and the second in the country

A former banned person, Mr Mall qualified as an advocate through the University of Cape Town in 1951. The only practising black advocate before

that was the late Mahatma Gandhi

Mr Mall served as joint secretary of the South African Indian Congress and was banned in 1962

The other black SC, Mr Ismail Mohammed, was appointed recently as a judge in Botswana — SAPA

7/2/78 28

Survival of orderly SA at stake

—law expert

Own Correspondent

South Africa had come to a stage in history where its very survival as an orderly state was at stake, Professor J D van der Vyver, formerly dean of the law faculty of Potchefstroom University for Christian Higher Education, told The Road Ahead conference at the Settler Monument

He said the power basis of South African security laws had reached a stage where they were no longer being counterbalanced by respect for the law founded upon the people's idea of justice that the Government of South Africa had seized powers which in many respects exceeded the compass of the State's sovereign sphere of competencies, and that South African law lent legal sanctions to many instances of injustice

DISCONTENT

He said it was important to note that excessive governmental powers, the tendency towards state absolutism and the institutionalisation of injustices were closely related to one another

The legislative sanctioning of discrimination and unbridled State interference in the private lives of the people bred discontent and could induce the type of resistance that needed to be counteracted by extensive executive powers

Professor van der Vyver added "I am in fact afraid that South Africa has come dangerously close to the situation where Government action has lost track of the

of justice generally entertained by a substantial portion of the South African community"

The further augmentation of those negative characteristics of the legal system might consequently lead to the total destruction of the legal order

The answer to what was to be done to prevent such a catastrophe was quite simple — it was to reappraise the true functions of State authority and to cut governmental competencies — so to speak — down to size, identify injustices and eliminate them progressively, and once again subject executive powers to the rule of law

It had to be acknowledged, however, that with the complexity of the South African predicament timing and sequences of the necessary reforms posed serious problems

CHALLENGE

He, for one, had never been impressed by the sweeping supposition of power-happy politicians that arbitrary discretions were essentially accessories of the prevailing state of the country's security situation. The necessity of such powers had never been investigated, let alone proved

He also failed to see the wisdom of banning organisations or publications thought to be a security risk for the country

Professor van der Vyver said that perhaps the greatest future challenge would be to restore the confidence of the people in the law as a true citadel of justice

• Buthelezi's warning — Page 4.

RAM 21/7/78

Aiming

248

for an

open

church

Staff Reporter

THE appointment of a black Methodist Church minister to the white East Rand circuit is part of the church's move towards open fellowship.

Before accepting the Boksburg post, the Rev Tom Mbabane, 46, was the Church's move towards education in Umtata.

Mr Mbabane said the appointment of black ministers to white congregations was something that should have been done long ago.

He is the first black minister to be appointed to a white Methodist Church in the Transvaal and the second in South Africa.

Mr Mbabane's appointment is part of the Methodist Church's move away from racial circuits to geographic circuits and open fellowship.

Mr Mbabane was one of 17 Methodist ministers in Transkei who refused to support the creation of the Methodist Church of Transkei. This was after the Transkei Government banned the Methodist Church of South Africa on June 2, 1978, from the former homeland.

POLITICAL comment in this issue by Allister Sparks, Benjamin Poggrund, Trevor Bisseker, Chris Day and Lin Menge, newsbills by John Ryan, headlines and sub editing by John Patterson, cartoons by Bob Connolly, all of 171 Main Street, Johannesburg.

A right White

SUN EXP. 16/7/78

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Welcome to new

Black minister

BOKSBURG'S White Methodist community has accepted without reserve its new Black leader, the Rev Tom Mbabane

BY ZANDI SIKWEBU

He is a Transkeian priest who remained loyal to the Methodist Church of South Africa when it was banned in his country, he becomes the first Black in the Transvaal to lead an all-White Methodist congregation

He takes his first service at 9am today

District chairman of the Methodist Church, Mr V W Iarris, said "Mr Mbabane will take all church services, including weddings, confirmations, and baptisms

"The congregation will give him full support.

"We look upon him as our spiritual leader, irrespective of colour"

The new minister, who graduated from Fort Hare University with BA Honours, returns to South Africa as head of the 300-strong congregation of the Boksburg Methodist Church

He is the second Black Methodist priest in South

Africa to head an all-White congregation, the other is the Rev Caswell Mkhize, of Maritzburg

The Methodist Church in the Transkei was declared an undesirable organisation in May. The President, Chief Botha Sigcau, said he was satisfied that the existence of the Methodist Church of South Africa within his country was prejudicial to the interests of the State

Said Mr Mbabane "The banning of the Church in the Transkei was an unwarranted interference by the Government in Church affairs

"I could not reconcile this action with the scriptures so I remained loyal to the local church"

Mr Mbabane said his message to local Christians was "Time is running out and we must now practise what we believe"

His new mission was the fulfilment of this message

Mr Mbabane took his BA degree in 1967 and was ordained the same year. For three years he was a probation priest at Stanger, Zululand

● The Rev Tom Mbabane first service this morning.

Between 1971 and 1973 he lectured at the Federal Seminary in Alice and completed his honours, majoring the same year in philosophy. He later went to Heidelberg University, Germany, to further his studies

In 1975 he returned to the Transkei and was based at Umtata, from where he was invited to face his new challenge

Of the political situation in the Transkei Mr Mbabane said "My duty as a priest is to witness Christ

"The question of the government in power is irrelevant unless it interferes with my conscience"

Concerning his new appointment he said "Before I came here I was under some doubt as to my acceptability to the White community, but when I arrived I was welcomed with open arms. We all mix as human beings, regardless of colour"

At the moment Mr Mbabane is staying in Tsakane, a New Black township opposite KwaThema, near Springs

He will move to Boksburg, a White area, as soon as accommodation is available

"But my six children will continue attending school in Black areas because I do not want them to lose their culture," he said

The new minister added "Part of my mission here is to enlighten the Whites about the sufferings of the Blacks and to let them understand that Blacks have aspirations like other people. We must all live together — we need one another"

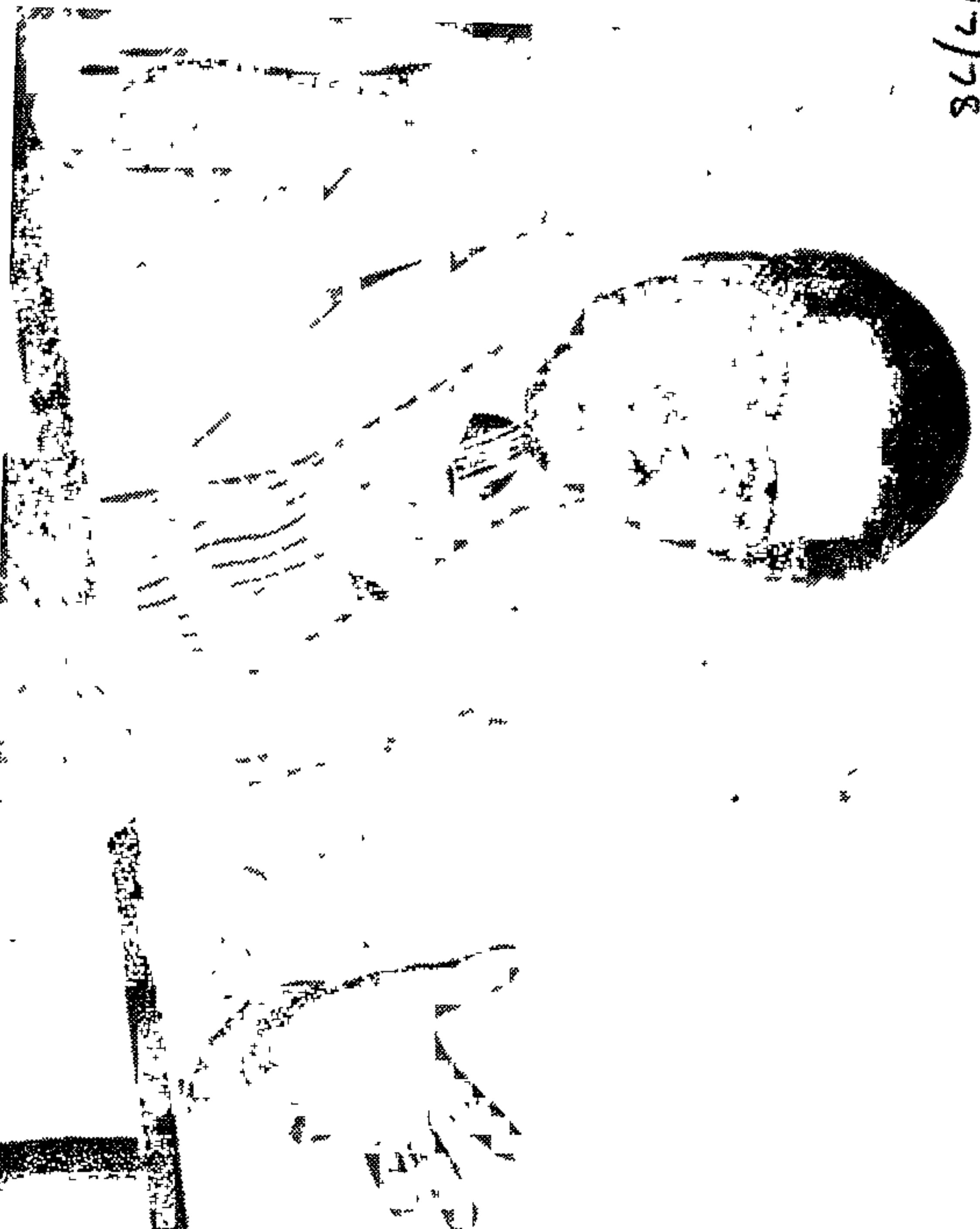
Dr Bacher out

By SAM MIRWIS

Dr. All Bacher, former Springbok and Transvaal cricket captain, has left general practice to join the pharmaceutical company, South African Drugists, in an executive capacity.

Dr Bacher, 36, is vice-chairman of the Transvaal Cricket Council and also convener of the Transvaal selection committee.

He is one of the most respected figures in South African cricket, and his new position will enable him to vote more time to the administration of the game, in which he is already playing an important part.



Rec 31/7/78 (248)

Praise and blame for lawyer John Jackson

By Kevin Stocks

Mr John Jackson, the former Port Elizabeth attorney who has fled the country, has long been the subject of praise and blame among lawyers and blacks in Port Elizabeth.

Operating with a largely black clientele he was one of the few white Port Elizabeth lawyers to be heavily involved in defending people arrested

during the riots in that city. His fees were paid by the Azungwi Fund of the South African Council for Churches.

He was also outspokenly critical of the methods used by the police and public prosecutors during those trials and he also claimed that magistrates handed down very severe sentences.

However, he was also eventually struck off the

roll of attorneys on charges that raised grave questions about his financial probity.

The Port Elizabeth Law Society charged him with irregularities in the handling of fees from accident insurance cases and produced witnesses who swore he had procured false affidavits from them in order to protect himself from the charges.

Mr Jackson admitted in

an interview with The Star last April that the charges had nothing to do with his involvement in riot cases and that they predated such involvement.

He said he intended to appeal against being struck off and claimed to be confident he would win the appeal.

Many of his fellow lawyers in Port Elizabeth regarded him as the epitome of the traditional

"sharp lawyer" with more interest in profit than in ethics.

A senior member of the Law Society told The Star that the society had kept its eye on Mr Jackson for many years before finally obtaining the evidence on which he was struck off the attorneys.

His own life-style in Port Elizabeth was comfortable. He lived in a big house in the suburbs and

drove an expensive and flashy American sports car.

Yet for all their criticisms of Mr Jackson's ethics, no lawyers spoke to by The Star denied his service in defending riot case accused.

They could, and did point out that he acted not from charity but only took cases for which the Council of Churches was prepared to pay his fees.

Jackson 'left big debts behind'

Own Correspondent
PORT ELIZABETH — A legal source close to Mr John Jackson, a former Port Elizabeth attorney who fled South Africa five weeks ago, said yesterday his debts totalled about R75 000.

And Mr Jackson's claims that he had been struck off the roll of attorneys because he handled political cases was rejected yesterday by the vice-president of the Law Society of the Cape, Mr H R Murray.

Mr Murray added that Mr Jackson owed the society more than R25 000 costs for the application for his removal from the roll.

Mr Jackson's name was struck from the roll in March after the Supreme Court found him guilty of unprofessional conduct following an application by the Law Society.

The lawyer said in an interview from London yesterday that he had decided to drop an appeal against the Supreme Court ruling.

"No reference to any participation in any political cases is made in the Supreme Court judgment,"

Mr Murray said.

A Port Elizabeth bookmaker, who did not wish to be named, said that about two years ago he had to write off Mr Jackson's bookmaker's debt of R2 000.

The manager of a clothing firm who also wished not to be named, said last night Mr Jackson was handed clothes worth R1 200 at two branches of the company on June 20, seven days before he left Jan Smuts Airport for London.

don.

"He took it on approval and we never saw it again."

Captain Tom Pretorius, of the Police Commercial branch in Port Elizabeth, said they had received no complaints about Mr Jackson.

Mr H W Jacobs, Receiver of Revenue in Port Elizabeth, said he was legally barred from comment on Press reports that Mr Jackson allegedly owed the Receiver about R35 000.

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Sunday Times 6/8/78

6/8/78

U.S. boars runaway

lawyer

BY RAY SMUTS

RUNAWAY Port Elizabeth lawyer John Jackson, now in London, has been denied permission to take his family to the United States, where he planned to complete two "explosive" books on South Africa's political situation.

The moves to stop the debt-ridden lawyer's entry were made by American consular officials in Johannesburg and London, and followed a visit by Jackson to the Lawyers Committee for Civil Rights Under Law, in Washington, the organisation which financed his family's flight from South Africa.

Now Jackson intends to settle in the south of England, if the British Government grants him political asylum — something he has yet to apply for.

He says he will not return to South Africa — "not because of the money I owe, but because I don't feel that I could practise law there again".

Jackson fled South Africa at the end of June, while his wife, Janet, took their three children to a hideaway in Port Elizabeth. He travelled to London, taking with him a "number" of files relating to the trials of young blacks whom he defended after the Port Elizabeth riots in 1976.

Jackson claims that these are highly confidential and "probably would have been confiscated" if he had been searched by customs.

The files will form the basis of his two books — one a novel and the other an "academic" study.

