

PROFESSIONS —

1982 — JAN. — NOV.

1983 — JAN — DEC.

Inflation

- does not affect p's & wages equally
- strong TV

Clergymen feel the pinch of inflation

By Zenaide Vendeiro

He is friend, counsellor, preacher, teacher, intercessor and adviser — but he does not expect, and will certainly not receive, appropriate payment for his services

He is the clergyman

In the past churches of all denominations in South Africa have experienced a shortage of clergymen and a critical drop in their recruitment figures. This has been due partly to financial reasons.

"Inflation is hitting everybody and churches are having trouble keeping pace," said an Anglican clergyman.

VOCATION

Churches do not expect many more clergymen to leave the priesthood due to financial reasons because they have "a strong sense of vocation which entails some kind of sacrifice, as well as a simple lifestyle."

But recruitment has been seriously affected, especially among young black men who are needed to serve congregations in rural areas

"Opportunities are opening up for them in other, better paid fields," said the Methodist chairman of the South Eastern Trans-

vaal District, the Rev W Harris.

A minister has to provide for the needs of a growing family on an average stipend of R250 a month. Fortunately he is usually provided with a free furnished house and wealthier parishes offer to pay electricity, water and telephone accounts and sometimes provide a free car

COMMISSIONS

The Rev Winston Ndungane, liaison officer for the Anglican Church, admitted that the church did have a shortage of clergy but said he did not believe it was due primarily to financial reasons.

He said various commissions had been set up with a view to improving the financial position of the clergy

"It is encouraging to know that our theological schools are full," he added. "This means hope for the future"

Father Matthew of the St Thomas Church, Linden, said it was easier for bachelors like himself. Stipends were low but he lived simply and received generous support from his parish. "I didn't come into it for the money and anyone who does is misguided," he said.

Deal over

Tougher stand on detentions call

Mercury Reporter

GROWING dissatisfaction with the stand taken by the Natal Law Society against detention without trial is threatening to split the organisation, say Durban attorneys who claim the society has abdicated its responsibility to prevent an erosion of law in South Africa.

The society's president, Mr Graham Cox, countered by saying that the it had always vigorously opposed detention without trial. He said the society retained a unique effectiveness because it

had direct representation to the minister, and that it would continue to pursue a course of responsible representation

The conflict became apparent following a meeting which was called by members of the society last Friday to discuss ways in which the it could more strongly demonstrate its opposition to detention without trial

Mr R Bugwandeem, who attended the meeting, said the feeling was 'as clear as a bell that the society should take a stronger stand'

A second issue which left the

attorneys with the feeling that action to bannings was slow and ineffective was the controversy which had arisen over summary passing of sentences as happened in the case of Peter Esterhuizen who was sentenced to six years' imprisonment only five hours after he was arrested

At the weekend the Society of Advocates in Natal passed a resolution that it would make representations to the Minister of Justice, Mr Kobie Coetsee, to have the law changed

The speed with which the Bar Council acted in this instance led

Mr Bugwandeem to ask why it was not equally active when it came to a question of members of the legal profession being summarily detained, as happened when three attorneys, Mr P Magubela, Mr B T Ngcuka and Mr Y Mohammed, were arrested recently

This drew a sharp response from president of the Society of Advocates, Mr Brian Law, who said that his society had made policy statements and deputations to the Minister of Justice on numerous occasions about detention without trial.

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Some other factors

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2. The municipalities
easy route to the river for a 96 inch storm sewer through
zones S-3, S-5, and S-6. They fear (rightly) that you could
not excavate deeply enough to avoid interfering with the
existing services. (Too deep an excavation would foil the
natural flow into Wabagoon River.)

3. Cayman Flats slopes very slightly downhill from the south-
west corner to the northeast corner. Total drop is 9 feet 3
inches.

4. Although zones S-15, S-17, and S-19 are all classed as "light
industry," S-17 has never been developed. It is a small zone
of approximately 95 acres, lower in elevation than the
surrounding zones, and hence rather swampy. Undoubtedly the
amount of fill needed to build it up has hindered its develop-
ment.

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At this point an idea occurs to you. If zone S-17 is already acting
as a collection point for some of the stormwater from the surrounding
zones (principally Cayman Flats), why not excavate it even further and
use it as a quick run-off storage pond? If it were big enough you
could hold all the stormwater run-off from Cayman Flats, and then
pump it at a controlled rate into a smaller diameter outfall sewer
from S-17, along the railway line, to the river. It would mean
building a pump station (it would have to be automatic), and fencing

Security

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327

report S. Express

14/2/82

still secret

THE Sunday Express today discloses
that a top-level report by lawyers,
blasting South Africa's security laws, is
still under wraps more than two years
after it was handed to the Government.

The report gives the attorneys' view
on security laws — a view that differs
sharply with the recommendations and
findings of the Rabie Commission into
security legislation.

Government regulations have pre-
vented disclosure of the lawyers' report
until now — yet the report was submit-
ted to the Government by a large and
influential law association.

It was compiled by an eight-man
committee of the Association of Law
Societies, representing 1 000 attorneys.
Among its comments was one on detain-
ees' deaths, which "cannot be regarded
but as cogent evidence of misuse of
power".

Disappointed lawyers hoped it would
be released soon.

□ Full story — Page 2

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Legal opinion on security law is still muzzled

S. 4/100 14/2/82 (248)

LEGALITY IN THE FACE OF THE LAW

● Hugh Clare Taylor, 27, and Noeline Badrian, 20 turned away from the altar because of a technicality

A TOP-LEVEL lawyers' report which severely criticises South Africa's security laws is still under wraps more than two years after it was handed to the Government.

Publication of its contents has been forbidden by Government regulations.

The report conflicts in several vital respects with the Rabie commission's recommendations on security legislation and warns that the way in which security laws are applied could lead to a loss of public faith in the administration of justice. It was compiled by a

special eight-man committee of the Association of Law Societies, which represents 4 500 practising attorneys in South Africa, and came in the wake of the death in detention of Black consciousness leader, Steve Biko.

Lawyers are "bitterly disappointed" that the report was not published and hope the association will be given the authority, to do so in the future.

The report's findings and recommendations are not known to the association's members, which means that the majority of rank-and-file attorneys in South Africa are unaware of what their repre-

sentative body — the largest of its kind in the country — had to say on the complex and crucial issue of security legislation and the protection and treatment of detainees.

The report described as an "extraordinary" document, far-reaching and comprehensive, was submitted to the then Minister of Justice, Mr Alwyn Schlebusch, now chairman of the President's Council in August 1979.

At the same time, the association sent embargoed copies of the report to Sunday newspapers and although one Sunday newspaper paper and later two daily newspapers had published it, the Government printed a special edition of the Government Gazette containing regulations governing the Rabie commission.

These regulations prohibited publication of the association's report.

It is believed that although Mr Schlebusch indicated at the time that he intended to appoint a commission to investigate security legislation, news of

the association's decision to submit an independent report prompted the Government to expedite the appointment of the Rabie commission.

The evidence the association gave to the Rabie commission was based on some of the findings and recommendations of the special committee's original report. But the substance of the report, although referred to in part during their evidence, was not reflected in the Rabie report tabled in Parliament last week.

Mr Monty Knoll, president of the Association of Law Societies, said the Government had asked the association to comment on the Rabie recommendations and that it could not therefore release the independent report.

He said the Rabie commission had met some of the association's submissions.

Investigations show that

● The association's eight-man special committee was made up of two representatives of each provincial law society — Mr S J Levin and Mr M. A. Prins (Cape), Mr P G. C. Cooper and Mr H Symington (Free State), Mr S W van der Merwe and Mr W Lane

(Transvaal) and Mr D I Doull and Mr D H Sampson (Natal).

● The report was described as an "exceptional achievement in the sense that senior representatives of South Africa's four major law societies could agree unanimously on all recommendations and findings on security legislation — in spite of widely-held differing political views in the legal profession.

● It took months to compile — and was based on "reasoned legal logic, and not emotive political considerations." It was a professional, non-partisan attempt to scrutinise security legislation and call for revision to improve the quality and uplift public confidence in the administration of justice.

● The committee investigation was prompted by Steve Biko's death and many attorneys believed the association should submit recommendations authorising the Government to institute a detailed code for detainees.

While the association has always held the view that security legislation is necessary to maintain lawful conduct in special circumstances in South Africa,

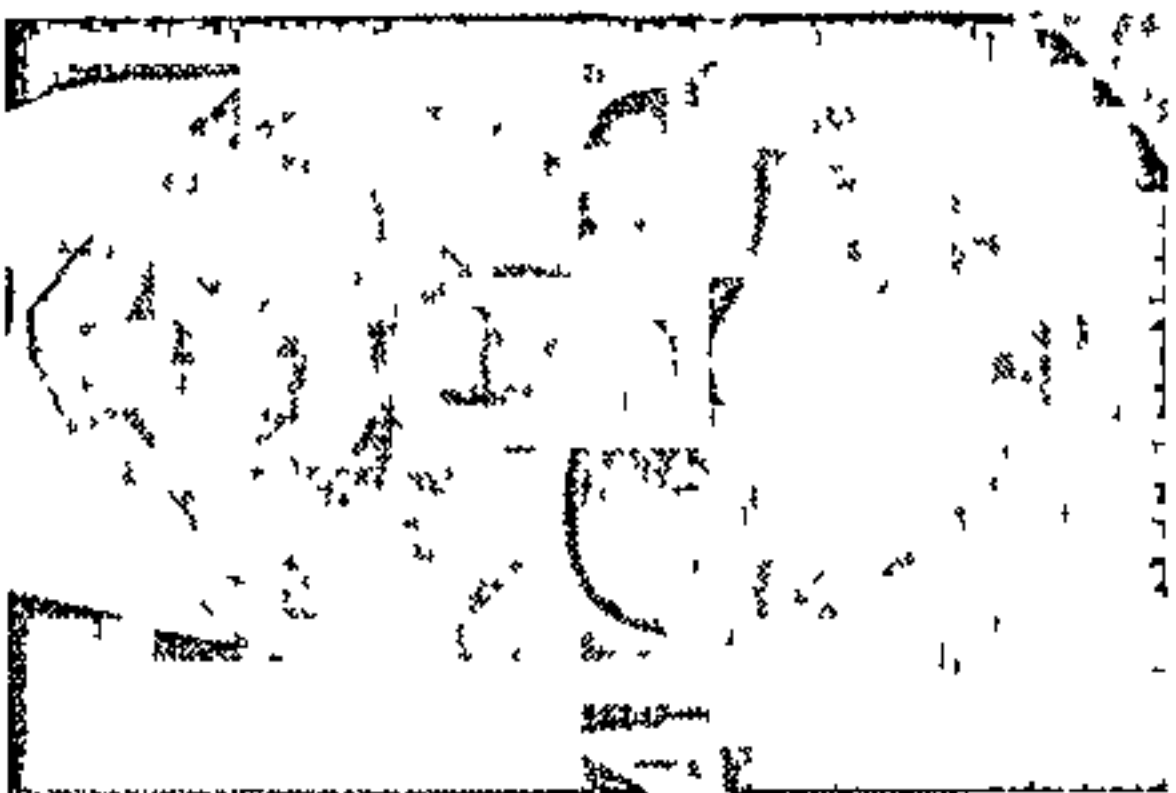
many of its members have insisted on certain safeguards for people detained under security laws.

In calling for changes to security legislation it is certain the special committee reviewed the provisions of the Internal Security Act, the Terrorism Act, the General Laws Amendment Act and recommended as did the Rabie commission that security laws be consolidated into a single Act.

Any independent committee on security legislation representing the national association of attorneys would also be bound to insist on greater protection for detainees, regular medical examinations, reasonable access to them by attorneys' relatives and friends, and a review of procedures for handling complaints or irregularities by the police.

The committee may also have investigated the view held by many in the legal profession that people should be detained only under a warrant exercised by Judge President of the Supreme Court and that an independent standing committee review all bannings.

● See National Intelligence Service in trouble Page 10



● Mr Alwyn Schlebusch given top-level report

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Masa urges doctors' support

0 Dispatch, 20/2/82

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CAPE TOWN — The Medical Association of South Africa (Masa) issued a 14-page document yesterday, rebutting "accusations and false statements" on its role in the Steve Biko affair and related health matters.

Released in the name of the Secretary-General, Dr C E M Viljoen, the supplement to the South African Medical Journal urged all registered doctors in the country to reassess their position with Masa. They were asked to give

unqualified support to the organisation.

Because of the "hostile and uninformed criticism" against Masa in recent years, the executive committee of the Federal Council decided in November last year to publish "the true and correct facts," Dr Viljoen said.

Commenting on deaths and torture in detention and Masa's role in "the so-called conspiracy of silence," Dr Viljoen said no shred of evidence had been produced to support the allegations.

It rejected "out of hand" any implication that Masa had been involved with "torture and murder" of political prisoners.

On the medical treatment of the late Mr S B Biko — the black consciousness leader who died in detention — Dr Viljoen said there was nothing Masa could do legally or constitutionally, after the Cape Midlands branch found there was no *prima facie* case against the doctor concerned.

He pointed out that

Masa's constitution had since been amended to enable the Federal Council to have the final say always in ethical matters and to initiate ethical inquiries.

Masa had also adopted a code of conduct for doctors involved in the medical care of prisoners and detainees, while the government had been approached with proposals for improving the legislation affecting the maintenance of clinical independence of doctors in such circumstances, Dr Viljoen said. DDC

Doctors in new Biko probe plea

Own Correspondent

DURBAN — Five doctors who supported demands for a full inquiry into the death in detention of Mr Steve Biko are awaiting the outcome of their request to the South African Medical and Dental Council

Professor Frances Ames, head of the department of neurology at Groote Schuur Hospital who spearheaded the campaign for an inquiry, confirmed yesterday that the 40-page document was delivered last Thursday by courier to the Registrar of the South African Medical and Dental Council, Mr N M Prinsloo.

"We have been advised that the council is scheduled to meet only in April, when they will consider our request. We shall know then whether the council would go ahead with an inquiry or not," Professor Ames said.

Asked what options were open if their request was turned down, he said the next step would be to consider legal action and take the issue to the Supreme Court.

The other medical men who are understood to have signed the petition are Professors T Jenkins of the research institute of the University of the Witwatersrand Medical School, Professor Phillip Tobias, also of the Medical school, Mr E Barker, a Durban surgeon, and Dr M Robertson of Durban.

A call for a similar inquiry was lodged by ombudsman Mr Eugene Roelofse, but the council did not pursue the request.

Another complaint is being prepared by the Transvaal Medical Society which has only black doctors as members.

Biko - startling new facts

THE conduct of only one of the three doctors who treated Steve Biko before his death was investigated at an inquiry by the Medical Association of South Africa (Masa). The fact that he was not found guilty of disgraceful or improper conduct does not necessarily mean he was regarded as entirely blameless.

These facts emerged from an investigation by a Cape Town newspaper into the manner in which the Cape Midlands branch of the association came to the decision, which was accepted by its federal council — a decision which has not only been a source of controversy ever since, but also confusion.

The investigation established that the main points of confusion and misinterpretation have been

- That Masa had exonerated all three doctors mentioned

- That the decision of Masa's, and that of the South African Medical and Dental Council, not to act against the Biko doctors was the same one

In reality the conduct of only one of the three doctors, namely Dr Benjamin Tucker, a district surgeon, was considered by Masa

The other district surgeon concerned, Dr Ivor Lang, is not a member of Masa. The third doctor, Dr Colin Hersch, specialist physician, is a member, but the complaint did not question his merits for continued membership.

The decisions by Masa and the SAMDC, show certain parallels, and, in a sense, shortcomings.

Both decisions were based on conclusions arrived at by small committees of the parent bodies. Both committees also based their decisions, to a large extent, on studying a limited part of the record of the inquest.

In connection with the Masa decision, the following facts have now been established

'Evidence' was incomplete

- The complainants were so keen to "score" against one man that, in correspondence, pressure was put on the committee to see the issue in a certain way. Members were, for instance, encouraged to read certain newspaper reports, described as "biased"

- Some of this correspondence, now being referred to in Masa as "not documents", will be available if an open inquiry into the issue is held

- Although the impression was afterwards created

that the Ethics Committee had the full record of the inquest proceedings, they in fact had only three of the 23 volumes

- Only three sets of the lengthy volumes were available to the four members who had to go through them in a limited time

- All the members of the Ethics Committee would have

The late Steve Biko

preferred to have had access to the complete inquest record

The Ethics Committee did not invite Dr Tucker to testify before them. They believed if they had he would not have agreed because of pressure on him from certain Government circles

- The members knew of the three doctors in question and had had personal discussions with them which to a certain extent must have influenced judgement

A special inquiry held later

by Masa revealed that doctors Lang and Tucker were forbidden by the Department of Health to appear before the Ethics Committee

The members of this inquiry, however, found that Dr Lang's medical certification of Mr Biko just before his death was unsatisfactory and incomplete

Although members of the Ethics Committee have not been prepared to comment about their inquiry, which was held in camera, two of them have said that they believe important facts about the case had not come to light

Said one, who would not be named "There is a lot of ignorance about what has happened. But even with more evidence our decision about Dr Tucker would have been the same"

One member of the committee spoken to said that if representatives for Biko's family had allowed the medical evidence at the inquest to proceed more spontaneously, additional important facts would have emerged

The only way these facts can come to light and a satisfactory conclusion be reached, is through a full appraisal of all three doctors by the body with jurisdiction over all three, the Medical and Dental Council, said the man

⁽²⁴⁸⁾ ⁽³⁴³⁾ ^{South} ^{5/3/82} New legal clinic is 'fully utilised'

ATTERIDGEVILLE residents are utilising their recently established legal clinic fully, according to Professor M Wiecher of the law faculty of the University of South Africa.

The legal advice centre is holding clinics on Thursday nights between 5 30 and 7 00 pm at the local community council chambers.

It was the brainchild of Professor Wiecher, Mr L Bledenkamp of Unisa, and Dr M Sinclair of the University of the Witwatersrand. The project received a nod from the local community council and Mr Z Mashawu, a senior councillor, and Mr Joe Tshabalala, the council chairman, have since been co-opted into the committee running the clinic.

Professor Wiecher said, on Wednesday, he was satisfied with the response they received from local residents but expressed misgivings about whether his team would be able to cope with the demand.

The professor said cases handled by them mostly involved hire purchase, housing problems and local administration problems which are handled on a briefing and cancelling basis. Those whose cases needed following-up are referred to the Unisa faculty of law and attorneys were instructed when legal attention was needed. Those who could afford litigation are referred to the legal board.

"Our aim is to make people aware that there is hope for solu-

By NORMAN
NGALE

tions to their problems, while at the same time this gives our students opportunity to establish contact with people as a practical part of their studies," Professor Wiecher said.

Law body to probe lawyer's actions

Post Reporter

THE Association of Lawyers in the Cape of Good Hope would be investigating the actions of a Stutterheim attorney who was yesterday ordered to pay R42 564 to a client after he was found guilty of "a serious dereliction of duty"

In the Grahamstown Supreme Court, the attorney, Mr Neil Wylde, and the Stutterheim firm of Wylde Brothers, were ordered by Mr Justice Smalberger to pay Mr Mongameli Matikinca, of New Brighton, Port Elizabeth, a sum of R42 564 and interest from the date on which the summons was served

A spokesman for the association of lawyers said today that they had not been informed officially. But the case would eventually be investigated and, if necessary, considered by the committee.

Mr Matikinca sued Mr Wylde and his firm for the money he lost when Mr Wylde sold him a shop in Alice belonging to a man who subsequently went insolvent

The judge said that Mr Wylde had deliberately withheld vital information from his client

TT

He found that the attorneys, Wyldes Brothers and the firm estate agents, Douglas Wyldes, and Companies were "for all practical purposes one and the same concern." The Wyldes worked for both firms and received the salary and commissions from one source — DE

in the transaction, and had agreed to act as his attorney as well as Mr. Boy's

cial affairs, to be in
order

Mr Wylde had not only permitted such payments to be made but encouraged them

Judge said.

While Mr Matikinea was undoubtedly a successful trader, he was not the sophisticated businessman Mr Wyde had described to the court, the judge added.

Mr Matukinea, 54 was a man who lacked formal education, had worked his way up in life from humble origins with the help of his wife and had never before been involved in a property transaction

It was natural for him in these circumstances to turn to Mr Wyld for assistance as he had no attorney of his own.

credible witness, while Mr Wyldie had been evasive at times, "particularly when cornered"

He described Mr Wyde as "a young and seemingly ambitious and energetic attorney", who displayed "a fair measure of self-confidence" in the witness box, "proclaiming that he liked to consider himself an experienced attorney although the evidence is clearly to the contrary".

Mr Wyldie had seldom been at a loss for an answer but there were aspects of his evidence that reflected adversely on his truthfulness

The most probable inference to be drawn

from his failure to mention Mr Boy's provisional sequestration was that he had deliberately withheld all knowledge of it from Mr Matkinca, "and that his stated belief that Mr Matkinca was aware of Boy's provisional sequestration is untrue", the judge said

He found that the attorneys, Wyldes Brothers and the firm estate agents, Douglas Wyldes, and Companies were "for all practical purposes one and the same concern." The Wyldes worked for both firms and received the salary and commissions from one source — DE

OF CAPE TOWN
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 (3) blank

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pieces of paper or other material into the examination room as are so instructed not to communicate with other than any person except the invigilator before leaving the examination room.

possible exclusion from the

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10/3/1982

GRAHAMSTOWN — A Stutterheim attorney who failed to protect the interests of a Port Elizabeth businessman involved in a property transaction was guilty of "a serious dereliction of duty" a Supreme Court judge here said this week.

The attorney, Mr Neil Wylde, and the Stutterheim firm of Wylde Brothers were ordered by Mr Justice Smalberger to pay Mr Mongameli Matikinca, of New Brighton, R42 564, as well as interest from the date on which summons was served.

Mr Matikinca lost this money as a direct result of Mr Wylde's breach of his duty as an attorney, the judge found.

He described Mr Wylde's conduct towards Mr Matikinca as "unconscionable" for an attorney. He took the unusual

Attorney

step of ordering, "as a mark of my displeasure", that Mr Wylde and Wylde Brothers also pay Mr Matikinca's costs on an attorney/client scale.

He said such an order was justified because of Mr Wylde's conduct, which fell "far short of what one would have expected from an attorney".

The award of costs on an attorney/client basis is intended to ensure that the successful party recovers more of his actual expenses, which are taxed on a more liberal scale.

The 43-page judgment followed a long civil action in which Mr Matikinca sued Mr Wylde and his firm for the

money he lost when Mr Wylde sold him a shop in Alice belonging to a man who subsequently went insolvent.

Mr Matikinca paid R70 345 between September 1976 and July 1977 but was never able to take transfer of the shop as its owner, Mr D D Boy, was finally sequestrated soon afterwards.

Although Mr Matikinca originally claimed the full amount, this claim was reduced by R27 780 — the sum Mr Matikinca received in dividends from Mr Boy's insolvent estate.

Included in the amounts Mr Wylde and his firm have to pay Mr Matikinca is interest on the original sum of R70

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Hammond Q 61.327
Universities for Blacks: salary scales

10/3/82

*3 Dr A L BORAINÉ asked the Minister of Industries, Commerce and Tourism

Whether any steps were taken in 1981 to narrow the gap in salary scales for White and for Black lecturers at the universities for Blacks, if not, why not, if so, what steps?

The MINISTER OF INDUSTRIES,
COMMERCE AND TOURISM

Yes, parity was accomplished as from 1 April 1981

Judges, counsel in pro deo row

Many Johannesburg advocates say they are unwilling to appear pro deo because fees paid by the State are "unreasonable."

They were replying to criticism by two Rand Supreme Court judges after counsel could not be found to appear in two murder trials.

but the R30 a day the State pays is unreasonable," said an advocate. "Our difficulty is that there are trials set down for two or three days but last two or more weeks.

Another advocate said counsel was approached to defend people at one or two days' notice. A third advocate said another issue was that the Johannesburg Bar Council's system of appointing pro deo counsel was "a failure."

The row started last week when Mr Justice F S Steyn was asked by Mr A Chaskalson SC, appearing for the Bar Council, to post-

ponement Mr Justice Steyn said he accepted the Bar Council's assurance that an advocate would be found for the accused.

On the same day Mr Justice Grosskopf postponed a murder trial for the same reason.

The judge then commented that advocates of the Johannesburg Bar were not maintaining their professional honour of defending poor people. They were, he said, treating the duty to appear pro deo with "slight contempt."

Bar councils in Johannesburg and Pretoria.

The judge described the situation as "unsatisfactory."

The Star was told that four cases had been postponed in a week because advocates were not prepared to appear pro deo.

Mr Chaskalson was not available for comment.

mean Cabinet reshuffle

Political Staff

CAPE TOWN — A number of substantial changes are to be made to the Constitution in an amendment Bill to be published next week. The long title of the Bill also indicates that

a major Cabinet reshuffle is in the offing. The Constitution Amendment Bill makes provision for the increase in the number of deputy Cabinet Ministers on which there is now a limit of six.

Lenasia legal aid A legal aid centre was opened on Saturday at the Jiswa Centre in Suikerbos Street, Ext 5 in Lenasia. A spokesman for the volunteer legal aid body said there were thousands of people in Lenasia and surrounding areas who were falling foul of the law through ignorance.

The legal aid centre, which was formed by a group of former law students, plans to help people in these circumstances.

"We will study their cases, give them the necessary advice and arrange for the briefing of attorneys and legal fees if needed," the spokesman said.

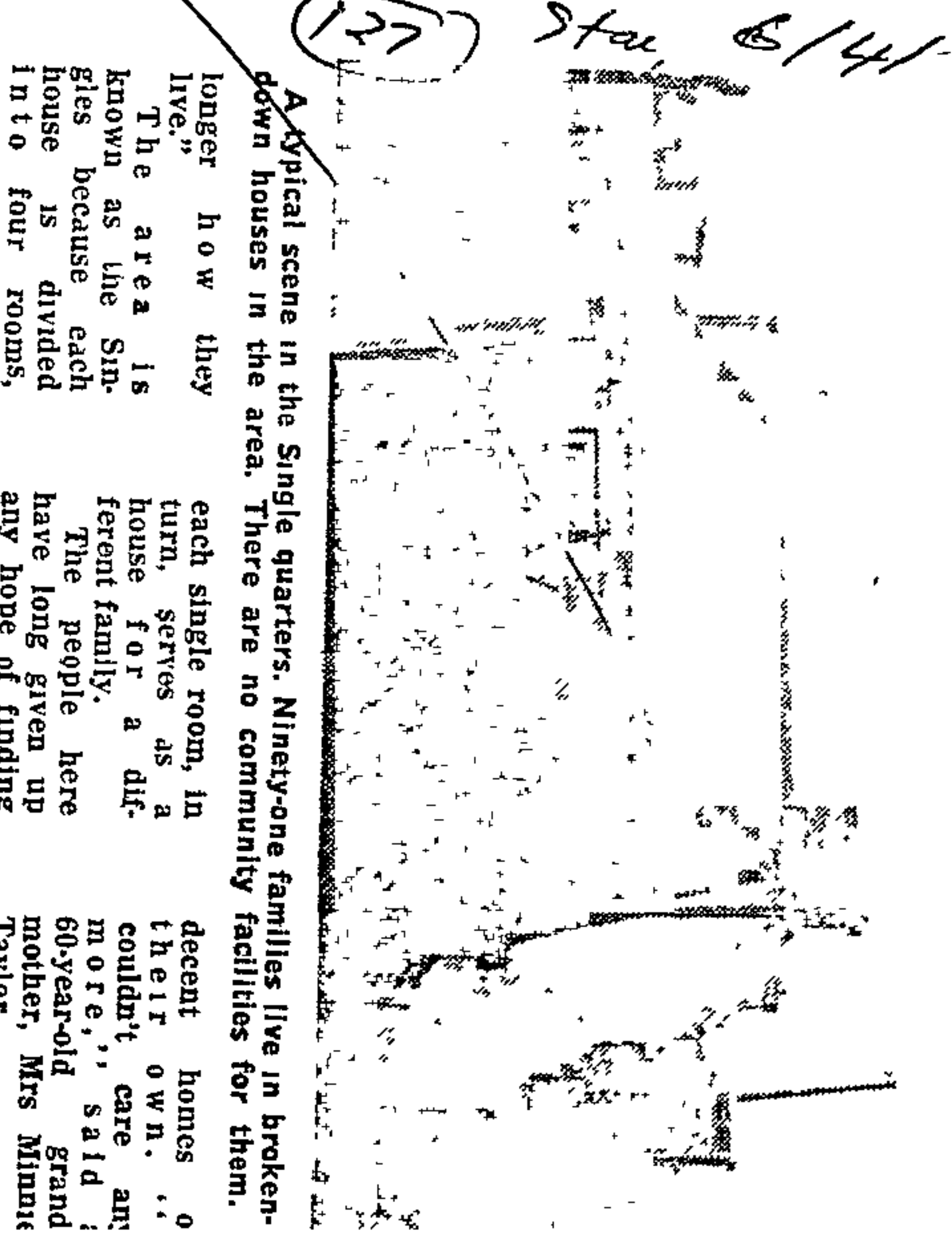
The free consultation service is available only on Saturdays.

As it is the Cabinet is short of two members following the resignation of Dr Andries Treurnicht and Dr Ferdi Hartzenberg which followed the split in National Party ranks. By increasing the number of deputy Ministers, the Prime Minister, Mr Botha, could be looking at a major revision of the structure of the Cabinet.

The Bill will propose that in future Members of Parliament on the provincial councils will not be able to be members of town or city councils or divisional councils.

The provisions could mean that a large number of MPs will have to resign council or provincial seats.

The Single Quarters are a former mine hostel on the edge of Reiger Park in Boksburg. They are made up of several old buildings scattered carelessly next to myriad criss-crossing dirt roads. It is home to 91 families.