Jackson said that his sole reason for leaving was that he feared for the safety of his family. Jackson, 38, had all the good things in life: fast cars, sleek women, fancy clothes and money to burn. But his life style came turn-

Now high life playboy seeks

U.K. asylum



John Jackson

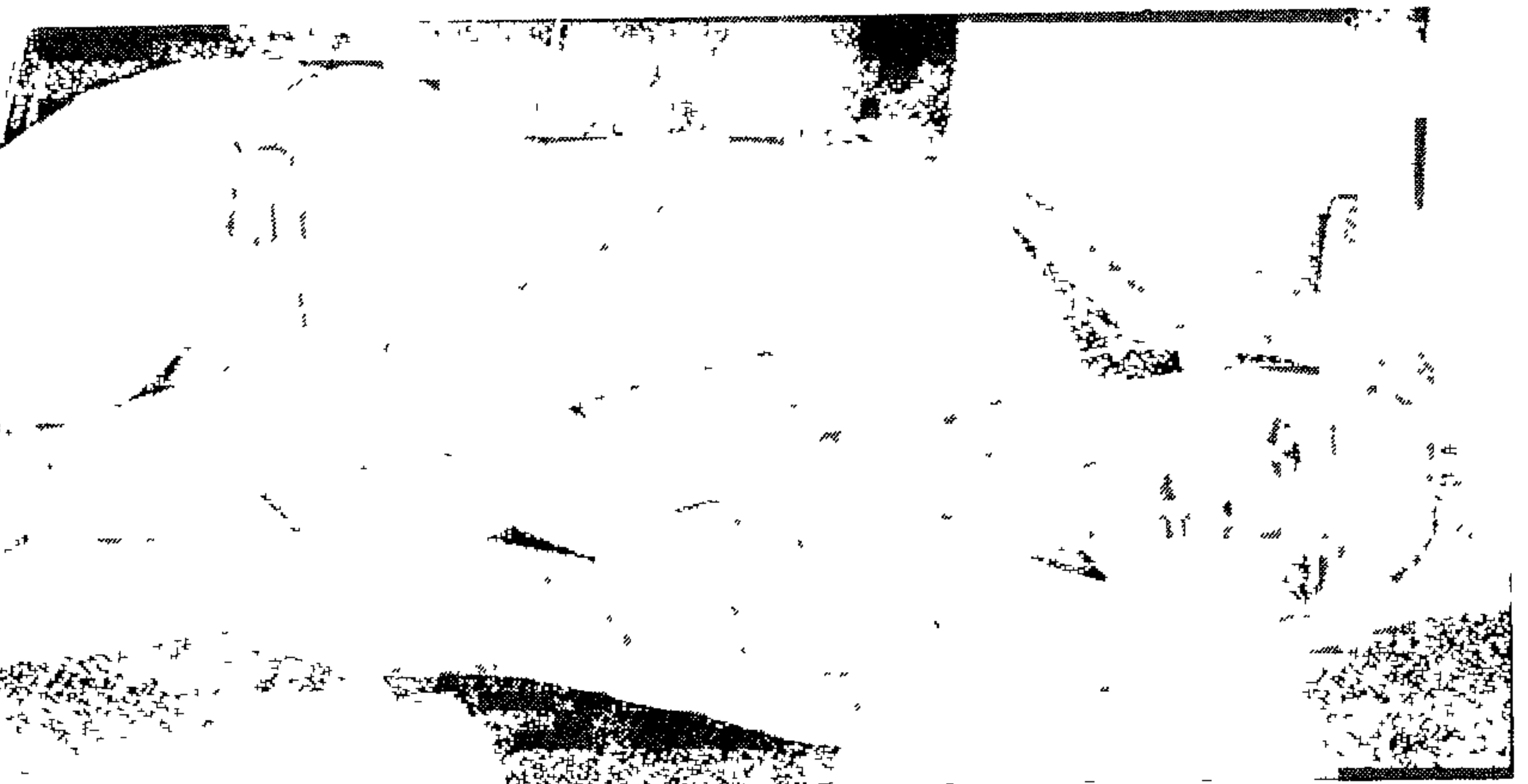
he must have owed the bookies about R8 000. "As an attorney he acted free of charge in matters for several jockeys, and on Saturday mornings they would ring him with tips." Mr Slonimsky said that Jackson had looked to horse-racing as a

means of making quick money.

Jackson was always accompanied by pretty girls and at one time was going out with beautiful Gillian Jessup, who, as Miss South Africa 1970, was named one of the five most beautiful girls at the Miss World contest.

Gillan, now Mrs Barstow and living in Swaziland, said yesterday "I went out with him for several months before I became Miss South Africa. I haven't seen John Jackson for more than eight years. What he has done doesn't affect me and I don't feel much about it at all."

Inquiries revealed that Jackson was going out with a Port Elizabeth hotel receptionist for some time and had a child by her whom he later adopted. He did not marry the woman.



The former Miss South Africa, now Mrs Gillian Barstow, whom Jackson took out several times.

John Jackson, his wife, Janet, and their children, Michelle, 4, Gregory, 7, and Dale, 2, in London this week.

bank overdraft and R1 300 for clothing he bought the day before his departure for London.

Jackson claims he left for political reasons. He also claims:

- That the South African Police use "severe and sophisticated methods of torture" to secure confessions.

- That the South African legal system is a "farce".

- That blacks in South Africa have a raw deal.

- That the Law Society of the Cape is conducting a "witchhunt" against him.

- That he had been harassed by security police.

Jackson's further claim — that he was acquitted on five of seven charges of overreaching (overcharging) clients — has proved to be false.

An official of the Cape Law Society told the Sunday Times yesterday that two allegations of overreaching had been proved, after which Jackson's name was struck from the roll of attorneys.

Jackson was ordered to pay the society's counsel fees, totalling more than R28 000, and the society has since obtained a Supreme Court order for the recovery of the money.

This week colleagues and friends told of Jackson's high life. None believed his departure had anything to do with politics.

A Port Elizabeth hotelier, Mr Jerry "Slim" Slonimsky, a former friend of Jackson, told me: "He had to have the best — like the flashiest car in town — and would always make a play for girls."

Adding that horses and cards had led to Jackson's "downfall", Mr Slonimsky said: "It was not unusual for him to bet R100 on a horse in each of eight races at a meeting."

"When it reached the stage where bookmakers would no longer give John credit and he was barred from racecourses, he set me up as a punter. At that stage

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'Exile' lawyer was struck off

6/8/78 Smollett

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A PORT Elizabeth lawyer, who claims to have fled South Africa for Britain for political reasons, was struck off the roll of attorneys in the Cape for charging a "destitute" black widow exorbitant fees.

The 38-year-old lawyer, Mr John Jackson, also charged her for part of the cost of a holiday weekend for his wife and himself in Maseru.

Mr Jackson left behind huge debts possibly totalling R75 000. And a Law Society spokesman said yesterday he regarded the lawyer's claims that he had to flee for political reasons as "absolute rot". The spokesman, Mr Stephen Levin, president of the Law Society of the Cape of Good Hope, also hotly denied the society

By Terry McElligott in Durban and Dirk de Villiers in London

had carried out a "witch-hunt" against Mr Jackson and that this was partly motivated by his defending blacks after riots in Port Elizabeth.

In Britain, Mr Jackson told a London newspaper that he fled South Africa as he believed he was likely to be detained without trial "because of my work."

He publicly condemned South Africa's legal system as a "farce". He also persuaded an American civil rights group to pay the air fares for his wife and three young children

to join him in Britain.

He told the Sunday Tribune in London that he had income tax debts totalling R35 000 in South Africa — but said he was reluctant to pay for moral reasons.

"I must be honest with you," he said. "I was not very keen to pay the Receiver of Revenue for two reasons. One was that the military budget had gone up and my money was buying arms and ammunition.

"The second is that some R256-million was pumped into the Transkei last year ... taxpayers' money."

Explaining a debt of R25 000 to the Law Society, he said this had been accumulated during proceedings brought against him and his partner by the society.

The case had been taken some two-and-a-half years and affected their earnings, which dropped from R40 000 a year to R16 000.

"In an unprecedented step, the Law Society had come to court and interdicted me from practising pending an appeal (against being struck off the roll)"

But Mr Levin, speaking from his home in Vredenburg in the Cape yesterday, said Mr Jackson had been found guilty of grave unprofessional conduct in overcharging two clients

THE LIMITATIONS OF MONETARY POLICY AS A WEAPON TO STIMULATE OR

DEFLATE THE ECONOMY

- 1) It must be applied in conjunction with fiscal policy - these must be good co-ordination
- 2) The money supply may decline but the reduced stock of money may be used to make more transactions on average per annum i.e. total spending stays constant
- 3) Open market operations will not be effective if the commercial banks have excess reserves
- 4) If investment is interest rate insensitive i.e. the MEI curve has a steep slope then increases in the money supply which cause banks to have excess reserves and lending rates will not increase I by very much and the link between changes in the money supply and aggregate demand $(= C + I + G + X - M)$ is placed in very weak hands
- 5) Monetary policy is more expenditure from loans rather than bank loans. In such a case, a restrictive monetary policy may not reduce total spending.
- 6) "You can pull on a string but you can't push on one" - OMO's and changes in the discount rate may make loans and spending power easier to obtain (by increasing bank reserves) but if the public is unwilling to borrow the money supply simply will not increase and total demand deposits will not increase. Monetary policy is much more effective in reducing total spending because if a bank holds reserves it must reduce loans and spending power. They are forced to act. It is difficult to push an economy out of a recessionary monetary policy because of this important relationship in monetary policy

40

Course symbols:

Course

Weight

Weight

Staff Reporter

The announcement was made by Mr N J J van Rensburg, secretary-general of the Association of Law Societies. He said the rise, effective from the end of July, was an interim increase pending the outcome of the Galgut Commission investigating attorneys' fees and rules of the Supreme Court.

Before the increase became effective a levy of 50% was charged on all fees involving civil litigation in the Supreme Court,

This levy has now been increased to 100% which will mean a 33% increase in the total tariffs, Mr Van Rensburg said.

OH/GG

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Star # 18/11/78

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Doctors take top grading in survey

Doctors are held in higher esteem in South Africa than are clergymen, lawyers, engineers, teachers and professors, diplomats, nuclear physicists, business executives, politicians, editors and booksellers.

This Market Research Africa (MRA) conclusion was drawn from a survey of 1000 white urban dwellers who were asked "Who do you hold in the highest esteem?"

Seventy-six percent of those interviewed selected doctors compared with an average of 81 percent in similar international surveys.

Clergymen, with 48 percent support scored better than lawyers (43 percent), engineers (42 percent) and army officers (38 percent).

Politicians, with 15 percent of the votes (20 percent in the overseas surveys) were better thought of than newspaper editors (11 percent in South Africa and 13 percent internationally) and bookshop owners who are held in the lowest esteem (six percent here and eight percent overseas).

REVILED

In England and New Zealand surveys have shown that the public has a higher opinion of the legal profession than lawyers have of themselves.

"For many years the English legal profession has seemed to suffer from a chip-on-the-shoulder feeling that it is unjustly reviled and criticised," says De Rebus Procurator, journal of the South African attorneys' profession.

More than 47 percent of New Zealanders interviewed said lawyers were honest, trustworthy people, only 17.7 percent of lawyers gave an affirmative reply.

A spot survey by The Star has shown South African attorneys have a higher opinion of themselves than their counterparts in England and New Zealand.

the estate was beautifully illuminated. "However, since then we have been disappointed that the situation has gradually deteriorated in some areas. The contractor gave us an excellent guarantee of his work for one year including replacement of the globe which failed during that time, but unfortunately he is having no success in getting him to honour his obligation. Sadly this means that parts of the estate are again very poorly lit. The globes are extremely expensive, and our budget does not allow us to replace the globes (which should last up to 2 years) every few years. We are doing our best against the contractor, but it is proving very difficult. We are also looking into the possibilities of getting a maintenance contract for the lights from another contractor.

8. PUTTING THE CURRENT OF THE "GLOBES"

This seems to be a necessary very satisfactorily, weather permitting, with an average of 3-4 inches per month as an upward going trend. If residents are dissatisfied with the work in any way then their names are placed, please

are you interested in reading? Do you enjoy a cup of tea (or coffee) and an informal chat? If so, kindly contact any one of the persons listed below for further information.

Janet Herbert - Box 90 (Hemlet 1) Tel. 726498
Joy Barrett - Hemlet 88 (Hemlet 1) Tel. 720027
Hemlet 88 - Box 90. 44 (Hemlet 4) Tel. 721718

11. ACTIVITIES

Sports Club - (Membership necessary) + Constantia Sports Complex (near Alphen) - Tennis, Davis etc.
Walking Permits - Tokai Forest (above Manor) - available from Mr. Bird, Forestry Dept., Tokai Road, or P.O. Box 82, Retreat. Tel. 721931
Library - (small, free, locally situated) - Lilmore Avenue Library - off Tokai Road. (largest at membership fee necessary) - Meadowridge - Tel. 720700

12. IDEAS

Anyone who has any ideas about the improvement of the estate (must be cheap!), the solution of the problems we have discussed in this news letter, or the promotion of good neighbourliness is asked, may contact, to contact the Directors with his scheme.

If you have managed to get through all this, you have definitely got staying-power. Many thanks for your attention.

Man-Spencer
CHAIRMAN

SA lawyers face dilemma — Kentridge

By MARGARET SMITH

LONDON. — Terrorism Act provisions must cause a feeling of revulsion to every lawyer "brought up as we have been brought up", Mr Sydney Kentridge, SC, said recently when commenting on the dilemma facing South African lawyers.

Mr Kentridge, a leading South African advocate, was addressing the triennial conference of the New Zealand Law Society.

"What are we, as counsel, doing in these courts

"Are we really defending the rule of law or what remains of it or are we

helping to give a spurious air of respectability and fairness to a procedure which is fundamentally unfair?" Mr Kentridge asked in his address.

Mr Kentridge said some lawyers had opted out of the South African system.

"They have said it is an inherently evil system and they do not want to participate in it at any level.

"Of course, in theory, there are alternative solutions. One may think of what has been done by some American lawyers in recent years who have used the court to stage a protest.

"But to an advocate trained in our system, this is an abhorrent expedient."

He said accused in terrorism and similar trials wanted to be defended in court.

"They want advocates to be there to defend them. Are they not entitled to an advocate's assistance, however little he can do for them?"

"If the advocate was told he was lending respectability to an obnoxious system, would he not have to simply accept this as an additional burden to his calling?" he asked.

"It (the allegation of lending respectability) troubles many South African lawyers who act in these cases.

"It is a question that does not go away for us. There is no answer to it in the old books, in the old precepts. In our time, it is a new situation for lawyers such as ourselves."

Mr Kentridge's address, which was published in London yesterday ends with the hope that South African advocates might at least be able to assist in "averting some evil from falling on one individual."

Year	Output (1000 metric tons)	Employment	Output (tons) per worker
1946	28,3	5 658	5,0
1947	30,7	5 993	5,1
1948	30,7	6 240	4,9
1949	31,3	6 651	4,7
1950	34,0	7 029	4,8
1951	33,7	7 351	4,6
1952	35,1	8 001	4,4
1953	36,1	8 049	4,5
1954	42,3	8 072	5,2
1955	44,6	8 294	5,4
1956	46,5	8 725	5,3
1957	46,3	8 914	5,2
1958	49,5	8 025	6,2
1959	49,4	8 324	5,9

TABLE 11: OUTPUT, EMPLOYMENT AND PRODUCTIVITY ON THE COPPER MINES: 1946-1977

Supplement to INDABA 2/3/71 1979
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Dr Gitywa now professor

Indaba Reporter

PORT ELIZABETH — A former English and geography teacher at Cowan High School in New Brighton has been made a professor at Fort Hare University in Alice.

He is Dr Vincent Gitywa, formerly senior

lecturer in the Department of African Studies and Curator of the Museum and Art Gallery at Fort Hare.

Professor Gitywa was born in Middledrift. He attended Forbes Grant Secondary School, King William's Town, and

Lovedale High School. He graduated with a BA from Rhodes in 1960, BA (honours) from the University of South Africa and a cum laude masters' degree at Fort Hare in 1970.

His thesis for the MA degree was, 'The arts and crafts of the Xhosa in the Ciskei'. Before coming to Fort Hare as curator in 1959, he taught at Forbes Grant and at Cowan High School. He was promoted to senior lecturer in 1970.

For 19 months in 1965 and 1966 he studied West Germany museum techniques in West Berlin, Hamburg and Kiel.

Special service

ZWELITSHA — The Baptist Church of South Africa will receive Rev G Ngamlana here at a special service on Sunday morning.

Tomorrow, Mr Gqamlana, who came from Johannesburg to take over from Rev C L Snyman, who had been pensioned off because of ill-health, will tour Zwelitsha sub-circuits.

They will visit Tyutyu, Ngqokweni, Qongqotha and Mkhangiswana with Rev D Mburwana, the moderator, Rev S. Bata, of Cape Town, president of Cape Field Executive and Rev. L T Groenewald, executive member of Ciskei Field

Upstart Over 'sack

Sun. Times 4/3/79

FIVE white professors of the University of the Western Cape have denounced as untrue a South African Bureau for Racial Affairs document that says they discussed plans to replace the university's coloured rector with a white man.

This was part of an uproar which followed the publication in last week's Sunday Times of a report on a secret meeting between the professors and Sabra officials to discuss the problems of the university after the unrest of 1976

The confidential document purported to record discussions in which the rector Professor R E van der Ross was said to have been appointed "solely because of political considerations"

It said "Most of the problems at the university are connected with the rector's obvious lack of interest in his task as head of the institution"

It added that Sabra was disappointed at the "categorical views of the professors that the university should remain under white control" and that their attitude towards the ability of coloureds, their motivation and the availability of top manpower was markedly negative.

One of those present, Professor C J Kriel, this week said the Sabra document on the meeting in May 1977 was "false and distorted"

RECTOR

The professors strongly disapproved of Sabra's handling of the matter. No minutes were taken at the meeting but a tentative report was later compiled

At no time did Sabra present us (the five professors) with this document for our perusal and comment. Prof Kriel said the professors objected to Sabra when they found out what the report of their meeting contained and Professor C W H Boshoff, chairman of Sabra, apologised verbally and in writing to them he said

Deplore

Further letters were sent to Prof Boshoff and to the director of Sabra, Dr C J Jooste, in December last year "to which we have not yet had the courtesy of a reply," he said. "We deplore the fact that, despite the document's rejection, a member of the council of Sabra caused it to be spread among unauthorised persons on the campus. Why? To cause friction and ill-feeling." Prof Kriel said a statement in the Sabra

report that a political opponent of Prof Van der Ross should be appointed to the university council was he said "devoid of all truth" and the allegation that Prof Van der Ross was not accepted as a person who should be helped to serve his own people "was untrue"

Prof Kriel said he and the four colleagues present at the Sabra meeting "were at all times loyal to the rector and welcomed his appointment since he was both an academic and a member of the community which the University of the Western Cape served"

He also denied the Sabra document's assertion that the discussions included a statement that "problems could arise if coloureds were in the majority (on the university council) and if the chairman was a coloured"

Sabra's director, Dr Jooste said this week the document "does not reflect the opinion of the persons who attended the meeting nor is it a complete record of the proceedings". "It is a report drawn up specifically to enable Sabra's executive committee

Profs claim document was untrue

to discuss matters which were of vital importance to the public at the time

"The aspect of strengthening white control for example by appointing a white as rector enrolling white students and maintaining a white majority on the council was included in my report to keep Sabra's council fully informed and to enable it to consider the matter in the light of its declared policy that coloured influence and control should be strengthened"

Unrest

The report should be examined in the context of South Africa two years ago when Sabra had talks in different parts of the country where unrest had occurred to establish how Sabra could improve the situation

He said the meeting with the five academics dealt with the absence of student selection the unsatisfactory relations between students and staff the predominance of white staff as well as university government by whites - all factors which were evaluated as possible causes of unrest

Possible solutions such as the strengthening of white influence and control of the university, which were in circulation at the time, were also considered, Dr Jooste said.

Recommendations were made to Sabra's council by the meeting but there was no suggestion that the rector be replaced by a white or that the composition of the university council should be influenced he said

Dr Jooste emphasised that Sabra felt the rector of the university should be a coloured academic and pointed out that Sabra had supported and defended Dr van der Ross's appointment

Sabra was committed to support the transfer of the university's control to coloureds and had expressed its confidence in coloured leaders as far as this was concerned he said. Prof Kriel and Mr Jooste denied that there was a secret plot to replace Prof Van der Ross with a white man

City SC ²⁴⁸

to leave ^{17/3/79}

Bar for ^{Agnes}

Side Bar

A LEADING Cape advocate, Dr Wilfrid Cooper SC, is to leave the Bar to become an attorney after 26 years as an advocate, half of them as a Senior Counsel.

Mr R M Marais SC, president of the Cape Bar Council, confirmed that Dr Cooper was to make the move from Bar to Side Bar. Dr Cooper said it would not be ethical for him to comment.

In order to become an attorney, Dr Cooper will have to serve two years as an articled clerk, he is to sign articles with the firm of Buurski, Herbstein and Ipp.

TSAFENDAS TRIAL

Dr Cooper is well known for his pro Deo defence of Demitrio Tsafendas who in 1966 was found to be unfit to stand trial for the murder of Prime Minister, Dr H F Verwoerd, and declared a State President's patient.

Dr Cooper was educated at Wynberg Boys' High School and Stellenbosch University. He received his LLB from Unisa and a doctorate from UCT for a thesis on landlord and tenant.

He is the author of South African Road Traffic Legislation and co-author of South African Motor Law.

Legal

By STEPHEN WROTTESLEY

MEMBERS of the legal fraternity were yesterday 'stunned' and 'surprised' to hear that Dr Wilfrid Cooper, SC, one of South Africa's best known advocates had decided to resign from the Cape Bar to join the Side Bar.

Dr Cooper, 52, has been an advocate since 1952 and became a senior counsel in 1965. One attorney said yesterday

Dr Wilfrid Cooper

Men stunned at top advocate's move

he was 'stunned' to hear that Dr Cooper had decided to leave the Bar. However, he said his firm would give him every assistance in furthering his feelings.

"After all, he is a fledgling in the world of the Side Bar," he said.

Another attorney expressed surprise at Dr Cooper's decision. He said Dr Cooper was recognized for his works on motor law, and it was not expected

that he would go to the Side Bar.

However, he is very well come to the ranks of the attorneys said.

Dr Cooper was co-author of the book, 'South African Motor Law', and author of 'South African Road Traffic Legislation'.

He will be doing his articles under Mr Raymond Mallach of Burski, Herbstman and Ipp, in-

corporating Frank Fabian, and will be dealing with criminal work at the Frank Fabian offices.

Until he completes his appointment as pro Deo counsel, he will be unable to appear in the Regional Court, and his appearances will be restricted to the Magistrate's Court.

Dr Cooper obtained his doctorate for a thesis on the Rent Act. He is well known for his ap-

pointment as pro Deo counsel for Tsafendas. He also represented Mariene Lehnberg, in her appeal against the death sentence for her part in the 1965-66 murder.

He appeared for the State in the 1966-67 appeal against the death sentence for the murder of the patient after the murder of the then Prime Minister Dr H F Verwoerd.

In 1970 he appeared for the

of Imam Abdullah Haroon at the formal inquest into the death of the Muslim leader. The imam died in the 'la'ard police cells in 1969 while being held under the 190-day clause.

Dr Cooper represented Mariene Lehnberg at her appeal against the death sentence in 1965 in Bloemfontein.

Last year he appeared for the family of Mr Lurgie Tabalaza at the formal inquest into his

death. Tabalaza died after he had fallen from the fifth floor of the security police offices in Port Elizabeth on July 10 last year.

Dr Cooper was educated at Wyndberg Boys High School. He obtained his BA from Stellenbosch University and his LLB from Unisa.

He received his doctorate in 1972 from the University of Cape Town.

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MR NTONGA

Lawyer sues Minister

EAST LONDON — An Mdantsane lawyer is claiming R104 500 from the Ciskei Minister of Justice, Chief Zolile Njokweni, for unlawful arrest and for being detained at Mdantsane.

Names cited in the summons served yesterday include the head of the Ciskei Intelligence Service, Mr Charles Sebe, brother of the Chief Minister, Chief Lennox Sebe.

The others are two members of the Ciskei security branch, Warrant Officer L Nonono (also known as Xhonga), Warrant Officer Vuyani Ngentu, and Mr Z Makuzeni, a member of the Ciskei Intelligence Service.

Mr Benjamin Buyisile Ntonga, 32, an Mdantsane attorney claims R100 000 for damages as a result of his unlawful arrest by the Ciskei Police on September 8 last year.

He is also claiming R4 500 damages for having been detained in a cell in Mdantsane from September 8 to December 9 last year.

Mr Ntonga claims members of the Ciskei Police and or some other servants or servants of the Minister of Justice caused him to be detained in custody.

He claims the employer of certain members of the Ciskei Police was the Minister of Justice. Mr Ntonga was released on March 8 after he had been in detention for 160 days under the Ciskei emergency regulations in terms of Proclamation R252 — DDR.

SA lawyers to meet Kruger on new bill

Own Correspondent

DURBAN — The Executive Committee of the Association of Law Societies of the Republic of South Africa is arranging to meet the Minister of Justice, Mr J T Kruger, in the hope that he may be persuaded to withdraw the Police Act Amendment Bill presently before Parliament

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The bill would restrict press reporting of police matters and force newspapermen to prove in court the accuracy of their reports on police matters or face stiff fines or imprisonment

Mr D I Doull, president of the Natal Law Society, said the committee hoped to meet Mr Kruger on Monday or Tuesday "to express its concern at the bill presently before Parliament to amend the Police Act, the provisions of which are unac-

ceptable to the attorneys profession, and in the hope that the minister may be persuaded to withdraw the bill"

The Southern African Society of Journalists this week made a "strenuous protest" at the introduction of the bill

Mr John Patten, president of the SASJ, said: "The introduction of the bill is yet another sign that the government regards the South African press not as an essential part of a free society, but as a potential threat to its institutions of power"

A police liaison unit is to be established under Brigadier Jan Visser. Its function will be similar to the public relations offices of the Defence Force and Prisons Department through which press reports already have to be cleared before publication

The barefoot boy who made it to the top

Sun. Exp. 15/4/79 (248)

By RUSSELL KAY

SIXTY years ago, in the heart of Zulu country, a young boy gambolled nearly naked, went bird-nesting, and attended the mission school.

His father was a Methodist minister who taught him a secret formula for success. Few of the family had had the opportunity to try it. It was called education.

The boy became a student, a graduate, a professor and now a director of a newspaper company.

That is the story of Cyril Lincoln Sibusisi Nyembezi, Bananago boy made good.

Professor Nyembezi is a man to ride the river with. His handshake is as friendly as his smile, his manner as modest. He has thrived on his early hardship.

A fortnight ago he was announced as the seventh director on the board of the Natal Witness — the only Black director of Natal's oldest colonial mouthpiece.

Professor Nyembezi came to the board not by way of the newspaper — although he is involved in editing and publishing — but through promotion in a

● Professor Nyembezi ... new director

subsidiary company which is owned by the Witness.

"I am delighted by it and I believe I have earned it," says the professor.

There is ample evidence that he has, after his primary education it was distinctions and scholarships all the way.

From a Maritzburg teachers' training college with a three-year course behind him he went to Adam College in Newcastle, where he mastered his metric by correspondence.

Then Fort Hare for his BA followed by a scholarship and a senior degree at Wits in Bantu Studies. Then

an opportunity to lecture in his subject and, in 1954, a professorship at Fort Hare in Bantu languages and a year later promotion to the head of the department.

Then in 1959 a brilliant career almost foundered.

"The university was being taken over by the Government. I found the situation unacceptable and, with many other colleagues, resigned. I was out of a job — with nowhere to go."

The professor was offered an appointment with publishing company Shuter and Shooter. "They had published the four books that I had written and I went along for the interview."

Professor Nyembezi's appointment means a good jolt to his bank balance, but he laughs at the thought of being a rich man and parries the question with practised diplomacy.

It seems that the professor has passed on his father's secret formula for success. The only way from nowhere to the big time.

"Perhaps I'll be going back to see him again — when they make him managing director of the whole shooting match."

Professor says whites unteachable

PROFESSOR Ezekiel Mphahlele, the prominent lecturer in English who returned to South Africa recently after being in exile for about 20 years, said last night he would be taking up a lecture post at Wits University soon against his wishes because he did not come back to share his experiences with whites but with blacks.

Addressing the Western Cape region of the Writers' Association of South Africa (WASA) at the American Cultural

Centre last night on black consciousness, he said he was shocked to see at Rhodes University, how young white students had already acquired from their parents a sense of superiority.

Professor Mphahlele, who is doing a research fellowship at Rhodes, said he had expected the students to outgrow their upbringing because of their education.

He said he was told it was a good idea that he would be bringing his experiences to Wits.

'But I told them: "You put up mission stations to teach people. That is not my job. I've got nothing to teach whites, you are unteachable, history will teach you".'

Describing himself as having a strong emotional and intellectual attachment to black consciousness, he said the movement had its roots in African nationalism and went back to the days of the ANC and PAC movements who saw them-

selves as blacks resisting white domination.

The nationalist movements, he said, were fired by the ideal of non-racialism and always accommodated the whites to allay their fears, but in the end they paid heavily for their non-racial ideals and were exiled or imprisoned on Robben Island.

'Black consciousness is now saying let us strengthen our side and not worry about that man (the white man). Let us educate and re-educate

ourselves around a specific myth, whether it be idealistic or romantic'.

He said there was in principle nothing racist in black consciousness. It was the antithesis of white racism.

'It does not seek to glorify blackness at the expense of "non-Blackness" but to assert blackness in the face of the racist denial thereof.'

Although criticisms had been levelled at various stages at the movement, it could not be denied that

it was unparalleled in South African history when it came to the awakening of a consciousness among people.

There could be little doubt that the historic youth revolt of 1976 found its driving force in black consciousness. The banning of black consciousness officials and ultimately of all its organisations, left no doubt that it was viewed by the authorities as being a grave political threat.

Move to ⁽²⁴⁸⁾ help blacks on Bar? ^{ROOM} ^{4/15/70}

Staff Reporter

THE Johannesburg Bar Council is believed to have told its members they can refuse to appear with any advocate who opposes the admission of blacks to the Bar.

The chairman of the Bar Council, Mr W H R Schreiner, yesterday refused to comment on a report in this week's Financial Mail, in the "Did you hear" column.

The report read.. "That the Johannesburg Bar Council has made an exception to the cardinal rule that advocates may never refuse a brief."

"Following representations from an Indian advocate, the council has advised its members that they are entitled to ask any advocate due to appear with them in a case whether he opposes the admission of blacks to the Bar. If he does, the council's members may refuse to appear with him."

"The ruling apparently stems from the refusal of some members of the Pretoria Bar Council to admit blacks to their ranks."

Mr Schreiner would neither confirm or deny the report, but said cryptically "You won't run into defamation trouble."

DURBAN LAWYER DENIES MISCONDUCT

QUOTE

'Mr Wolfsdorf had at no time prior to leaving his chambers suggested he had any political or conscientious objections to rendering military service'—Natal Bar Council

Angry Bernie

says he fled

SA to avoid

'apartheid

army' call-up

DURBAN advocate Bernie Wolfsdorf, who fled South Africa to avoid military service, has reacted angrily to implications that he left for any reason other than his moral objection to serving in a defence force which "maintains the apartheid system."