"The Single Quarters should have been demolished years ago," said Reiger Park community leader, Mr George du Plessis during a visit to the area.

The area is rife with drug problems, violence and child pregnancy. The people's surroundings are doing this to them. They just don't care any longer how they live. The area is known as the Sim-gles because each house is divided into four rooms, each single room, in turn, serves as a house for a different family. The people here have long given up any hope of finding decent homes of their own. "I couldn't care any more," said 60-year-old grandmother, Mrs Minnie Taylor.

Crucial Fosatu meeting at Easter

South Africa's largest independent trade union grouping, the Federation of SA Trade Unions (Fosatu), is to meet at the Easter weekend for its first national congress.

More than 200 delegates from 10 Fosatu affiliates will gather at Hammanskraal to attend the crucial two-day meeting.

The congress will deal with the problems of union organisation and leadership, relationships with worker and non-worker organisations and "the political role of the unions in the context of a working class movement in South Africa," according to a statement.

Unions and politics has been a major bone of contention between Fosatu and other independent worker organisations. The statement said the congress will meet "amid a growing realisation of the need for unity in the union movement and a debate around how such unity is best achieved." Since 1979 membership of affiliates has grown from 30 000 to 94 000 and from a handful of union management agreements to a

Law body to tackle Govt over ban on attorney

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7/4/82 Stan

The Association of Law Societies of South Africa will approach the Minister of Justice, if necessary, in an attempt to establish reasons for the two year ban on Johannesburg lawyer Mr Nicholas Haysom preventing him from practising.

This was confirmed today by Mr J E Knoll, president of the association. "Whenever a member of one of our law societies finds himself in such a situation we endeavour to establish whether it affects his right to practise and duly make representation on his behalf. This is not the first time it has happened."

Mr Knoll said the Association had in the past always been given assurance the lawyer concerned could continue to practise.

"I haven't seen the terms of Mr Haysom's banning order yet. But we will try to do something about it today," he added.

Mr Haysom was served the two-year banning order on Monday only 10 days after

being released from police detention.

He was detained in November last year under section six of the Terrorism Act and held in solitary confinement until his release.

At the time of his detention Mr Haysom was employed by the University of the Witwatersrand's Centre for Applied Legal Studies. He had appeared for a number of people charged under the Group Areas Act and was completing his Masters thesis on prisons. His particular interest was labour law.

STUDIES

In terms of the banning order, Mr Haysom, a former Nusas president, may not attend any educational institution. This effectively cuts him from his studies. He may also not attend any social gathering or a court, where people gather for a common purpose. He may not move outside the Johannesburg magisterial district and has to report to a police station once a week.

Mr Haysom is the fifth former detainee banned within a week. Four Port Elizabeth trade unionists — Mr Dumile Makanda, Mr Zandile Mjuzawe, Mr Sipho Pityana and Mr Maxwell Madlingozi — were served with two-year banning orders last week after release from police detention in mid-February.

All five are banned in terms of the Internal Security Act.

CPA 7/1/82
14/4/82

(7/1/82)
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Lawyers examine banning

Staff Reporter

THE Association of South African Law Societies was still investigating how Mr Nicholas 'Fink' Haysom's right to practise as a lawyer would be affected by his banning the chairman, Mr Monty Knoll, said in Pretoria yesterday

Mr Haysom, a Johannesburg lawyer who on April 5 was banned under the Internal Security Act for three years, was employed at the Centre for Applied Legal Studies at the University of the Witwatersrand. Before his banning he was held in solitary confinement in terms of Section Six of the Terrorism Act.

'Careful look'

Mr Knoll said he would approach the Minister of Justice, Mr Kobie Coetsee, if necessary.

"We are having a careful look at the facts and will have to decide which way we are going," he said yesterday.

He did not know when the association would receive an answer to its inquiry.

Mr Haysom's banning order prohibits him from entering an educational institution or court. The banning also prevents him from completing his master's degree in law and from attending any social functions.

crpt 71m16
16/4/82
248

SA Law body's plea on banning

Staff Reporter

THE Association of Law Societies of South Africa will intercede with the authorities on behalf of banned attorney Mr Fink Haysom if he is not granted general permission to continue practising.

In a statement issued yesterday, the association's president, Mr J E Knoll, said Mr Haysom was not completely barred from practising. The Chief Magistrate of Johannesburg had been authorized to grant exemptions from the restrictions placed on him.

Detention

Mr Haysom, 29, a researcher attached to the Centre for Applied Legal Studies at the University of the Witwatersrand, was served with a three-year banning order in terms of the Internal Security Act on April 5. He was released on March 25 after spending more than four months in detention.

In his statement, Mr Knoll repeated the association's public stand on bannings.

"This is that the association questions whether the 'banning laws' have achieved their object. It believes that these laws can result in innocent persons being prejudiced and their rights denied without proper safeguards.

"In effect, sentences are imposed on such persons without any trial at which the accused is given the opportunity of meeting accusations against him. The possibility of miscarriages of justice must be ever present."

Mr Knoll said the "injustice" was aggravated when a banning order prevented a person from earning his living in the way in which he was qualified to do.

"Such a result is particularly unfortunate in the case of the lawyer because it is easily capable of being seen (whether rightly or wrongly does not matter) as frustrating him in his duty to fearlessly represent his clients, and this is not in the interest of the proper administration of justice," he said.

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16/4/82
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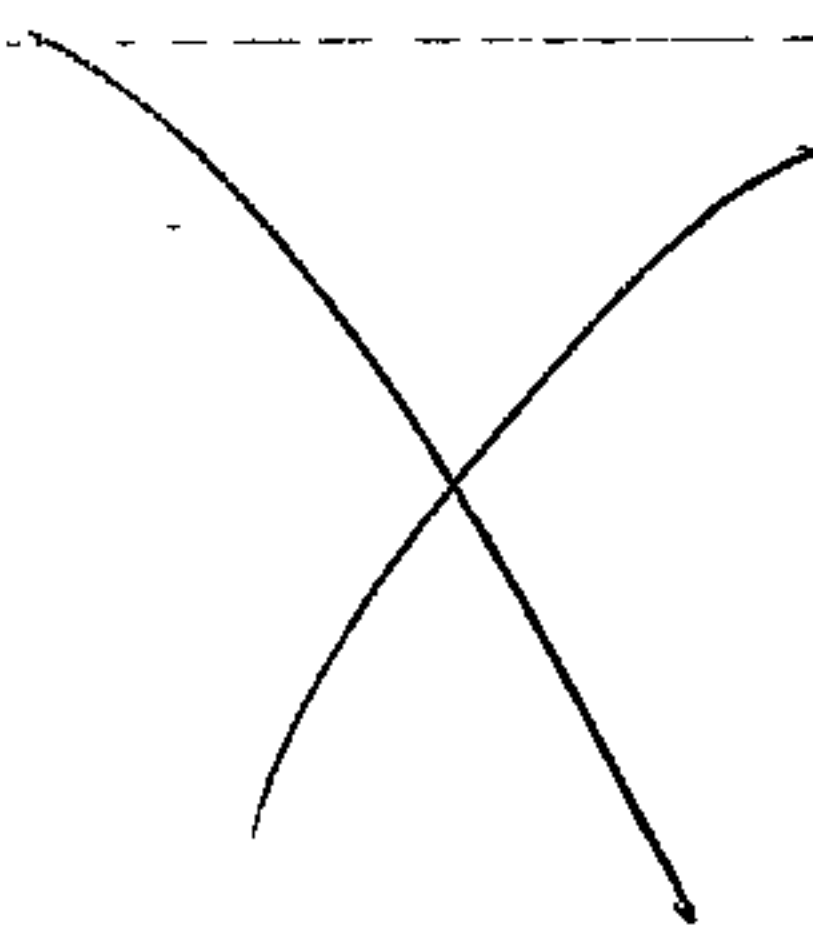
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(248) (RM) Star 26/5/82
All-race varsity plea

A body representing 37 000 South African scientists, engineers and technologists has come out in favour of unrestricted admission of black students to university science and engineering departments and open technicons

The Associated Scientific and Technical Societies of South Africa, in a reaction to the De Lange Report on Education, says universities should have the freedom "to admit black, coloured and Indian matriculants"



Learning Arabic the easier way...

By Yussuf Nazeer

A Lenasia man's method of teaching Arabic to English-speaking students has been praised by university professors here and abroad.

The method devised by Mr Abdul Samad Abdul-Kader (46) of Strkon Ave, Lenasia, enables students with a basic knowledge of the Arabic alphabet to instantly identify parts of words in a sentence.

The method consists of boxing in each Arabic word in a verse with its corresponding English word below it and identifying the meaning of the parts of the Arabic word with an English word in a corresponding colour.

This method can give a student direct access to the text of the Koran.

Professor J A



MR ABDUS SAMAD ABDUL-KADER

Naude head of the department of Islamic and Arabic studies at Rand Afrikaans University, said Mr Abdul Kader's method was unique.

The invention was also acclaimed by a Unisa language spokesman and two language professors at the University of Durban-Westville.

Arabic teachers abroad have sent

letters of commendation to Mr Abdul-Kader.

"I hit on this idea when I began work on the translation of the Koran from Arabic into English," said Mr Abdul-Kader, who owns a small colour printing press at his home.

"It came to my notice that Western students studying Arabic were looking for a quick key to understanding the Koran. I believe I came up with what they are looking for."

But his work is far from complete. He has finished only 140 verses of the 6247 that make up the 114 chapters of the Koran.

● The Koran has already been translated into Afrikaans, Zulu, Swahili, Chinese and every European language.

All-race
248 10/6/82
accounts
course

a first

By Carolyn Dempster
Education Reporter

The critical shortage of chartered accountants in South Africa has led to the development of the first multiracial diploma course at the Technikon Witwatersrand.

Sanctioned by the authorities, the three-year course for trainee commercial, financial and accounting "technicians" of all races will begin with two pilot groups on July 12.

Not only is this the first time that black, coloured and Indian students will be able to study at the previously whites-only technikon, but the course itself is a breakthrough for the accountancy profession in South Africa.

A mass exodus abroad of newly qualified chartered accountants over the past few years, coupled with the inadequacies of the accounting education system, has brought the profession to the brink of collapse, according to academics and practising accountants.

The SA Institute of Chartered Accountants promoted a "think tank" to resolve the crisis and in January the newly established Association of Commercial and Financial Technicians of Southern Africa held their inaugural meeting.

PART-TIME

It is largely at their instigation that the three-year diploma course was evolved.

The situation is so bad the association did not want to have to wait another six months before starting the course in January 1983. The two pilot groups, consisting of 25 students in each class, are part-time running from 7 am to 9 am, and students are required to have a matric with accountancy or maths pass and/or be employed by a firm and under the supervision of a qualified accountant, chartered secretary or cost and

management accountant. The student will be expected to complete three years practical work before being awarded the diploma. Anybody who wishes to obtain more information should contact 36 0124.

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Musical to aid meals scheme

By Rob Soutter

The Methodist Church is launching a musical drama called "Feed my People" based on the work of its Meals on Wheels scheme in Soweto.

"It is a deeply moving drama which depicts the victims of starvation, particularly the aged and attempts to make people do something to help," said one of the organisers, Mr Gavin Hendry.

The organisers need sponsors for their equipment. "If the hiring or buying of the equipment can be sponsored, we can put more money towards the feeding scheme and launch other Methodist Church projects," Mr Hendry said.

He appealed to musicians and firms to lend equipment.

"The cost of buying all the equipment is about R27 000, which we cannot afford," he said.

Time to CARE for the aged

The story tells of a young couple who hear of starving pensioners and go on a "pilgrimage of truth." They become involved with helping, but ask questions such as "What do pensioners feel on receiving hand-outs?" "Why do these problems exist?" "What is needed to solve them?"

It is intended to launch a season of five or six performances which will be extended to a month if the show is successful.

The drama will be taken to other centres in South Africa to encourage the establishment of feeding schemes in depressed areas.

The Johannesburg performances of the musical will be held at the People's Centre in Pritchard Street, and will begin as soon as equipment can be organised.

For further information telephone the Methodist Church at 37-5938 or 724-2857 (after hours).

Collaborators are forgiven

South Africa News Service

President Samora Machel has ended a war with 1 000 former collaborators of the colonial regime and has granted political rights, reports the news agency AIM.

At the final session this week President Machel said those involved would no longer be regarded as "collaborators" but as Mozambican citizens.

According to AIM hundreds of former paratroopers and commandos volunteered to fight in

P004

8/7/82

here's a
top profession
with high status,
high responsibility
and high salary

UNDERGRADUATE CADET SCHEME
PARTICIPATING COMPANIES
Anglo American Corporation of South Africa Ltd
Johannesburg Consolidated Investment Company Ltd
Anglo American Life Assurance Company Ltd
Anglo American Property Services (Pty) Ltd
Deloitte, Haskins & Sells

What is an accountant?

Accountants are vital to every field of activity there is in modern society. Without Engineers there wouldn't be much building. Without Doctors hospitals wouldn't be very effective. But without Accountants everything would crumble and collapse. Whether it's a soccer club, a car-wash business, a huge corporation, a state-run industry or a political organisation, nothing works effectively unless there are highly qualified Accountants behind it.

An Accountant is not a Bookkeeper. His responsibility does not consist of merely recording

How the scholarship works

Year 1: Your Pre-University Year

A unique programme has been devised by Anglo American and the University of the Witwatersrand to prepare the scholarship student for the demands that will be made on him by both the University and his future work environment. In the year of intensive academic and vocational preparation the scholarship student will be in the guiding hands of a team of specialist tutors and 'mentors'.
The vocational part of this programme

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An Accountant is not a Bookkeeper. His responsibility does not consist of merely recording the facts and figures, but of analysing and interpreting them as well. And frequently making the management decisions which his training and experience equip him for.

We'll give you more than a scholarship

The Undergraduate Cadet Scheme is not simply a bursary given to finance a University Degree in Accountancy. It is much more. You earn a salary while you study and at the same time you also get training towards a management future.

On being awarded a scholarship you begin working at the Company's Head Office. You start with a unique pre-university year which not only prepares you for your university studies (with courses in the relevant subjects) but also involves you in the working environment of a large company.

And throughout the complete period of your scholarship you enjoy the following -

- * University tuition fees paid by the Company
- * A monthly salary
- * A bonus at the end of every year
- * An annual review of salary
- * Annual leave.
- * Pension and medical aid facilities

When at the end of your course you return full-time to the Company your salary will naturally be commensurate with your graduate status.

Why?

The Companies participating in the Undergraduate Cadet Scheme believe that the future of South Africa depends on creating a society based on stability, justice and equal opportunity.

They also believe that their own growth depends on the availability of high quality personnel, both Black and White, to fill senior positions in Finance and Accounting.

The scheme has been specifically designed to develop Black Matriculants to this level. We will give you all the assistance you need to enter the company as a graduate and to compete equally with comparable White colleagues for future management positions.

How the scholarship works Year 1: Your Pre-University Year

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In the year of intensive academic and vocational preparation the scholarship student will be in the guiding hands of a team of specialist tutors and 'mentors'.

The vocational part of this programme covers such subjects as office skills, an introduction to broad commercial background as well as involvement in a practical training project.

The Pre-University tuition will include Mathematics, English and Communication Skills, Commerce and Accounting and training in "How to study at University" as well as preparation for university life.

At the end of this Pre-University year, the scholarship student must decide if he wishes to continue. At that time he will be assessed as to his ability to proceed to university.

Training during vacations

During the main university vacations, scholarship students will receive either academic assistance with their degrees or take part in special projects and programmes to simulate real-life commercial working situations. In short, the problems, procedures and people you are likely to encounter at Head Office, in Associated companies or on the Mines are covered.

The 'Mentor' System

Throughout your Scholarship course you will enjoy the benefits of supervision, guidance and advice from your personal 'mentor' — a senior official in the Company who will take a personal interest in your progress and career.

Are you

- * Writing matric this year or have you passed matric within the last three years?
- * Under the age of 25?
- * A leader?
- * Bright and dedicated enough to study for a career in the field of Accountancy?

I would like to be a cadet. **Please post me your application form.**

Mark with * address where you will be during July and August.

Home address:

Name & address of school:

..... Tel:

..... Tel:

..... Tel:

..... Tel:

..... Tel:

..... Tel:

..... Tel:

..... Tel:

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..... Tel:

SEND TO: Mrs. Y. dos Santos, Undergraduate Cadet Scheme, Anglo American Corp. of S.A. Ltd. Box 61587, Marshalltown 2107 to arrive before 31 July 1983.

Priests need more pay says inquiry

748 Star 26/7/82

By Caroline Braun

Salaries of Anglican priests should be more than doubled, a commission of inquiry into the remuneration of clergy has recommended.

The commission, under the chairmanship of the Rev Geoff Lowick, was set up by the Bishop of Johannesburg to investigate the adequacy of stipends paid to clergy in the Johannesburg Diocese.

It found that salaries were totally inadequate, and lagged far behind inflation.

A senior married priest with children receives a monthly stipend of about R350, which drops to about R320 after tax and pension deductions.

A newly ordained single priest receives R200 gross a month.

The priest also gets from the parish in which he works a free house, and usually free car, water, electricity and telephone.

In affluent parishes, the priest's stipend is often supplemented by an allowance granted by the local church council. Sometimes this allowance is equal to or even more than the stipend.

The commission said it was unfair for priests in wealthy parishes to receive this extra income, while priests in poorer areas did not.

It recommended the diocese lay down new salary scales — increasing present salaries by more than 100 percent — and said the difference in present and proposed salaries should be met by the parishes.

"Priests must be adequately paid, but the diocese does not have the money to do this," Mr Lowick said.

"Each parish should be responsible for supplementing its priest's income to the level laid down by the diocese."

"The affluent parishes would have no problems in this regard."

"Less affluent parishes in urban areas could probably afford to raise the extra money, but the parishioners would have to be encouraged, and made aware of their responsibilities towards their priest."

"Poor parishes in rural areas, who could not afford to supplement the priest's income, would be linked to affluent parishes who would assist them."

The commission recommends that a senior priest's monthly stipend be increased from R350 to R725, and a newly-ordained priest's from R200 to R485.

Money spent on transport and hospitality should be reimbursed, it says.

The commission's recommendations have been submitted to the Bishop of Johannesburg for consideration.

Call to double Anglican priests' pay

Argus Correspondent

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Provision should also be made for the reimbursement of expenses such as transport and hospitality.

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Lawyers hit at security laws

THE committee of the Johannesburg Attorneys' Association said in a statement yesterday it was opposed to any legislation under which people could be held in detention or solitary confinement without recourse to legal advisers.

"The committee has noted with concern the fact that another person, detained under security legislation, recently died whilst in detention," said the statement, issued following a meeting yesterday.

"The attorneys' profession continues to view with concern security legislation which permits, in some cases, unlimited detention without trial.

"This legislation goes hand-in-hand with restrictions on the power of the judiciary to intervene on behalf of detained persons."

Stability

The statement quoted the report of the Bennett Committee on police interrogation procedures in Northern Ireland as having found

"The imposition of order may be successful in the short term, but in the long term, peace and stability can only come from that consensus which is the basis of law."

"The continued existence of emergency powers should be limited in both scope and duration."

"Though there are times when they are necessary for the preservation of human life, they can, if prolonged, damage the fabric of the community."

The statement was issued by Mr R W F Sceales, honorary chairman of the association. — Sapa

Legal Aid Bureau short of cash

248 Staw
9/9/82

The Legal Aid Bureau of Johannesburg, which provides free legal assistance, is in financial difficulties.

In his chairman's report at the annual general meeting of the bureau yesterday, Mr A P Kruger said the number of people seeking help continued to rise, additional staff were needed, and the bureau had to contend with inflation.

Additional sources of

revenue were urgently required, he said.

Mr Kruger said R23 000 had been bequeathed to the bureau last year. This had alleviated, but not overcome, the financial difficulties.

In the past year bureau staff gave 14 039 interviews — an average of 1 170 a month. Attorneys acted in 439 civil cases and counsel was appointed to act in 236 matters.

No one interested, says evicted Indian doctor

By DAVID CAPEL

WHITES in Lichtenburg are only concerned with nice cars and having a good time — they aren't concerned about an Indian doctor being evicted from his premises.

An angry Dr A Kaka said this in an interview on Friday. Dr Kaka has defiantly refused to vacate his consulting rooms in a "white" area in the small Western Transvaal town and, saying the notices served on him to do so are illegal, has rejected them.

Dr Kaka "broke in" to his rooms on September 8, the day the notices were served on him by the Department of Community Development. He said police and department officials had "chased" his patients out and locked the premises.

"I have every faith and confidence that I will be remaining here," he said. "I refuse to comply with notices that are illegal."

Dr Kaka, who studied medicine at an English college in India, bases his argument on the fact that two notices — one in terms of the

Group Areas Act and the other in terms of the Expropriation and Urban Renewal Act — were served on him simultaneously. He said the Acts have no "mutual provisions to be used simultaneously."

Dr Kaka, father of four children, has practised in the premises for 18 years and treats 30-40 patients a day.

He said he had gone to the police as well as to the town's chief magistrate on the matter, "but no one was interested".

"If I lock you out of your house, will you not go back in again? Well this issue is as simple as that," said Dr Kaka.

He refused to discuss possible alternatives if he was again forced to leave.

Asked how whites in the town had reacted to his eviction, Dr Kaka said: "They are only interested in buying motor cars and having a good time. They aren't worried about me."

An official spokesman for the Department of Community Development said the department had "no comment whatsoever".

Rdm 27/1/02

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Big shortage in engineering lies ahead

By Frank Jeans

The number of professional engineers coming into construction remains critically low, with supply in 1981 only about 900 compared with a demand for nearly 3 000

Indeed, by 1985, says the Federation of Societies of Professional

Engineers, there is a predicted shortfall of 64 percent against a demand of about 3 300

The following shortages are forecast as percentages of the actual requirement in that year for the various sectors of engineering

Agricultural 63

percent, chemical 37 percent, civil engineering 79 percent; electrical 57 percent, mechanical 55 percent, metallurgical 41 percent, mining 50 percent.

CONCERN

The area of greatest concern is in civil engineering where the supply will approach only a quarter of the annual demand by the mid 1980s

There were slightly more than 300 civil engineers available last year to meet a demand of 1 100 and three years from now the supply will be about 225 to meet a demand of more than 1 000

WOMEN'S ROLE

The federation must rely upon the white male work force for the immediate future but will work towards increasing the numbers of women and people from other race groups.

"Every effort should be made," says a federation report, "particularly by the Department of Internal Affairs in co-operation with the Department of Manpower, to stimulate the flow of immigrants with professional qualifications in engineering"

"We must also encourage those interested in engineering, but with lower grades in matric maths and science, to train at the technikons"

PRIORITY

Research showed that incorrect worker ratios had little to do with management and mainly arose because support staff was available

The report concluded that priority should be given to the training of technicians of all grades and that firms should "think twice before curtailing training schemes, even during periods of low economic activity"

Civil engineers being 'wasted'

Pretoria Bureau

There is a failure to exploit the full potential of civil engineers, says a report of the Human Sciences Research Council.

Figures show that about one-quarter of the average civil engineers working time is devoted to tasks that non-graduate staff, such as technicians, could perform just as efficiently

Some engineers spend as much as a third of their day on projects which could be handled by workers with other qualifications the report found

The research director, Mr S S Terblance, said that in order to avoid this waste of time, consulting firms should aim for a ratio of three technicians to two engineers

The present ratio is one technician for every engineer

In construction firms, says Mr Terblance, the best working force would be 12 technicians to every five engineers instead of the existing ratio of six technicians to every five engineers

An analysis of job-

ANY CANDIDATE MUST enter in (1) the number of each question asked (in the order in which it has answered), leave columns (2) and (3)

Internal	External
(2)	(3)
62	
58%	

pieces of paper or other material into the examination room are so instructed

to communicate with other any person except the invigilator

er book is to be torn out

must be handed to the invigilator before leaving the

qualification and to possible exclusion from the

Church's big plans for 100th birthday

THE centenary conference of the Methodist Church of Southern Africa, to be held in Johannesburg next month will mark the beginning of a campaign to expand church activities, according to a statement released yesterday.

The annual conference is the ruling body of one of southern Africa's largest denominations, with members in South Africa, Botswana, Lesotho, Mozambique, South West Africa and Swaziland.

This year's conference will be the 100th since the church gained its autonomy from the British Methodist Conference in 1883, according to the statement by Mr Theo Coggin, information officer.

During the conference a special "Centenary Thanksgiving Campaign" would be launched, he said, and the 100th anniversary celebrations would culminate in next year's conference in Durban.

"The celebrations have been planned in such a way that the church, which has been known as an active missionary church, can prepare itself for the next 100 years of outreach," Mr Coggin said.

Among the campaign's aims are:

- Recruitment of 100 new church ministers and 100 full-time lay workers to operate in fields such as health, social work, community development and communication.
- The launching of an evangelical campaign to reach 100 000 people.
- The raising of R2-million to finance projects — Sapa

Death of attorney 'not investigated'

Mercury 248
14/10/82

Mercury Reporter

THE death of Durban attorney Griffiths Mxenge, whose mutilated body was found with 45 stab wounds near the Umlazi cycle stadium last year, has not been thoroughly investigated by the police, an Umlazi inquest magistrate was told yesterday.

Mr Louis Skweyiya, an advocate appearing for the family, told Mr Justice Patterson in the Umlazi Magistrate's Court that there had been a complete lack of investigation by the police. 'The case was never investigated'.

In the course of the second day of cross-examination of a police witness, Det-Sgt. Christopher Shange, the Magistrate objected to Mr Skweyiya's line of questioning the police officer.

He told Mr Skweyiya 'I am just as interested as you are in arriving at the truth of the whole matter. But you seem to be embarking on something much wider. You seem to be criticising this policeman'.

'This is certainly not the purpose of this inquiry. Perhaps you should lodge your complaint against the police with higher authority or even take the matter up in Parliament if you wish,' he said.

Afraid

Earlier, when questioned by Mr Skweyiya, Sgt Shange had told the Court that he had been shocked at the extent of the injuries on the body of Mr Mxenge and had therefore not examined the clothes.

Mr Skweyiya then remarked 'You ought not be a policeman, if you are afraid.'

When asked why he had not arranged for the body to be photographed before it was removed from the scene, Sgt Shange said the police were guided by 'certain rules' and he had done what he was supposed to do.

Asked if the police used a mortuary van to remove the body of the slain attorney, Sgt Shange said 'In the Umlazi area we do not use a mortuary van to remove the bodies of dead people'.

Robbery

When asked why a mortuary van had not been used to remove the body, the police officer said he 'never' used such a vehicle 'because it is a rule at our police station at Umlazi'.

Sgt Shange said when he arrived at the scene where the body was lying he found the trouser pockets 'turned inside out' and he thought that the man had been the victim of a robbery.

Sgt Shange told the Court that a pocket book he was using when he

picked up the body on November 20 last year had since been lost.

Questioned by Mr Skweyiya, the policeman said he had looked for the book in the filing room of the police station before going to court, but that it had 'disappeared into thin air'.

Witness

Mr Skweyiya said 'This is the difficulty which we have in this whole saga. This is an important piece of information which we could have used to help us determine the truth of this matter and now it is missing'.

Another police witness, Lt Willem le Grange, of the Durban Murder and Robbery Squad, told the Court that he had received a report on November 20 to proceed to Umlazi in connection with the death of the attorney.

He said on arrival at the scene he found on the left hand side of the road the place was wet and muddy. It appeared as if two people had wrestled there. There were also wheel marks on the ground.

When asked by the counsel for the State, Mr Andre Oberholzer, whether the race or colour of the person involved was taken into consideration by the Murder and Robbery Squad when dealing with complaints, Lt le Grange said it was not.

Swaziland

Only the nature of the complaint, whether it was an armed robbery or whether any weapons had been used, mattered.

He said the attorney's car had been found burned out near the Swaziland border three days after the discovery of the body.

The car was identified by its engine number.

He said an Indian shop owner near the Swaziland border, a Mr Mansoor, had told the police that when he returned from fishing on the Sunday evening the car had not been on the road.

The next day an unidentified black Swazi had informed Mr Mansoor about the car.

Mr Skweyiya requested an adjournment 'in the light of new evidence by Lt le Grange'.

The adjournment was granted and the hearing will resume 'at a date to be finalised jointly by Mr Oberholzer and Mr Skweyiya'.

Higher tariffs for lawyers

ARGUS
14/10/82

248

Argus Correspondent

PRETORIA — Attorneys' fees for action in the Supreme Court and Appellate Division have been increased, the Government Gazette announced.

The new fees came into effect on October 6

New regulations state that in Supreme Court proceedings no instructing attorney should charge a fee of more than R200 if the claim is undefended or R250 if it is defended, unless the court directs otherwise in an exceptional case

When taking instructions for Supreme Court proceedings to institute or defend, an attorney's fees now vary between R10 and R100 and for advice on evidence or on commission between R5 and R50

Attendance by an attorney in the Supreme Court when an advocate is employed costs R20 to R30 a half-hour. For judgment only it is R15

In the Appellate Division of the Supreme Court the fee for an attorney taking instructions to note an appeal is R15 to prosecute or defend, R25 to R150, and to make or oppose an application R20 to R80

Attendance in court by an attorney to note a judgment costs R15 and on hearing an appeal or application R20 to R30. Instructions to counsel, written or verbal, on appeal cost R20 to R100 and on petition R20 to R100

Attorneys' fees are increased

Own Correspondent

Attorneys' fees for action in the Supreme Court and Appellate Division have been increased from October 6, according to the Government Gazette.

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Fees for instructions for Supreme Court proceedings will vary from R10 to R100. For advice on evidence or on commission the range is from R5 to R50.