He was reacting to a statement issued this week by the Bar Council of Natal, saying it was investigating allegations of professional misconduct by

by
DICK USHER

Mr Wolfsdorf before he left Durban

The 23-year-old former student leader, who arrived in the United States this month where he is applying for political asylum, said in New York that if there were allegations against him, he would honour the opportunity to reply to a letter from the Bar Council listing them

People concerned

with the allegations reluctant to speak about the affair

The allegations arose when another advocate was asked to take over a case he had been handling. The advocate reported the matter to the Bar Council which is now investigating

Meanwhile, close personal friends and colleagues have disputed a claim in the Bar Council's statement that "Mr Wolfsdorf had at no time prior to leaving his chambers suggested to any member of the Bar Council that he had any political or conscientious objections to rendering military service and did not suggest it in the letter to the chairman"

Objection

One colleague said it was well known that he had strong moral objections to serving in the South African Defence Force.

"He might not have mentioned it in the letter he wrote to the chairman, but his view on the subject were generally known."

One friend said Mr Wolfson's objections to serving in the SADF had been consistently strong for several years.

From New York, Mr Wolfson said it was possible that, as in the case of others who had left South Africa because of their political beliefs, attempts would be made to discredit him.

Smear

Our New York Bureau quotes Mr Wolfson as saying his stand against military service would have embarrassed some members of the Natal Bar Council — in his view the most conservative in the country.

He said that several members of the council were staunch Nationalist Party supporters.

His law practice was entirely separate from his moral objection to fighting in the South African army, he said. Any suggestion that he had left because of "professional misconduct" was totally false and an attempt to smear him.

Mr Wolfson was called up to serve in the Fifth Infantry Battalion, Ladysmith. He applied for deferment. When his application failed he was called up.

His reasons for refusing to serve in the army were his "moral and political opposition to serving in a defence force which maintains the apartheid system and the status quo."

15/5/79
Sun. Trib.
248

Ex-convict prosecutor faces new charges

A FORMER Durban attorney, struck off the roll in August 1976, has been acting as a prosecutor and magistrate in Natal since being released on parole last year.

He is 49-year-old Mr Willem Barend Genhardus Roux.

Mr Roux, sentenced to eleven-and-a-half years in April 1977, four of which were suspended for three years, is due to appear in the Durban Regional Court next month.

There he will face further charges under the Insolvency Act.

This was confirmed by Captain John Trickey of the Commercial Branch.

Most of Mr Roux's sen-

By BARRY COMBER

tences, for offences including fraud, theft and forgery, were to run concurrently, so the effective term in jail was two years.

He was also fined for contravening the Companies Act.

Mr Roux's appointment was greeted with surprise by a former president of the Natal Law Society.

Speaking in his personal capacity, the attorney said:

"I think it very strange that a person who has been removed from the roll of attorneys, should be entitled

to act as an officer of the court.

"Attorneys who have been struck off the roll for disgraceful conduct have been employed by the Department of Justice as magistrates and prosecutors before."

"But this is the only case I know where a man who has been given a jail sentence has been appointed as an officer of the court."

The Attorney-General for Natal, Mr Cecil Rees, was reluctant to comment as he had not been fully briefed about Mr Roux.

"All I can say is he doesn't fall under the department of Justice."

Since being granted parole last year, Mr Roux has been acting as a prosecutor and magistrate at the Verulam Magistrate's Court.

Last month he was employed by the Department of Cooperation and Development as an acting prosecutor in KwaMashu.

The Bantu Affairs Commissioner at Verulam, Mr C J Purviss, said he did not know whether Mr Roux's appointment as a KwaMashu prosecutor had been finalised but, if not, the appointment was imminent.

The official view of the department was that Mr Roux "deserved the chance

to make a new life for himself."

Durban's Chief Magistrate, Mr L. I. A. McKay declined to comment on the propriety of Mr Roux's appointment.

"But I want to stress that this man has not been appointed to his present position in our department," he said.

"I cannot envisage a man in similar circumstances being appointed to the Bench in the Department of Justice."

A Department of Cooperation and Development spokesman said: "Our view is that a person who has served his sen-

tence has paid his debt to society. "We have a shortage of people with legal qualifications."

Mr Roux's appointment was temporary, he explained, so he could be paid off on 24 hours' notice if he did not stick to the straight and narrow.

"We have had similar cases in the department where people have given many years and who have remained on the level," he added.

According to the Criminal Procedure Act, a judge or judicial officer presiding over any criminal proceedings may designate any person to prosecute on a day-to-day basis.

He may also appoint such a person, in writing, to conduct a prosecution on behalf of the State.

Willem Roux, former Durban attorney struck off the roll in 1976, is now a magistrate and prosecutor for on parole

THE ROR TRIALS

12/8/79

(4.8)

BY NEIL HOOPER and MELANIE YAP

MR SHUN CHETTY, suave and successful defence lawyer in many of South Africa's most sensational security trials, has fled the country.

He travelled to neighbouring Botswana yesterday and, according to sources, may be making for either Britain or Australia, where his brother-in-law has a medical practice.

Mr Chetty, 37, was the family lawyer for Mrs Nonsikelelo Biko, wife of black consciousness leader Steve Biko, who died in police custody in 1977.

Mr Chetty's wife, Fazela, is a Johannesburg medical doctor and the daughter of Mr Raschid Varachia, president of the SA Cricket Union.

Mr Varachia said last night that the news that his daughter and son-in-law had left the country had come as "a complete surprise".

"My wife and I have just returned from two months in Europe, so we are out of touch with Shun anyway,"

he said.
"I do feel concerned about their disappearance, but I don't know how I could contact them



Mr Shun Chetty who fled the country on Friday

Terror trial lawyer

Sun. Times 12/8/79

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From Page 1

after being unable to determine who had instructed Mr Chetty to appear for the accused in the case, Norman Velapi Ngwenya, 24, who was charged with terrorism, sabotage, attempted murder and the possession of explosives and undesirable weapons.

Mr Chetty qualified as an attorney in Durban in 1971 and carved out a name for himself as the instructing attorney in the Saso trial in Pretoria in the mid-seventies.

Two of Mr Chetty's former employees, Mr Chris Mokeditoa and Mr Kenneth Matima, were detained under the security laws.

Others who have worked for him include Mrs Ilona Kleinschmidt, separated wife of Mr Horst Kleinschmidt, a key figure in the banned Christian Institute, Mr Glenn Moss and Mr

Karel Tip, prominent student leaders.

In 1976 Mr Chetty's passport was withdrawn.

Legal associates last night expressed concern about the future of trials in which Mr Chetty was involved.

He was the instructing attorney for a major African National Congress treason trial due to begin in Maritzburg next month.

Mr Chetty covertly lived in the all-white luxury Ponte flat building before he fled South Africa this week.

He had hired flat number 4505 through an intermediary on March 7 without signing a lease.

Mr Chetty paid R380 a month for the luxury, one-bedroomed flat on the 45th floor of Ponte where the Sunday Times was told he enlisted the help of a switchboard operator to design cards for an ivory import-export business.

One employee said: "The police came here wanting to see his flat. They also asked questions about the kind of business he was running."

Employees told the Sunday Times that it was not the policy of Ponte to allow Indians and Coloured people to occupy flats in the building and when they searched for his application form it was missing.

12/8/79

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"I expect that my daughter will contact me when she feels it's the right time."

The couple have no children and lived in Ponte, the luxury tower apartment block in the white group area of Hillbrow, Johannesburg.

Mr Chetty's rise in legal circles was meteoric. He is believed to have accumulated considerable wealth as the leading briefing attorney in security cases.

Funds for the defence of many of his clients came from foreign sources, mainly in the US and Scandinavia.

From Washington Sunday Times Correspondent Anthony Rider reports that a depressed Mr Chetty telephoned the director of the Southern African project of the Lawyers Committee for Civil Rights Under Law, Mr Millard Arnold, from Botswana on Friday night.

Banning

He told Mr Arnold that he and his wife had been granted political asylum in Botswana and that they hoped to be granted asylum in Britain.

His wife has a passport but Mr Chetty doesn't.

Mr Chetty had earlier indicated to Mr Arnold that he believed his appearance before the Law Society of the Transvaal was the "first step" towards him being banned.

Mr Chetty's flight follows his failure to appear before a Law Society hearing on Thursday.

A past president of the society, Mr S W "Billy" van der Merwe, said yesterday: "No explanation was given for his non-attendance, and the matter was postponed."

His scheduled appearance before the committee was a sequel to a court hearing in February this year in which Mr Chetty appeared for the accused as briefing attorney in a terrorism case in the circuit court in Benoni before the acting Judge-President of the Transvaal, Mr Justice W G Boshoff.

Judge Boshoff referred the matter to the society

To Page 2

Cape Times

Crossroads

welcome ne

8 April Staff Reporters

AT a mass meeting yesterday Crossroads Piet Koorhof's plans for their resettlement for their and their children. The joint committees of Crossroads explain the implications of Dr Koorhof. Dr Koorhof of the Minister of Pi announced plans to resettle most of the in a new township to be built between Mrs Hering's along the railway of the residents had put their trust in it. promised

Everybody was so excited because is going to happen to them. Since 1977 results and now there seems to be children

Weekend newspapers welcomed the editorials

Ripport commented that full Mr Koorhof for his handling of the Cross allow human considerations to prevail

MR ALBAN MASHABANE

station 8 pm pearant Mr : Instruc not to public only commi lings.

Turfloop graduate is law adviser

Mr Alban Mashabane has been appointed assistant legal adviser to one of Johannesburg's largest industrial houses

Thirty-year-old Mr Mashabane, who has been appointed to this post in Rennie's Consolidated Holdings will also be assisting the group manpower planning division with industrial relations

After doing a law degree at the University of the North (Turfloop), Mr Mashabane, who was born in old Lady Selborne township, but now lives in Vosloorus, near Boksburg, completed his articles with a Johannesburg firm and was then admitted as an attorney in July. He joined Rennie's in August

"I had first intended going into practice as an attorney, but when this job cropped up I decided

it was ideal for me," he says "I had gained experience in the industrial field before I did my articles

"I certainly feel there is a future for me in this company I'm sure I will be promoted when my time comes — just like anyone else"

Mr Mashabane said the people he worked with had gone out of their way to make him feel at home "I've only been here a few days but I feel as if I have spent my life here," he said.

Council thanks the East Rand Administration Board for the promise those squatters who will move away peacefully. sult of discussions with those concerned and of a visit by the de, the Honourable Dr Vosloo MP on Monday April 2 when he also urman and a member of the Management Committee of the Davey-ity Council it was decided to assist the squatters on Tuesday April 3, their original places of residence' ement added that 'All the squatters co-operated and the entire retrans-pleted by 12 noon April 3 Strict instructions were given that the re-duced with the minimum amount of inconvenience to those concerned body be prosecuted

ing is, however, issued to any person who squats after the above re-moval that he will be prosecuted in terms of the relevant legislations The possi-bility that the squatting was organised by one or more persons is being investi-gated."

CROSSROADS

The way out?

He policy implications of the Cabinet decision on the future of the Crossroads squatter camp are puzzling — not least that they appear to contradict what is happening in other parts of the country. as the East Rand where the houses squatters in Daveyton were summarily destroyed last week

But if what the FM has been told is correct — and not simply a public relations exercise designed to quell criticism — what has become a closely watched national issue — the policy implications could be far reaching. Final judgement on whether government has had change of heart however must await publication of the Ruckert report

Although Prad Minister Piet Koorhof stressed that Crossroads was a once off 'hot solution to a delicate human problem' to be accompanied by measures to prevent similar ones from arising in the manner in which he tackled suggests that he has succeeded in convincing the Cabinet that a new approach necessary to reconcile irreconcilable elements of urban pull rural push on the elements of people with nationalist real ideals

Some people believe that the method the Crossroads settlement indicates the Cabinet may have decided in April to do up the old Verwoerd MC concept of male migrant labour to opt instead for a policy recognising migrant labour family units if a decision can become policy with amending legislation

big if Contract migrant family units can be accommodated by making greater use of non 10 (1) (2) of the Urban Areas so that employers would have access to this category of labour only if could provide housing. This how is a very big if

One of the decisive issues that defined Koorhof's Crossroads settle was a firm undertaking from Cape groups that they would help black labour accustom to the areas by not only adhering to the ing provisions but by getting involved in the provision of housing where necessary

In view of the high cost of capital relative to owner occupiers ability to pay, it clear that the Cabinet will soon be up against another fundamental decision: private domestic and foreign sources

18 April 1979 Financial Mail

of capital are going to be used housing developments, will government permit departures from conventional public sector housing schemes and allow site and service?

In his Crossroads negotiations, Koorhof was implored to persuade his Cabinet colleagues notably Marais Steyn to agree to greater occupier involvement in setting up the new township between Nyanga and Guguletu. It is clear from his statement that the Cabinet agreed to this but it is not clear whether the people of Crossroads will be allowed to build houses of their own choice

Although Community Development can supply sub economic housing funds, more expensive foreign funds could probably be made to go much further if site and service schemes are agreed to

The Urban Foundation is known to have \$7.5m on offer from United States banks, with the prospect of another \$3m needed at rates between 6.5% 7% conditional upon owner involvement. Clearly, this source cannot be tapped to resettle the people of Crossroads unless they are given security of tenure or government guarantees the loans

A site and service scheme without tenure is clearly out of the question, a government rental scheme would not qualify for foreign loans. Koorhof's next hurdle therefore is to work a compromise between the 99 year leasehold scheme and the tough opposition of the Cape Nat caucus to extending the long term policy to the Western Cape. It is widely understood that efforts are to be made to get members to accept a 40 year leasehold scheme for the region.

Although it may yet turn out that the Crossroads settlement will not be without a price — tougher application of influx control and the pass laws etc — it is significant that luminaries like General Morigs Wem de Villiers and Dr Piet Meyer of the SABC, have been urging policy shifts away from paternalism over urban blacks to more realistic and egalitarian community patterns in which workers and their employers and the institutions could be allowed to determine their own solutions to housing problems.

Greater private sector involvement (including owners) in black housing development would remove yet another source of unproductive allocation of-

scarce capital resources and introduce the stabilising influence of ownership into the black township equation

At bottom, however, the success of the Crossroads settlement will depend on how the Cabinet's decision is administered. In Cape Town, there is still apprehension among people who will be resettled about how this will be carried out by the local administration board. Accord-

ing to residents Koorhof has given the assurance that hardliners and bullies are out, and if there are borderline or special cases in possible danger of failing to qualify to remain in Cape Town for technical reasons these will be dealt with by an Appeal Board consisting of a senior Prad official Dawid de Villiers (MD of Nasionale Pers) and Judge Jan Steyn, or their nominees

A problem category that springs to mind is veteran workers who have abided by the law and lived in single sex hostels for many years while their families have remained in the bantustans

And what about thousands of 'illegals' who have been living a fugitive existence in the three recognised black townships or in other squatter camps? Clearly 2575erven at the new

Crossroads township will not accommodate all the African heads of household and their families who fall into the "qualifying" categories mentioned by Koorhof. Will they be sent away?

The unofficial answer seems to be that if they have jobs and a reasonably long and crime free track record of residence in the Western Cape ways will be found of fitting them into the settlement plan



Cape Times 10 April 1979

'RAID: STATEMENTS SAME'

Court Reporter

IDENTICAL statements from policemen dealing with the crime prevention exercise at the Crossroads squatter camp last year were handed into the Waberg I quest Court yesterday

The statements were handed in when the inquest into the death of Mr Sindle Ndiela who was shot dead during an exercise on September 14 resumed yesterday

According to Sergeant Patrick Clary, who fired a shot at the man Mr Ndiela had thrown a stone at him and Mr Ndiela ran down a dune towards him in a threatening manner

Yesterday Sergeant Edward Norman, another member of the patrol, said he and other members were asked to make statements about the events leading up to the police withdrawal at a parade some days after the exercise at Bishop Lavis police station

He said that he had written his statement on his own and had later signed a typed copy

He said he had not offered any help to anyone else in the writing of their statements nor had he received any in the writing of his

In his statement Sergeant Norman said he had gone to Crossroads in a plain command by Warrant Officer Louis Albertus boots and had after coming under a stone at back he had withdrawn

He said he had heard a shot but had not seen the shooting. It was then put to Sergeant Norman by Mr G Bizos for the Ndiela family that his evidence concerning the statements was totally wrong

Sergeant Norman was asked whether he had assisted four other policemen with the writing of their statements or whether they had helped him.