For attendance by an attorney in the Supreme Court or before a judge, commissioner or referee, the fee is R20 to R30 per half hour. For judgment only it is R15.

In the Appellate Division, for an attorney taking instructions to note an appeal the fee is R15 to prosecute or defend an appeal R25 to R150 and to make or oppose an application R20 to R80.

A spokesman for the Law Society said the increases had been long wanted.

Lawyers are unhappy over 'low' fee rises

By MAURITZ MOOLMAN

JOHANNESBURG lawyers are disgruntled over an average 33% increase in tariffs announced in the Government Gazette last week and say it is not enough.

The increase constitutes a 133% rise over 13 years and was nowhere near sufficient, a lawyer said this week.

"It may be for Durban or Port Elizabeth, but Johannesburg lawyers had tremendous cost increases to cope with," he said.

The most far-reaching adjustment in tariffs was in lawyer appearances before a judge.

Where a lawyer formerly could charge only between R10 and R20 a half hour in recovered monies, he may now charge between R20 and R30 a half hour.

A lawyer has pointed out, however, that senior lawyers were already charging more than this while the new tariff was in line with fees charged by juniors.

It was being accepted now, too, that a telephone call to or by a lawyer in litigation cases could constitute a consultation. Where a lawyer formerly could only charge R2,60 he could now charge up to R30 for a consultation by telephone.

But the present tariff structure, which came into effect in 1965, also came under fire from lawyers who claimed that the present structure of drawing up a bill of costs was "terribly time consuming".

"I am very disappointed that the old structure had been retained. There has been talk that charges will be separated from counting words and folios," a senior lawyer said.

The chairman of the investigation committee of the Association of Law Societies into tariffs, Mr Billy van der Merwe, said he foresaw a change in the system of assessing rates when recommendations made by Mr Justice Galgut were accepted.

"In the mean time we have to stick to the old system," Mr Van der Merwe said.

He said the structure of the legal system should be changed to allow less affluent lawyers easier access to legal procedures.

Many cases which are heard in the Supreme Court could be heard in magistrates' courts.

Extension of lower court jurisdiction had become urgent.

"As soon as a claim in excess of R1 500 is to be instituted, it has to be done through the Supreme Court where costs could easily be five times higher than in the magistrate's court," he said.

INQUEST

Investigations not 100 percent, says magistrate



Detective Sergeant Christopher Shange, the Umlazi policeman who was too afraid to check Mr Mxenge's clothing for cuts and tears

NEARLY a year ago the mutilated body of Durban civil rights lawyer Griffiths Mxenge was found on a dusty road leading to the Umlazi cycle stadium by early morning joggers.

When the inquest into his death resumed this week, the Umlazi court commented that police had conducted an inadequate investigation into the case.

At one point inquest magistrate, Mr Victor Patterson, interrupted the questioning of police witnesses by Mr Louis Skweyiya, advocate for the Mxenge family, and said it was apparent that investigations into the murder had "not been 100 percent as you or I would have expected".

But, said Mr Patterson, the purpose of an inquest court was not to criticise the police. Complaints should be lodged with the police commissioner or taken up by Parliament.

During the two-day inquest, which has been adjourned for a second time, the court heard that

● The policeman sent to retrieve Mr Mxenge's body, Detective Sergeant Christopher Shange, had not searched the body at the scene because he said the pockets on Mr Mxenge's trousers were inside out.

● He did not put his hand inside Mr Mxenge's shirt pocket

By INGRID STEWART

because he could see it was empty.

● Because of the way Mr Mxenge was injured — his throat had been cut from ear to ear and his stomach had been cut open — Detective Shange said he was "afraid" to check the deceased's clothing for tears and holes. He agreed with Mr Skweyiya that deductions could be made from holes, cuts and tears in the clothing.

● Detective Shange said he had not noticed any signs of a struggle or wheel marks at the side of the road where the body was found although another police witness mentioned this in his evidence. Detective Shange said he had made a thorough search of the area.

● He said he had not taken photographs of the body at the scene because he was "guided by certain rules".

"It's not done here in Umlazi," he told the court.

● He had not called for a mortuary van or ambulance to take Mr Mxenge's body to the hospital and mortuary

Mrs Victoria Mxenge, widow of slain Durban civil rights lawyer Griffiths Mxenge and her advocate, Mr Louis Skweyiya, at the Mxenge inquest this week

Instead the body was loaded onto the floor at the back of the police van because "that's how we work."

Mr Skweyiya: Whether the person is dead or not?

Detective Shange: Dead or alive the person is put in the back.

Detective Shange also told the court how the pocket book in which he had made notes about the retrieval of Mr Mxenge's body had disappeared. According to Mr Skweyiya, the book should have been filed for three years before being destroyed.

But Detective Shange said the book had disappeared from the filing system at the police station.

"This is the difficulty which we have in this whole saga. This is an important piece of information which we could have used to help us determine the truth of this matter and now it is missing," Mr Skweyiya told the court.

Also missing, the court heard, is the shirt Mr Mxenge was wearing the day he died. Earlier the court heard from Mr Skweyiya that the family believed it could

provide the inquest with important information.

Mortuary attendant, Vilele Dhlamini, told the court he had handed a plastic bag containing Mr Mxenge's clothing to the dead man's brother. Neither he nor Mr Fumbathe Mxenge checked the contents of the bag but, according to an indemnity form signed by Mr Fumbathe Mxenge of Craighaven Area Hospital, Northern Ireland, one pair of socks, a belt, a pair of long pants and a shirt were handed over.

Constable Dhlamini said he had listed these items on the indemnity form from mortuary records and the recipient had looked at the items through the transparent plastic bag.

Mr Skweyiya said there was a dispute about the missing shirt and he would be handing in an affidavit from Mr Fumbathe Mxenge who is in Northern Ireland, in due course. There would also be a witness.

Another policeman, Lieutenant Willem le Grange of Durban's Murder and Robbery Squad, who investigated

the disappearance of Mr Mxenge's car, said he did not know who had given him the vehicle's registration number.

According to police records before the court, Lieutenant Le Grange had sent out a report on the missing vehicle at 116 pm on the day the lawyer's body was found. Earlier the court heard how details of the missing vehicle had been given to the police by the Mxenge family some days later.

Lieutenant Le Grange said he had subsequently questioned police in Umlazi to establish whether they had given him the information. They said they hadn't.

He said when he went to the place where Mr Mxenge's body was found there were a number of people standing around, including a newspaper reporter, and it was possible that one of them might have told him.

The hearing will resume at a time to be arranged by Mr Skweyiya and the representative from the Attorney-General's office, Mr Andre Oberholzer.

Chetty ^{26/10/82} owed ²⁴⁸ SACC ^(M) huge sum

Own Correspondent

A lawyer, Mr Shun Chetty, owed the South African Council of Churches R83 142,57 and another R141 335,24 paid to him was unaccounted for, the Eloff Commission heard today.

An auditor, Mr Jacobus Wessels, said an investigation of the books and documents showed that R83 142,57 was owing by Mr Chetty which included a cheque for R30 000, a loan for R17 000, an amount of R4 400 for bail money, R9 800,52 for "bail money and repayment incorrectly included" and R16 000 for bail money still to be accounted for.

Another R8 000 was issued for "food for detainees," the hearing was told. The report laid before the commission said that amount was also incorrectly included in amounts Mr Chetty accounted for.

The SACC also issued a cheque for R26 000 to Mr Chetty on June 19, 1979. The cheque was written in SACC's books as "contra" payments against an amount received the same day from the Federation of Evangelical Lutheran Churches of South Africa (FELCSA).

Notes of a closed session of an executive committee meeting on September 12 and 13, 1979, said the payment was in respect of a specific FELCSA agreement for which Mr Chetty especially would report to FELCSA.

A statement from the Rev F C Bell, former general secretary of FELCSA in Johannesburg since September 1976, said Mr J C Rees informed him about the existing arrangement between FELCSA and Mr Chetty.

During an overseas visit in April 1978, an official of the Lutheran World Federation also confirmed the arrangement. He said the funds came from Amnesty International in England, who did not want it to be known, Mr Wessels said.

Mr Bell also said he did not pay the R26 000 to Mr Chetty in terms of the FELCSA agreement. He understood the amount was paid to Mr Chetty by SACC officials while Bishop Tutu was overseas and when he discussed the matter with Bishop Tutu the bishop expressed his dissatisfaction.

(Proceeding)

Could be R224 000, say auditors

Chetty fled owing SACC a vast sum

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from 26/10/82

By EUGENE HUGO

POLITICAL trials lawyer Mr Shun Chetty fled South Africa in 1979 apparently owing the South African Council of Churches (SACC) at least R83 000 — and possibly the massive amount of R224 500.

This emerges from the Eloff Commission auditors report officially presented in Pretoria yesterday by Mr Jacobus Wessels of Theron and van der Poel, who were engaged to investigate SACC finances.

The auditors calculated the amount after examining documentation on a series of transactions between the

fugitive lawyer and the council and paid for mainly from the Asingeni fund. Their findings are in direct conflict with the conclusion of the SACC after a special investigation into payments made to Mr Chetty up to July 1979 that 'generally the payments were supported by genuine billings for work'. This view was, according to minutes of an SACC meeting, supported by Mr Oliver Barrett of the legal firm Bownes who assisted the original auditors with their investigation.

These disclose that the lawyer refused to be subjected to the same financial procedures as other attorneys after it had been the practice to pay him on the basis of reports on his work for the SACC every six months.

Following this Mr Chetty told SACC General Secretary Bishop Desmond Tutu that he was owed R32 000 on his latest account which had been apparently misfiled, and payment was authorised.

But when the account came to light it was found to be for R16 000 only.

Bishop Tutu arranged a meeting to discuss the financial arrangements with Mr Chetty but he left the country a few days before this was due to happen.

● Probe reveals discrepancies —
Page 9.

In fact the SACC decided that it owed Mr Chetty the sum of R2 057,95.

But Theron and van der Poel reported that it appeared that Mr Chetty owed the SACC

- R30 000 for a cheque made out to him which was not taken into consideration

- R17 000 in the form of a disputed loan which was put down to an agreement with the Federation of Evangelical Lutheran Churches of SA (Felcsa)

- R4 400 in bail money which was not included in listed payments

- R8 000 which was an unaccounted for discrepancy between cheques for food for detainees

- R9 800 in bail money which was erroneously included in the total accounts of cash refunded by Mr Chetty

- R16 000 in bail money not accounted for

Besides this amount of over R83 000, the Commission auditors refer to a further amount of R26 000 — also claimed to be part of an agreement with Felcsa.

And they state "If this amount was indeed not related to the Felcsa agreement, it means that Mr Chetty received a further amount of R26 000 which was not taken into account."

"This would bring the total owed by S Chetty to R109 142,57."

Theron and van der Poel also refer to another two amounts possibly owing by Mr Chetty.

- One is a "mystery amount" of R62 929 for "Soweto Trial" received via the Westminster Bank and Cole and Cole in England by the Legal Cost Trust Fund

- And another is an amount of R52 406,24 in three payments from the Natwest Bank, London, to Mr Chetty.

"We could not establish whether Mr Chetty reported the receipt of these two amounts," said the auditors.

In a 12-page section on Mr Chetty the auditors quote the minutes of closed executive committee discussion of the Chetty case in September 1979.

Own Correspondent

Former Durban lawyer, Mr Shun Chetty, who fled South Africa in 1979 and who was the instructing attorney at the Steve Biko inquest, featured prominently at yesterday's hearing of the Hoff Commission of Inquiry in Pretoria.

Warrant Officer John Mills, an officer of the commission, read extracts from correspondence of the South African Council of Churches (SACC) which dealt with queries into money which Mr Chetty appeared to be owing the SACC.

Mr Chetty told Bishop Tutu that the impression created in the media was that he had borrowed money

Chetty asked for R30 000, inquiry told

and skipped the country, when the money was to pay counsels fees that were due.

The Rev F Bell said in a statement to Warrant Officer Mills that he had had a discussion with Mr John Rees and other members of the SACC in 1977 concerning an agreement under which fees from the Lutheran World Federation would be

coming to South Africa for Mr Chetty.

Mr Bell said this was preliminary discussion and Mr Rees promised to give him further information. This did not happen however.

In June 1979 Mr Chetty had asked for money urgently, Mr Bell told him. Mr Chetty said he had been contacted by the authorities in Pretoria and he was unsure

about his future. He needed R30 000 to put his practice in order.

Money had been sent by the Federation of Lutheran Evangelical Churches of South Africa (Felcsa) to the SACC but Mr Bell said he was reluctant to give it to Mr Chetty.

Mr Bell said he had not been given money by Felcsa to give to Mr Chetty. He gave the cheque for R26 000 to Mrs E Storey and told her the funds were not for Mr Chetty.

At that stage Bishop Tutu was overseas. Mr Bell said. He later found out that money had been given to Mr Chetty and he was upset.

The hearing is continuing.

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27/10/82

Struck-off attorney's new plea

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Own Correspondent

Mr Shun Chetty, the political trials lawyer who left South Africa hastily in 1980, has applied to the Pretoria Supreme Court for the order which struck him from the roll of attorneys to be set aside

He was struck from the roll in September 1980 because he left the country without responding to an application by the Law Society of the Transvaal for his removal from the roll

The reasons for the application were that he owed money and that his books were not kept in terms of the society

Mr Chetty has applied for the court to set aside the order, condone his failure to oppose the application, and grant him leave to oppose it now

The Law Society is opposing the application

Judgment has been reserved

Plea to help black students

By Stan Kennedy

The International Association of Commerce and Economics Students requires the support and involvement of business in its programmes if it is to prosper, says Dr F J C Cronje, chairman of the board of trustees.

Appealing to the business community to give work to 250 black commerce and economic students during the year-end vacation, Dr Cronje says in a statement "Give them practical exposure so that they can experience business themselves and develop a positive attitude towards commerce and industry and their role in society as a whole"

The association is the world's largest non-profit, non-political student organisation. It was established in South Africa in 1958 and has received recognition from business, students, Government and society for promoting understanding nationally and internationally

It provides students with the opportunity to develop their managerial potential through closer contact with the business world

"Black students recognise that it is essential to develop a better understanding of business. In addition, they

rely on earnings from vacation employment to enable them to continue studying at university," says Dr Cronje

The association has enlisted the help of Churchill Temp Staff to get employment for the students from November to January

"Exposure to the private sector is becoming a major criterion for the successful black student," says Churchill's manager, Miss Jeanne Bramley

"Office employment during the vacation period will give them practical experience in the use of office equipment and machines, business systems and routines. It will also assist in breaking down barriers and help release the full potential of this workforce of the future."

Made legal history in the Transvaal this year

Bertha Edith Smith has made history in the Transvaal legal profession this year for being the first coloured woman attorney.

This kind of achievement must have been very far from her mind when, as a lonely orphan, she was placed in a Craddock boarding school in 1949 after her parents were killed in a car accident.

She completed her matric at Trafalgar High School in the District Six area of Cape Town and then returned to the Witwatersrand where she read for a degree and married. After completing her degree in 1963, she enrolled for a librarianship diploma at the University of the Witwatersrand and, after qualifying, worked in a library for a year.

She then joined the Johannesburg City Council as a social worker and did community work in Western Township - a coloured community plagued by poverty and other ills of the underprivileged.

She worked with dedication and one of her most impressive achievements was the establishment of a home for mentally ill coloured children in Coronationville.

She left her post with the city council to work full-time at the growing Coronationville home, but,

at the same time, she embarked on her part-time legal studies in 1970.

After five years of dedication and sheer hard work she graduated. But that was not the end of the struggle.

She battled to find an attorney who would employ her as an articulated clerk. Despite her qualifications no company would engage her.

It was not lack of experience, for she had started her courtroom training in 1974 and had earned her LLB degree in 1975, but she came up against South Africa's traditional double code of prejudice - against women and people of colour.

Eventually she found an attorney prepared to employ her and a year ago her new career began.

It was a great personal triumph, especially as it came amid domestic tragedy. Two years ago her only daughter died at the age of 17, but her two sons and her two grandchildren were there to share her success.

"I like the law", she says, "because everything - the study and the practice - is so disciplined". This is not surprising in a woman who has disciplined her life to overcome personal tragedy and professional hardship in a noble and generous way.

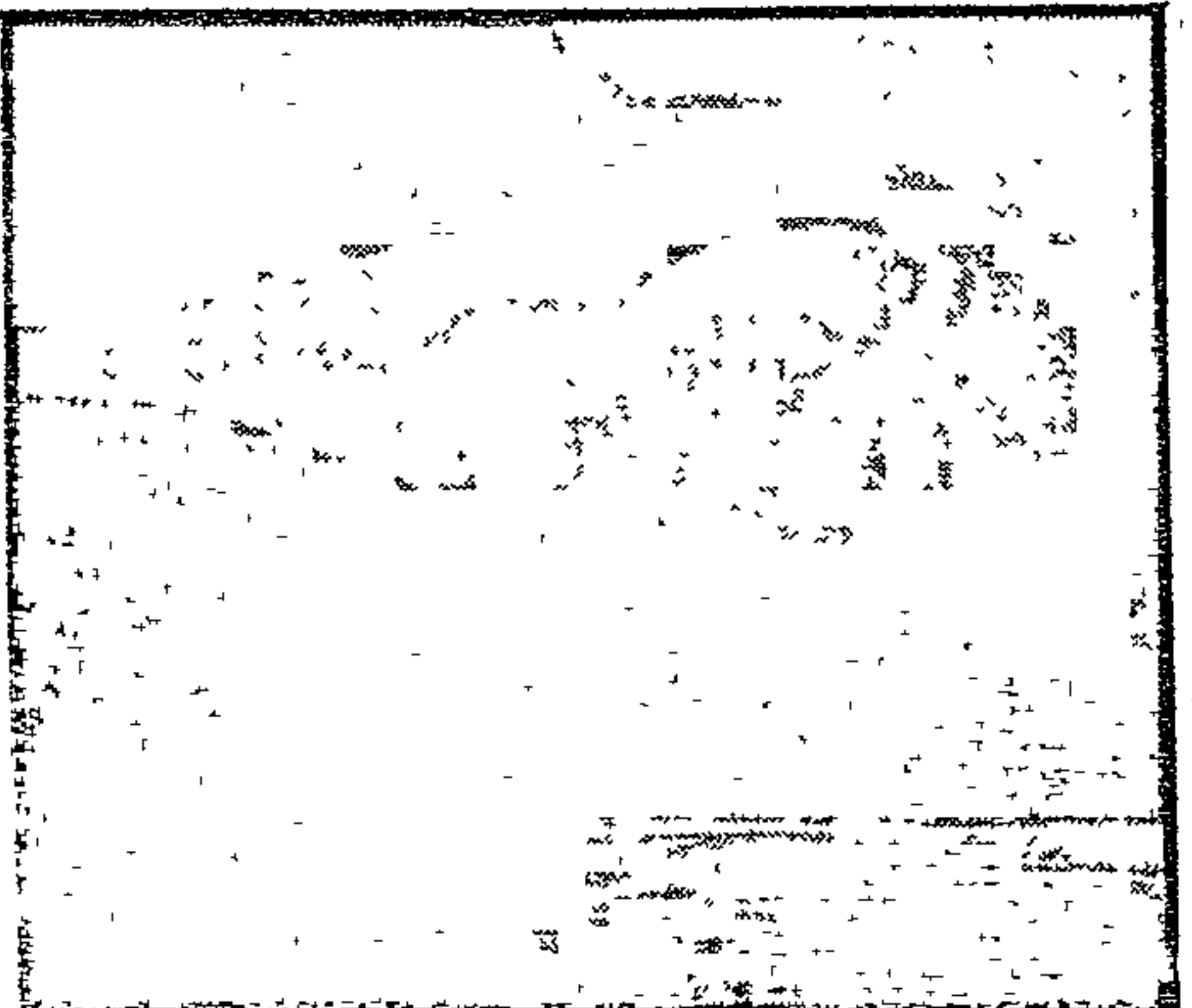
BERTHA EDITH SMITH - Sheer hard work has taken her to her present position as the first coloured woman attorney in the Transvaal.



Law is her challenge

STC 10/11/82

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KRISHNAVENNIE CHETTY — her rapid progress to magistrate set her head reeling.

A mere three years after she graduated as a law student in Durban, Mrs. Krishnavennie Chetty became the first Indian woman in South Africa to become a magistrate.

After only two months of doing criminal cases, she began hearing civil matters.

In her office in the magistrate's building in Verulam, a pleasant, tree-lined town north of Durban, Mrs. Chetty says her rapid progress to the position she now holds initially set her head reeling. The excitement has now worn off and she has settled down to do her job as

best she can.

An only child, Mrs. Chetty was born and educated in Durban. She graduated in law at the University of Durban-Westville in 1978 and served her articles of two years with a firm of attorneys on the South Coast.

She began prosecuting in the Verulam Court in July last year and was appointed magistrate in November. In January she began hearing civil cases.

"I find my work challenging and always interesting. It is for this reason I chose law as a career. I wanted some-

thing that would be challenging and rewarding at the same time.

"Court work is not just routine work. I am learning all the time and I love working with people," she says.

"In civil cases especially I deal with so many different aspects of the law. I find I have to do so much more work, but it is satisfying."

She says when she was newly appointed she often wondered when highly experienced people appeared before her, whether they were thinking, "What does she know?"

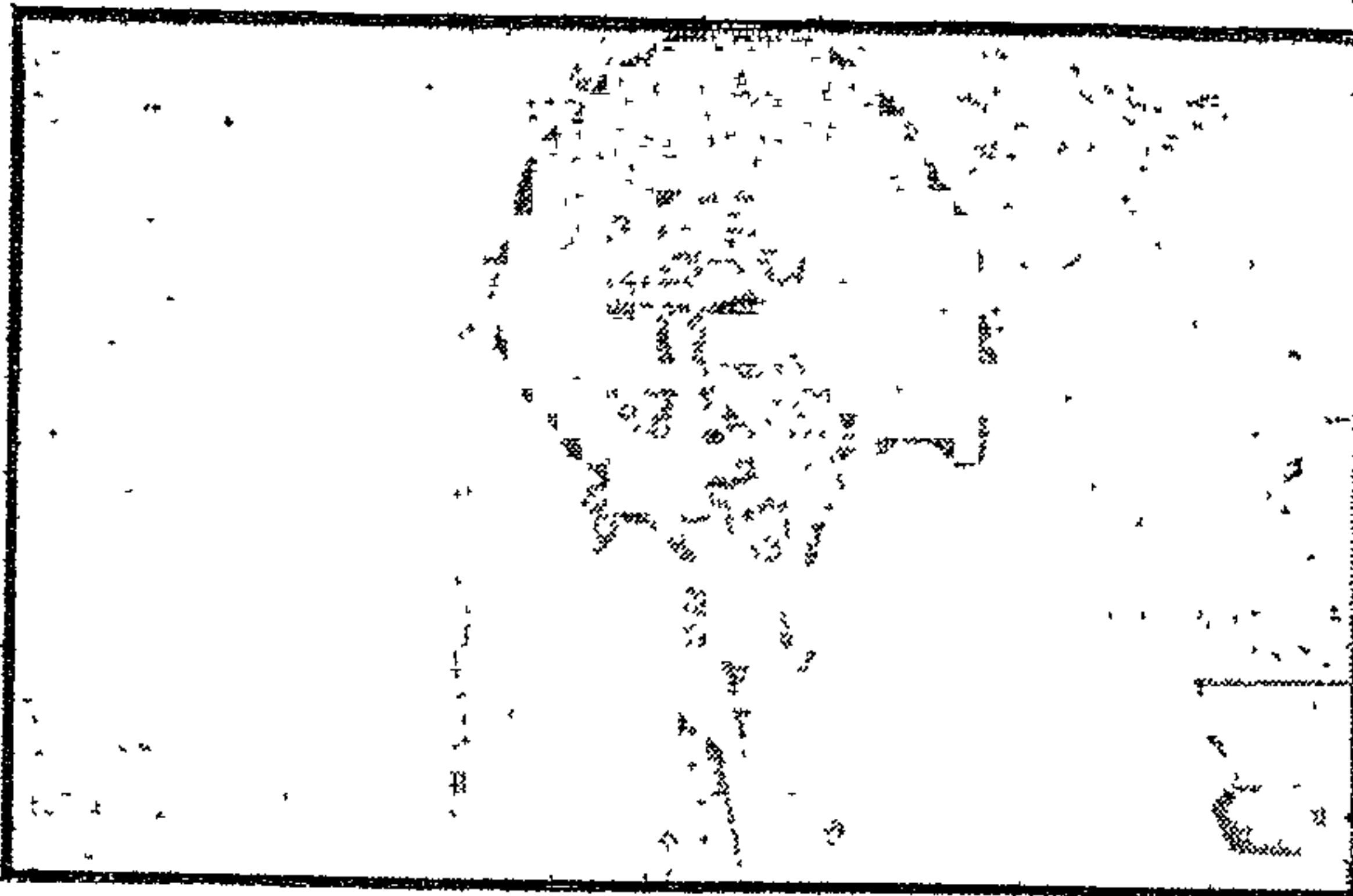
but she is determined not to be daunted by that.

In her dealings with the law she has not encountered specific difficulties, but she does believe legal aid should be extended to include a wide range of legal actions.

At present people who apply for legal aid have to qualify for it with a means test so that too few people qualify.

In her free time Mrs. Chetty likes swimming and playing squash. She used to be a keen athlete at school, "but I'm not any more."

Campaigned for divorce reform



PROFESSOR JUNE SINCLAIR — delegate at this year's International Society of Family Law conference at Harvard

Professor June Sinclair - family law expert and co-author of a recently published book on divorce law - was the only South African to deliver a paper at the Fourth World Conference of the International Society of Family Law held at Harvard Law School in June.

Since 1971 Professor Sinclair has been an ardent campaigner for divorce law reform, expressing her views in law journals and in public lectures.

She recently completed a detailed report for the parliamentary select committee on the controversial Matrimonial Property Bill — a Bill which abolishes marital power but only in marriages contracted after it is enacted.

This draft Bill — the content and enactment of which Professor Sinclair regards as crucial — has still not been passed although many years have lapsed since the Law Commission began investigating the present law.

Professor Sinclair

does not, however, see herself as a campaigner exclusively for women's rights.

"Traditionally women have been discriminated against in law and they still are. As a family lawyer I campaign for a fair system for males and females of all races," she says.

Reform of South African law affecting the family lives of blacks is another area in which Professor Sinclair is involved. Included in her Harvard paper was a discussion of legislation such as the Group Areas Act and Influx Control laws.

"These areas of South African law are not commonly considered to be a family lawyer's concern but because of our political situation they have become so," she says.

Professor Sinclair adds "I was a member of the commission elected in 1977 to found the now-named Lawyers For Human Rights group which concentrates on laws that dis-

criminate against any sector of the population."

Family law is not Professor Sinclair's only interest. She has also published extensively on banking law and the law of cheques.

For 13 years she has lectured in the law faculty of the University of the Witwatersrand where she completed her BA and LLB and was immediately offered a lecturing post.

Four years ago she was appointed professor of law and at 31 was then the youngest professor at Wits.

Her achievements are by no means at an end and she is now busy on her doctoral thesis on the financial consequences of marriage and of divorce and divorce procedure.

"A major issue confronting South Africans at present is the reform of our marriage laws which will ensure maximum fairness and support to all victims of our high rate of marriage breakdown," she says.

Lawyer who fled SA is struck off roll

By JOHN MOJAPPELO
Pretoria Bureau

THE Pretoria Supreme Court yesterday confirmed the decision to have the name of the former political trial lawyer, Mr Shun Chetty, struck off the roll of attorneys.

Mr Chetty fled the country in 1979 while the Law Society of the Transvaal was investigating his affairs. He was struck off the roll of attorneys on September 16, 1980.

Mr Chetty brought an application against the law society and asked the Supreme Court to rescind the decision to strike him off the roll.

Mr Justice O'Donovan, with Mr Justice A P Myburgh concurring, dismissed the application with costs.

The judge said Mr Chetty had "put

himself beyond the reach of the law by fleeing the country and therefore cannot claim the protection of the court."

Mr Chetty, who appeared in many political trials throughout the country, fled to Botswana on August 8, 1979. He is now overseas.

He was struck off the roll after he had been found guilty on charges concerning his legal practice. The charges arose from two cases in which he acted as instructing lawyer.

Mr Chetty was found to have represented conflicting interests detrimental to his clients. He had solicited business in a manner "unbefitting an attorney."

The court found that his dealings with the Supreme Court had not been entirely "honest and were unbecoming an officer of the court."

"In abandoning his practice the way

he did, he had caused serious prejudice and embarrassment to a number of his clients, whose interests had to be taken care of by the law society and other members of the profession," the judge said.

He had also failed to appear at an inquiry of the law society after he had confirmed he would attend.

In a 95-page affidavit from Bangkok, Thailand, on April 21, Mr Chetty denied he had left the country to avoid the consequences of any misconduct on his part as an attorney.

He said he had left because he had been subjected to harassment by the Security Police.

The judge said Mr Chetty's flight before the meeting with the law society led to an "inescapable" inference that he did not intend to attend the law society inquiry.

Mr Chetty practised as an attorney in Johannesburg until August 8, 1979. On that date he joined the Republic of South Africa and on September 16, 1980, he was appointed a Judge of the Pretoria Supreme Court. He made an order, as from its application, from the Law Society of South Africa.

● In the trial of State vs. Maphike his dealing with the court had not been honest and was unbecoming of an officer of the court.