When he said no the statements of the four other policemen were compared to his and he agreed that except for different names identity numbers and one word which differed in some of the statements, they were exactly the same as his

Earlier in the day the second in command of the riot squad on the night of the exercise returned to give further evidence about the exercise (An other exercise was made on September 6)

Arrests made

When the hearing was adjourned in January Captain Hewitt Wright was asked to return with details of the arrests made during the two exercises

He told the court that on the first exercise 518 people had been arrested in connection with alleged pass violations. Five other people had been arrested on other charges

He said on the second exercise 414 people had been arrested on pass offences and 28 on other charges. Of those 77 were arrested for attending an unlawful gathering

The hearing continues today

Mr G A De la Rive on the Bench Mr Bizos is leading the evidence. Mr Ndiela's family is represented by Mr G Bizos instructed by Mr Louis Bizos. The Ndiela family is a private family. Mr J Swart is appearing for the Minister of Police and for members of the police

**Thought
for
the day**

When you drive home at night there will be a roadblock at the entrance of your township while none exist at the entrance of Lower Houghton. Keep up the faith. It is the system. It must not, however, get you down. Be proud. You are not a criminal. But God's child. All God's children are proud children — in spite of the system.

Polarisation growing in Pretoria legal circles

By MALOSE MATSEMELA

BLACK and white attorneys in Pretoria will form a separate Bar Association for Advocates, to counter the refusal of black advocates by the Pretoria Bar Council.

Membership from advocates, prepared to sign a petition stating that they, in principle, support the membership of black advocates in the original council, will be invited to the association.

The separate autonomous body will be formed at a meeting set for next month in Pretoria.

A leading black attorney, spearheading the formation of this body, who cannot be mentioned because of ethical-professional reasons, told **POST** yesterday that the association will drive a bid to make the council change its mind.

The general Bar-Council of South Africa has appealed to the Pretoria Bar-Council to change their minds and allow black membership.

Mr Kees van Dykhorst SC, chairman of the local council, would not comment on the issue but it is believed that his council had not yet taken decisions on the issue.

"We have decided on the separate body after our peaceful efforts to get the council changing their stand, drew blanks," the attorney said.

The row over the decision of the council started

last year when the council voted by 58 votes to 48 against black advocate membership. The council is the only one that is segregated in the country.

Another black lawyer said: "The council is making a mockery of the concept of equality before the law."

He said the attorneys' representative body, the Law Society of the Transvaal, while sympathetic, was in no position to bring any pressure to bear on the Bar-Council.

The legal position was that both bodies were autonomous and that change were to come in the council it must come from within.

Efforts by lawyers in effect to boycott advocates who were opposed to opening the Council had failed because the ethical position was that attorneys had no right to question political beliefs of advocates before deciding whether or not to give them briefs.

According to several lawyers (black and white), a number of advocates who are 'verkramp' has been uncovered. "The Bar-Council holds that the question of political belief of advocates is irrelevant to their professional ability."

"While the Council had barred members from talking to the Press about the issue, no action had been taken against an advocate who was also a member of Parliament, Mr Rex le Roux, who spoke against black membership," the attorney said.

Other politicians who are members of the Pretoria Bar-Council, according to these lawyers, are Mr Jimmy Kruger, former Minister of Justice, and Tom Langley, Nat MP for Waterkloof. The late Mr Piet Krijnauw (MP for Koedoespoort), was also a member when the row started early last year.

(Quakers) en van die American Friends Service Committee se deurgebring. Hy het 'n aantal konferensies in die dele van die land bygewoon, bare vergaderingspreek en senior beamptes van die Carnegie Foundation, van Community Relations Services van die Sent van Justisie van die Amerikaanse regering, American Friends Service Committee en kollegas aan verskeie universiteite besoek.

Augustus en September het die Direkteur Engeland, Switserland, Swede, Israel en Zambie besoek. Vooraanstaande joernaliste, Suid-Afrikaanse diplomaatiese amptenare van die Suid-Afrika-Stigting en regerings betrokke by Suid-Afrikaanse belange het hy betsprekings gevoer met stigtings, trusts, kundige verenigings. As gevolg van sy besoek and het hy 'n toelae vir die konstruktiewe Program van die Algemeen Diakonaal Bureau van die Lede Kerken in Holland.

L. L. Boshoff, ere-Fellow van die Konstruktiewe Program met 'n aantal instansies, wat universiteite in Transvaal insluit, en met verskeie handels- en finansiële firmas in Natal, kontak opgebou.

1978 het die Direkteur die volgende konferensies en vergaderings:

- Nasionale Uitvoerende Komitee-Adressering van die Suid-Afrikaanse Instituut vir Rasseverhoudings, Kaapstad (Januarie).
- Frikanse Jaarlike Vergadering van die Religious Society of Friends, Stutterheim (April).
- Wêreldkongres van Sosiologie, Uppsala, Swede.
- andelings voorleg in Werkgroep 6 en vergaderings woon van die Raad van die Internasionale Sosio-ese Vereniging as die amptelike afgevaardigde Suid-Afrika (Augustus).

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Black lawyers to strive for democratic SA

By JOE THLOLOE

SOME Natal lawyers have pledged themselves to strive for a democratic South Africa, where the present security laws are scrapped.

The Democratic Lawyers' Association, formed in April this year, has pledged itself to strive for a South Africa where:

- There shall be no detention without fair and proper trials.
- No person shall be banned, placed under house arrest, deported or in any way restricted in his liberty without a fair and proper trial.
- All persons charged under the laws of the country shall be afforded a speedy and just trial and it shall be right of every accused to demand such a trial.
- Every accused shall have the right to be legally

represented in any judicial proceedings by counsel or legal representative of his choice.

- The judiciary shall be completely divorced from and independent of the legislature and no person who displays any political bias whatsoever shall be a member of the judiciary.
- The legislature shall not impose any mandatory sentence for any offence. Punishment shall be solely at the discretion of the judiciary. All existing laws providing for mandatory sentence shall be abolished.
- No person charged with the function of investigating a crime shall use any violence, physical or psychological, or use any other method calculated to harm or injure the person or the suspect nor shall he cause such violence, harm or injury to be meted out to the suspect in any way whatsoever.
- The State shall be liable for any accused's legal costs if such accused is acquitted and it appears to the court that the State had maliciously prosecuted him.
- The death penalty shall be abolished.

● No prisoner shall be subjected to solitary confinement; and

● all legislation discriminating against men on racial grounds shall be abolished.

These principles cut across present legislation that makes for mandatory sentences, detention without trial, banings and banishments, the death penalty. Thus far, according to the secretary, Mr P L Pillay, 100 Natal black attorneys and advocates have joined. "Our membership is still completely black, although membership is open to all lawyers. We are also spreading to the other provinces."

The association has already sounded the Geneva-based International Commission of Jurists on affiliation. They have also spoken to members of American Lawyers' Committee for Civil Rights.

"The Bar Associations are statutory bodies, and we needed something more than just that. That is why we formed this association."

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THE COURTS

The judge's dilemma

(292) 246 PM 7/9/79

Two recent judicial decisions (by Mr Justice King in the Transvaal, and Mr Justice Didcott in Natal) have underscored the conflict between law and justice — the kind of paradox to be found in all democracies, and certainly of special relevance in SA.

Over the past 30 years the Nationalist government has erected a picket fence of statute law to safeguard white privilege and political power in the face of increasing black pressure and a fundamentally libertarian legal system inherited from Holland and England.

Frequently, judges have found for the accused and against government in various types of case only to see Parliament resort to more stringent legislation to ensure future convictions. New statutory offences such as sabotage and terrorism have been devised. The onus has been shifted on various issues, minimum sentences stipulated and detention without trial in circumstances where the courts are deprived of their inherent right to intervene.

Acceptance of judicial office in SA cannot always be an easy decision for the individual concerned. Yet once the commitment is taken, it carries with it the obligation to enforce the legal system as it stands on the statute book, warts and all. Especially in the context of heavy resort to punitive statutes by government, the judge's discretion to soften a harsh system is limited.

Nonetheless, the question has arisen crisply in England of *how* a judge ought to interpret a statute when a so-called "strict" or "literal" interpretation shows

the law to be unjust or unfair. The judicial approach in England clearly has a special interest for SA.

In England, until about 30 years ago, the prevailing view among the judges was much like that in SA today. Even though the operation of an Act of Parliament appeared to be harsh, absurd or unjust, the English courts felt they had no right to interfere. If the Act was unjust, the only remedy was for Parliament to amend the Act. Failing that, there was little the judges could do about it.

That view has now lost favour in England. Lord Denning, Master of the Rolls (and in that office England's highest dignitary in the Civil Courts) last year set down in forthright terms how a judge should set about interpreting a statute, — the so-called "purposive approach".

"Whenever the strict interpretation of a statute gives rise to an absurd and unjust situation (said Lord Denning), the judges can and should use their good sense to remedy it — by reading words in, if necessary — so as to do what Parliament would have done, had they had the situation in mind."

It would be fair to say that this does not reflect the general attitude of the South African judiciary to the interpretation of statutes. By and large, South African judges take the traditional and more conservative view that Parliament is there to make the law, the courts to enforce and uphold it.

This would mean, in effect, that our judges (whatever their personal feelings might be) are bound in law to place a fairly strict interpretation upon the words

of a statute, even if that interpretation results in hardship or possibly manifest injustice.

It is precisely for this reason that the recent observations of Judge King and Judge Didcott acquire a special interest. Do they contain a hint — no more than a hint — of rumblings against the traditional approach to the interpretation of statutes? Do they suggest, perhaps, the birth of a movement that will draw our courts closer to the Denning philosophy?

The two South African cases are instructive. Mr Justice Didcott was called upon to interpret Section 29 of the Black Urban Areas Act, in terms of which an African had been declared an "idle person" and ordered to be removed to a farm colony. The matter came on review before Judge Didcott. Taking all the facts into account, the judge found he was able to reverse the finding of the Commissioner. Nevertheless, it was the Judge's remarks on the law which are highly significant.

Just law

He indicated that while the Commissioner's finding might have accorded with the legislation, it was not in accordance with justice. Judge Didcott went on to say "Parliament has the power to pass statutes and there is nothing the courts can do about that. The result is law. But it is not always the same as justice. The only way Parliament can make legislation just is by making just legislation."

Some lawyers see in this — justifiably or not — a clear hint that judges were never intended to be rubber-stamp rule of thumb operatives like civil service clerks. While it is true that Parliament is supreme, the judges also possess inherent powers which perhaps they have been too tardy or too reluctant to invoke.

In the matter heard on appeal by Mr Justice King an Indian had been convicted for living without a permit in a white area of Johannesburg. Here again the question of justice, equity and the unfair operation of a Parliamentary statute was raised.

It is true that Judge King rejected the appeal because he felt bound in law to do so. But his *obiter dicta* would have quickened the pulses of those lawyers who look for signs of a move towards the "purposive approach" (as opposed to the "literal approach") in the matter of interpreting statutes. In this case the appellant claimed he lived in a white area out of necessity — he could find no other place to live. "If I were sitting as a court of equity," said Judge King, "I would have come to the assistance of the appellant."

Here was a clear expression of view, virtually similar to that of Judge Didcott. In effect, it says: "The law passed by



Law v justice what's fair?

A RADICAL VIEW

Parliament is an unjust law" In the light of that remark even the ordinary lay citizen can hardly fail to note the moral and legal conflicts imposed on judges when they are called upon to uphold and protect laws which they find are unjust, unfair or oppressive (Are these observations by Judges Didcott and King a flash in the pan? Or do they presage a significant shift by our judges towards the "purposive approach" to interpreting Acts of Parliament?)

Professor John Dugard, of the University of the Witwatersrand, had this to say

These cases are both important in that they reflect a new awareness by the judiciary of the extent to which our laws frequently fail to promote justice. In the African's case, Judge Didcott emphasised that section 29 of the Black Urban Areas Act does not accord with natural justice. Nevertheless, he went on to interpret that law on the facts before him so as to give effect to the concept of justice.

In the Transvaal case, on the other hand, Judge King interpreted the law in a narrow manner against the concept of justice. He then looked back on his own interpretation and went on to express regret over the result and said that it did not accord with justice. He did not appear to me to go to the same lengths as Judge

Appropriately, self-exiled political trial attorney Shun Chetty has added a radical dimension to the debate on SA's legal system. But his comments could well find some sympathy in the pragmatic P W Botha administration.

In Botswana recently, Chetty said: "A basic question of law is if you do not have any say in the formulation of the laws of the country — as was my position as a black man without the vote — then how can you have any allegiance to the judiciary?"

This has significance for Botha's "total strategy," of defence, with its need to "win the hearts and minds of the indigenous population."

Stringent detention without trial clauses simply don't suit the domestic black market. They create bitterness.

And Botha's recent reference to the possibility of black revolution — along with the appointment last week of a commission to review security legislation — points to an awareness of this.

Of course Prime Minister Botha's present position in the NP and the continued apartheid premises of his policies make the prospect of his ever entering the legal debate on Chetty's terms — meaning effective black participation in the legislative process — unlikely. But a man as hardheaded as Botha is in a position to ensure adaptations to the existing legal system.

At the very best he will be sensitive to pressure on the vital private sector, which can no longer afford to have its foreign dealings hampered by moral condemnation of apartheid laws.

Didcott in interpreting the Group Areas Act or the common law defence of necessity in a manner that accords with the notion of justice.

One must, however, welcome his suggestion calling for the granting of permits to coloured persons living in white areas.

The significant phrase in Professor Du-

gard's comment is his reference to "new awareness" among the judiciary. In an era when there is so much talk about "change", and when in fact so much is actually being changed, those who value civil rights may well hope that the judiciary will flex its muscles in a broader, more vigorous use of its undeniable authority.

(c) to know the effectiveness of a given amount of money when spent on different objectives, so that choices can be formulated in terms of the alternatives we might afford — so many geriatric day care centres, so many child welfare clinics, etc.

Financial statistics are not traditionally arranged on this basis but categories such as 'salaries', 'transport', 'medicines', etc. A separation, e.g. between expenditure on different disease groups or age groups cannot be made.

The grouping of expenditure into programmes is an art. Pole, an economist in the U.K. Department of Health, writes:

"Programme structure should, in my view, be mainly determined by the decisions to the taking of which one wishes it to contribute... One might suggest that where decisions are primarily a matter of political or moral judgement — of determining basic priorities — one would want the activities to be compared to reside in different programmes — the mentally handicapped against the alcoholics; but where it is a more technical question of how particular objectives can best be achieved — drug therapy against behavioural therapy — one would want the activities to be compared to be within a particular programme. This distinction ties up with an economic jargon of slightly older vintage — that of cost-benefit and cost-effectiveness; and through that to the main stream of neoclassical welfare economics, which attempts to make a distinction between the choice of the composition of the basket of outputs and the choice of the set of resources from which each output is to be produced. The former is, in a broad sense, a question of tastes, values, or utilities; the latter is a question of techniques."