● He had contravened the requirements relating to the keeping of proper books of account and of trust money, and there were deficiencies in his trust account

He denied leaving the

He denied leaving the country to avoid the consequences of his misconduct as an attorney. He said he left because he was harassed by the police.

granted
In October Mr Chetty
applied to the court for
rescission of the
judgment and order in
1980 and applied for
condonation of his fail-

Mr Justice B O'Donovan and Mr Justice A P Myburgh said it must have been clear to Mr Chetty that his flight out of the country on the eve of a meeting that he had undertaken to attend, would avoid the

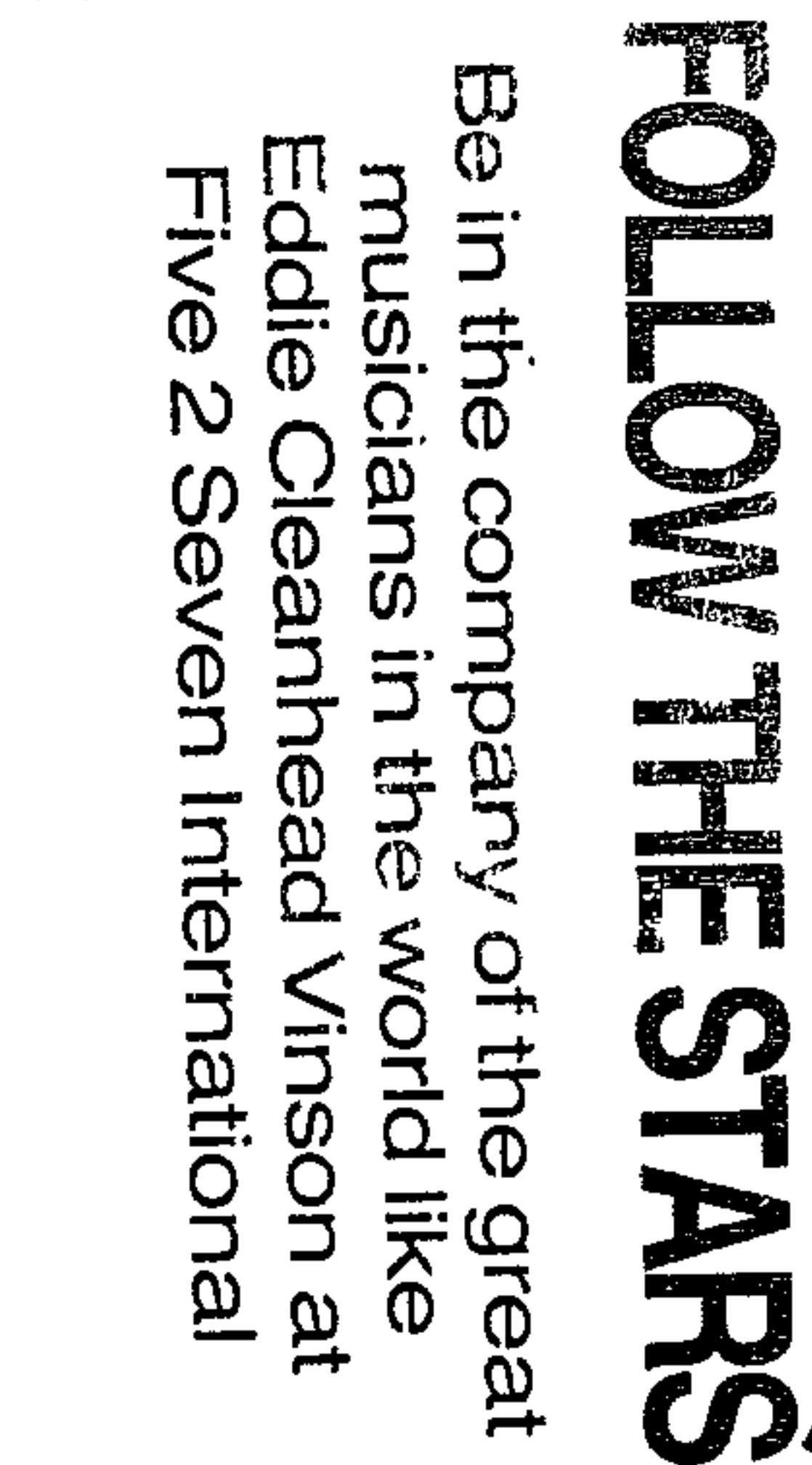
process of investigation in which the law society was then engaged.

The judges said it must therefore be inferred that this result was intended by Mr Chetty, whatever other factors may have motivated him.

"Mr Chetty has put himself beyond the reach of the law by fleeing the country and therefore cannot claim the protection of the court. On this basis his application must be dismissed," said the judges.

The law society was awarded the costs of opposition -- Sapa

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Trial within trial in 'wire' case

A TRIAL within a trial to determine if statements made by five Wire Gang trialists to police officials were done under duress, was held in the Soweto Regional Court yesterday.

The trial followed claims by the five accused that before statements were made they had been assaulted and even threatened with death by the investigating officer if they refused to admit that they took part in some of the alleged offences

Earlier, the magistrate, Mr J J Muller, ruled that a confession made by one of the accused, Mr Calson Nengovhela (23), to the investigating officer that he took part in a robbery involving R3 400, be admissible as evidence only against him.

The five, who allege that their statements were not made willingly and voluntarily, are Mr Raon Mathebula (24), Mr Yusi Manana

on June 7, before they were taken to the Bronx Murder and Robbery Squad, police officials Detective War-rant Officer Joseph Morsisi of the same squad in Soweto had gone with them to Protea.

They told the court that during the alleged assaults their hands had been tied. At some stages they had been choked with a wet cloth placed over their heads and forced to acknowledge crimes they did not commit.

Mr Manana said at Bronx he had been forced to admit that he was the driver of the alleged "Wire Gang" members. When he denied this, a black policeman had pinched his testicles with pliers and at one stage he had been pointed at with a firearm.

Det W/O Molsis¹ and Det Sgt Alpheus Mothabane² of the Brixton Murder and Robbery Squad denied that any force had been used to extract in-

A. A. Land

BEMSO = 21.2 Rev

Women W. B. B. M. 1

At. J. B. B. - index 1

Yavitch

L. p. 100 (76)

UK alarm at nuclear 'brain drain' to SA

LONDON — South Africa is successfully recruiting British nuclear scientists and technicians despite Britain's policy of refusing to co-operate with the development of the nuclear-power industry in South Africa, the Guardian newspaper reported at the weekend.

In a front-page article, the liberal daily said the "flourishing" recruitment campaign had attracted a

number of highly trained nuclear specialists.

The Guardian said most of the recruits were from the Atomic Energy Authority, whose work is covered by the Official Secrets Act which prevents disclosure of national security information, and from the Central Electricity Board, which oversees the operation and maintenance of all power stations in Britain.

Senior members of the opposition Labour Party "are concerned, not only about the brain drain in the nuclear and other high-technology industries, but also about the possibility of scientists inadvertently breaking the Official Secrets Act and assisting South Africa in the development of nuclear weapons", the newspaper said.

The Guardian said the South African Electricity Supply Commission (Escom) runs a London recruitment office.

Top recruit

It identified Mr Tony Gopsill, former deputy director of Britain's Hinckley Point reactor in Somerset, as one of Escom's top recruits. Mr Gopsill went to South Africa in February 1981 on loan to Escom but decided to stay and resigned his post in Britain last September.

Meanwhile, Mr Len Murray, general secretary of the 11-million-member Trades Union Congress, called on Britain and other Western countries to drop their opposition to mandatory United Nations economic sanctions against South Africa.

Mr Murray told delegates at an Anti-Apartheid Movement conference here that the trade-union movement would also pressure Britain to reduce its heavy dependence on economic links with South Africa.

'Unjustified'

"Those links are not only morally unjustified, their maintenance lacks any commercially sound basis," he said. "Their very existence puts British trade and interests at risk in other parts of the world, notably in black Africa."

● The chairman of the Atomic Energy Board, Dr J de Villiers, said yesterday he had no comment to make on the Guardian's report. — Sapa-AP

11/1/82 ^{Staw}

Dropping of B Proc may hit black law students

By Carolyn Dempster, Education Reporter

In an important development for the legal profession, the B Proc degree may be dropped in favour of the LL B as the minimum qualification for admission as an attorney.

The principle has already been adopted by the Association of Law Societies of South Africa, and has been cast into the melting pot of debate among lawyers, academics and legal advisers.

Mr N van Rensburg, secretary-general of the association, said the move was first suggested three to four years ago, but as yet the changes are still in the form of a proposal.

"Nothing is final, and I cannot say how long it will be before the new requirements are introduced, if they are introduced."

Cape Town University has already decided to go ahead, and no longer offers the B Proc degree to law students. In consultation with the association, other universities countrywide are also deciding whether or not to phase out the B Proc.

An LL B has always been the minimum qualification for advocates for admission to the profession, but attorneys could practise with either the B Proc or LL B.

According to Mr van Rensburg, the B Proc will remain an acknowledged and accepted degree and will probably be phased out only slowly.

In the latest edition of the association's magazine, De Rebus, the head of Unisa's department of legal studies, Professor W J Hosten, discusses the imminent change. He regards the proposal as a positive move to upgrade the quality of qualified attorneys.

"I don't think the profession was ever entirely happy with the B Proc degree. It was a compromise between the universities and the profession, and as such represented a half-way station to the LL B."

The BA-LL B combination takes students a year longer to complete as opposed to the straight B Proc, but the LL B gives a better academic training, according to Professor Hosten.

The move, if implemented, will have a dramatic impact on the number of black law students, most of whom have chosen to pursue the B Proc course.

This is one of the problems which still need to be resolved, added Professor Hosten.

There is also no guarantee that the homelands which have assumed independence will choose to follow the same course as South African universities.

WHEN a Lamontville woman bought a second-hand paraffin lamp and found it didn't work, she refused to pay.

A Durban magistrate ordered her to pay the R16 lamp off at R2 a month, plus costs.

Over the next three years she paid R78

In the meantime the lawyer acting against her charged legal fees to her account of nearly R200. Then this attorney was suspended from practice for two years. He employed another

firm of attorneys to collect.

It is now eight years since the original debt was incurred and the legal fees have mounted to R377,31. The woman, who supports four children on a modest salary, has paid R240 but still owes R140.

Impossible? Now read on ..

Law Society to probe attorney's statement

By KEVIN DAVIE

The Natal Law Society is to investigate a complaint against a Durban attorney regarding a statement he made in the Durban Magistrate's Court

In the statement attorney Edwin Mousley, acting for former attorney Mike Sellick who recently completed a two-year suspension from practice, said a Lamontville woman, Roselyn Ncayiyana, had been ordered by the court three years previously to pay off a debt at R2 a month

Mr Mousley's written statement to the court in July 1979 said she had not paid the R2 instalments over the three-year period and R72 was owing. In fact, according to information supplied by Mr Mousley to Mrs Ncayiyana's lawyers, the Legal Resources Centre, she had paid R78

By the end of the three-year period legal expenses debited to Mrs Ncayiyana by Mr Sellick amounted to nearly R200

This carried on until May 1979

Then about that time Mr Sellick was asked by the Law Society to show cause why he should not be struck off the roll

In March 1980 Mr Sellick was suspended from practice for two years

When the Sunday Tribune telephoned Mr Sellick at his restaurant at Hillcrest to discuss Mrs Ncayiyana's case, he said "I don't speak to



ROSELYN NCAYIYANA with her children Lucky, 19 (left), Rhanya, 4, Ronald, 17, and Mpume, 14. They are all at school

newspaper reporters"

During the period Mr Sellick faced Law Society action his legal business folded and another firm of attorneys, Helman and Partners, took over the job of collecting outstanding legal fees incurred from the R16 lamp

According to Mr Mousley, Mr Sellick later had this debt ceded to him. Ceded debt is debt which the creditor either gives or sells to a third party. The debtor then has to pay this party

Mr Sellick employed the firm of Patterson, Manikam and Mousley to collect outstanding fees for him. They were his associates while he was in practice

Mrs Ncayiyana's nightmare was highlighted in the Sunday Tribune last

September. In 1975 she bought a second-hand paraffin lamp from Lancer's Furnishers, a company that used to operate near a Durban station but has been out of business for several years

Because she was fully paid up on a radio, she was allowed to take the lamp on credit. But the lamp did not work, "not even a single day", so Mrs Ncayiyana went back to the store and asked them to fetch it and take it back. She says they agreed to do this, but never came

When she was billed for the lamp, she ignored the bills until she was summoned to appear in court. The court ordered she had to pay the R16 plus costs of R12 95. That was in 1976

Eight years later, even though she has already paid R240, she still owes R140 on the lamp

The Legal Resources Centre in Durban decided to take up Mrs Ncayiyana's case and wrote to Mr Mousley requesting a full breakdown of costs awarded against her and amounts she has paid

Senior legal sources at the Durban Magistrate's Court have examined the breakdown of fees supplied by Mr Mousley and have said, for instance, that while tracing fees of R80 have been charged over the years, tracing fees can only be charged if the original amount owing was more than R50

Mrs Ncayiyana says she cannot understand how they could charge

tracing fees, she has been living at the same address for 20 years

When the Sunday Tribune informed Mr Mousley that senior legal sources at the Magistrate's Court had said in terms of the Magistrate's Court Act, Table B, Part 1, Item 3D, one could charge tracing fees only if the original amount owing was more than R50, Mr Mousley said "We can look into that"

"We may have to get a Law Society ruling on that"

Mr Mousley agreed with the Sunday Tribune that Mrs Ncayiyana's case was sad and that costs were "totally out of proportion"

"We're collecting a large amount of money," he said "We can't be

MIKE SELICK
Not talking

EDWIN MOUSLEY
court statement

aware of the individual case"

But he said he would not be prepared to drop his claim against Mrs Ncayiyana

"I'm acting for my client," he said, referring to Mr Sellick

Mr Anthony Brokensha, the vice-president of the Natal Law Society, says the society acts to protect the public from overcharging. He says that if it finds a clear indication of this in Mrs Ncayiyana's case, at the very least she can expect all charges to be refunded

Mr Brokensha says the society will go into the complaint and if there are irregularities the complaint will be referred to a disciplinary committee for attention

D. Dispatck 16/2/83

Stutt attorney is suspended by court

GRAHAMSTOWN — A Stutterheim attorney, Mr Neil Charles Wylde, was suspended from practising for an effective six months after the Supreme Court here yesterday found him guilty of unprofessional conduct over a property transaction involving a New Brighton businessman, Mr Mongameli Matikinca.

A further six months' suspension was suspended for three years on condition he is not found guilty of unprofessional conduct or any offence involving dishonesty.

The action was brought by the Law Society of the Cape of Good Hope following a judgment last year in which Mr Wylde and the firm for which he worked, Wylde Bros., were ordered to pay Mr Matikinca R42 564 as well as interest and costs.

Mr Matikinca lost a total of R70 345, which he paid Mr Wylde between September 1976 and July 1977 for the purchase of a shop in Alice owned by a client of Mr Wylde's, Mr D. D. Boy.

He was never able to take transfer of the shop as Mr Boy went insolvent before transfer could be registered.

Mr Matikinca subsequently recovered R27 780 in dividends from Mr Boy's insolvent estate.

In March last year, Mr Justice Smalberger found that Mr Wylde had been guilty of a serious dereliction of duty towards Mr Matikinca, from whom he had accepted a mandate to look after his interests.

He had deliberately withheld vital information about Mr Boy's financial position and had failed to warn Mr Matikinca of the risk involved in paying over money to Mr Boy before taking transfer of the property. This money should have been put in a trust account until transfer.

Mr Wylde had also failed to advise Mr Matikinca when he offered to sell him the other shop that Mr Boy was already under provisional sequestration. When that order was discharged he

did not warn Mr Matikinca that Mr Boy's financial position was still precarious.

In yesterday's judgment Mr Justice Kanneviller and Mr Justice Mullins said Mr Wylde's conduct had been "unconscionable" and his dereliction of duty potentially prejudicial to Mr Matikinca.

Mr Wylde said in an affidavit that the money had been paid by his father, out of his life's savings and that this had caused him (Mr Neil Wylde) considerable trauma.

He said his conduct over the Matikinca transaction was due "more to my lack of experience than any deficiency in my character or to any moral turpitude on my part".

Suspending him from practice as an attorney for 12 months, the judges said that apart from an expression of regret from his counsel, Mr Wylde had shown no remorse nor did he appear to appreciate the serious nature of his misconduct — DDC.

(248) *Human and Q 61.257-*
Scientists. salary structures
23/2/83 258

*14 Mr R B MILLER asked the Minister of Constitutional Development and Planning

- (1) Whether any investigation has been undertaken into salary structures of scientists in South Africa, if so, what progress has been made in such investigation, if not,
- (2) Whether he will initiate such an investigation?

†The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

(1) and (2) The salary structures of scientists are regularly monitored by, amongst others, the Science Planning Branch of the Department of Constitutional Development and Planning, the Human Sciences Research Council and the Commission for Administration

Following on a Cabinet decision, an investigation into the remuneration structure of scientific personnel in the public service and in the employ of scientific councils was undertaken and completed at the end of 1981. Subsequently interim relief measures for certain categories of the personnel concerned were approved in principle and negotiations in this regard are being conducted with the Department of Finance at present

However, the remuneration of scientists in the public service remains a matter of particular concern for the Government and it has been decided to single out this group for attention in terms of the new approach of occupational differentiation

FEBRUARY 1983

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The Commission for Administration is at present according high priority to an investigation in this regard

Call for training in poverty law'

By MARTINE BARKER

THE NATURE of the South African legal system and the fact that it is heavily weighted against most South Africans poses problems for legal-advice clinics, the convener of the University of Cape Town's Legal Aid Centre, Mr Andrew Corbett, believes.

In addition to this, says the final-year law student, law schools in South Africa do not teach students enough about dealing with "poverty law".

The emphasis at universities, he says, is on aspects of the law which will affect wealthier members of society, such as company law — and on graduation most students join practices providing for these needs, charge a great deal for their services and ignore the huge complex of social security law problems.

Even within the UCT legal-aid clinics, says Mr Corbett, there are some students participating in the programme because they feel it will give them practical experience which is good for their curriculum vitae, not because they perceive the need which exists in the different communities served by the clinics.

The centre runs clinics in various Cape Town suburbs, but because the

70 students who run them are not qualified legal practitioners, they can only assess cases, try to resolve problems through negotiation and where court representation is needed, refer cases to the State-run legal aid board or to private attorneys. Each clinic has a lawyer who advises students on difficult cases.

Mr Corbett says the centre is trying to get social-work students involved in the programme as well, since it is fairly common for social problems to arise.

Rights

But more important than simply trying to solve problems as they arise, he believes, is the role of the centre in educating people to a knowledge of their rights.

He sees the legal-aid centre as expanding to a point where it serves as a resource centre for autonomous community-based advice offices, and as being able to assist advice offices get off the ground. The centre puts out pamphlets on particular problem areas but a need exists for more.

Most South Africans are legally denied the human rights regarding housing, work, family life and education that whites in the country take for granted,

says Mr Corbett.

And this means that even before such barriers to getting legal assistance as poverty, ignorance of their rights, the fact of inadequate training of lawyers and the fact that poor people generally live far from the centre of towns where lawyers usually have their consulting rooms, the majority of black people start out at a distinct disadvantage.

Mr Corbett says many lawyers feel threatened by alternatives to their services such as legal-aid clinics. But, he says, the clinics in no way impinge on the constituency of professionals — they merely provide assistance to people who would otherwise be denied access to legal help.

The students see different types of problems in the different communities

At the centre's campus office, more complex issues affecting staff and students arise — small accident claims, lease and rental difficulties crop up frequently. Occasionally people who do have the means to pay for professional assistance go to the clinic for "cheap help".

In 1982, although no final figure is available, Mr Corbett estimates that the centre dealt with about 2 100 cases at its 10 clinics.

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CAPE Times 25/3/83

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E Cape lawyers form association

S.A. Dispute
11.9 APR 1983

GRAHAMSTOWN — A group of Eastern Cape lawyers has formed a branch of the Democratic Lawyers' Association. It includes attorneys and advocates from Transkei to Port Elizabeth, a spokesman said.

Mr Archie Gumede, a committee member of the DLA, was the guest speaker. He urged the

lawyers to involve themselves in community work and to render their services to the man in the street.

A constitutional committee was elected headed by Mr M T Mdlalana, Advocate Dave Pillay, Mr Hintsu Siwisa, Mr V Magabi and Mr L M Makapela — SAPA

BLACK LAWMEN GO IT ALONE

248
City Press
24/4/83

By BENITO PHILLIPS

GRAHAMSTOWN — Years of rumblings among black attorneys about discriminatory treatment by law societies in South Africa came to a head when black lawyers in the Eastern Cape got together here to form the Eastern Cape Democratic Lawyers Association.

It consists of attorneys and advocates from Transkei to Port Elizabeth. Representatives from the Durban Lawyers' Association and the Black Lawyers' Association of Johannesburg also attended the meeting.

The chairman of the Release Mandela Committee, Mr Archie Gumede, who is also a committee member of the DLA, was guest speaker. He urged the lawyers to involve themselves in community work, and to help the man in the street.

It was felt that because of the home-

lands, attorneys could not practise in the place of their choice either in the independent homelands or South Africa.

The Association decided to align themselves with the progressive movements in this country.

A constitutional committee was elected, and this will be headed by Mr M T Mdlalana. The other members are Mr Dave Pillay, Mr Hintsa Siwise, Mr V Maqabi and Mr L N Makapela.

White attorneys at Christmas had parties for the members of the associations, but black attorneys were never invited to attend.

When it came to elections black attorneys were not considered, and all the top positions went to white attorneys.

The attorneys claimed that the trust account books of black attorneys were always scrutinised for irregularities, but not those of white attorneys. This had built up resentment over the years.

'Dismal year' for press freedom in SA

DURBAN. — Pressures on journalists were "fast becoming intolerable", the president of the Southern African Society of Journalists, Mr David Bleazard, said in opening the 900-member body's annual congress here yesterday.

The government was still bent on introducing more controls in spite of existing legislation which strangled the free flow of information. "The past year was a dismal one for press freedom in South Africa,"

said Mr Bleazard. Citing examples, he said that apart from legislative clampdowns, there had been a disturbing trend of State officials denying access to newsworthy events to reporters, of harassment of journalists by police and of bannings and imprisonment of members of the profession. He appealed to journalists to work together towards fighting the erosion of such democratic freedoms as speech, association and the press.

He also referred to the "increasing burden of self-censorship" being practised by newspapers' own management, and to their "gate-keeping" procedures which played down certain issues. Constant vigilance was required to uphold the journalistic profession even when members worked amid ideal conditions — but a lot more was needed when these conditions were lost or under attack. "It is not enough to say newspa-

pers should be objective and simply reflect the reality of a situation Absolute objectivity is a myth." But even in terms of passively reflecting the society around it, the commercial press was not doing its job properly. Whole areas of information and debate in South Africa had been declared out of bounds, with the result that the "other side" often went unheard — in contravention of primary journalistic rules. A factor of importance over the past year had been the SASJ's legal victory over the Argus and South African Associated Newspaper groups, who had been prevented from withdrawing from negotiations with the SASJ through the voluntary Conciliation Board. The SASJ felt that employers could not "simply withdraw" from negotiations at will or over failure to reach agreement. The congress continues today — Sapa

Chetty article was biased, court told

5 PM
By Themba Molera

An article which appeared in Beeld about exiled attorney Mr Shun Chetty was biased and prejudicial, a Johannesburg regional magistrate heard yesterday

This was said in argument by the prosecutor, Mr S van Rensburg, in the contempt of court case against former Beeld editor Mr Theunissen (Ton) Vosloo and Nasionale Pers Beperk

Mr van Rensburg said the article which appeared on June 8 1981 was intended to prejudice a Supreme Court judgment in a case brought against Mr Chetty by the

248 3 MAY 1983
Transvaal Law Society (TLS)

He added that the report written by Ms Elsie Moolman had also questioned Mr Chetty's character

The article was published while Mr Chetty's case was still pending "Mr Chetty's version was not sought by the reporter or by the editor before the article was published," he said

Mr Vosloo said in evidence he regarded the article to be reliable and true The main story source was Mr P Erasmus of the TLS He regarded Mr Erasmus as the best available news source

The report had anticipated the outcome of the case and had said it was unlikely Mr Chetty would be allowed to resume his practice as an attorney again

Mr Vosloo said the report was a true reflection on Mr Chetty and was not intended to injure his character or reputation

Mr P Henning, representing Mr Vosloo and Nasionale Pers, argued that Mr Chetty, who fled the country in 1979, was a fugitive from South African law and was not amenable to the processes of the law, nor did he warrant its protection

Judgment will be passed on May 16

Legal men 'should push education'

Pietermaritzburg Bureau

THE legal profession as a whole should throw its weight and where necessary its funds behind every attempt to even up educational opportunities for all races, the Judge President of Natal, Mr Justice Milne, said this week.

Speaking at the annual dinner of the Natal Law Society in Durban, Mr Justice Milne said he was aware this was a very complex business and the ramifications stretched into many facets of society.

'But this is no excuse for non-action, and it is no excuse for delaying our best efforts to provide for formal education.'

Mr Justice Milne said there was no insuperable reason why there should not be a large group of able and successful black and Indian lawyers with the highest professional standards.

'When one thinks of the size of the black population in this province it is quite clear that there are nowhere near enough black lawyers,' he said.

The country needed a highly trained, highly skilled and principled legal profession to serve all sections of the community.

The opportunities for black people to become lawyers had been limited because of the absence of equal educational opportunities, but some progress was being made.

Mr Justice Milne said he was unequivocally in favour of appointments to the Bench being made on a non-racial, non-sectional basis of merit.

He said there were a few potential leaders among black, Indian and coloured lawyers, but nowhere as many as there should be.

There was a distressingly large percentage of black and Indian lawyers being struck off the roll or subjected to disciplinary proceedings.

A thorough investigation was needed, the Judge said, and any serious investigation would have to ask whether the training which black, Indian and coloured lawyers received was inferior.

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Kimberley terror trial sets records

KIMBERLEY — South Africa's longest running Regional Court trial, the Kimberley terror/security trial, has been running for over two years, costing an astronomical amount.

It is thought that the trial has cost the defence a minimum of R284 000 so far. According to the Regional Court magistrate hearing the case, Mr A J van Wyk, it has cost the State an "astronomical amount".

He said it was impossible to estimate the State's costs so far.

"It includes the salary of a Regional Court magistrate, a senior State advocate and other personnel for two years, as well as other costs such as typing."

JUDGEMENT

Mr van Wyk said he would start his judgement on July 4.

"I don't know how long it will take as we have a vast amount of evidence to go through."

The evidence is contained in 140 volumes, running to a total of 11 104 pages. The State's argument runs to 439 typed pages while the defence's arguments run to about 500 pages, not all of which are typed.

EVIDENCE

When asked why the case was taking so long, Mr van Wyk declined to comment but pointed out that Captain van Wyk had been in the witness box for 18 court days during the trial-within-a-

trial, and that his evidence had totalled 795 pages.

"During most of that time he was being cross-examined," the magistrate said.

Mr G A Pillay, the instructing attorney, refused to give the defence's total expenses thus far.

He said "Last time I mentioned an amount, it was used in court as evidence."

R300

However, according to an informed source, Advocate J Poswa, who is appearing for the accused, receives R300 for a day in court.

The firm of Durban attorneys who are instructing Advocate Poswa, receive R2 000 a month as a fee.

Other costs, which include air tickets, hotel accommodation, meals and car hire have generally exceeded R3 000 a month.

From these figures it has been calculated that the cost of the defence since November last year would have been at least R22 500.

Since November 1, the trial has been in session for 21 days. These figures suggest that the trial has cost the defence a minimum of R284 000.

TS: What's your training schedule like?

Chuck: I have a gym at my house and my stuntmen come there to work out with me. I train three hours a day. When I'm not working out, I take my horse and ride into the mountains near my house, to relax.

TS: How do you spend your time with your family?

Chuck: Oh yes!

TS: Is seafood your favourite kind of food and did your eating habits change after you were introduced to the martial arts?

Chuck: I like seafood. In my twenties, I used to eat everything except the kitchen sink. However, as one gets older, one's metabolism changes and one becomes more discreet about what you eat.

Mr. Photographer!



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DEATH

Negative

Chetty statement an error, says attorney

By ANTON HARBER

AN ATTORNEY said yesterday he should not have given Mr Shun Chetty, a Johannesburg attorney who fled the country in 1979, an unqualified statement that he did not owe the South African Council of Churches any money.

Mr Oliver Barrett, of Bowens Attorneys, was giving evidence before the Eloff Commission of Inquiry into the SACC.

It also emerged that Mr Barrett told the SACC in 1981 that the former general secretary, Mr John Rees, controlled discretionary funds other than those which emerged in his recent trial.

Mr Barrett had been asked by the SACC to approach Mr Rees about police allegations of theft of SACC money.

He reported to the SACC that Mr Rees had controlled a private and secret R250 000 discretionary fund outside of the SACC. He also reported that the situation was complicated by other private discretionary funds.

Mr Barrett, however, refused to answer questions on this subject on the grounds that it was a privileged matter since he had been Mr Rees' attorney at the time.

The chairman of the commission, Mr Justice C F Eloff, said he did not recognise the privilege, but did not



MR OLIVER BARRETT
Represented two clients

push Mr Barrett on the subject.

Mr Barrett was also closely questioned on whether there had not been a conflict of interest in his representing both Mr Rees and the SACC.

Mr Barrett said it would have been much easier to turn down the council's request for him to question Mr Rees on the police allegations, but he had consulted with a partner on the matter and had decided to do it.

Mr Rees had indicated that he would give the information only to Mr Barrett, so his client would have received no explanation if he had refused to do it.

Questioned about his letter to Mr Chetty, he said that with hindsight he could see he should have qualified his statement that the SACC was satisfied that Mr Chetty no longer owed them money.

His report had been a preliminary finding and was completed in a very short space of time without access to all the necessary documents.

Mr Barrett said he had not had the benefit of the report by an auditor appointed by the SACC, who found that R83 000 of the R516 000 paid to Mr Chetty had not been properly accounted for.

Mr Barrett denied an accusation that he had claimed R20 000 from the Law Society's fidelity fund after he had reported that the money was accounted for by Mr Chetty.

Mr Chetty had fully accounted for the money, which was used to fight a civil case for the wife of Mr Steve Biko.

But Mr Chetty had been granted costs on the case and this money was never returned, Mr Barrett said. There was little chance of claiming the money now, as Mr Chetty was in the Far East.

Mr John Rees, former general secretary of the SACC, will give evidence today.

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(247) (248) ROM 7/6/83

Lawyers rapped over legal aid for the poor

By ANTON HARBER

LAWYERS do not adequately represent the interests of the poor, says Mr Arthur Chaskalson, SC, director of the Legal Resources Centre

Nor had they made as substantial a contribution to the community as they could have done

Mr Chaskalson, whose organisation fought the two-year court battle that led to the Appeal Court's historic Rikhotso judgment last week, also said the future of the legal profession depended on its ability to meet the demands of life

He said this in an interview published in the latest edition of De Rebus, the journal for South African attorneys

"If it fails to do so, it may well lose the confidence of the public, be seen as serving only the interests of the rich, and in the process bring the legal system and

all associated with it into disrepute"

Lawyers, Mr Chaskalson said, were the people best equipped to represent the interest of groups and individuals and were often the only people entitled to do so

Because of this they had a special role to play and should make their services available to all

"In the main, the talents of the legal profession in South Africa have been put to the service of fee-paying clients and insufficient time has been given to broader community interests," he said

Large sections of the community did not have effective access to the courts, nor to the legal help they needed to protect themselves

"The greatest challenge facing the legal profession today is the building up of a legal aid system which will ensure the interests of all sections of the commun-

ity are adequately represented

"It is appalling that tens of thousands of people are sentenced to imprisonment every year without having had legal representation," he said

Lawyers could also get involved in law reform and in legal education

In an editorial, the journal said those involved in the administration of justice needed a much greater awareness of the necessity for legal aid

Aid is supplied to only a fraction of people appearing in court, according to Legal Aid Board statistics

The editorial cited two recent cases in which illiterate and unsophisticated people faced criminal charges without legal representation. The convictions had been set aside on review

It should be the duty of the prosecutor, or even the court, to assist the accused in getting legal aid, the editorial said

Rhodes' legal service continues to grow

S. Post

11/6/83

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GRAHAMSTOWN — Rhodes University's Legal Aid Clinic is now in its fifth year — and still growing

The clinic, which offers legal aid to people in the Grahamstown district, has opened about 95 files so far this year, and so seems set to surpass last year's total of 176

Senior law students at Rhodes University volunteer their services to the clinic, which opens its doors once a week

The director of the clinic and senior law lecturer at Rhodes, Mr A J G Lang, said although no exceptionally novel or complex legal points were raised, a number of cases of lively legal interest were referred to the clinic

Matters dealt with ranged from contractual claims arising from disputes concerning employment, matrimonial, pension and maintenance claims. The clinic had also dealt with criminal charges and claims relating to property or tenure

The majority of cases dealt with related to problems experienced by black people

One of the clinic's early problems was a reluctance on the part of the Grahamstown community to regard it as an effective service

But by 1982 a number of claimants had succeeded in their actions after the clinic had intervened, and claims against consultants were withdrawn or simply not pressed

"What is especially pleasing is that on a number of occasions we have actually been asked for advice on another aspect of law by persons against whom we have previously acted for consultants" Mr Lang added

In an effort to overcome the problem of a staff shortage during examination and vacation time, the clinic employed two students on a part-time basis for two months during the 1982 year-end recess

(248) ~~266~~
LEGAL RESOURCES

Meeting a need ~~275~~

The Legal Resources Centre (LRC) has scored a number of legal victories since its establishment four years ago. Some of these have affected the lives of thousands of people. Now, with the recent Rhikoto victory under its belt, the LRC plans to open in Cape Town.

According to the LRC's Geoff Budlender: "The Cape Town office will employ four full-time lawyers and an administrative staff and will also run a fellowship programme in due course. At present the Cape Town budget is set at R250 000 when fully operational — a good deal of which has already been raised."

"A significant proportion of LRC funds comes from US Foundations such as Ford and Carnegie Foundations but 35% comes from SA private sector donations. The total budget of the three centres is R960 000."

"There is continual pressure on the centre's professional staff. At present we're handling about 600 cases annually in Johannesburg alone. This is in addition to the huge case-load at our Hoek St clinic. There are enormous numbers of people who cannot afford legal fees."

The Hoek St clinic, which takes on a wider range of cases than the LRC and does not usually litigate, acts as a referral agency. It conducts about 50 interviews daily. To meet these needs the Johannesburg LRC employs 11 qualified lawyers and four fellows, while the Durban office employs four lawyers. The centre's staff are committed to further expansion as the need arises — given the availability of funds and suitable staff.

According to Budlender, the LRC handles three kinds of cases — cases testing the law and cases whose outcome affects many people because they touch on community issues.

However, the bulk of our work concerns

Financial Mail July 15 1983

~~248~~ (248) ~~266~~ FM 15/7/83
cases where the law is clear but people are being commercially exploited or are being harassed or obstructed by the administrative process, such as in unlawful hire-purchase reposessions. The big test cases are few and far between."

Nonetheless, the judgments in the Komani, Rhikoto and Dhuma test cases have all been watershed judgments with far reaching implications. For example, the Komani case in 1980 established the rights of Section 10(1)(a) or (b) qualified men to have their wives and children with them in towns.

The results of the recent Rhikoto victory, which established the rights of a person who had been in continuous employment with a single employer for 10 years (or more than one employer for 15 years) to remain in urban area, are still to be tested. Bureaucratic opposition to the Supreme Court decision means the ultimate effect of the judgment remains to be seen.

Another first for the centre was the reversal earlier this month of four previous decisions of the Natal Supreme Court in the case of Beauty Dhuma. The centre's credibility is so strong that after Dhuma had

been found to be "idle" and "undesirable," the Supreme Court judge asked the LRC to represent her when the case went on automatic review.

One of the major developments over the last 18 months has been the LRC's involvement with community advice offices. Budlender says "We now have an advocate and an attorney providing para-legal training, back-up and legal support to the advice offices. We are also publishing a manual for para-legals working in advice offices which is scheduled for completion later this year."

WEDNESDAY, 22 JUNE 1983

1640

cerned without the permission of the Minister or the magistrate of the district in which they reside

All persons are prohibited from entering the premises of a supreme court or magistrates court, except as an accused or witness in a criminal case, or a witness or party in a civil action, or to apply to the magistrate for an exemption to their restriction orders. The restriction in respect of courts does not apply where they enter court premises in the execution of their profession as attorneys.

All the persons are prohibited from entering certain Black, Asian or Coloured areas, except those in which they live or their offices are situated.

They are also prohibited from entering Black compounds, factories and premises where publications, as defined in the Internal Security Act, 1982 are prepared or printed.

All persons are prohibited from entering premises of organizations referred to in Government Notice R2130 of 28 December 1962, as amended, universities, colleges, schools and other educational institutions.

Haysom is permitted to be on the premises of the University of the Witwatersrand to complete his studies.

Naidoo is prohibited from entering a harbour.

(b) (i) Jana and Haysom

(ii) One person

4) Yes. All the persons concerned are prohibited from communicating with listed persons.

With the exception of Haysom who may write articles for law journals, the others are prohibited from preparing, compiling, printing, publishing or disseminating publications as defined in the Internal Security Act 1982, or to assist therewith.

All of them are prohibited from compiling, printing, publishing or disseminating any publication in which any constitutional system or principle or policy of the government of a state is discussed or which contains any matter relating to an unlawful organization or an organization as defined in Government Notice R2130 of 1962 or any matter which may engender feelings of hostility between different population groups.

All persons are prohibited from participating in the activities of an organization referred to in Government Notice R2130 of 1962, or to educate any person, except their children.

Naidoo and Sewpersadh may also not receive visitors at home other than a doctor or certain relatives.

All of them are prohibited from attending any gathering as defined in section 20 of the Internal Security Act, 1982.

For written reply
228 (248) Hammond 22/6/83
Restriction orders
Q. Col. 1637 -
969 Mr H. H. SCHWARZ asked the Minister of Law and Order

(1) Whether any (a) attorneys and (b)

22 JUNE 1983

1638

advocates are subject to restriction orders at present, if so (i) how many in each case, (ii) what are the names of the persons involved and (c) on what date was each of these orders imposed.

(2) whether any of these persons are subject to restrictions concerning the (a) places and premises they may enter in connection with practising their professions and (b) maximum number of persons they may consult with at any one time, if so (i) to whom do these restrictions apply and (ii) to what extent in each case.

(3) whether any other restrictions apply to these persons, if so what restrictions in each case?

The MINISTER OF LAW AND ORDER

(1) (a) Yes

(i) Four

(ii) M J Naidoo
D P Jana
N R L Haysom
C Sewpersadh

(b) No

(c) Naidoo on 10 May 1982
Jana on 21 August 1979
Haysom on 5 April 1982
Sewpersadh on 23 June 1981

(2) (a) and (b) Yes

(a) (i) Naidoo, Jana, Haysom and Sewpersadh

(ii) Jana and Haysom are restricted to the magisterial district of Johannesburg. Naidoo is restricted to the magisterial districts of Durban and Pinetown and Sewpersadh to the magisterial districts of Durban, Pinetown and Inanda. They may not leave the districts con

Call to lawyers: Sharpen up your social awareness

By Fiona Macleod

South African attorneys are ill-qualified to deal with today's increasingly "democratic" marriages and divorces, says Parow attorney Mr J A la Cock.

In a recent article Mr la Cock said attorneys restricted themselves to interpreting the law and ignored the important social and personal aspects of modern marriage.

The article — in the attorneys' journal *De Rebus* — called for specialists trained in sociology, psychology, marriage counselling and family and marriage law to replace the "painstaking, law-oriented professionals".

Future spouses needed counselling to make them aware of each other's needs and expectations from marriage. Problems which might lead to divorce could often be solved by consultation.

Such counselling was rarely undertaken on the initiative of the modern couple and could be used to advantage by the attorney, who was involved in the beginning and end stages of marriage.

Notaries drawing up marriage contracts and attorneys dealing with divorces who restricted themselves to the purely legal aspects of marriage were leaving their clients in the lurch, said Mr la Cock.

Notaries should advise couples about the changing roles and modern emphasis on mutual growth and respect in marriage.

Men especially should be shown that their traditional position of domination was being replaced by a more democratic union.

The pros and cons of the different forms of marriage contracts should be discussed and it should be pointed out

that community of assets was generally the best financial agreement for the modern couple.

Attorneys confronted with marriage problems tended to think the intervention of the courts and dissolution were the only solution. Divorce could often be avoided if they set aside their legal professionalism and took a closer look at the complicated relationships before them.

A carefully worded letter or a warning summons would often lead to reconciliation where the problems were not serious.

Attorneys could play a vital role towards reconciliation by stalling the process, granting their clients time to "cool off" and reconsider.

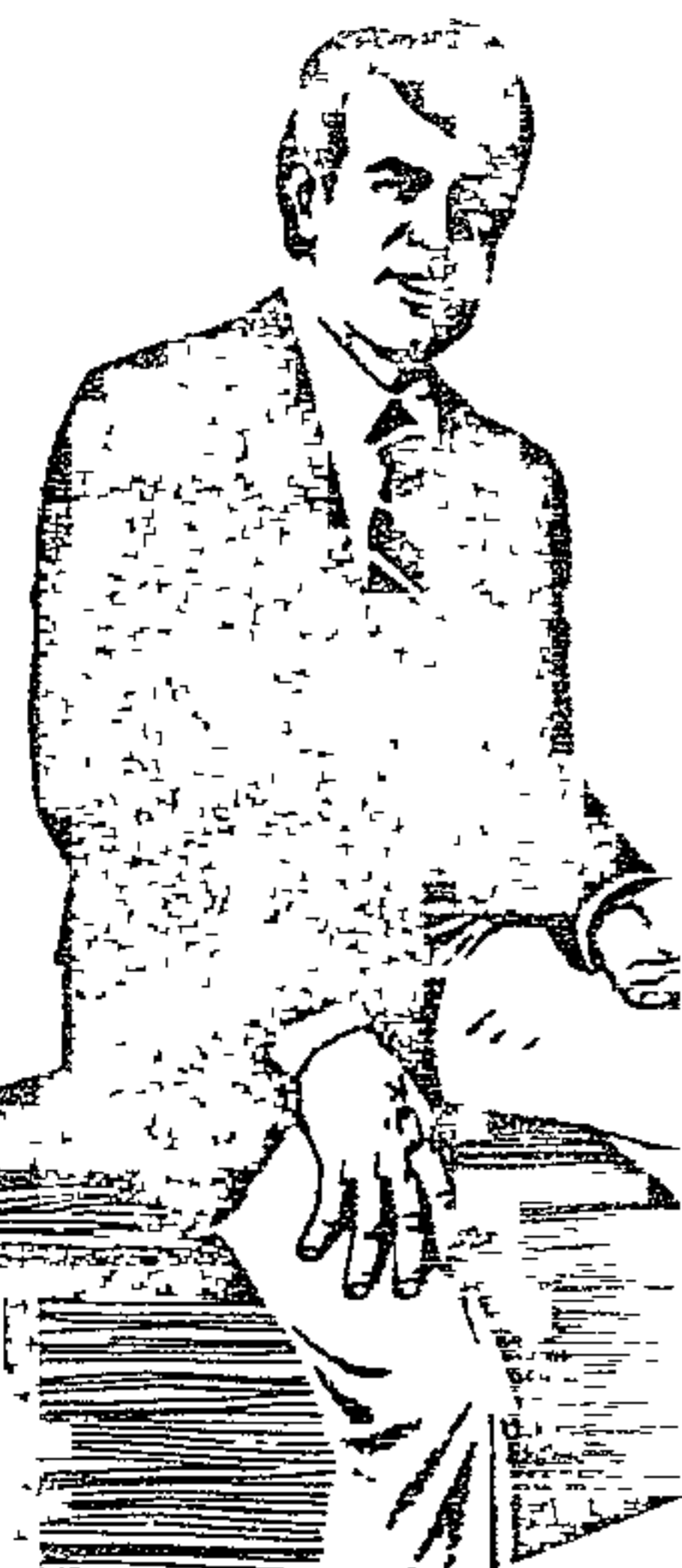
Where reconciliation was out of the question, the attorney should cause as little discomfort as possible — his role was not that of an avenging angel who took revenge on the other spouse for his misdeeds.

The social responsibility for his client must not be dropped by the attorney after divorce, when help to cope with feelings of guilt, vulnerability and loneliness was most needed.

The crisis of losing a mate would be lightened if the attorney showed concern for his client and referred him to a social worker or other professional source for help.

"The client must be continually assured by the attorney's human approach to the legal process that he is not just another client going through a divorce, but a person who must be handled with respect."

During all stages of consultation, Mr la Cock said, attorneys should refer their clients to professional marriage counsellors and relevant literature.



Management
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Business Law Law of Contracts
Purchase Law of Insolvency The Companies
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Capital Gearing Budgeting Ratio
Cash Management Income Tax Estimating
Forecasting

Marketing The South African Company
Market Research Product Policies
Retailing Advertising Sales Training
Management Distribution The Systems
Marketing

Business Policy Decision Making
Resources Analysis Corporate Strategy
Analysis

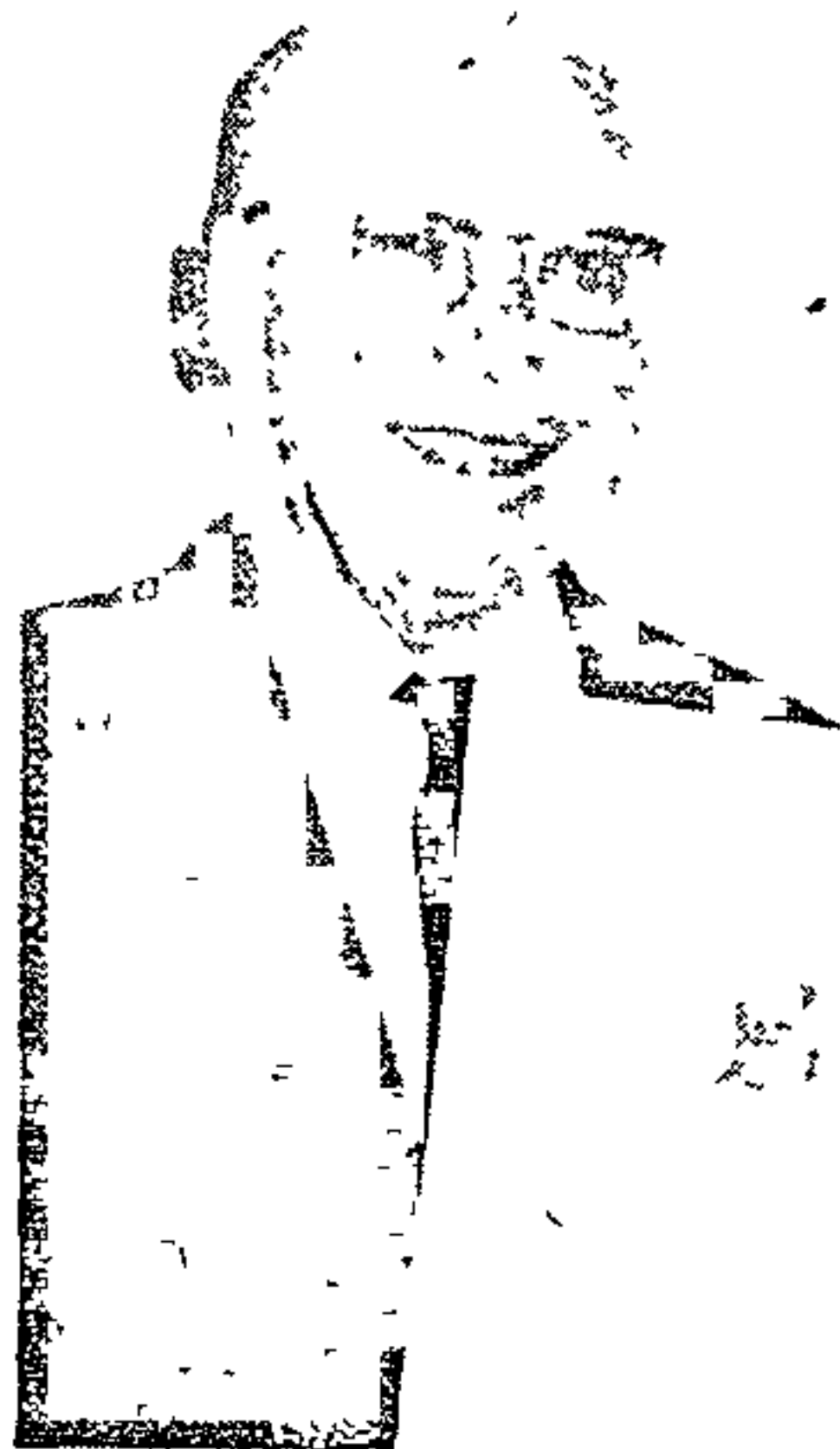
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EXECUTIVE

CAPE



Mr Bill Smith (76), a stubborn opening batsman in his younger days, has clocked up 60 years' service.

Smithie

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Weekly
Basic food

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ARNING

this newspaper and its
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however will consider
by other reports on
of the report are

Dieter Schaefer "on a Univac, FCS-EPS can
convert its binary into symbolic data files in an IBM-
readable format"

Computers vital to Anglo project

• From Page 1

reliant on its computer
software "We do an
average of 130 to 150
drawings a month and we
don't have a draughts-
man. An ex-typist
operates the system"

Anglo American
Properties tracks the
progress of the overall

project using a system
designed by BD Consult-
ing which runs on an
Apple II. The system
expedites the overall job
control said Rana
Strydom who acts as
"expeditor" or chaser, for
the project.

Ove Arup & Partners,
structural engineering
consultants designed the

es in Durban and Cape
Town. Marketing director
Jacqueline Lauder told
Software News that the

concrete structure with
standard software devel-
oped by Ove Arup in
London.

John Abbott project
engineer at Ove Arup told
Software News "We take
responsibility for the
concrete structure, and we
share responsibility with
the designers for the
curtain wall."

"Because of the novelty
of the curtain wall
construction in this
country more people have
been asked to participate
in the checking of the
design."

According to Norman
Ensor product adminis-
trator for Otis elevators
the high speed computer-
ised lift is the first of its
kind to be installed in this
country. It moves at 4m a
second (800ft a minute).

from the UK which it is
developed and supported
by EPS Consultants
which has offices through-
out the world. The system
is available on a wide
range of micros, minis
and mainframes including
the IBM range from the
PC upwards. Other ver-
sions supported are Data
General, Prime, HP,
Burroughs, Wang, Apple,
Sirius, Sharp, Superbrain,
North Star and Onix.

"FCS-EPS is written
for each machine inde-
pendently, to bring out the
features of that specific
machine" explained
Lauder.

convert its binary
into symbolic
a IBM-readable
The tape can
then be read into
EPS filebase.

"The 'read'
and 'writing'
variety of
external (to
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enhancement",
for

World wide
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organisations
models inter-
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networks



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ment environments will demand a truly
on-line, multi-threaded, high perfor-
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Swelem 21/7/83

Former Islander joins bar



HISTORIC ACHIEVEMENT: Mr Dikgang Moseneke.

By **MONK NKOMO**

THE ironic twist of justice which almost relegated a former Robben Island prisoner to the status of a "foreigner" in South Africa, had a triumphant crowning this week when he became the first black to be admitted as an advocate in the Pretoria Supreme Court.

It was in the same court twenty years ago that Mr Ernest Dikgang Moseneke (35) was sentenced to ten years for sabotage. The young Dikgang converted his confinement into academic pursuits obtain-

ing, through private studies with the University of South Africa, his BA, B Juris and LLB.

Upon his release he applied for admission as an attorney in the same Pretoria Supreme Court only to be told that because he was a Tswana, he was a "foreigner" in South Africa. By a stroke of a pen when Bophuthatswana opted for independence, he had lost his South African status.

But representation by the well known consti-

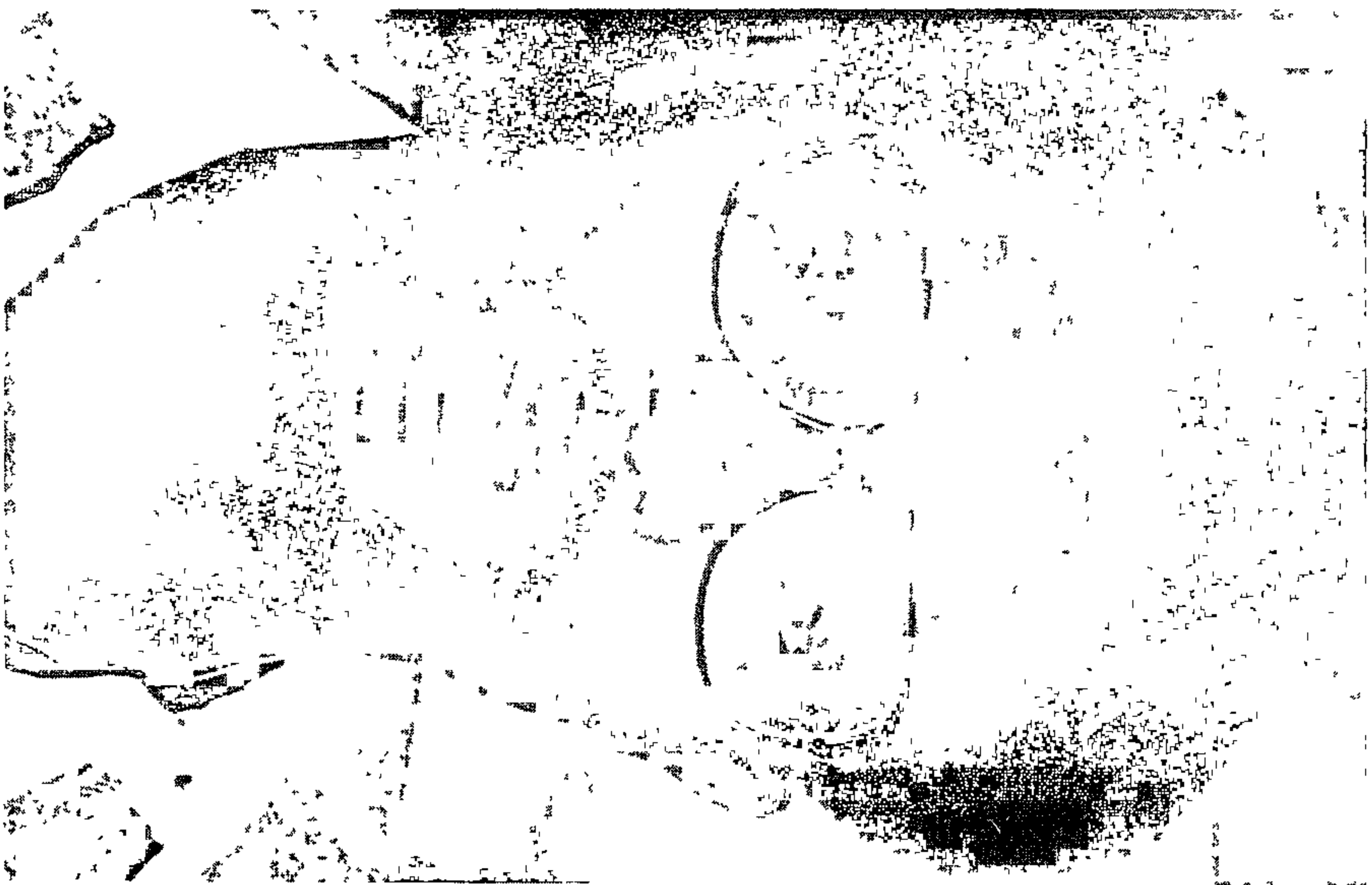
tutional expert, Professor M Wiechers, he was finally admitted as an attorney.

This week Dikgang crowned years of toil when he was admitted by Mr Acting Justice A J Heyns and Mr Acting Justice P van Niekerk. He will start serving his four months pupillage in Johannesburg making him the second black practicing advocate in the Transvaal.

The son of a high school principal, Mr Moseneke was a student of Hofmeyer High School. He is married to a qualified nursing sister, Naomi and they have two sons.

A successful attorney in Pretoria for the last five years, he will start practicing as a member of the Pretoria Bar in December.

TEENAGE SABOTEUR CALLED TO THE BAR—VIA ROBBERN ISLAND



● Mr Ernest Mosenke, who studied while serving a 10-year jail sentence, says he has a keen sense of right and wrong

Picture DOUG LEE

One way to advocate

THERE'S an easy way to describe the difference between the life of a black and a white, says Ernest Dikgang Mosenke: black people "follow the good shops into town"; whites live surrounded by them.

Last week Mr Mosenke followed the good shops into town from his home in Attaridgeville and became the first black person to be admitted to the Pretoria bar as an advocate

The same Supreme Court which sentenced him to 10-years in jail on "the island" when he was just 15. His crime was a very adult one — sabotage

The completion of his schooling and law degrees were achieved while he was jailed on Robben Island. "I had always wanted to be an attorney or an advocate"

"But I never envisaged being a lawyer in our present unjust society — I did not

I would be a practising lawyer or advocate in a very different South Africa," he laughs wryly

As a standard 8 pupil, Ernest, it was found, was involved in a conspiracy to overthrow the Government violently. There were no acts of violence, but it was found that there was preparation for violence

"I had always had a very keen sense of right and wrong. And as a child of 15 I found little wrong in what I did"

"Although I would differ in the means used to achieve my goals now," he says, "the goals themselves have never changed"

At his suggestion we met at the Burgerspark Hotel in Pretoria.