He adds:

"In practice, it is not an easy matter to make a hard and fast distinction between technical matters and matters of values or utilities in the health services. From one point of view, the question whether to treat schizophrenics in hospital or in the community is a technical one. Which is the cheaper way to fulfil whatever are the society's requirements for the treatment of this group? But community care originally became fashionable as a good thing in itself. The practitioners are very apt to muddle the medical and economic arguments when it suits them, and the politicians and administrators equally so when it suits them, but the economist's concern is to keep them separate."

Programme budgeting, then, entails the attempt at this separation, sorting out from the multiplicity of decisions those which can be made on the basis of administrative or economic, together with medical-technical criteria, and those in which the role of the public through political

Basa views servicemen 'with dismay'

THE USE of white national servicemen to ease the teacher shortage in black education will not solve the problem of an unsound and discriminatory system of black education.

This is the view of the Black Academic Staff Association (Basa) of the University of the North, contained in a letter sent to the Johannesburg Regional Director of Education and Training, Mr Jaap Strydom. The letter is in response to Mr Strydom's request to black parents to comment on the use of white soldiers in black schools.

Basa said they viewed "with alarm and utter dismay the use of white national servicemen in black education" and strongly deplored their continuing participation in the education of black children because:

- The national servicemen are disseminating propaganda meant to discredit authentic black leaders whilst praising those sponsored by the Government. This is indoctrination and is educationally indefensible.

- A uniformed and armed white national serviceman induces fear in students and inhibits learning. He cannot serve as an effective identification model for students because they regard him as part of the oppressive machinery that they have to contend with daily.

- Over-production in white schools will lead to the permanent employment of white teachers in black schools and create unfair competition with blacks.

- Blacks should be meaningfully involved in the decision-making of their education and not merely consulted. Their exclusion smacks of negative paternalism which negates the democratic principle of self determination.

The letter also says black education as it is "is decidedly inferior" to all other systems in the country and suggests that a programme of heavy commitments in expenditure be embarked upon.

"What is needed is affirmative action in order to make up for the existent backlog. The ideal is that there should be one education system for all, under the control of one Minister."

Academics to redefine their role in society

THE black educated class should redefine its role in the black society and avoid being swallowed by irrelevant professional responsibilities to the exclusion of its Africaness and its oppressed community, Mr M S Lenyai, a lecturer at the University of the North, said at the weekend.

He was addressing over 200 people at the Education and Religion seminar organised by the Black Academic Staff Association (Basa) at Mankweng. In his paper on the "Role of the Black Academic in the South African Society", Mr Lenyai said the black academic as part of a minority, has a "humanitarian task of highlighting the plight of the people, to identify with them in the miseries, to suffer with them during bad times, to contribute and lead them in their attempts to overcome their burden."

The highly successful seminar which brought students, lecturers, professors and villagers together, was characterised by free and lively discussions between students and lecturers, who all shared one thing, namely that their organisations were banned on the university campus in 1977.

POLITICAL ACTIVISTS

One student urged Basa to rid the university of "the so called white lecturers who are infact rejects from their own community. They can hardly express themselves," he added. A guest speaker replied to say that Turfloop was not a black university but a white university that accepted black students.

Dr M C Mphahlele, head of the faculty of History of Education at the university, said black academics should not become political activists but agreed when questioned further by another lecturer that it was impossible for a "black man in South Africa at this point in time to be apolitical".

Another speaker, Father Nkadimeng, whose subject was "The Role of Black Religion in a Black Community", said imperialist expansionist motives, coupled with the profit making element that characterises the West, had led to the "accidental Christianisation of our sub-continent".

Mr Patrick Chabane, an English lecturer at Turfloop, said the black academic should intensify researches to highlight the pre-colonial African religious practices. He said African religion was not a Sunday affair but "a live religion".

Help in finding the (248) right lawyer urged

Staff Reporter

THE SOUTH African attorneys' journal, De Rebus, has asked whether South African attorneys should not assist the public more actively in finding the right lawyer for specific problems

In its latest editorial, the journal says it is no simple problem for a person to select the right lawyer. He had to be chosen carefully and there were many questions for consideration

Among these were whether a general practitioner or specialist should be consulted and whether one was eligible for legal aid

Several possibilities included

- The use of classified telephone or other directories in which names and addresses of attorneys could be given

- Lawyer referral plans, as practised in overseas countries. Under the plan a local attorney's association referred inquiries to competent and reliable attorneys. An attorney consulted with a person without charge or for a prescribed fee and rendered requested services for a fee mutually agreed on. If he could not handle a problem, the client was referred to someone who could

- "Legal clinics" were found in some South African cities, usually manned by law students under supervision. They rendered routine but important services and should be more actively encouraged and assisted

New plan to open Pretoria Bar Council

248 SMH 29/9/79

By Graham Fysh

A new attempt is being made to open the Pretoria Bar Council to advocates of all races, this time by splitting it into two groups, one mixed and the other for whites only, with an umbrella body handling joint interests.

Membership is now open only to whites and it is the only Bar Council in South Africa not integrated.

Proposals to open it began some decades ago, were revived about five years ago and at each annual meeting there has been a majority in favour but not the two-thirds majority necessary to change the constitution.

Now Mr Dan Naser has sent a letter to his colleagues proposing a

special meeting to discuss changing clause five, which limits membership to whites. Mr Naser says he has not run into hostility when discussing the proposal with colleagues.

He says the proposals would enable those in favour of clause five to take over the present Bar and those against to form a second Bar with co-operation under control of an umbrella body.

In a reply also circulated to members of the Bar Council another advocate, Mr Pierre van Wyk, records that Mr Naser said at the last annual meeting that he would leave the Bar if he failed to have the clause scrapped.

Lawyers

paying

'house

calls'

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S/Express

14/10/79

ATTORNEYS are starting to pay "house calls" on estate agents rather than requiring them to visit their chambers and waste time, according to Graham Lesch, MD of Status Mark Estates.

In the past, Lesch complains, attorneys have kept themselves comfortably "locked" in their offices unless they needed to go to Court. Some firms, however, hardly do any Court work at all.

Lesch does not suggest that people should not be required to visit attorneys' chambers where they are seeking expert legal advice.

The trip to and fro by the client, finding parking, and briefing the attorney on routine conveyancing matters generally involves two to three hours of wasted time, says Lesch.

The new change of attitude by some attorneys is both welcome and refreshing, says Lesch.

"In our profession, the sale of properties involve, inter alia, conveyancing in respect of which we pass instructions to attorneys. Similarly attorneys are briefed by ourselves on various relative queries."

With agents being inundated with business at present, he says, the new move is welcome.

"Our sales for the past quarter stand in at R2,3-million which means that our marketing and admin staff are kept pretty busy."

Lesch adds that by having attorneys call on them as clients, a great deal of time is saved and that this 'marketing orientated' thinking was a development which he would like to see encouraged even more.

Ongelukkigheid oor

Van ROELOF VORSTER

KAAPSTAD

TE midde van die ontevreedenheid onder senior advokate omdat adv. Braam Lategan, Prokureur-generaal van die Kaap, aangestel is as regter van die Kaapse Hooggeregshof, doen gerugte die rondte Advokaat-generaal.

Sy aanstelling as regter ord gesien as 'n oor- ngs tydperk om regter-

hijromabprrg

to ebuero jo sa -reoprijat eht ui '6

status aan die pos van Advokaat-generaal te ver- leen. Die waarnemende en deeltdse Advokaat-generaal, regter Petrus van der Walt, is lid van die Transvaalse regbank

ate reburg
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021

WICIAI SPECIS 33FFJOC

Latseggan se aanstelling

Gerugte lui hy word gou daarna AG

die strafreg te doen gehad het

Senior advokate in Kaapstad is omgekrap oor die aanstelling van adv Lategan as regter Volgens hulle het adv Lategan nie voldoende ewa- ring van sivele sake om as regter oor sulke sake op te tree nie

Wat strafregtelike sake betref, is die kennis en ewa- ring waaroor hy beskik een- voudig briljant, word gesê. Adv. Lategan het langer as 23 jaar vir die staat gewerk waartydens hy uitsluitlik met

bedrywighede van die gewese Departement van Inligting

maande voor die Hooggeres- hof kan dien en dat hy nie as regter oor sake kan sit waarby hy oorspronklik as Prokureur-generaal betrokke was nie

Om hierdie redes bestaan 'n sterk vermoede dat adv Lategan later as Advokaat-ge- neraal aangestel gaan word

Toe RAPPORT adv Late- gan Vrymiddag nader oor die gerugte dat hy moontlik later

Vir baie lede van die balie is die aanstelling van adv Lategan as regter 'n onge- wone stap, omdat regters ge- woonlik uit die geleedere van senior advokate in private praktieke aangestel word

Dit is egter die negende keer sedert 1914 dat iemand wat in diens van die staat was, as regter aangestel word Volgens 'n boek van prof John Dugard van die regsfa-

333B REGNIG



S 3 3 V R 3 A 3 B

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21/10/79/

Die balie van Kaapland, wat uit ongeveer 115 advokate bestaan, het Vrydagmiddag in Kaapstad vergader om die saak te bespreek. Vroeër dié week is te kenne gegee dat 'n afvaardiging na die Minister van Justisie, mnr Alwyn Schlebusch, gestuur gaan word om die saak te bespreek.

Nog 'n beswaar wat geopper word, is dat sake wat deur adv. Lategan as Prokureur-generaal behartig is, nog vir die volgende agttien

as Advokaat-generaal aangestel sal word, het hy gesê hy is hoegenaamd nie van so iets bewus nie. „Ek is ook deeglik bewus van die gevaar van 'n situasie waar ek as regter moet sit oor 'n saak wat ek self as Prokureur-generaal behartig het. Ek sal baie noukeurig daarop let dat so 'n situasie nie ontstaan nie,” sê adv. Lategan.

Hy is van begin Desember af aangestel as regter in die plek van regter Louis van Winsen, wat afgetree het

kultuur van die Universiteit van die Witwatersrand, Human Rights and the South African Legal Order, is die grootste beswaar teen die aanstelling as regter van iemand uit die Staatsdiens dat so 'n persoon nie genoegsame praktiese ervaring het nie.

In 1952 was daar hewige ontsteltenis toe mnr. L. C. Steyn, 'n senior regsadviseur van die Regering, as regter aangestel is. Later het hy Hoofregter geword.

Die besware was destyds dat 'n man wat staatsdepartemente van advies bedien en hul wette opgestel het, nie as regter kan dien oor sake tussen lede van die publiek en staatsdepartemente nie.

Die Johannesburgse balie het selfs sover gegaan om die nuwe regter te boikot deur te weier dat hy hul sake verhoor.

Oor die beswaar teen adv. Lategan dat hy 'n gebrek het aan ervaring van die siviele reg, sê 'n bekende regsgeleerde wat as advokaat praktiseer, dat dit hoegenaamd geen probleem is nie.

„Die mense skop altyd 'n onnodige lawaai op. Elke regsgeleerde kan sy kennis aanvul waar nodig. Buitendien is daar dikwels oorvleueling tussen die strafreg en die siviele reg sodat 'n mens hoegenaamd nie durf praat van 'n gebrek aan kennis in adv. Lategan se geval nie. Hy het wel minder ervaring, maar dit is geen wesentlike probleem nie,” sê hy.

Hy wys ook daarop dat twee Prokureurs-generaal in die verlede direk aangestel is as Regter-presidente sonder dat hulle eerder as regters aangestel is. Hulle is regters F. Gardiner en C. Lansdown.

„Indien lede van die balie wel by hul standpunt wil staan, moet daarop gewys word dat senior advokate wat as regters aangestel word, op hul beurt dikwels 'n gebrek aan kennis en ervaring van die strafreg het.

„Dit is baie selde dat 'n senior advokaat 'n strafregtelike of kriminele saak behartig. Hulle wil dit dikwels ook

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21/10/79



ADV LATEGAN

Black SA lawyers get world affiliation

Political Reporter

THE International Commission of Jurists has granted affiliation to a black-controlled South African body, the Democratic Lawyers Association (DLA).

DLA chairman, Mr Hassim Seedat, announced in Durban yesterday that the DLA had been informed of the affiliation by the secretary-general of the commission Mr Niall MacDermott.

Mr Seedat said the commission had consultative status with the United Nations. This enabled it to submit information and memoranda and to make oral representation before UN bodies concerned with human rights.

According to Mr Seedat, the DLA is the largest lawyers' group in the country outside the statutory Law Societies. It has a membership of about 150 made up of almost all the black attorneys in Natal as well as a few white attorneys and is planning for countrywide membership.

He said the commission requested the DLA to submit any material which it wanted to bring to the attention of the UN and if the occasion arose they would arrange for a DLA representative to address the UN or its agencies in the name of the International Commission of Jurists.

is partly due to a deficiency in information on the results of tests which can be resolved by recourse to appropriate data. , there will also be differences of judgement which cannot without prior agreement on the relative valuation of different tests have to be fed into the analysis; and in the intuitive use two factors may not be differentiated.

proportion of decisions are now taken with no further analysis Any further steps involve a way of systematically valuing the different programmes to render them comparable to one another.

Primal Method for Setting Objectives

The following method for guiding the choice of priorities has been described by John Bryant.¹² It has been used by medical and nursing students in Thailand, and one of its advantages is that it can be used where no numerical data is available. It, therefore, lends itself to discussion, to draw on the experience of a group of people.

Potential health problems are first listed, and then given a score (from one to four pluses) under each of four headings:

Diagram 1: A method of ranking health problems

Problem	Prevalence	Severity	Community concern	Vulnerability to management	Total
Large & poorly spaced families	++++	++++	+++	++	96
Inadequate antenatal & obstetric care	++++	++	++	+++	48
Malnutrition	+++	+++	++	++	36
Need for medical care	++	++	++++	++	32
Specific diseases:					
V.D.	++	++	++	++	16
Dental problems	++++	+	++	++	16
TB	+++	+++	+++	++	54
Common cold *	++++	+	+	-	0
Yaws *	-	++	+++	++++	0

* Added to test scoring method

precise methods, most of the value judgements have to be made explicitly in advance. Some points on the spectrum between these two extremes are analysed below.

2.3 Looking at Expenditure

Basically, one is looking for inconsistencies. It was noted that a logical axiom, basic to economics, is that a rand should yield approximately the same value in whichever programme it is spent. If the net social benefit from the marginal expenditure on one programme much exceeds that on another, one can do better by withdrawing funds from the second programme and increasing expenditure on the first. By simply looking at a breakdown of the budget between programmes, the amounts spent on each may be compared with our intuitive notions of how much 'ought' to be spent on these things. Our judgement will depend on what we consider the benefits of expenditure under each programme to be, a process which cost-benefit analysis seeks to formalise (see below). For example, if it can be shown that expenditure on preventive medicine constitutes approximately 2% of all expenditure on health,¹¹ it may be felt that the benefits from this kind of provision warrant an increase in the share of the budget allocated to it.

Unfortunately, such intuitive processes can pick out only the grossest incongruities which are recognised by all, whatever criteria of 'value' are used. The optimum level of expenditure on a particular objective is, from the point of view of intuitive judgement, highly uncertain, because of the wide variation in benefits attributable to a particular type of spend-

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SUNDAY TRIBUNE, OCTOBER 21, 1979

GENERALLY ACCEPTED

APPLIED

Lawyers

QUESTIONS

DEFERRED TAX

- A. Alpha Limited acquired a plant on 1 May 19.6. Depreciated on a straight line. A 25% increase in tax rates for tax purposes, wear and tear allowance, and taxable income amount respectively, for the financial year 19.7.
- What is the balance on deferred tax of the plant at 31.12.19.7?
 - deferral method
 - liability method?
 - Show how the tax charge will appear in the income statement for the year 19.7 assuming:
 - deferral method
 - liability method(assume there are no timing differences)
 - How will the answer to 2. b) change if there is an extraordinary gain on the plant company, amounting to R70 000 in the 19.7 financial year?
 - How does the answer to 3. change if there is a deductible loss, which can be set off against income from other sources of the company in the income statement assuming the same tax rates?
 - Further to Note 4, assume no profit before depreciation and interest.

Draw up the income statement for the year 19.7 under a) liability method

b) deferral method

Assume the tax rate remains 25%

angry as

Lategan is made a judge

248 S/Tribune
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LEGAL PROFESSION IN AN UPROAR OVER APPOINTMENT OF ERASMUS COMMISSION MAN

By PETER MANN
Political Correspondent

THE legal profession is in an uproar over the appointment of judges announced by Minister of Justice Alwyn Schlebusch this week.

Among the controversial appointments are:

- Mr A. J. "Braam" Lategan, a member of the Erasmus Commission and Attorney General of the Cape, who has been appointed to the Cape Bench.

- Mr Acting Justice Ernst Lichtenburg, a South African, to the SWA/Namibia division of the Supreme Court as a

Now the General Council of the Bar has been asked to look into Mr Lategan's appointment. And the Bar and the Side-Bar in SWA/Namibia have objected strongly to the appointment of Mr Justice Lichtenburg.

Objected

Advocates spoken to this week — they may not be named for professional reasons — said they objected to Mr Lategan's appointment because it negated the principle that judges be appointed from the ranks of Senior Counsel.

They also felt that Mr Lategan, who joined the Department of Justice in 1956 and became a senior advocate in 1964, a deputy Attorney-General in 1972 and Attorney-General in 1976, was short on experience with civil cases.

Brian Bamford MP, who is a Senior Counsel and member of the Progressive Federal Party's justice group, backed their view.

"As far as I can recall this is the first time an Attorney-General has been appointed to the Bench. There is a very strong tradition that judges are appointed from among the Senior Counsel of the division in which there is a vacancy."

Very strong

"The Cape Town Bar is very strong. It has about 90 members of whom about 15 are silks (Senior Counsel)."

"Five or six of these have in the past acted as judges. One could think that if they were good enough to be appointed acting judges, they would be good enough to be appointed permanently."

"There is particularly no reason to appoint a judge from the Government service," said Mr Bamford.

"Mr Lategan — although he has had experience in the fraud and commercial section — has spent most of his career dealing with the prosecution side of the criminal law."

"He has little experience of civil law. This is a terribly important side to a judge's work," added Mr Bamford.

There is no reason to appoint a judge from the Government service.

Another advocate said the profession was worried about the precedent set by Mr Lategan's appointment.

"Two former Ministers of Justice — Mr Pélser and Mr Kruger — have threatened in the past to make Regional Magistrates judges."

Principle

"The Bar has always objected because, as a general principle, we believe that by definition a judge should be independent and be seen to be independent," the advocate said.

Mr Lategan's appointment has been referred to the chairman of the General Council of the Bar of South Africa, Mr Doug Shaw QC.

Mr Shaw could not be contacted for comment this week. The President of the Cape Bar Council, Mr Hennie Nel, was also not available.

Meanwhile, the Minister of Justice, Mr Schlebusch, has told a delegation of the Windhoek Bar that the appointment of Mr Lichtenburg is final.

In a joint statement the Bar and Side-Bar said the South African Government had, by appointing Mr Justice Lichtenberg, negated the principle of appointing judges from local advocates within a division of the Supreme Court.

Essential

SWA/Namibia was partially on the way to independence, and it was essential that professional people, including advocates, remained in the territory.

It was frustrating that advocates who were prepared to remain were not considered when judges were appointed.

"The Bar not only unanimously opposes the appointment of Mr Lichtenberg to this division, but rejects the manner in which the appointment was made," the statement said.

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21/10/79

The Free State's black archbishop is happy and the heathens have not fallen

Argus Correspondent

BLOEMFONTEIN. — A formidable task

awaited the Most Rev Peter Butelezi just over a year ago. He was about to take up his appointment as the first black archbishop of the metropolitan area of Bloemfontein, with a diocese stretching over half the Free State.

What he was facing was unknown. One can be forgiven for thinking that his appointment would not really be welcomed by his congregation or by himself.

For the Free State, his was a historic appointment

'I have been accepted,' he said from his home in an exclusive white suburb in the city this week. 'Maybe it was due to the shortage of clergy in the three parishes of Bloemfontein, and they realised they needed me. I can say that it has been a happy experience.'

He admits feeling apprehensive before his arrival in the city. 'It was concerned about my reception and I know the congregation was dubious. I have now been here for over a year. At the

anniversary of my arrival in the city congregation members said to me it felt good and natural for me to have the position I have. As one older man put it 'the heavens did not fall'.

The Archbishop feels he has been fully accepted by his congregation as their spiritual leader. He ministers to all sections of the community.

'Last week I officiated at the funeral of a nun of the Greenhill Girls' School and this week I will attend the silver jubilee celebrations of the Knights of Da Gama.'

The diocese he ministers to incorporates small towns like Winburg, Brandfort, Fautessmith and Smithfield. It stretches up to the Transvaal border.

All the parishes under his ministrations are open, and he has been welcomed everywhere.

He has noticed a greater degree of mixed church attendance since he took up his appointment, but says most members still attend the churches they normally use because of geographical location.

He has not had any unpleasant experiences since his arrival in Bloemfontein.

Only once, while collecting his post, was he mistaken for a messenger.

'I went to collect a registered letter, which I usually leave to my secretary Mrs. Lilla Saffy. The clerk behind the counter asked me whether the letter was for madam or baas.'

When I explained it was for me he was highly embarrassed, but we have been on good terms since.

Treatment in banks, shops and businesses has been unfailingly courteous. He says that delicate situations that could have become tense have been rare.

Any initial reservations his congregation might

have had about bringing their personal problems to him for consultation have long ago disappeared.

'People, from all walks of life drop by to see me. At home congregation members often have freer discussion with me than at the confessional, which has a certain air of formality.'

An upstanding local family approached me for advice about their daughter, who had been married, was divorced, and wanted to remarry. Someone else asked for help about nervous trouble. I don't think there has been any holding back in this field,' he said.

He said that his official reception in Bloemfontein was pleasant. There had been no harassment quite the contrary. 'The Administrator of the Free State, Mr A C van Wyk sent a Christmas card personally addressed, so there was no mistaking that I just sent it to the archbishop.'

'The only time I have been excluded was at the function welcoming the State President Mr Marais Viljoen and Mrs Viljoen on their first official visit to the city.'

'Last year, I was invited to Olivephus (the official home of the State President in Bloemfontein), when Mr B J Vorster was in the city on official visit,' he said.

Before he arrived in Bloemfontein to take up his appointment, he said that unity would be one of his priorities. How has this progressed?

'The Free State has kind, hospitable people, they take a little time to open out, but I have good friends and contacts in my parishes today,' he said.

At a recent meeting in Bloemfontein congregation members consulted freely with one another. They discussed the position of the church in family life and the future, and earphones provided translations from English to Sotho, and vice-versa, for those not conversant in both languages.

'The answers from all parts of our community were the same. Everyone felt that more attention

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22/10/79



THE Archbishop of Bloemfontein, the Most Rev Peter Butelezi . . . happy after his first year in the Free State.

should be paid to youth, family life, belonging, religious teaching and education of the clergy. There is no difference in the needs of black or white.'

He found no special problems in the Free State, with its small percentage of English speakers and Roman Catholics. He has a large number of Afrikaans-speaking Roman Catholics in his diocese.

The only thing he could say had been a problem on his arrival was the fact that his diocese needed attention because it had been vacant for over two years before his appointment.

He does not believe the late Pope John appointed him to Bloemfontein because the church needed to restore its credibility in South Africa or overseas.

'There is nothing unusual about this appointment as far as the overseas clergy is concerned,'

he said. 'Over here the local clergy were delighted at the news of the appointment. It was welcomed everywhere.'

According to the archbishop, the present Pope John Paul is interested in South Africa and offers regular prayers for Zimbabwe Rhodesia. The two men met at the end of April, and he finds the Pope a dynamic man.

Attorney

7/11/79

(248)

charged man

R16 250 too much

(Mercury Bureau)

PIETERMARITZBURG — A Durban attorney who admitted overcharging by R16 250 a client with a brain injury has been struck off the roll by two judges here

Mr Charles Moodley had also touted for clients, failed to keep proper books and had a shortage in his trust account, it was alleged by the Natal Law Society, who brought the action before Mr Justice Kriek and Mr Justice Howard.

Mr Moodley, who asked that he be suspended from practising for a period of

five years, admitted overcharging Mr Benedict Tsalong, who had received brain damage in an accident

Mr Moodley had taken more than 20 per cent of an insurance claim of R77 000 which was settled by another attorney

A proper fee for his services would have been about R750, the judges were told

Mr Justice Howard said Mr. Moodley had "plundered" the money

Reasons for the judgment were withheld to a later date

S Post 16/11/78
2.4.8

Biko death money still not paid out

SUNDAY POST, November 18,

SUNDAY POST
Reporter

THE president of the Transvaal Law Society, Mr Billy van der Merwe, this week refused to say when the frozen R65 000 pay out to the Biko family would be settled

The settlement was awarded to the family after the death in detention of Steve Biko — and was stopped after the trust of Biko's attorney, Mr Shun Chetty, was frozen when he skipped the country

"This is privileged information and I cannot divulge anything on the matter," Mr Van der Merwe said when asked about the payout.

Although previously the Law Society had given information on the matter, Mr Van der Merwe said this was a matter between

the Biko family and the Society.

"I cannot tell you anything — you would have to ask the family," he said

This week friends of the Biko family confirmed that the money had not been paid out yet.

The Law Society had described the freezing of Mr Chetty's account, and the consequent stopping of the Biko payment as a "very necessary procedure for the protection of Mr Chetty's creditors"

Mrs Ntsiki Biko, wife of the dead black consciousness leader, was however told not to have any fears about not receiving payment due to her mother in law

If there were insufficient funds in Mr Chetty's trust account, the Society said, the family would pay out from the Attor-



Steve Bantu Biko — death money not paid.

ney's Fidelity Fund

Mr Van der Merwe would not say how far the Society had got in concluding Mr Chetty's affairs.

In the settlement, Mrs Biko was awarded R30 000

of an original claim of R50 000 Mr Biko's mother was awarded R13 000 after claiming R18 000 and the two Biko sons, Nkosinathi, 8, and Samora, 3, were awarded R19 000.

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John Tate wins . . . it's clown Jerry

248 19/11/79



A new legal body to assist the exploited

By PHIL MTIMKULU

WITH many of their limited rights not clearly defined and scared of questioning authority, blacks are daily the victims of injustice.

How often have you heard stories of blacks not being able to get

ter," he said Mr Budlender said they intended to become the

"Reading and Res students suggest all topics might

As regards an on-semester, 72% of desirable and 30%

2.7 Library Instruction

An overwhelming majority enthusiastic about librarians very helpful

2.8 Academic Advice

In indicating whose planning their university as follows:

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19/11/79

their pension, being summarily dismissed without leave and notice pay and being evicted from their houses? The stories you have heard of the injustices practised on the blacks can take all day to detail.

It is however, not only the ignorance of their rights and the fear of questioning authority which opens blacks to blatant exploitation, but the lack of funds is also a contributory factor.

Now the Legal Resources Centre (LRC) has come into operation to remedy this situation. The LRC was established in January 1979 with the approval of the Johannesburg Bar Council and the Transvaal Law Society.

Mr Geoff Budlender, one of the attorneys who left his practice to work full-time for the LRC said ignorant people without finance are being taken advantage of. It is not easy for an individual to fight a big concern when he is aggrieved. What he will do is to shrug his shoulders, and that will be the end of the mat-

Quite often people do not realise their rights. They quickly succumb. Most of the cases we handle are from ordinary people who are not aware of their rights," he explained.

The LRC, however, does not accept cases directly from individuals. The cases are referred to four clinics where they are investigated. Law students attached to the clinics investigate the complaints and if no agreement is reached they are referred to the LRC for legal action.

There are four issues which interest the LRC. They are consumer laws, labour laws, pass laws and housing.

The LRC is a non-profit association of advocates and attorneys employed by the Centre. The full-time director is Arthur Chaskalson SC, and the LRC presently employ four full-time and two part-time professionals. It is funded by the Legal Resources Trust, which was established during 1979.

The Legal Resources Trust is supported by a number of companies and charitable foundation and has raised sufficient money to ensure that the LRC will be able to operate according to its fixed budget for a period of at least three years.

Another important function of the LRC is to give training and vacation jobs to law students. This year the LRC will employ a small number of senior black law students for three months, run seminars to prepare them for the clinic work, and then place them in the various clinics.

THE INSTITUTE FOR THE
STUDY OF MAN IN AFRICA

LECTURE

TELEVISION
ENTERTAINER
AND EDUCATOR

Lecturer
MRS KATE TURKINGTON
(Director, Central Television
Services, University of the
Witwatersrand)

HARVEIAN LECTURE THEATRE
Old Medical School,
Hospital Street, Johannesburg

WEDNESDAY, 21st NOVEMBER,
1979, at 8 15 pm

ALL WELCOME

P1731

(5) For the purposes of subsection (1) where the company is a subsidiary, [S 226 substituted]

227. Payments to directors for take-over schemes.—(1) No company shall grant any benefit or advantage to any director or past director of the company or of any company controlled or in control of the company or of any company in which the company has a substantial interest, unless full particulars with respect to the benefit or advantage have been disclosed to the shareholders of the company in a general meeting of the company, and the payment or the grant of the benefit or advantage has been approved by special resolution of the company.

- (a) by way of compensation in connection with his retirement;
- (b) by way of compensation for retention of office or for loss of office in connection with the company's affairs; or
- (c) by way of such compensation as may be determined by the company in connection with any take-over scheme.

unless full particulars with respect to the benefit or advantage have been disclosed to the shareholders of the company in a general meeting of the company, and the payment or the grant of the benefit or advantage has been approved by special resolution of the company.

(2) Any payment made or benefit or advantage granted in contravention of subsection (1) shall—

- (a) in the case of paragraph (a), be deemed to have been received by the company, and
- (b) in the case of paragraph (b), be deemed to have been received by the director or past director who have sold their shares.

(3) If in connection with a take-over scheme, a payment or benefit or advantage is granted to such director or past director, as the case may be, in excess of the price offered for the shares of the company, or the money value of the shares of the company, as the case may be, to have been a payment made or benefit or advantage granted in pursuance of the scheme, the payment or benefit or advantage shall be deemed to have been received by the company.

(4) A director's expenses incurred in the performance of his duties as a director shall be deemed to have been received by the company.

(5) Where in proceedings brought by the company or by a shareholder or by a creditor of the company, it is proved that a payment or benefit or advantage has been received by a director or past director of the company in contravention of subsection (1), the payment or benefit or advantage shall be deemed to have been received by the company.