I'm not sure that I was expecting some table-thumping type with revolution in his eyes. If I was, Mr Mosenke was a disappointment

My ex-saboteur turned out

Christina
Looks
at
Life

Christina Anderson

mild mannered man wearing heavy silver jewellery. Every word was carefully weighed

Mr Mosenke shows no visible bitterness over the loss of his youth to a jail sentence

But he is steadfast in his revulsion of a system which, he says, "needs overthrowing"

"Life as a black child is pretty shocking"

"Early on I became aware of the disparity in the lives of blacks and whites"

"Simply the fact that I lived on a dirt street and the white children lived on tarred streets, was sufficient to show me there was no equality," he said

As the son of parents who were schoolteachers, he had some opportunities that were not always available to other children — such as reading the newspapers and attending school from a very early age

He was 12 when Sharpeville changed his life

ceded by "Umm, let me think about that"

He was one of the most popular attorneys in Pretoria — at least in the black community

One can't help wonder how a man with his beliefs finds living and working in Pretoria. The seat of the Government, where soldier military police, prison warders and armmen clutter the streets daily

His answer is simple. "There are about 22-million black people in South Africa — and no more than 40 black lawyers"

A great part of Ernest Mosenke's job as an attorney was civil rights work — including the defence of many cases "under the security legislation laws", as he prefers to term them

There is one part of his job which angers him greatly — being forced to pay taxes

"I have paid taxes for five years now. I have no say over how that money is used. In essence money is taken

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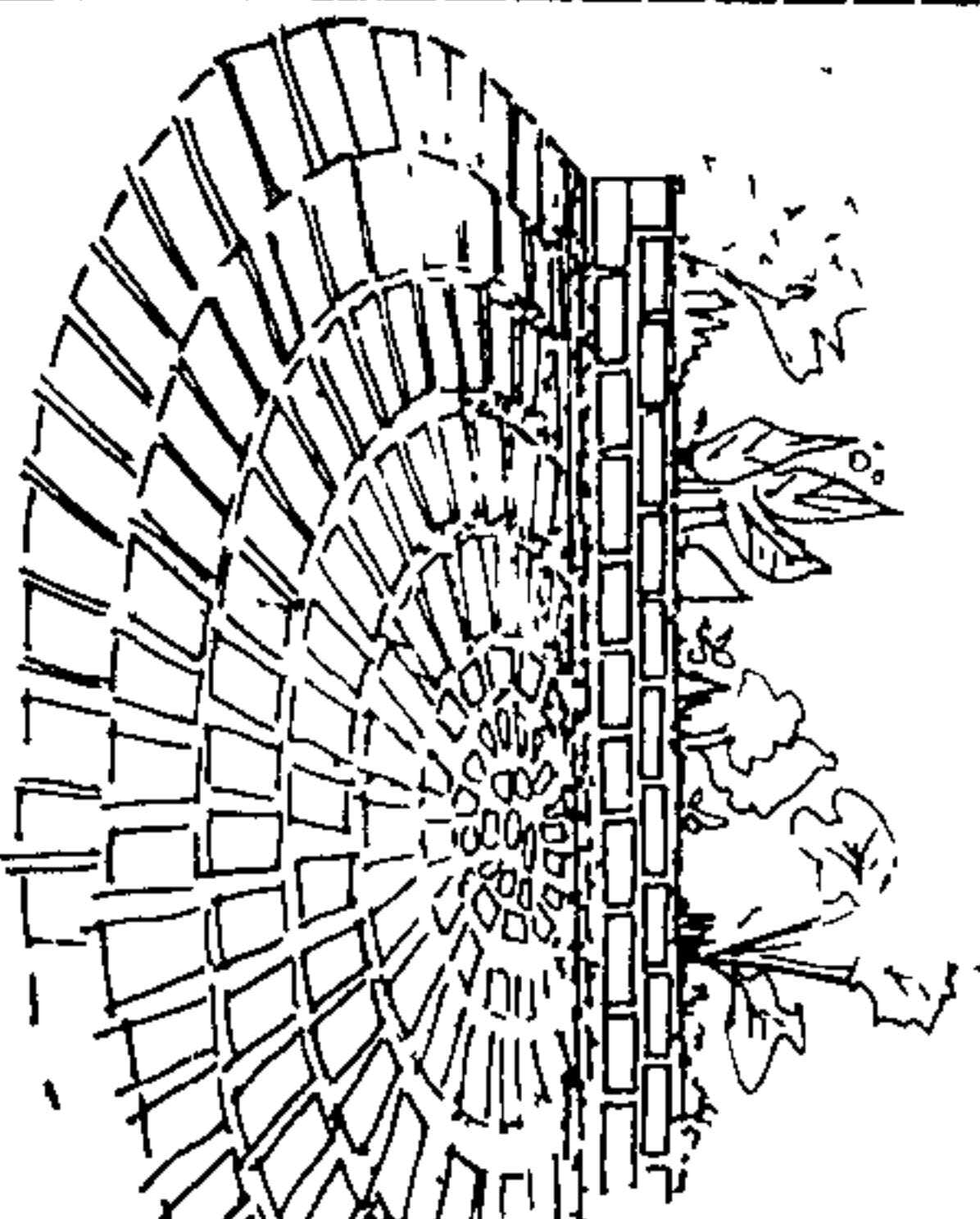
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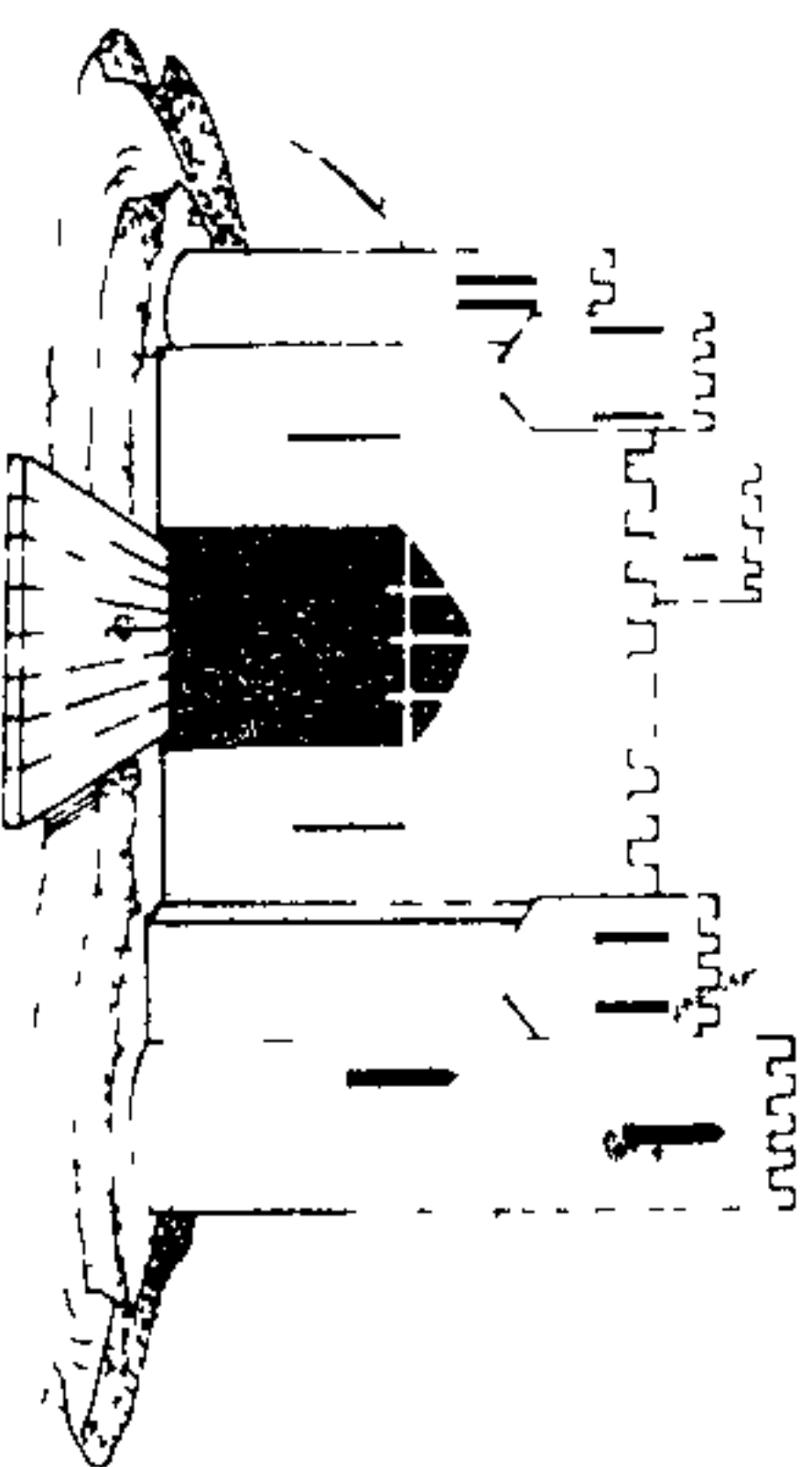
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"In a way, I suppose the youth of my time were very similar to the children of 1976

"Although," he says modestly, "it would be presumptuous to say that we were ahead of our time in our attitudes

"We were exposed to occurrences which made a huge difference to our lives. The marches, the shootings — things similar to those which happened in 1976," he reflected over coffee

He and his peers began to query the quality of life open to blacks, and began to plot to change it

"I have always believed that our society needs to be overhauled. That it needs some fundamental change to achieve a democratic society," he stresses

As secretary of the Black Lawyers' Society and half a dozen other organisations Ernest Mosenke has to be very careful with his words. Most statements are pre-

en away from me — and is used in a way to prop up a system to which I am fundamentally opposed"

He has a reputation of being an extremely hard worker always racing from appointment to appointment.

But he is very keen to preserve his life with his wife Naomi and two children. Would he think twice about protecting his children from the kind of experience he had as a youngster?

"No, never. Children should be exposed to life as much as possible. I'm not going to protect them from what is wrong in this country," he says

"You know, it's tough not to be a radical in this country — and in any other position you become a phoney"

Clearly Ernest Dikgang Mosenke, erstwhile saboteur, now the first black advocate admitted to the Pretoria bar has no intention, ever, of being termed a phoney

24/6/83

248

Legal aid available in North End, Gelvandale

248 E. Post 27/7/83

Post Reporter

THE legal aid clinic run by University of Port Elizabeth students in Gelvandale has proved popular, but many people are unaware of the other legal aid clinic in North End

According to a senior law lecturer at the University of Port Elizabeth, Mr F Marx, the clinics are run by students under the supervision of an attorney

The legal aid clinics are in the Methodist Church Hall, Blagshaw Street, North End and at the Toynbee Club in Kobus Road,

Gelvandale

Mr Marx said the students started the clinics three years ago as a service to the public and especially to the underprivileged who could not afford legal costs

The service was designed to bring law students in contact with practical legal problems

Mr Marx said the clinics were open to everybody on Thursdays from 6pm to 8pm

Public utilisation of the service had improved considerably since the beginning of this year "In fact

we are so busy at the Gelvandale clinic we can't handle all the cases we have and a slight backlog has developed," he said

"The students conduct interviews with people who have problems and give the necessary advice on everything from marital law to criminal law problems"

The legal aid clinics function in co-operation with the Law Society of Port Elizabeth and are run by a body of students under the chairmanship of a final-year student, Mr Frikkie Greeff

LETTERS

The Editor, Rand Daily Mail,
Box 1138, Johannesburg 2000

Bar Council vigorously champions fair legal aid

YOUR leader, "Costly justice" (RDM, July 26) calls for comment.

The "messages" which the General Council has sent out are not contradictory as you suggest. There is nothing contradictory in saying that particular allegations made in the Press about counsel's fees are sometimes wildly inaccurate and malicious, while at the same time recognising that overcharging is indefensible and restating the Bar's determination to stamp it out.

The impression frequently created by those who air their views in the Press about counsel's fees is that counsel generally charge unreasonable fees. This is just not so. But, regrettably, cases of overcharging by particular counsel do arise from time to time.

So strongly does the Council wish to curb the charging of unreasonable fees that it has advised its constituent Bar councils to ensure that they have the constitutional power to control the fees which members of the Bar charge, even in cases where the fee is an agreed fee, and the client has made no complaint about it.

Your further comment about the general level of legal costs in litigation being higher than the ordinary man can bear echoes what the Bar has been saying for years. They are

high because the cost of employing highly-trained professional men cannot be low.

The fact of the matter is that, however modestly lawyers may charge for their services in litigation, the cost will still be too much for the average citizen to bear. The remedy lies in acceptance of the principle that legal services, like medical services, should be subsidised by the state to a greater extent than they are at present. This will entail the extension of the state's legal aid scheme to encompass the man of average means and the provision of the necessary funds from the public purse.

Your leader suggests that it is only the specific problem of those charged with capital offences which the Bar is concerned about. Nothing could be further from the truth, as reference to the frequently-declared policy of the Bar towards the extension of the legal aid system will show. The inadequacies of the legal aid scheme and the need to extend its ambit are constantly pointed out by the profession.

It is not easy to understand, therefore, why you say the Council "should be giving attention to this". It has done so, and will continue to do so, with all the vigour at its command.
— R M MARAIS SC, chairman of the Bar of South Africa, Cape Town.

First black advocate in Pretoria was a saboteur

#248 E-Post 29/7/83

THERE's an easy way to describe the difference between the life of a black and a white, says Ernest Dikgang Moseneke black people "follow the good shops into town", whites live surrounded by them

Last week Mr Moseneke followed the good shops into town from his home in Atteridgeville and became the first black person to be admitted to the Pretoria bar as an advocate

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At his suggestion we met at the Burgerspark Hotel in Pretoria

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But he is steadfast in his revulsion of a system which, he says, "needs overhauling"

"Life as a black child is pretty shocking

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"Simply the fact that I lived on a dirt street and the white children lived on tarred streets, was sufficient to show me there was no equality," he said

As the son of parents who were schoolteach-

By CHRISTINA PRETORIUS



Mr ERNEST MOSENEKE . . . no phony.

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He was 12 when Sharpeville changed his life

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Most statements are preceded by "Umm, let me think about that"

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His answer is simple "There are about 22 million black people in South Africa — and no more than 400 black lawyers"

A great part of Ernest Moseneke's job as an attorney was civil rights work — including the defence of many cases "under the security legislation laws", as he prefers to term them

There is one aspect of his job new career which angers him greatly — being forced to pay taxes

"I have paid taxes for five years now I have no say over how that money is used

"In essence money is taken away from me — and is used in a way to prop up a system to which I am fundamentally opposed"

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Would he think twice about protecting his children from the kind of experience he had as a youngster?

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Experts want legal aid use of lawyers' fund

By MAURITZ MOOLMAN

A CALL for interest earned by the attorneys' fidelity fund to be used in legal aid for the poor was welcomed by legal experts yesterday.

The call, made in Parliament by Mr David Dalling, Progressive Federal Party spokesman on Justice, followed an expression of concern at the state of legal aid by the Judge-President of Natal, Mr Justice A J Milne.

Mr Justice Milne, opening the congress of Lawyers for Human Rights in Johannesburg last week, said the law should be amended to require all courts to inform an accused of his right to apply for bail and legal aid.

He said that, in South Africa, blacks especially were denied this right.

He called for the expanded use of courts by blacks "to replace inarticulate resentment with active and legal action".

In reply to criticism of the legal aid system in a letter which appeared in the Rand Daily Mail recently, Mr R M Marais, SC, chairman of the Bar of South Africa, said "The inadequacies of the legal aid scheme and the need to extend its ambit are constantly pointed out by the profession".

He said the remedy for high legal costs lies in acceptance of the principle that legal services, like medical services, should be subsidised

by the State to a greater extent than they are at present.

Professor Johan van der Vyver, University of the Witwatersrand legal expert, and vice-president of Lawyers for Human Rights, welcomed the call by Mr Dalling, but said he felt very strongly that the State should not shirk its responsibility in providing legal aid by shifting that responsibility to a private fund.

He said the attorneys' fidelity fund was contributing towards legal education, for which the universities were grateful.

Prof Van der Vyver agreed with Mr Justice Milne that legal aid should be made more readily available but added that to inform all people of their right to legal aid was "problematic".

"Everybody will apply, irrespective of whether they need assistance or not," Prof Van der Vyver said.

Mr Dalling said interest earned on the attorneys' fidelity fund was in excess of R3-million a year. And with banks now paying interest on current accounts, this would increase to between R8-million and R10-million.

He said the fund held more than R20-million while only about R2 800 000 had been paid out in claims since 1979.

He said legislation should be amended to broaden the scope of the fund's spending to make a contribution to the administration of justice.

How to use a legal fund's idle millions

By CHRIS FREIMOND
Political Correspondent

REVOLUTIONARY new approaches to legal training and legal aid in South Africa could be just two of the major effects of proposals made this week by the Progressive Federal Party's justice spokesman, Mr Dave Dalling.

The suggestions involve the better use of millions of rand lying idle in a fund originally set up to cover claims against "black sheep" in the legal profession.

Mr Dalling was speaking in the Second Reading debate on the Second Attorneys Amendment Bill in Parliament. The Bill makes provision for the payment of interest earned on attorney's trust money now in banks to be paid to the fidelity fund.

The measure has become necessary because of the decision by banks to pay interest on current account deposits. The fidelity fund was originally created to protect clients against attorneys who illegally used trust money. Interest earned on the portion of trust money invested by attorneys in the other interest bearing accounts is already paid into the fidelity fund.

But only about 60% of attorneys maintain such accounts and use only between 10% and 15% of their average trust money in doing so, Mr Dalling said.

Even this small portion of trust money earned the fidelity fund about R3-million a year together with its own investments. The fund is currently worth more than R20-million.

With banks paying interest on current accounts, the fund's income was in fact expected to rise from about R3-million a year to between R8-million and R10-million a year, Mr Dalling said.

This sum would come from interest earned on the estimated R250-million held in trust by the 2 400 legal firms in South Africa.

Since 1979 the fidelity fund had paid out only R2 800 000 in claims by the public. But the many millions of rand remaining in the fund could be used only for very restricted purposes, Mr Dalling said.

At present the fund may, with the approval of the Minister concerned, make grants to universities and bursaries for education research in law.

Since 1979 grants to universities have totalled R2 700 000 and 287 law students and researchers have been assisted to the value of R375 000.

Since 1979, the total sum dispersed by the fund was R600 000. Its income alone

exceeded R9-million and its total value went above R20-million.

With the added interest on trust accounts being channelled into the fund, this means, Mr Dalling said, "in terms of what the fund is entitled to do, it will still only spend between R1-million and R2-million a year, and it will have a regular income of something like four times that amount."

Within three years the state of the fund would have doubled and within five years its value could exceed R50-million.

He urged the Minister of Justice, Mr Kobie Coetsee, to consult with leaders of the legal profession to "focus their minds on one or two matters of principle which now arise."

Matters that needed to be considered included: "Whether it was correct that such huge sums of money be utilised by the profession from money deposited by the public and not the profession — for the purposes of protection against black sheep attorneys."

Whether it would not be better to pass on to the clients interest earned on the funds held for long period — particularly large sums — "Whether it was right to allow a fund of this limited nature, fed by money belonging to the public, to grow out of all proportion to the need it serves."

Possible legislation to broaden the scope of the fund's permitted expenditure needed to be looked into. There was "a crying need" in South Africa for a more sophisticated, easily accessible and more readily available system of legal aid in regard to both civil and criminal matters, Mr Dalling said.

The case for using the rapidly growing fidelity fund to assist in this field was very strong.

Mr Dalling also suggested the possibility of the fund financing the establishment of a law institute for legal training of lawyers, as had been done by a law society in Australia.

Another possibility was that the fund could finance internal auditors for the legal profession to help curtail even further the type of malpractice that leads to claims against the fidelity fund, he said.

No objection to legal aid from fund, say lawyers

By MAURITZ MOOLMAN

THERE were no objections to legislation allowing the conditional funding of legal aid from the Attorneys' Fidelity Fund, spokesmen for the fund and the Transvaal Law Society said yesterday.

The chairman of the fund, Mr Eric Liefeldt, said from Cape Town that provided control of the fund did not change and the prime obligation of the fund to protect the public from unscrupulous lawyers remained, there would be no objection from the fund.

And the president of the Transvaal Law Society, Mr Roger Cleaver, said although it was primarily the responsibility of the State to fund legal aid, the society was in principle not opposed to the call made by Mr David Dalling, PFP spokesman on justice, earlier this week for legislation to enable the fidelity fund to contribute to legal aid.

Legal experts yesterday backed Mr Dalling's call but said legal aid was primarily the responsibility of the Government.

Mr Cleaver said lawyers would not be opposed to financially assist legal aid provided

the money was available.

He said it should be remembered the fund was firstly intended to protect the public.

He said the fund provided bursaries to law students and contributions to universities on the basis of the number of professors in the law faculties. The money was even used for the salaries of professors.

Mr Cleaver added lawyers were prepared to do their share in as many spheres as they were needed, including legal aid.

In calling for the change to be made to the scope of the fund during the Second Reading of the Second Attorneys' Amendment Bill, Mr Dalling estimated the fund earned an annual interest of more than R3-million.

But Mr Liefeldt said although most of the fund's income came from interest earned in the various trust accounts, he estimated the annual income from interest was about R1 500 000.

He said the fund could not be expected to administer the funding of legal aid because the fund was acting purely as an "insurance agency" for lawyers.

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24, BRYANSTON 2021

Accountant scores a first — after studying in his car

Sunday Express Correspondent

MR ALFRED Petros, 29, of Kwazakele, has become the first black South African citizen to qualify as a chartered accountant

He was one of only 10 people to pass the Public Accountants and Auditors Board qualifying exam this year

He qualified at the University of Port Elizabeth. There are three other black CAs — in the Transkei

To become a CA is never easy — but for Mr Petros the going was harder than usual. For peace and quiet, he had to study in his car. And before he got the car he had to hitch rides home from varsity.

"There were many times when I was trying to get a lift home after lectures and wondered if it was all worth it," he said.

"But my fellow students often gave me lifts."

Mr Petros studied part-time at the university while he was articled to a local firm of accountants.

Last year he was awarded the Professor Norman Harris prize for the best final-year student in income tax.

He enrolled at UPE after obtaining a Bachelor of Commerce degree from the University of Fort Hare in 1977.

Another problem for Mr Petros was studying at home.

"I have five brothers and when I was trying to study, they were always doing

something else. When I got my car it was easier, because I could drive somewhere quiet and study in the car."

Mr Petros described himself as a very average scholar.

"I attended the Freemantle High School in Lady Frere until Std 8 and did my matric through a correspondence school."

"Although maths was my favourite subject at school, I was never very good at languages, so when I decided to go to university the only thing I could think of was a B Comm degree."

"That was the first hurdle. When I got my degree, the next step was a CA."

"I got on well with my fellow-students, although there was a bit of a communication problem."

"Apart from talking about our studies and work, I was not really part of their world."

"My lecturers also gave me a lot of help, especially last year when I took six months unpaid leave to be able to cope with my studies. I could phone them any time and they were always ready to help me."

"When writing your final-year exams at university, you have days between exams to study, but with the board exam you have to know everything before you start," he said.

"At times I found the work very heavy going, because there is a great difference between doing a degree full time and studying part time, but the effort was worth it."

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DR MARIUS Barnard has enthusiastically backed the idea of opening two Johannesburg hospitals to blacks by transferring white patients.

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LRC to open in City soon

15/9/83 24/8 C. Times

By PHILLIP
VAN NIEKERR

THE Legal Resources Centre (LRC), an independent body of lawyers taking up legal issues of social and public concern, has set up offices in the City and is ready to start operating this week.

The LRC, which already has branches in Johannesburg and Durban, is widely known for its handling of the landmark Komani and Rikhotso cases, which established the city rights of thousands of black workers and their dependants.

Formed in 1979, the aim of the body is to "demonstrate to the South African public what can be achieved, peacefully, through the use of law as a community resource".

The LRC deals mainly with pass laws, labour, housing, consumer and community issues. The recently-appointed local director of the LRC, City

attorney Mr Richard Rosenthal, said these were issues of public interest law as opposed to the usual legal aid services which dealt with individuals who did not have enough money to pay legal costs.

Mr Rosenthal, who is to be director in a part-time capacity, said the local LRC had taken two years to establish and has been funded by, among others, the Ford Foundation, the American Field Foundation, several private sector companies and overseas organizations.

He said the LRC was now in a position to receive its first clients, most of whom are expected to be referred by community organizations and trade unions. The delay in opening the offices was due to a lengthy process of canvassing opinion.

'No imposition'

"We didn't want to impose something on the community which we

thought was a good idea but which was not generally supported in the community," he said.

Mr Rosenthal said the LRC could not predetermine which issues would be taken up in Cape Town. "That would have to emerge from the needs of the community," he said.

However, he said the kind of issues which were important in Cape Town included housing, squatters, bus fares, environmental issues, labour and the peculiar position of blacks in the Western Cape resulting from the coloured labour preference policy.

The LRC has employed two full-time lawyers — Mr Geoff Budlender, who has been seconded from the Johannesburg LRC till the end of the year, and Ms Shanaaz Meer.

Like the other two LRC's, the Cape Town LRC will be running a fellowship programme providing training for young lawyers.

248
Legal-aid
centre
welcomed
17/9/83

Staff Reporter

THE setting-up of a local branch of the Legal Resources Centre, the legal-aid service which moved into operation in the City this week, has been welcomed by community organizations, trade unions and the Black Sash.

Mrs Noel Robb, director of the Black Sash advice office, was "delighted".

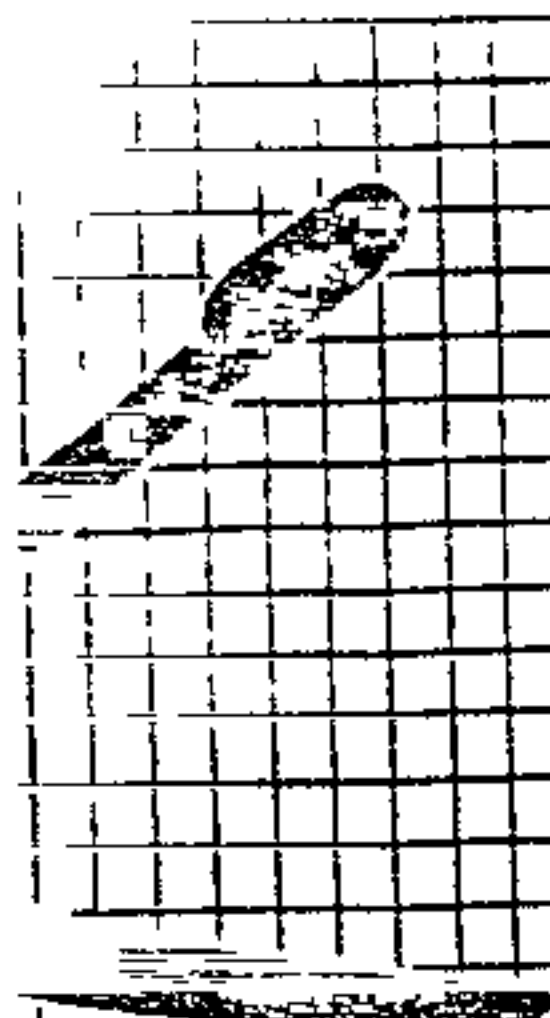
She said the centre, which deals with cases of public and social concern, would now be able to handle cases which the Black Sash office had been unable to afford.

Mrs Robb said there had been an increasing tendency over the past few years for the black-affairs administration to ignore the law.

"This has made it essential for the underprivileged to fight for the few rights they still may have."

The general secretary of the Federation of South African Trade Unions, Mr Joe Foster, said the centre had been helpful to the union movement, particularly over litigation costs.

● The address of the LRC is Scott House, corner of Long and Church streets. ☎ 22-2711.



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'Community lawyers' set up shop

AN independent body of lawyers taking up legal issues of social and public concern have set up offices in Cape Town.

The attorneys' organisations have called themselves the Legal Resources Centre (LRC) and their aim is to demonstrate to people what can be done peacefully through the use of law as a community resource.

Other centres in South Africa already have branches of the organisation and have become widely known for their handling of the Komani and Rikhotso cases.

The LRC deals mainly with pass laws, labour, housing, consumer and community issues.

Two full time lawyers have been appointed to run the office. They are Ms Shehnaz Meer and Mr Geoffrey Budlender. Mr Budlender has been transferred from the LRC in Johannesburg to assist in the formation of the local LRC.

TRAINING

The Cape Town office will also be running a fellowship programme which will provide training for young lawyers.

The local director of the LRC, Mr Richard Rosenthal, said these were issues of public interest as opposed to the normal legal aid services which acted for people who cannot afford legal costs.

He said the delay in opening the local LRC was due to their canvassing opinions on the formation of an LRC in Cape Town.

ISSUES

"We did not want to impose something on the community which we thought was a good idea but something which

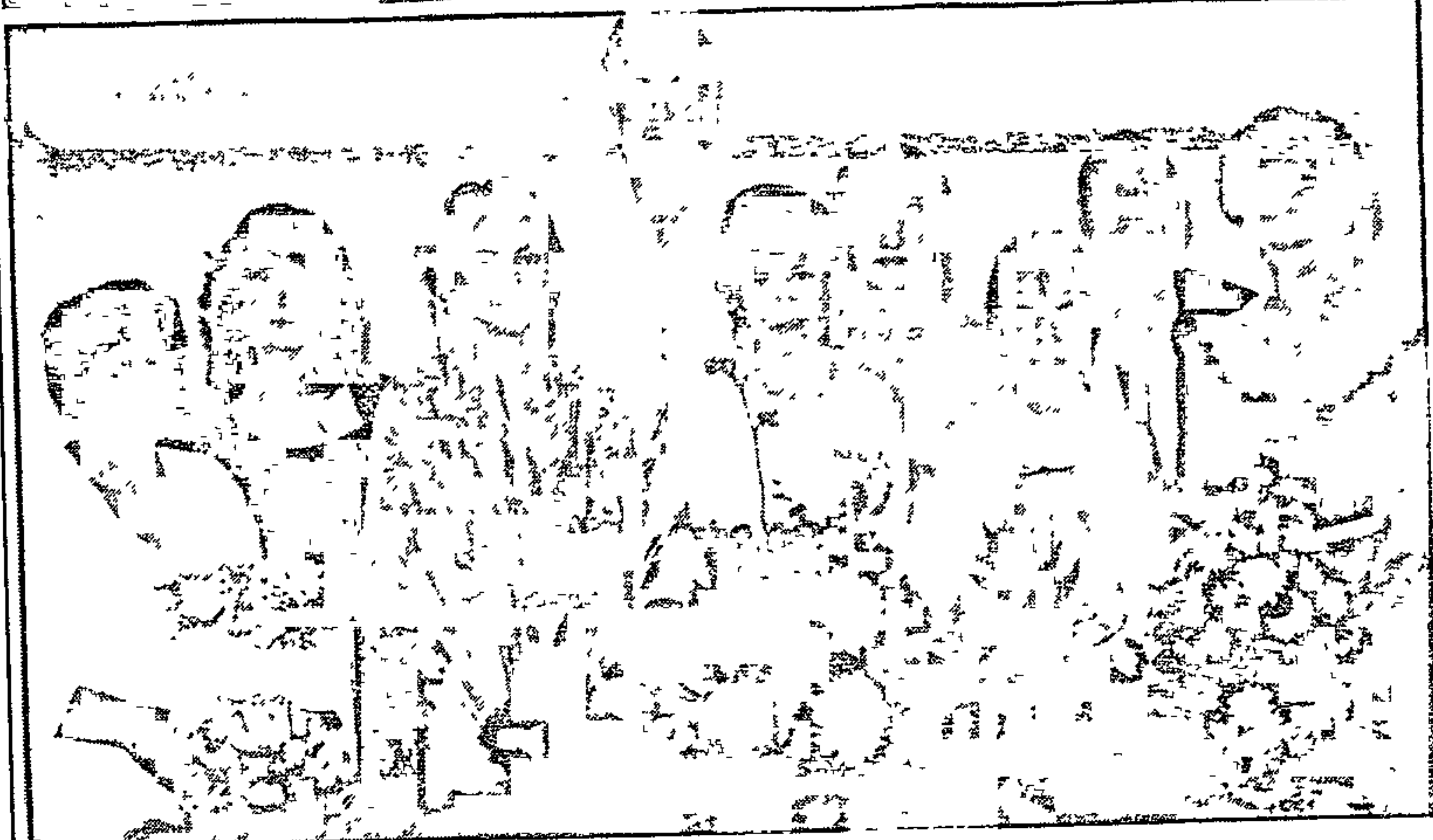
would not be supported by the community."

Asked what issues would be taken up, Mr Rosenthal said that it was impossible to determine this in advance as the community would identify the issues.

He said that issues such as labour, housing, busfares, and environmental issues would probably come under the spotlight.

The LRC offices are in Scott House, 41 Church Street, Cape Town. The lawyers can also be contacted by 22 2711.

Budding Floral Designers



● PROUD teacher with her graduates. Mrs Irene Braaf, extreme left, had these eight blooming pupils under her wing for six weeks. Now that might not sound too good, but, really, all they were doing was learning how to arrange blooms in the most attractive way possible. Pictured here are, from left, Mrs Braaf, Miss Carmenita Heggland, Mrs Mary Pearce, Mr David Williams, Mrs Rose Herbert, Mrs Patricia Green, Miss Nasiba Kader, Mr Samuel Solomon and Mrs Denise Williams.

'Groom' buried on wedding day

DURBAN. — Accountant Suresh Singh was looking forward to what he considered to be the most important day in his life — the day he would be marrying his fiancée, Miss Selvie Govender.

But instead of taking his marriage vows, he was cremated at Tongaat following a gruesome car crash the day before his wedding day.

Guests arriving for the planned wedding last Saturday, were shocked when they were asked to attend his funeral instead. He was cremated

bers wept bitterly when they were told of his death.

The couple were due to visit Swaziland and then Mauritius for their honeymoon.

Ramesh Singh, the dead man's brother, said "It was a cruel twist of fate. My family was busy preparing for the big mo-

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Training more lawyers

IN this, the second of two articles on the newly-opened Cape Town Legal Resources Centre, Staff Reporter PHILIP VAN DER MERWE looks at the role the LRC expects to play in the community and its need for public support.

THE Legal Resources Centre (LRC) is determined to work with Cape Town's many community organisations in establishing its priorities, and already there has been wide consultation.

Although the LRC doesn't want to prescribe what it sees as community issues, the thinking is that the special disabilities of blacks in the Western Cape, housing, labour and transport are likely to be some of the areas where it will be most active.

Would-be clients with more personal problems, like motor vehicle accident claims or divorces, will be referred to other attorneys or to the State's Legal Aid officers.

On other levels, the LRC

hopes to assist in the establishment of more centres like the Athlone Advice Office and in training "para-legals" who work in them. Many problems like housing complaints, pension payments and unemployment claims can be competently handled by people without formal legal training but with professional back-up where necessary.

Another aim, already being realised upcountry, is to provide practical training for recently qualified lawyers by means of a fellowship programme and to encourage and assist in the operation of student law clinics.

The spin-off is two-fold: legal services are made available to people who could not otherwise

afford them, and aspirant practitioners are exposed to the areas of public interest and poor man's law, which they are unlikely to encounter in their formal university training and in most legal practices.

Too busy

"The average lawyer doesn't have much experience of poor people's problems because he is too busy with commercially-orientated clients," explains Shehnaz Meer, an attorney employed full-time by the LRC.

The hope is that students who are given such exposure will seek to make their subsequent practices more socially relevant and responsive and that this, together with the provision of free legal services to

the poor, will contribute to an overdue democratisation of the South African legal system.

Does this all not amount to the sweetening of a bitter pill for South Africa's disadvantaged people, and so inhibit the processes of change?

Limited role

The LRC people don't believe so, although they accept that, given the South African situation, lawyers committed to change have only a limited rôle to play.

But that rôle, they believe, is essential in a society deeply scarred by economic inequality.

The hard facts of the matter are that the LRC's resources, in money and people, are limited.

ed and there is a bottomless pit of work to be done.

Already the telephones are ringing and the work is pouring in — one of the first clients is an elderly Transkei man whose son died after falling into a wine vat on a Cape farm.

Funding for the Cape Town office has come from a number of local companies (including Woolworths, Southern Life, Afrox, BP, Shell, Garlicks, Cape of Good Hope Savings Bank, Clucks, Pick'n Pay and Rex Trueform, Jutta & Co donated a law library) and individuals. Overseas grants have come from three American foundations (Ford, Fried, and SALSIEP), EZE, a German church organisation, and ICCO-CEBEMO, a Dutch one.

But it is hoping for more donations from Cape Town people, especially lawyers (in Johannesburg, attorneys' firms have donated substantial amounts).

The aim is a professional staff of four or five. Legal offices are not cheap to run, especially when they incorporate, as the LRC does, both attorneys and advocates, itself a break-through in South Africa's divided bar system.

●The LRC office is at Scotts Building, 41 Church Street (corner Long Street), 22 2711. Donations should be made payable to the Legal Resources Trust (Fund Raising No 01 10024 000 0).

Argus 26/9/83

(248)

Law as part of community

THERE are far too few lawyers in available to poorer communities in South Africa. And those that there are tend to be inaccessible, uncomprehensible and unaffordable.

The person saying this is Richard Rosenthal, 44, part-time director of Cape Town's new Legal Resources Centre (LRC).

The rest of his working time is spent as one of the directors of an incorporated firm of city attorneys — one of Cape Town's largest and most "establishment", practices. So he should know.

Achievements

The aim of the LRC, which already has flourishing public rights law practices in Johannesburg and Durban, is "to demonstrate to the South African public what can be achieved, peacefully, through the use of law as a community resource".

And the LRC's public achievements have already

been substantial — for instance, the landmark Komani and Rikhotso decisions by the Appeal Court which established the rights of Africans with permanent urban residence to have their wives and children live with them and of regular contract workers to obtain permanent urban residence.

But getting those court decisions was only part of the battle, explains Geoff Budlender, a 34-year-old attorney who is one of the founder staff members of the LRC's Johannesburg office and on loan until the end of the year to help get the Cape Town operation established.

People's rights

The harder part of the battle is to ensure that (often reluctant) administration boards respect and apply those decisions, and that people get their rights. It's a continuing battle, he remarks, perhaps a little wearily.

"We have been informed that the Western Cape Administra-

THIS is the first of two articles by Staff Reporter PHILIP VAN DER MERWE on the Legal Resources Centre which opened a public rights law office in the city this month.



Mr G Budlender

Mr R Rosenthal

tion Board has not been applying these judgments in circumstances where they are

applicable and we are considering what further steps may be necessary," says Rosenthal.

adding that the LRC will work with local attorneys in private practise.

The third professional member of the Cape Town staff is Shehnaaz Meer, 28, an attorney with degrees from the universities of Durban (Westville), Cape Town and Warwick in England.

She says that, with the establishment of the LRC, South African lawyers are looking at the rôle of law in a changing society and not merely as an isolated activity belonging mainly, if not exclusively, to rich clients.

other means of redress available.

What distinguishes the LRC from legal aid organisations is that it concentrates on "public interest" cases — cases which affect large numbers of people or whole communities rather than only the individual clients.

An example would be bus fare rises — it's just not financially viable for an individual to fight a daily 15c or 20c increase single-handed, but the cumulative effect on a community could be of great social significance.

Other examples could be environmental problems.

"If a power station or a petrol refinery was spewing obnoxious smoke or fumes onto people's houses we could take it up as a public issue," explains Rosenthal.

No other means

So the LRC's philosophy is to take on important community issues from clients who cannot afford normally-priced legal services, and who do not have

Tomorrow: The kinds of cases the LRC will not be handling, its other aims and its need for public support

Council rapped over black lawyer

By MAURITZ MOOLMAN

LAWYERS for Human Rights in SA has attacked as "shocking and an injustice" the refusal by the Krugersdorp Town Council to allow a black lawyer to open a practice in the town.

In a letter to the mayor of Krugersdorp, Mr Wiets Botes, the chairman of Lawyers for Human Rights, Mr Jules Browde, SC, also criticised Mr Botes in his capacity as mayor for not using his casting vote to allow the lawyer, Mr M B Mohlahledi, to practise in town.

Mr Botes refused to use his casting vote when the council reached deadlock on the issue at its monthly meeting on Monday. It was decided in the end to refer the matter back to the management committee for reconsideration by the full council at a later stage.

Mr Browde said in his letter, released to the Rand Daily Mail yesterday, that the council's decision to disallow the lawyer's request to establish his practice where he could reasonably earn a living was a shocking one in the circumstances.

"No better example of the injustice that can be perpetrated by the application of the Group Areas Act can be visualised than the refusal by your council to allow a professional man to practise where he believes he can best serve his clients and himself

"I wonder, Sir, whether these councillors who chose to prevent Mr Mohlahledi from practising in your town, stop to think what hard work and long hours of study went into the obtaining of his professional qualification

"I wonder if any of them stop to think how they would feel if they were prevented from earning their livelihood, how and where they chose to do so.

"May I add this Your failure to use your casting vote to enable Mr Mohlahledi to open an office in your town not only materially assisted in bringing your town council into disrepute in the minds of right thinking people, but also further tarnished the image of South Africa in the field of human rights," Mr Browde writes.

Mr J J L Nieuwoudt, town clerk of Krugersdorp, said yesterday a final decision on the position of Mr Mohlahledi would be taken at a later stage because the councillors were tied on the issue. Only 10 of the 12 councillors were present at the meeting

Homeland graduates can't practise law in SA

SOUTH African law graduates can be admitted to practise as attorneys or advocates in most neighbouring countries.

It was learnt this week, the same does not apply to law graduates of South Africa's neighbouring countries.

Law graduates of the homelands and neighbouring countries like Lesotho, Swaziland, Botswana and Zimbabwe may be admitted to practise in the country in which their university is situated. They may also be allowed to appear occasionally in South African courts.

Urgent

But law degrees from these universities do not entitle graduates to be admitted to practise in South Africa, according to Professor Francois de Villiers, dean of the faculty of law at the University of BophuthaTswana.

"The University of BophuthaTswana, Unibo, also acting on behalf of the universities of Transkei and Venda, has approached the South African authorities to amend admission requirements to

REHANNA LOONAT

allow its graduates to practise in South Africa," he said.

"Since Unibo and Transkei have now produced their first law graduates the matter is becoming urgent," he said.

"We knew this situation would arise from the time Unibo was established and we sent a memorandum to the South African authorities to draw attention to the issue," he said.

"Unibo has again sent a memorandum to South Africa and we believe the outcome should and could be positive."

Professor Selwyn Miller, dean of the faculty of law at the University of Transkei, said he did not think the situation had been created intentionally.

"In my view it all probably

came about when the constitution of the homelands was being drawn up.

"There was so much legislation that there was probably an oversight somewhere along the line," he said.

The dean of the faculty of law at the University of Venda, Professor Ross Harker, said their law graduates had not been affected as the university was still new.

Inquiries

Mr Godfrey Pitje, chairman of the Black Lawyers' Association, said they were not negotiating any deal for members who were affected.

"At the moment we are leaving it to the academics to solve the issue," he said.

The chairman of the Johannesburg Bar Council, Mr Ernest Wentzel, said the council had been aware of the situation "for some time".

"We have been making inquiries through various universities on behalf of prospective members — those who graduated from homeland universities — who have applied to join the council," he said.

Cool cop puts a stop to royal's racy ride

Sunday Times Reporter
London

IT'S always best to be polite to royals — even when they appear to be in the wrong.

So when a motorcycle policeman saw Viscount Linley, the son of Princess Margaret, breaking the highway code he kept his cool.

What, he asked politely, did M'Lord think he was doing driving down a crowded road in a sports car with a girl sitting on the boot and with her feet on the rear seat?

The girl in question — along with two young men

who had been travelling in the same way — decided that it was time to leave.

Lord Linley, 21, pointed out that it was the only way to get that many people into a two-seater sports car.

The policeman didn't seem over-impressed with the arguments, but at least he didn't book him.

Just try not to let it happen in the future, M'Lord. Good day.

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South America	- 13 da
Seychelles	- 8 da
Spain	- 11 da
Israel	- 14 da
Blue Train	- 5 da
Cruises	- 4 da

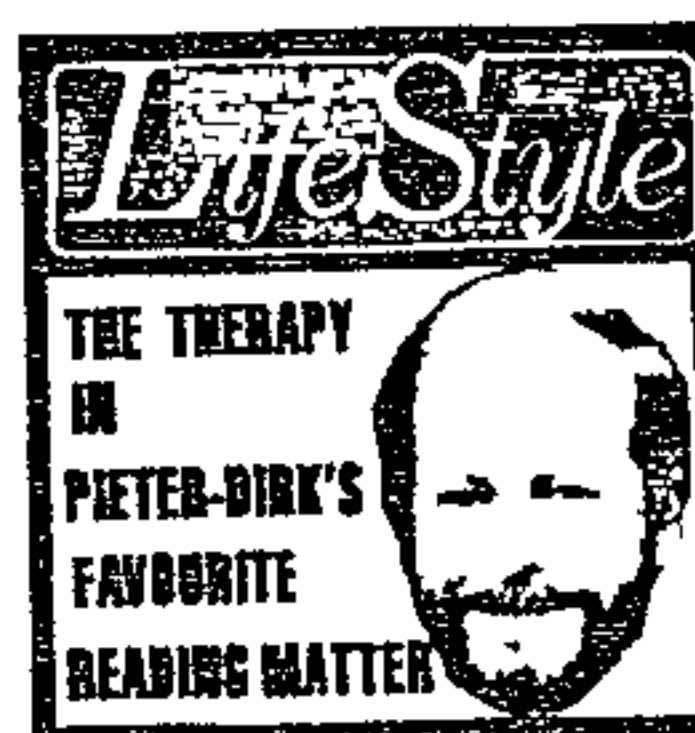
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By JEREMY BROOKS
A LAST-MINUTE move by the Government this week resulted in the postponement until December 3 of elections in Soweto for a new city council. The news follows reports of a growing wave of local support for the elections, which were first set down for November 26. Early predictions by opponents of the elections have suggested polls as low as four percent, but these may now be discounted following an Urban Foundation survey. The survey indicated that as many as between 38 and 46 percent of local residents intend exercising their vote.

ts. right ions

Life's a laugh now for the lawyer who can stay in town

By DANIELA WYSZKOWSKI

OBJECTION over-ruled. Krugersdorp's controversial black lawyer has, at last, received the nod of approval from the town council.

But Mr Moses Mohlahledi, who inadvertently won a battle to practise in the town's centre this week, remains unmoved by the decision or the furore he caused in the council chamber

"I'm entitled to practise where I deem fit. If it means breaking the law to practise the law I'll do it — just like I'm doing now," said Mr Mohlahledi, who lives in the neighbouring township of Kagiso.

"To the few councillors who 'staked their future' by voting in my favour I say thank you, but the debate wasn't necessary," he said.

Mr Mohlahledi came under the spotlight when the Krugersdorp town council split over his application to the Department of Co-operation and Development to practise in the town.

The application was for a Group Areas Act permit, which he is still awaiting.

Mr Mohlahledi graduated from the University of Fort Hare and completed his articles with a Johannesburg legal firm last year.

"Then I felt like coming home — this is my hometown. I wanted to go on my own and I'm attached to this town," he said.

"I'm entitled to be in Krugersdorp. Lawyers are required to practise within 8km of the court. Kagiso is 9km away from the magistrate's court."

"But why should my colour determine where I should work?"

He said he did not want to pre-empt the Department of Co-operation and Development's decision.

But whatever the outcome, Mr Mohlahledi is not budging.

"They will have to bundle me out — but I don't know how," he laughed.

The chairman of the council management committee, Mr Sakkie Nel, said the committee's decision to reject Mr Mohlahledi's application was in keeping with government policy.

Since "everything was in the process of changing," Mr Nel said, it would be easy to change the stipulated 8km radius to 9km.

● Mr Moses Mohlahledi would have continued practising anyway.

Picture: WALTER DHLADHLA

No permit, no legal practice

(248) (2/4) S. Express 13/11/82

By ARLENE GETZ

ATTORNEY Mr Tony Ntsiko is living on "charity payments" as he waits for a permit to work in the white group area of Kimberley.

Mr Ntsiko, 34, would like to set up private practice in Kimberley.

This has brought him into conflict with the Group Areas Act.

He lives in Galeshewe, the black township near Kimberley, but needs to have offices close to the court in the 'white' city centre.

"I had always thought professional people were automatically allowed to work in the central city, and I was shocked to find it wasn't so," Mr Ntsiko said.

● Mr Tony Ntsiko

"I would probably be allowed to practice in Galeshewe if there were office space available," he said.

"But there are no offices and I'm not allowed to practice law from home.

Mr Ntsiko submitted the documents required for his application for office space in Kimberley two weeks ago.

While he waits for the verdict of the chief commissioner of the Department of Co-operation and Development, donations from a Johannesburg church group are his only regular source of income.

Several bodies are entitled to comment on Mr Ntsiko's application before a final decision is made, including the Kimberley Town Council.

Both Northern Cape Administration Board chairman Mr Gawie Venter, and the Chief Commissioner for the Western Area, Mr H J Backer, said this week they had not yet received Mr Ntsiko's application.

Centre to challenge rise in rent, service charges

Staff Reporter

THE recently opened Legal Resources Centre in Cape Town is to challenge the legality of rent and service charge increases in Paarl's Mbekweni township.

The increases, applied this year, gave rise to a protest march by township residents on the offices of the Western Cape Administration Board on September 1.

One hundred and seventy-one were arrested and 98 of them were convicted this week under the Internal Security Act of attending an illegal gathering. They were each fined R30 (or 30 days).

NO DATE

Mr Geoff Budlender, head of the Legal Resources Centre office in Cape Town, says the centre has applied to the Supreme Court to challenge the legality of the increases. No date has been set for the hearing.

Mr Budlender said the grounds of the application were that the Administration Board had not followed the correct procedure in increasing rents and service charges.

The Cape Town office of the Legal Resources Centre, which runs offices in Johannesburg and Durban, was opened in September and had an opening function last night.

The purpose of the centres is to take up matters of principle on behalf of disadvantaged people.

MAIN ISSUES

Mr Budlender said the main issues being taken up by the centre in the city were housing, squatting, influx control and labour.

Mr Richard Rosenthal, director of the Cape Town office, said the office had already dealt with a number of interesting matters.

They included a Supreme Court application which led to the return of showers to 600 contract

workers in Nyanga hostel, and the reinstatement of Mrs Margaret Dreyer, dismissed for union activities.

Her union, the National Union of Textile Workers, was now negotiating an agreement with the factory after the matter was taken to the Industrial Court.

The president of the Cape Town Law Society, Mr Max Hales, presented

a full set of Butterworth's Statutes to the centre.

He said South Africa had a "severe case of over-legislation" and many people did not know their rights.

Laws governing blacks alone filled a volume of statutes, he said. The work of the Legal Resources Centre was worthy of support.

Mr Arthur Chaskalson SC, national director of

the Legal Resources Trust, which has operated for five years, said the three centres would employ 28 lawyers and articulated clerks from next year.

An important part of the work of the office would be to prepare a manual for advice offices and to help local advice committees to handle everyday matters such as workmen's compensation and pension queries.

Desperate need for general legal aid, says lawyer

Own Correspondent

CAPE TOWN — There is a desperate need for a network of community-based legal centres, staffed by salaried lawyers, to guarantee that the law is just to all no matter how poor they may be, says Mr Wallace Mgoqi, a researcher with the Southern African Labour and Development Research Unit

Mr Mgoqi, who has recently completed a law degree and is planning to do a year's fellowship with the Legal Resources Centre which was recently established in Cape Town, will present a policy paper at the Carnegie investigation into poverty to be held next April.

Land and labour laws

affected the poor more severely than any other laws, Mr Mgoqi said in an interview this week

"Land laws determine what kind of land is available to whom. Labour laws control who can get a job and where they can find it. Labour contracts affecting black workers severely disadvantage them in terms of the law," Mr Mgoqi said

Poorer communities in South Africa felt helpless in the face of the law.

Access to justice was severely limited because of high legal fees and because most lawyers were concentrated in big cities, away from the rural areas.

In his paper Mr Mgoqi recommends that legal

services in black communities should be spread too make them more financially and physically accessible.

He also says that members of the community should be trained to have a functional knowledge of the law

Lawyers, who are prepared to take up cases in the black communities could help make life "slightly more tolerable for some"

When the Legal Resources Centre in Johannesburg took up the cases of Komani and Rikhoto, two migrant workers fighting for urban rights, and won them, it benefited not only the individuals but also helped to set down the rights of the poor, Mr Mgoqi said

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Helping the poor and the disadvantaged: Ms Shehnaz Meer and Mr Geoff Budlender at Cape Town's new Legal Resources Centre.

Giving legal recourse to the disadvantaged

By MICHAEL ACOTT

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A NEW group of legal specialists is bringing the law within the range of Cape Town's poor and disadvantaged communities

Three months after it opened its doors in Church Street, the Legal Resources Centre is already overworked and looking for more staff and more funds

The range of work goes from domestic workers alleging wrongful dismissal or hire-purchase disputes over a vehicle to major test cases and requests to investigate the halting of major projects allegedly harmful to the wider community

This is what happened in Johannesburg, where the first Legal Resources Centre was established in 1979, and in Durban where the second LRC opened in 1982

Cases have come pouring in from people who might otherwise have had nowhere to turn to because of the cost of legal services. The LRCs take these cases free of charge and have established some important legal principles affecting thousands of people

Public-interest law

"We are beginning to develop a new speciality, an area which has been under-represented and under-litigated for a long time," commented the centre's part-time director, Mr Richard Rosenthal

That speciality is public-interest law. It consists of cases represented by individual problems but illustrative of problems affecting a wider number of people. These cases would not see the courts but for the work of public interest lawyers

They include housing problems, labour issues, influx control cases and applications by transport companies for bus fare increases

"It is totally impossible for an individual to litigate about the increased cost of a bus ticket. But collectively the effect of an increase is substantial," Mr Rosenthal says

"Public interest issues tend to impact on poor people more than on the rich. The poor tend to be both more affected and more impotent. This is a function of economic disadvantage as well as of lack of knowledge"

Mystique of lawyers

He sees the centres as helping to "demystologize" law by removing the mystique of lawyers and courts for ordinary people

"Lawyers are an unfamiliar breed to poor people. Their experience is generally negative. They are at the receiving end of the judicial system rather than experiencing it as something that can be used to assert their own rights"

As in other centres, the LRC here

helps, and is helped by, local and community advice offices to which poor people take their troubles

Where a pattern emerges of several cases involving the same principle, the LRC will take one to court as a test case to establish a right. It is then often involved in a series of subsequent cases to ensure that right is enforced

Two watershed cases on black urban rights were both undertaken by the LRC. These were the Komani case which established the rights of black people with urban rights to have their families with them, and the Rikhotso case which extended permanent urban areas rights to contract workers

The Cape Town LRC is now taking up the cases of a number of local contract workers whom the Administration Board says do not qualify for "Rikhotso" rights. This, too, may result in a test case being taken to the Supreme Court

Local successes

Local successes already include the restoration of shower facilities to a Langa hostel after the Administration Board turned the showers into a dry-cleaning concern. It also secured the reinstatement of a factory worker dismissed during a labour dispute and believes the case helped defuse the dispute which was settled soon afterwards

The centre is now undertaking a dispute about increased rents in the Paarl township of Mbekweni and has had correspondence with the Administration Board about the destruction of squatters' property in Crossroads raids

The major cases make the headlines, but they are not the centres' main workload of establishing and enforcing the rights of the disadvantaged

"Landmark cases are a very important but quantitatively small area of our work," Mr Rosenthal says

"We can cite four or five watershed cases, but the bulk of our work is bread-and-butter issues"

Mr Geoff Budlender, assistant director of the Johannesburg LRC seconded to Cape Town for four months to help establish the office, said one of the most heart-breaking aspects of the work was having to turn away people in trouble

"We refer quite a lot of cases to the state Legal Aid Board, which works quite well here and certainly better than in some other centres. But their funds are also limited"

No other channel

"We, too, have to turn away people who may have no other channel for redress"

Legal Resources Centres try to be more than legal aid agencies, selecting cases which will have the maximum impact for

the greatest number of people. They take on hire-purchase cases, such as where a Johannesburg company had "sold", repossessed and resold the same vehicle to several people, and the rights of domestic workers to proper notice where a pattern of illegal dismissals is noted

But inevitably there are individual cases because the people concerned believe they have been wronged and have nowhere else to go

The LRCs are trying to limit these cases by providing manuals for use by "paralegals" in community advice offices throughout the country. They have produced an advice office training manual and separate publications on pension rights, unemployment insurance and the Black Administration Act

Balancing the scales

They hope that most people can be helped by having their rights explained at advice offices and clinics, community self-help centres for which the LRCs provide back-up services. The local LRC will then undertake litigation when recourse to the law seems necessary

Mr Budlender says making real the rights people have on paper is part of helping the legal system to do its job, protecting the weak against the powerful and the individual against the State

"You cannot do that unless the poor and the individual have lawyers. The Americans call it balancing the scales of justice"

Balancing those scales is not as financially rewarding as private legal practice, but the job satisfaction of establishing rights for the disadvantaged is high. Both Mr Budlender and Ms Shehnaz Meer, the only full-time attorney at the Cape Town centre, love the work

Source of funds denied

Mr Budlender returns to the Johannesburg centre next year. He will be replaced by Mr Lee Bozalek, a partner whose city law firm has made available to the Cape Town centre for a year

Balancing the scales of justice is also expensive. The centres are financed by the Legal Resources Trust, a registered fund-raising organization which has budgeted more than R1-million for next year.

Most of the money still comes from overseas donors, but local lawyers and companies are making increasing contributions. Some firms are contributing R5 000 and more a year

One potential source of funds has been denied the Cape Town centre. The Administrator refused the Cape Town City Council permission to contribute, deciding the Legal Resources Centre was not an organization of public benefit entitled to receive money from local authorities

PROFESSIONS —

1984 — 1985

Handyman	Current Hours: 48	Hourly Change 1975 to date: Nominal +123.2%	Real -31.7%	Current Real Weekly Wage: R 15.01
Housekeeper	Current Hours: 54	Hourly Change 1975 to date: Nominal +87.7%	Real -42.6%	Current Real Weekly Wage: R 17.88
Laundryman (2)	Current Hours: 54	Hourly Change 1975 to date: Nominal +96.4%	Real -39.9%	Current Real Weekly Wage: R 14.10
Laundrymaid	Current Hours: 54	Hourly Change 1975 to date: Nominal +95.6%	Real -40.2%	Current Real Weekly Wage: R 11.23
Driver (1)	Current Hours: 54	Hourly Change 1975 to date: Nominal +92.3%	Real -41.1%	Current Real Weekly Wage: R 16.32
Driver (2)	Current Hours: 54	Hourly Change 1975 to date: Nominal +92.3%	Real -41.1%	Current Real Weekly Wage: R 16.32
Night Watchman	Current Hours: 54	Hourly Change 1975 to date: Nominal +92.3%	Real -41.1%	Current Real Weekly Wage: R 16.32
Porter/N Porter	Current Hours: 50	Hourly Change 1975 to date: Nominal +75.9%	Real -46.2%	Current Real Weekly Wage: R 14.36
Porter	Current Hours: 54	Hourly Change 1975 to date: Nominal +79.7%	Real -45.0%	Current Real Weekly Wage: R 14.88

practice, he made a point of attending to almost all the meetings of the Transvaal Law Society, something his black colleagues had never done

This has paid dividends if that's the correct description for an augmented workload. Pitje has been elected chairman of the Black Lawyers Society (BLA) each year since its inception in 1977 and his colleagues have also nominated him as a candidate for membership of both the council of the Transvaal Law Society and of the Johannesburg Attorneys Association in 1978.

"I failed to become a member of the council," says Pitje, "but I was gratified that quite a number of whites voted for me. My candidacy for membership of the attorneys association was successful. I've been re-elected and, to-date, am still a member of that body."

The BLA was formed by 40 founder members five years ago mainly to fight segregation in the courts and government threats to evict black lawyers from offices in white CBDs. These objectives have been partly successful. Says Pitje: "There's no longer any discrimination in the courts, though fears of eviction still exist"

Changing times

Soon after his admission to the side bar in the late Fifties, Pitje was convicted by a Boksburg magistrate for contempt of court — he had refused to accept a segregated seat specifically set aside for him in court. He lost his appeal after the Appeal Court found that a magistrate had the right to arrange seating in his court any way he liked

"The position is different today," he notes with satisfaction, "there is no longer segregated seating in the courts"

BLA membership has now grown to more than 100 lawyers from the Transvaal and the Free State. Natal and the Cape Province are not yet involved in the association, but the association plans to go national and bring lawyers from other provinces into its ranks

It's involved in the academic and practical training of black law graduates as articled clerks, backing their admission to the bar or side bar on completion of articles and ultimately helping them set up in practice.