- (a) the payment or benefit or advantage was granted in pursuance of any arrangement entered into as part of an agreement in respect of any scheme or take-over scheme, or within one year before or two years after that agreement or the take-over offer; and
- (b) the company, or the transferee company under any scheme or the offeror in respect of any take-over scheme was privy to that arrangement,

the payment, benefit or advantage shall be deemed, except in so far as the contrary is shown, to be one to which this section applies

(6) The provisions of this section shall not apply with reference to any bona fide payment made or benefit or advantage granted by way of damages for breach of contract or by way of a pension, including any superannuation allowance, gratuity or similar payment in respect of past services

Attorneys
promote
law
reforms

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The attorneys' profession is playing a major part in the continuous process of promoting reforms and improvements in the law says the legal journal De Rebus

De Rebus, journal of SA Attorneys, says in an editorial that the promotion of legislative adjustments has always been an important part of the activities of the four law societies in South Africa

"The Association of Law Societies regularly makes representations on behalf of the profession and in the interests of the public," adds the editorial

SECURITY

"This is particularly evidenced by the events which preceded the recent appointment by the State President of a commission of inquiry into security legislation in South Africa"

Representations were made several times to the Minister of Justice on various aspects of security legislation

The association also took the unusual step of inviting Sir David Napley, a former president of the English law society, to attend the inquest into the death of black consciousness leader Steve Biko at the end of 1977

The concern widely felt among attorneys about the operation of security laws resulted in the appointment of an ad hoc committee on these laws by the Association of Law Societies last year

of a company" includes, holding company.

on with arrangements and or grant any benefit or is controlled or controlling any—

consideration for or in connection with any scheme referred to

other reason in connection with

including the amount thereof), company and the making been approved by special

contrary to the provisions

section, be deemed to have concerned in trust for the

be deemed to have been in trust for any persons re-over offer concerned

ce to be paid to a director in excess of the price offered or any benefit or advantage or the money value of the shares of this section, be deemed sub-section (1) (c).

ng persons entitled thereto by it be retained out of that sum.

ayment, benefit or advantage

HONEY CAKE

1 cup flour
4 t baking powder
2 T butter
1 egg
½ cup sugar
¼ t salt
½ cup milk

Sift dry ingredients. Heat milk and butter until melted. Beat egg and add butter. Mix with dry ingredients and buttered fairly deep pie dish approximately at 350°F or 180°C.

Melt honey and 1½ tablespoons butter over hot cake before serving. Serve cream.

NUT CAKE

4 eggs
¼ lb sugar
¼ lb ground almonds (or hazelnuts)
¼ t baking powder
½ T flour
¼ grated lemon (skin & lemon)

Beat yolks with sugar until creamy, then add nuts, flour, baking powder and lemon. Fold in stiffly-beaten egg-whites. Bake at 350°F for ½ hour.

Serve with whipped cream.

Jan

if it is too thick. Chill in a large bowl. Before serving pour on sour cream and sprinkle with chopped chives.

BEAN SOUP (Serves 8)

1 pkt sugar beans
1 slice beef shin or soumeat

Cat

'Train' coloured lawyers

Chief Reporter

THE Western Cape Traders' Association said yesterday it was important that a coloured "power image" be created, and that coloured lawyers should be trained to become public prosecutors, magistrates and judges.

The general secretary of the association, Mr Kassiem Allie, said "The creation of coloured judges would greatly enhance our prestige in the community as a whole

"We feel that in cases of murder, rape and assault, let there also be coloured judges to send the guilty persons to the gallows, or to jail"

Mr Allie said a deputation from the WCTA had met Mr Dennis Worrall, MP for Gardens, at his request last week to discuss ways of dealing with the problem of the gangs that were terrorizing people living in the townships on the Cape Flats

"Dr Worrall agreed to prepare and to present a memorandum to the government on the problem of violent crime in the Cape Peninsula, in which he will embody the following points made by the WCTA

● That coloured servicemen returning from duty on the border be enlisted in the fight against the gangs, as these men are well trained, disciplined and ready to go into action.

● That more mobile police units be used in the crime-ridden areas, so that the police can more effectively flex their muscles and get a psychological advantage over the gangs

● That the old method of foot and bicycle patrols be introduced in the more densely-populated areas.

● That the granting of firearm protection to traders in the townships and suburbs be considered

Mr Allie said the high crime rate was having a stultifying effect on trade in the townships

He added.

"We wish to trade without restriction in the free enterprise system of our society. We wish to work towards the establishment of a powerful black capitalist class, so that we can have a real stake in this country and so that we can play our part in protecting South Africa from any onslaught — internal or external"

brinjals
white vinegar
olive oil
garlic
fresh marjoram

Peel brinjals and cut into Julienne strips. Put into enamelled pot and cover with white vinegar and bring to the boil. Cook for as short a time as

CT 15/12/79

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GARLIC. A "clove" is a small section of the bulb, is used crushed between foil, and rubbed round a salad bowl, to give the salad a tang. Juice used to flavour stews and sauces and with seafood. Fixes with butter for savoury bread.

ALLSPICE. Not to be confused with mixed spice, which is a mixture of spice and mostly used in cakes, biscuits, etc. Allspice is so named because it resembled the aroma of mixed spice. It is used ground in preserves, meat dishes and seasonings.

PEPPERCORNS. Used in pickles, and for boiling in brawns, tongue, salt beef and pork.

BOUQUET GARNI. tied together before serving.

That skilfully chosen wine turns a meal into a banquet. Taken regularly in moderation, as it should be, wine is everywhere considered a most pleasurable aid to health. It brings good digestion, good humour, and an air of gracious living.

Learn to choose wines well, so that they blend with each occasion, every course. Learn to add the zest of wine to your cooking. It tickles up the delicate flavour of almost any dish.

For storing wines, use a cupboard in

Advocate drops dead in court

Aug 19/12/79

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By Glynis van Rooyen

HERMANUS.—Mr B M Kies, 64, the Cape Town advocate defending four Worcester men appearing on charges under the Terrorism Act in Hermanus, collapsed and died while making a submission in the case just before noon today.

Mr Kies had been making his submission for longer than an hour in sweltering heat when he stopped in mid-sentence and collapsed to his chair. He was helped to the floor, stretched out and his clothing was loosened.

I gave him mouth-to-mouth resuscitation for about five minutes — until the doctor arrived — but the doctor pronounced

The trial has been postponed.

Mr Kies was the first black advocate to be admitted to the bar in the Supreme Court, Cape Town.

He was educated at Trafalgar High School, Cape Town and obtained BA and MA degrees with honours at the University of Cape Town.

Later he graduated with a Bachelor of Education degree at UCT and became an English teacher at Trafalgar High School.

Mr Kies studied law in his spare time and wrote the final examination for an LLB degree in 1961.

BANNED

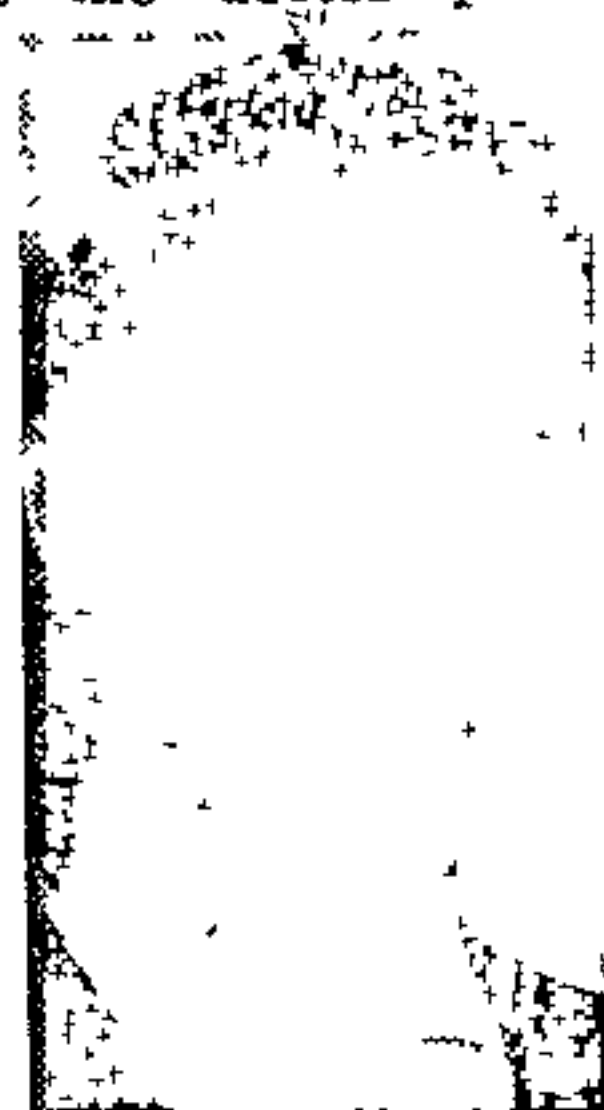
He was banned for five years under the Suppression of Communism Act in 1959 and was not allowed to attend any gathering in South Africa.

In 1961 a further five-year ban was imposed which restricted him to the magisterial districts of Wynberg, Simonstown and Bellville.

Mr Kies was a leading member of the Non-European Unity Movement and national Anti-Coloured Affairs Department — both organisations which fought for the complete removal of the colour bar in all walks of life in South Africa.

Mr H C Nel, president of the Cape Bar Council, said Mr Kies was an esteemed member of the council and was well-liked by everybody who came into contact with him.

● See Page 3



Mr B M Kies

ced him dead after a brief examination.

Several relatives of the accused attending the trial were overcome with shock at the news of Mr Kies's death and were led weeping from the court.

Dr J Visagie, assistant district surgeon, who examined Mr Kies, said he apparently suffered a brain haemorrhage.

Mr J C Vermeulen, the magistrate presiding over the case, said he was deeply shocked.

Mr Kies leaves his wife Mrs Helen Kies.

taking spirits.

Preserve left-over wine in a bottle with a thin film of fresh oil and use for cooking.

To remove ring stains left on polished wood by bottles and glasses, rub well with a damp cloth dipped in cigarette ash and oil. Then repolish.

Rinse glassware in warm water with a little ammonia added to it. This will make the glass sparkling bright.

Wine is Harmony. What melody there is for the Connoisseur in a glass of brilliant wine

André L. Simon.

Advocates accused of 'loutish' suggestion

argus 28/12/79
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THE appointment of Mr A J 'Braam' Lategan to the Bench has prompted a letter to the latest edition of *De Rebus*, the South African attorneys' journal, suggesting that 'the whole question of appointments to the Bench should be reviewed and amended.'

Mr John Turnbull, a retired Johannesburg attorney, said the matter had been raised by the 'arrogance and rudeness' of the General Bar Council in its recent criticism of the appointment of the former Attorney-General of the Cape to the Supreme Court.

The suggestion that a person appointed from the public service would not have or acquire the necessary degree of independence required of a judge and would inevitably be suspected of not being impartial was 'loutish and unfounded,' Mr Turnbull said.

Mr Turnbull said appointing judges should not be the sole prerogative of the Minister of Justice.

He suggested appointees should be people recommended by a panel consisting of a nominee of the Association of Law Societies; a nominee of the Bar Council; a nominee of the Department of Justice; a nominee of the Afrikaans universities and a nominee of the English universities.

Mortality rates greater than 5/1 000 appear in italics in Table I. For all of these major causes of mortality, the Asian and 'coloured' mortality rates exceed those of the whites.

However, in this context, what requires emphasis is that by using the major disease classification a certain amount of detail is lost. For example, despite the fact that the overall rates for diseases of the circulatory system are comparable for whites, Asians and 'coloureds', within this broad category the mortality rates for specific diseases vary markedly. Table II provides the proportional contribution of the major circulatory diseases for the whites, Asians, 'coloureds' and Africans. Whilst Ischaemic Heart Disease is the major Circulatory Disease in the white and Asian communities, Cerebrovascular Diseases are the major cause of Circulatory Diseases in the 'coloured' and African communities.

Similarly, if the Accidents, Poisoning and Violence category is examined in greater detail, motor vehicle accidents are the major cause of mortality in whites, 'coloureds' and Asians, the second most important cause in the white community is suicide, whilst that for the 'coloureds' is homicide. For Africans, the latter is the main cause in this category.

The expectation for life at birth and at age 45 for whites, Asians and 'coloureds' is summarised in Fig. 6. It is not meaningful to calculate an expectation of life for urban Africans as this group is subject to a large measure of migration. The characteristically better expectation of life for women in comparison to men, is apparent for all three communities. However, what is of interest is the ratios of the expectations of life for the three communities. At birth, the white:Asian:'coloured' ratios are 1:0,91:0,76 for males and 1:0,88:0,77 for females, at the age of 45 these are 1:0,91:0,86 for males and 1:0,79:0,85 for females. The 'coloureds' are less disadvantaged at e_{45} as compared to e_0 for both males and females, a difference which is largely attributable to the high infant mortality rate in this community. It is also noteworthy that Asian females have the worst expectation of life at age 45 of the three communities, which is in marked distinction from both males and females at e_0 and males at e_{45} . The fact that for the 65+ age group, Asian women have the highest mortality rates for respiratory, circulatory, digestive, genito-urinary and ill-defined causes of death (Table I) may contribute to this anomalous situation.

Fig. 7 summarises the percentage improvement in the expectation of life at birth subsequent to the total elimination of the mortality associated

the South African population from all causes of death. The proportional contribution of the seventeen major disease categories of the International Classification of Disease (8th revision) to the overall mortality of the various communities is summarised in Fig. 5. The whites show a typical 'developed' country spectrum of mortality with Infectious and Parasitic Diseases being of minor importance (2,0%) and Neoplasms (15,6%) and Diseases of the Circulatory System (20,0%) being the major causes of death.

Africans and 'coloureds' show a different pattern, with diseases of the circulatory system and Parasitic Diseases being of major importance. In general, the mortality rates for the whites are lower than those of the Africans and 'coloureds'. Clearly, the mortality rates for the whites on provides a more specific mortality pattern and 'coloureds'.

'Use attorneys on bench', call

Staff Reporter

THE WHOLE question of appointments to the bench should be reviewed and amended, a retired attorney of Johannesburg suggested in a letter to the latest edition of De Rebus, the South African attorney's journal.

Mr John Turnbull asked if the time had not arrived for such action and said "The matter has now been raised crisply by the arrogance and rudeness of the General Bar Council in its recent published criticism of the appointment of a former Attorney General of the Cape to the Supreme Court."

The letter was prompted by the appointment of Mr A J 'Braam' Latagan to the Bench.

"Should not the arrogant

bubble that appointments to the Bench should be made only from the ranks of practising advocates be pricked for once and all?" he asked.

He suggested the appointments should also be made from the "ranks of practising attorneys" and the "present method of appointment of judges should not be the sole prerogative of the Minister of Justice."

Although appointments would continue to be made by the Minister of Justice, the appointees should come only from persons recommended by a panel consisting of a nominee of the bar council; a nominee of the Association of Law Societies, a nominee of the Department of Justice, a nominee of the Afrikaans Universities and a nominee of the English Universities.

If the mortality rates (Table I) are compared with the proportional mortalities for the seventeen major disease categories (Fig. 5), it will be noted that despite the relatively minor proportional contribution made by circulatory diseases in the 'coloured' community, the actual rates for these diseases are higher than those of the whites. The reason for this apparent inconsistency is that the mortality rates for Infectious and Parasitic Diseases are so high that they effectively swamp the proportional mortality of the Circulatory Diseases in the 'coloured' community. In the white community, the mortality rates for most causes of death are so low, the importance of the Circulatory diseases become disproportionately exaggerated.