There are obstacles faced by aspirant black lawyers, says Pitje. The BLA has found that government frowns on blacks who want to article themselves to law firms in SA after graduating from universities in independent territories like Transkei. They can face refusal to recognise their certificates or qualifications

"In terms of SA law, a B Proc degree completed outside an SA university is not recognised, Transkei, for instance, is said to be a foreign country," Pitje explains

The BLA is now campaigning, with help from individual whites and organisations like the Law Society, for an amendment to

GODFREY PITJE FM 13/1/84

Class dismissed

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Law wasn't Godfrey Pitje's first career choice, teaching was, but once circumstances threw him into the profession, he discovered his calling

And, not content with simply running his

13/1/84

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Pitje . . . campaigning for black lawyers

the law to accommodate law graduates from such "foreign" universities.

And the association is involved in a further major campaign under Pitje's leadership: it is raising funds for a legal education centre in Soweto. The objective is to provide continuing legal education for both practising lawyers and articled clerks, and to run a law clinic to give after-hours tuition to articled clerks.

A Fort Hare graduate with a Masters degree in anthropology, Pitje became a lawyer almost by accident. After teaching for some years, he successfully applied to Rhodes University for a doctorate course in the early Fifties.

He was on the point of leaving for Rhodes when it was pointed out to him that he was unlikely to be allowed to teach again after completing his doctorate because of his active involvement in the opposition to the introduction of Bantu Education

"As a result, on April 1 1955, the day Bantu Education was formally implemented, I joined the law firm of Mandela and Tambo to do my articles. My career as a teacher had ended and my days as a lawyer had begun."

URBAN BLACKS 248 ~~243~~ Bombing councillors

Petrol bombings, described by police as politically-inspired, at the homes of newly-elected local councillors in Greater Soweto, seem designed to force mass resignations. This follows the pattern of the 1976 riots when the Urban Bantu Councils became almost totally inactive after councillors were threatened by students.

So far the homes of four councillors, including Soweto Council chairman Ephraim Tshabalala, have been hit. One of the victims, Soweto councillor Patrick Gaboutloeloe, has been attacked twice within a few weeks. The other victims are Silas Tshabalala (Soweto) and Isaac

Financial Mail January 27 1984

Mashao (Dobsonville).

The bombings caused little damage. But they are causing considerable worry with the victims reluctant to comment for fear of provoking further violence.

The attacks were made in the early

hours of the morning. Petrol bombs were thrown through windows while the councillors and their families were asleep. Soweto police say the bombings all seem to be the work of a single group.

A few weeks ago student organisations

on the Witwatersrand called on black councillors to resign. Now it seems some radicals are bent on scaring them into quitting — thus crippling the new urban black local authority system created last November in terms of the Black Local Authorities Act.

Professions face cartel probe

248 Times

THE lack of competition among doctors, lawyers, accountants and other professionals is being scrutinised by the Competition Board.

The board interviewed leaders of several professions this week.

The interviews appear to foreshadow a thorough investigation of alleged monopolistic practices. The Moulton Commission, which recommended the foundation of the Competition Board, suggested that the lack of competition in certain professions be investigated.

Recently a group of doctors, who had fallen foul of the Medical Council, appealed to the Competition Board. It sought further information from the relevant councils.

Several professions meet the definition of a cartel. They combine to regulate their fees and sometimes salaries and other costs are fixed. Entry is restricted, mainly by examinations. Members are not allowed to advertise their services, solicit business or claim superiority over their colleagues.

Codes of conduct are drawn up by insiders who, according to free market protagonists, have their own — not the public — interest at heart. Some critics argue that the ministers of health and justice should not be respectively doctors or lawyers.

Professions have been under the spotlight internationally. In the US, as a result of competitive reform the cost of legal advice has plummeted and the average lawyer today earns only \$30 000 a year. Some US lawyers will fight cases on the understanding that they be paid only if they win.

Leaders of SA professional bodies plead not guilty to charges of monopoly.

The Director-General of the Department of Health and Welfare, Dr F P Retief, told Business Times: "We would be worried if medical services were brought down to the level of commercial services. I don't think medical services can be reduced to a commercial commodity. If they were, standards would suffer."

12/2/84
By Alec Hogg and Barry Sergeant

The president of the SA Institute of Chartered Accountants, Tim Potter, is not disturbed by the pending investigation, saying: "The fact that the practising side of the profession is controlled by a statutory body suggests that there is no particular need for an inquiry. Whether the board is going to concern itself with the question of accounting firms advertising is another question."

Mr Potter rejected the allegation that articled clerks were exploited — "They earn competitive salaries."

The head of the Public Accountants and Auditors Board, Lewis Salter, claims that the only monopolistic aspect of accounting is the Companies Act requirement that all companies must be audited by a qualified CA. Mr Salter denies that the need for accountants to pass the board examination and to complete articles is a barrier to entering the profession — "About 85% of those who attempt the exam eventually pass."

Professor David McQuoid-Mason, outspoken legal academic at the University of Natal, Durban, says the inquiry is not unexpected. He believes that areas likely to be investigated are the attorneys' statutory monopoly in property conveyancing, the processing of insurance claims and price-fixing for court appearances.

He says: "Because the professions cannot advertise, they are excluded from the Trade Practices Act. Some legal practitioners have access to defined channels of reference, but the layman has no point of reference to experts on particular areas of the law because there is no advertising."

A Johannesburg attorney says the Competition Board is not the proper body for this inquiry. He recommends a full-scale Government commission of inquiry.

Louis van Zyl, chairman of the Association of Law Societies, says the legal profession will "stand up to any kind of scrutiny in areas of work reserved for it."

Krugersdorp 'no' to black attorneys

By Terry Friend, West Rand Bureau

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An application by two black attorneys to practise in Krugersdorp was given a unanimous thumbs down by the town council last night.

The council was asked to comment on an application made to the Department of Co-operation and Development, but has no power to refuse the application.

Mr M J Kuanho and Mr A S Khanyile, of Soweto, applied to open a firm of attorneys in the Astor Building, Princess Marina Street, Olivanna. There are no suitable facilities in Kagiso, Soweto, and the offices must by law be within 8 km of the courts.

Mr C Viljoen rose first and shouted: "I cannot see the logic in the blackening (verswartering) of the town. We don't know these people. Are they socialists — the jackals of the communists — just like the other one?"

28/2/84
He was referring to a previous case in which an application by another black attorney, Mr Moses Mohlahledi, was supported by the council. In a subsequent Press report, Mr Mohlahledi's political views were described as socialist.

Mr A van Wyk said the council should leave the matter to the department: "Give it to the wing and let the wing score."

Management committee chairman Mr I Nel said he did not agree, as the council had a duty to comment. "They must be accommodated at places where they can bring their own councils into being," he said.

Mr P Kruger: "The case has no merit. I recommend that they not be allowed."

Mr Viljoen: "What merit did the previous one have?"

The council then unanimously resolved to oppose the applications.

● See Page 2.

Mr Joseph Kuanho (seated) and Mr Aubrey Khanyile
— a unanimous thumbs down to their application to
open a practice in Krugersdorp.

Town's ban dismays black lawyers

By Gavin Engelbrecht,
West Rand Bureau

29/2/84

Two black Krugersdorp attorneys are shocked and dismayed at the council's unanimous thumbs down to their application to open a practice in town. They also reacted strongly to a councillor's statement.

Mr Joseph Kuanho (26) and Mr Aubrey Khanyile, of Soweto, applied to the Department of Co-operation and Development to open their offices at the Astor complex in Krugersdorp. The offices must, by law, be within 8 km of the courts.

The council was asked to comment on the application but had no power to refuse it.

Mr Khanyile said the first he had heard of the decision was when a warrant officer from John Vorster Square contacted him requesting an interview.

He had not yet been informed by the council when interviewed last night.

"It came as a blow," said Mr Khanyile.

He said he thought the council's attitude would have changed after it had supported the application of another black attorney, Mr Moses Mohlale, to have a practice in town.

Mr Kuanho said he regarded a statement made by Mr C Viljoen at the council meeting as derogatory and libellous.

Mr Viljoen had said: "We don't know these people. Are they socialists — the jackals of communists — just like the other one?" (He was referring to Mr Mohlale.) Mr Kuanho said they had not yet decided what to do regarding Mr Viljoen's comment.

The Mayor of Krugersdorp, Mr Wiets Botes, who used his casting vote in favour of Mr Mohlale's application, said he had voted against the two as there was insufficient information on them.

"According to information it was not clear whether they were qualified or not."

Contradiction in SA's policy on urban blacks

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6/14/84

AT the heart of the black-white struggle in South Africa lies a fundamental contradiction in government policy — that between "excorporating" blacks as political citizens but incorporating them as industrial citizens

This is a relatively new development in the struggle of more than 200 years

By the early 1970s the exclusion of blacks from the political system by granting them independence in designated homelands was merely a vague ideological goal. As far as black labourers were concerned, there was a common resolve among whites to deny them participation in the normal industrial relations machinery and to refuse recognition of black trade unions.

By the end of the 1960s there was also a tendency among some Nationalists to regard black labourers as temporary, almost immaterial fixtures on the industrial scene.

The crudest expression of this policy was given in the late 1960s by Mr Sampie Froneman who stated "Blacks are only supplying a commodity, the com-



The Pattern of Politics

By
HERMANN GILIOME

modity of labour. It is labour we are importing and not labourers as individuals."

Over the last eight years this policy has changed dramatically. After Transkei received independence in 1976, the political exclusion of blacks from citizenship of South Africa has become a legal fact.

Formally, the one-third of the blacks who have already have been de-nationalized — and their descendants — can no longer make any claims upon the South African state.

Contrast

In stark contrast, 1979 saw the acceptance of the black labour force as a permanent and integral part of the South African economy. Thus we have the widening exclusion of blacks from political citizenship and other political rights at the same time as we have the acceptance of

blacks as people with growing industrial civil rights — the right to form trade unions, to strike, etc.

As if this conflict is not stark enough, it is being compounded by the state's attempt to keep urbanization of blacks down to a minimum at a time of high unemployment and an acute struggle to survive for many in the homelands.

At a conference of the Legal Resources Centre recently held near Grabouw several speakers addressed this theme. Under the committed and inspiring leadership of Mr Arthur Chaskalson, the Legal Resources Centre has played a crucial role in the court cases leading to the Komani and Rikoto decisions.

These judgments have been widely interpreted as an important extension of permanent urban residence rights to blacks (the so-called Section 10 rights).

The judgments have also fitted in with the vision of a steadily expanding pool of urban insiders who would increasingly identify with South Africa's political and economic system and who would be available for co-optation as a stabilizing element in the urban black population.

The Grabouw conference made it quite clear that this vision does not take into account the dynamic of political exclusion as more homelands take independence, and the number of people with permanent urban residence rights decreases.

Although the government will not take away Section 10 rights there are some measures in place which will have the effect that the proportion of people with South African citizenship and vested urban residence rights — the so-called insiders — will not grow but shrink.

In a compelling analysis, Mr Geoff Budlender explained that there are currently three categor-

bargaining that is now taking place on an increasing scale is the closest thing South Africa yet has to multi-racial decision-making."

The Industrial Court has gone further than anyone expected in establishing progressive case law in the field of labour relations.

In a series of far-reaching judgments the notion of fair employment practices has been introduced as a key concept. Whereas common law grants no rights to workers, the Industrial Court has gone the other way and recognized workers' rights.

In the Precision Tools judgment the court has even gone as far as decreeing that workers have a right to security of employment unless good reasons exist to terminate it.

Put simply, a migrant cannot be fired simply because he is a migrant. The entire emphasis in this field is one of black rights and participation in a common system.

Clearly this emerging and widening notion of common industrial civil rights for blacks is in contradiction to their exclusion as political citizens.

With thriving homelands and negligible unemployment this contradiction need not be as explosive as it is set to become especially when the citizenship laws start to bite. But the homelands cannot support much more than 10 percent of its inhabitants and the drought will accelerate the massive exodus (forced or voluntary) of blacks from the white farms.

The eyes of the two to three million blacks who are currently unemployed are turned to the cities for employment opportunities. But they have not been able to go there. As a result of rigid influx control measures over the last 25 years, South Africa is about 10 percent under-urbanized — about three million people have been stopped from urbanizing.

Workplace

The workplace is the arena where an unresolved conflict between incorporation and ex-corporation will be played out.

A strategy of effective-





Black commuters on their way to work
industrial citizens

residence rights — the so-called insiders — will not grow but shrink.

In a compelling analysis, Mr Geoff Budlender explained that there are currently three categories of blacks relative to the citizenship issue:

(i) One for people like the Zulus whose homelands have not yet taken independence — they are considered South African citizens, like whites or coloureds,

(ii) One for people like the Tswanas and Xhosas whose homelands are independent — they are considered new foreigners, and,

(iii) One for people who have never been South African citizens, like Mozambicans.

Any black child born after his designated homeland has taken independence can never become a South African citizen or acquire permanent urban residence rights

Xhosa child

Theoretically a Xhosa child born after 1976 and living with his Transkeian "insider" parents in Cape Town or Johannesburg has no right to be in the city

In practical terms this must now be settled as they go to school, become eligible for employment, housing etc

If their theoretical status is enforced they will have to resign themselves to taking last place in the jobs and housing queue

The government has not implemented this and is unlikely to do so. But neither has the law been changed

The pool of blacks with Section 10 rights has also been shrunk by the policy of diverting, as far as possible, all new township development to the homelands

Living in homelands, blacks cannot build up a right to Section 10 rights. And blacks without these rights are people subject to arbitrary discretion who can be endorsed out without any recourse to law

Diametrically opposed to the excorporation tendency are the developments in the field of industrial relations after the 1979 watershed of recognizing black trade union rights. Here blacks are encouraged to become part of the labour dispensation of South Africa

As John Kane-Berman put it "The collective

The workplace is the arena where an unresolved conflict between incorporation and excorporation will be played out.

A strategy of effectively co-opting only the urban black insiders may stand a chance if the trade unions see the interests of the insiders as being separable from those of the outsiders and try to protect only insider interests

However, all the evidence from the field indicates that the trade union leadership is united in its resolve to resist the division between insiders and outsiders, to prevent the retrenchment of outsiders during economic slumps, to fight influx control and political excorporation.

Given the survival struggle in the homelands, the stakes will be raised enormously in the workplace in the years to come. A man without Section 10 rights who is dismissed faces the prospect of becoming destitute in the homelands.

One of their hopes lies in their membership of a union and clearly union leaders will increasingly be prepared to go to great lengths not to let them down

The other hope lies in illegal squatting on the perimeters of the cities. The survival struggle in the homelands is already leading to influx control breaking down irrevocably as desperate men and women, bypassing the Orwellian structures of labour control, converge upon the cities

Let there be no illusion. The real issue facing South Africa is the conflict between political excorporation and industrial incorporation of blacks, between political non-citizenship and industrial citizenship

It is for this reason that the third of the so-called Koornhof Bills which will deal with influx control — and still is to come before parliament — is of vital significance

Fortunately there are signs of a serious government rethink on the entire issue of urban black political rights which goes outside the bounds of current policy. The country's future stability depends on the contradictions in government policy being resolved in a satisfactory way

Hoexter: R250 000 a year for advocates

HOUSE OF ASSEMBLY

— Top advocates in Johannesburg earn R250 000 a year and in Durban R125 000 a year, the then Judge-President of Natal told the Hoexter Commission in 1982

The Commission said it believed complaints concerning exorbitant advocates' fees "are not entirely unfounded" although it said it was not able to find that "advocates in general charge excessively high fees"

It did, however, "find that certain advocates do err in this respect"

The commission, whose report was tabled in Parliament on Thursday, said the high cost of court cases in South Africa "is certainly the most important reason" why access to justice for most people existed in theory only

'The Ritz'

"The quip of an English lawyer that 'justice is open to all, like the Ritz Hotel', applies equally to access to justice in South Africa"

It said it had been alleged that lately advocates' fees had become totally unrealistic

"Members of the public, but especially attorneys, complained that the situation was becoming quite impossible"

Senior attorneys told the commission this was giving rise to "an explosive situation" between the two legal professions

A Durban attorney told the commission that when a senior and junior advocate appeared on both sides, the daily legal costs were at least R4 000

although this was reduced to R18 000 on taxation

The commission said the former Judge-President of Natal — it did not name him — had expressed surprise in his testimony "at the exorbitant fees charged by some advocates in trial actions"

In a letter to the commission in June 1982, the then Judge-President of Natal wrote "It is, I believe, not unknown for the top men at the Johannesburg Bar to earn R250 000 per annum

'Commonplace'

"It is quite commonplace for them to earn R125 000 per annum at a comparatively small Bar like the Natal Bar

"I am aware of two juniors at the Natal Bar who have been at the Bar respectively eight and nine years, who earned last year R85 000 and R75 000 nett"

The commission said an investigation by a Bar council was one of the few measures available to protect the general public from exploitation

There were also complaints about the fees charged by attorneys

"Judges complained that bills of costs were often debited with fictitious items"

Photocopies

A Judge-President pointed out malpractices such as the photocopying of documents which were debited as though they had been typed, and attorneys had charged for attendance in court when they were not present. Appeal records often included "voluminous documents which are entirely irrelevant"

In an attempt to control the rising costs of legal action, the commission proposed that where more than 20 per cent of an advocate's fee was "taxed" off (reduced), the taxing master should be obliged to report this to the Bar Council

Long argument

In Johannesburg, senior counsel often charged R3 000 for the first day and junior counsel R1 500

In a Cape Town case, where there had been a four-day argument on the amendment of pleadings, a senior advocate was said to have marked a fee of R32 000,

Attorney supports 'exorbitant fees' claim

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S/ev
12/4/84

By Jean Hey

Allegations contained in the Hoexter Commission report that some advocates charged exorbitant fees are entirely true, a senior Johannesburg attorney has claimed.

"The charges of some senior counsels are not only removed from reality but are completely outrageous," he said.

The attorney has asked not to be named.

In a recent case, a senior counsel charged more than R3 500 for the first day, and R1 200 for the days thereafter, he said.

This did not include the junior's fee which was usually two thirds that of the senior.

"Charges such as these put legal services out of the reach of the man in the street. They are also giving the whole profession a bad name," the attorney said.

The chairman of the Bar Council of South Africa, Mr Robin Marais, recently told The Star only a few senior counsel advocates charged high fees. Many competent and experienced advocates could be briefed instead of senior counsel, he said.

"The truth is that judges pay more attention to senior counsel," the Johannesburg attorney replied.

Tax masters — usually registrars of the Supreme Court — were responsible for permitting these "ridiculous fees", he said.

In addition, the Bar Council, meant to prevent overcharging, had no control "because many of the advocates involved are doing it themselves".

This was denied by Mr Marais, who said the Bar Council sometimes insisted an advocate lower fees when neither client nor attorney had complained.

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★ The Cape Times, Thursday, May 3, 1984 7

SA's Kentridge made QC

Own Correspondent
LONDON. — Mr Sidney Kentridge, the leading South African advocate, was awarded the title of Queen's Counsel in the Royal Gallery of the House of Lords on Tuesday.

along with 40 other lawyers at an impressive ceremony.

The Queen gave her permission for the Royal Gallery to be used for this purpose for the first time

its pending appeal to the House of Lords

The Guardian is appealing against an Appeal Court order demanding that the newspaper hand back to the government a leaked document on the arrival of United States Cruise missiles in Britain

Mr Kentridge, who already bears the title of Senior Counsel, took silk

Mr Kentridge is to be briefed to appear for the Guardian newspaper in

Are professional engineers really "educated barbarians"? James Clarke reports on a talk to university students by a civil engineer.

Engineers must get involved in social issues'

Professional engineers have long been concerned about the image of their profession and the fact that too few young people are choosing to take up engineering

Mr Cliff McMillan, a respected Johannesburg civil engineer deeply committed to recruiting more people of all races to become engineers, recently gave a talk to undergraduate engineers at Wits in which he discussed the engineer and society in very frank terms.

He emphasised two things: engineers should recognise the impacts of what they do — and they must stand up and be counted on social issues. He called for existing engineering faculties to be opened to all races.

He prefaced his speech by saying he thought engineers in general were not broadly enough educated when they left university. Their degree was a tough one — tougher than most.

He wondered about the "educated barbarian" image of the engineer and how much the universities might be adding to it by providing engineers with a curriculum "so filled with technology and hard work it leaves little time for rounded development and cultivating interests in the humanities, philosophy, cultural activities or even subjects directly related to engineering such as economics, management and law"

Some saw their role only in terms of "detailed problem solving and numerically explicit solutions", said Mr McMillan.

Engineering, he said, involved more than applied science — it involved "the creative process of utilising resources — natural, physical, human and financial — for the benefit of mankind" and that meant getting involved with society and understanding real needs.

Mr McMillan implored young engineers to communicate with as wide a spectrum of humanity as possible, to commit themselves to broadening their minds. "Continuing education should be a never-ending part of professional life".

He talked of the new challenges and opportunities presented by the recent peace initiatives and reform in Southern Africa. The engineering sector now had great opportunities to provide not just jobs but practi-



Cliff McMillan . . . new challenges and opportunities.

cal help for underdeveloped regions which would begin looking towards South Africa

"Despite the reform measures taking place, we can't afford to be complacent. Statutory barriers still present obstacles to development in our society. Some of these affect us as engineers directly.

"At universities like this, blacks are still prevented by law from being accommodated in residences on campus. From a practical educational and engineering viewpoint, the argument in favour of their being accommodated in residences where they can mix with their fellow students of all race groups, is overwhelming.

"We should not be deluded by the proposal of separate universities with engineering faculties. The place for producing engineers of all races is at the existing engineering faculties. The proposal to generate new ones on ethnic lines, with all the inherent dangers of creating second class degrees, must be resisted.

"Perhaps the most important aspect of all is the need to extend the benefits of the free enterprise system. The long term stability of this country depends on blacks perceiving the benefits of free enterprise for themselves.

"Restrictions on freedom of movement and on where you can live, own property or run a business, are in direct conflict with free enterprise principles."

NATIONAL

Advocates' charges are 'unrealistic' — attorney

Argus Correspondent

JOHANNESBURG. — An experienced attorney says he is turning away clients daily because he cannot risk exposing them to advocates' "unrealistic" fees.

According to the attorney, who has had 10 years' experience, he decided to stop briefing advocates when one of his poorest clients was charged R700 by a junior advocate for a simple civil claim which did not come to court.

The claim, arising out of a collision, was for R3 500 and the only issue in question was whether a traffic policeman had given his client the right of way. The claim was set down for hearing in April, but it was withdrawn after it became clear that the policeman would testify against the client.

The attorney said he and the advocate waited one hour at the court to tell the client the matter was withdrawn, drank a cup of tea together and then left.

The advocate refused to discuss his fee, but later sent a bill for R700, which the attorney paid out of his own trust funds.

R60 an hour

The attorney, who has five years' more experience than the advocate, was entitled to charge R60 for one hour's routine court-work.

"If I made an appointment for an operation with a cancer-surgeon and I cancelled the appointment, would the surgeon charge me R700 if he just waited in the theatre for a few minutes and enjoyed a cigarette or a little chat with a colleague?" he asked in a letter to the advocate querying the bill.

In a letter to the Johannesburg Bar Council, which is investigating the attorney's complaint, the advocate replied that the bill included fees for setting aside three days to go to court, familiarisation with the matter, and research into the relevant law.

The amount was the lowest allowed by the taxing master for the first day's appearance of a junior advocate.

The Bar Council's ombudsman said the Press would not be allowed to attend the hearing of the complaint as such hearings were private.

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Advocates oppose ex-security man

Own Correspondent

PRETORIA. — An application by the former security policeman involved in the Van Heerden action and the Dr Neil Aggett inquest to be admitted as an advocate was reserved in the Pretoria Supreme Court yesterday.

Mr Cornelius Johannes van Aswegen, 28, of Brakpan, applied for admission as an advocate before Mr Justice J P O de Villiers and Mr Justice S W McCreath.

The Society of Advocates of South Africa (Witwatersrand Division) opposed the admission of Mr Van Aswegen because it did not consider him a "fit and proper" person to practise as an advocate.

This was the third attempt by Mr Van Aswegen to be admitted as an advocate to the Supreme Court.

Mr Van Aswegen is

one of the 11 security policemen sued by former student leader Mr Aurret van Heerden for R13 000 for alleged torture and assault while in detention.

Mr C Plewman SC, who represented the advocates' society, said judgment had not been given in the Van Heerden action. If allegations made in the Van Heerden action were true, this would reflect on Mr Van Aswegen as an advocate.

Mr J Roux, SC, for Mr Van Aswegen, said the judgment in Mr Van Heerden's action could not be used as evidence in the application by Mr Van Aswegen. Mr Van Aswegen had denied the allegations, and if the application was not granted, he would have to wait for two years before the Van Heerden action had been completed.

Ex-security officer now an advocate

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CMT Tim 16/6/84

Own Correspondent

PRETORIA — A former security police lieutenant who is involved in a civil action by a former Nusas president against members of the security police was this week admitted as an advocate by the Pretoria Supreme Court.

Mr Cornelius Johannes van Aswegen, of Brakpan, was admitted to the bar by Mr Justice J P O de Villiers and Mr Justice S W McCreath.

Mr Justice De Villiers, who gave the judgment, said reasons for the judgment would be given later.

The court further ordered that Mr Van Aswegen take the oath either before the Rand or Pretoria Supreme Court.

An application by Mr Van Aswegen was opposed by the Advocates Society of the Witwatersrand on Tuesday.

Not employed

The society argued that Mr Van Aswegen's admission be postponed to a later date after judgment had been given in the civil action, brought by Mr Auret van Heerden, a former Nusas president, against Mr Van Aswegen and nine members of the security police.

Mr Van Aswegen argued that he was not employed at the moment and that the postponement for his admission would see him wait for about two years before the case was resolved.

Mr Van Aswegen, who held the rank of lieutenant in the South African Police, was attached to the security police at John Vorster Square.

He was among the interrogators of Mr Van Heerden in Benoni police station in November 1981.

Mr Van Heerden testified that Mr Van Aswegen was present when he was threatened or tortured by other members of the security police.

The former student leader told the court during the civil action that Mr Van Aswegen had been among the policemen who had threatened him with further detention if he told other people about his treatment while in detention.

Mr Van Aswegen, who was a former judge's clerk, was also alleged during the inquest into the death of Dr Neil Aggett in detention to have been involved in the threatening of Mr Van Heerden at John Vorster Square police station.

KLM 10/8/84 248 238

Attorney refused passport

Mall Reporter

THE Government has refused a Johannesburg attorney, Mrs Priscilla Jana, a passport to travel to Lagos, Nigeria, to attend an international seminar at the invitation of the United Nations (UN) Special Committee Against Apartheid

The seminar will be attended by jurists and lawyers from all over the world. It has been organised with the co-operation of the Nigerian government.

This is the fourth time that Mrs Jana, who specialises in

the defence of political charges, has been refused a passport since her five-year banning order was lifted in July last year. No reasons have been given.

Mrs Jana received the UN invitation to participate in May. She applied immediately and only received a reply on Wednesday. The four-day event begins on Monday.

The purpose of the seminar is "to examine the international and national legal implications of the situation in South Africa as a result of the apartheid policies and actions of the South African re-

gime"

Mrs Jana said yesterday she was scheduled to leave on Sunday and was "very disappointed".

"I view this as an obvious attempt by this government to suppress opposition views to their oppression and exploitation — particularly in the light of the new constitution, imposed unilaterally by them and which is founded on apartheid and entrenches apartheid."

Efforts to get a comment from the Department of Internal Affairs in Pretoria were unsuccessful.

by Angus Macmillan



Black engineers in the making

248 S-Times
16/9/74

ENGINEERING disciplines are always complaining about the shortages of skills and their effect on the economy.

Nowhere is the problem greater than among blacks who have traditionally steered clear of the applied sciences.

Launched three years ago, the Engineering Careers & Education Project has its first black matrics on the verge of writing their school finals and heading into tertiary education.

Under the direction of industrial psychologist Lente Louw, 67 Standard 10 pupils from Soweto and Alexandra have been honing up their engineering potential since they completed Std 7.

Background

Afternoon tutorials, Saturday morning practical classes and university/technikon teaching have been a feature of their lives for three years.

As they have less of a technical background to draw on than their white peers, the black pupils had to learn basic concepts of technology and about the working environment they could find themselves in.

Mrs Louw says: "We found with our first batch of Std 8 pupils that we had to go backwards before we could go forward. We had to teach many of them how to learn."

She is cautiously optimistic about the prospects of the matric class of 1984, most of whom she thinks will achieve university exemption. Whether they will be accepted by engineering faculties is another story.

Fringe

She is confident that about 15 will have good enough symbols to get into universities. Another 20 pupils are on the fringe of university and technikon.

Those who miss university at their first application might benefit from a bridging year, possibly with technikon study, before reapplying the next year.

What worries Mrs Louw and project chairman Cliff McMillan is the lip-service paid to support such endeavours. A lot of interest is shown, but little money is forthcoming.

Another worry is that although there are plenty of bursaries for top students, there are few for prospective engineers with average marks.

Pilot

EC&EP is largely a pilot project to create awareness in the public and private sectors. In that it has succeeded.

Sasol is taking its lead and the Department of Manpower may start a project to prepare matriculants for entry into business and technical careers.

Engineer²⁴⁸ shortage^{5 low} now 'crisis^{29/10/84} situation'

By Susan Fleming

By 1987 South Africa will experience a shortage of about 2 000 engineers, according to a report by Dr Phillip Lloyd and Professor Bob Plewman of the Federation of Societies of Professional Engineers

There will be about 1 500 engineers and a demand of about 3 500. At present South Africa has about 1 250 engineers — and 35 percent of these are immigrants.

According to the two researchers more than two jobs will be available for every graduating engineer by 1987.

The most hard hit sector of the profession will be civil and heavy-current electrical engineers.

Civil engineers graduating in the late 1980s will find more than three jobs available and heavy-current electrical engineers will have the choice of more than four jobs.

The shortage of engineers was described as a "crisis situation" and the report pointed out that even if salaries were increased, it would be too late to prevent the shortage of engineers from "restricting the country's growth".

The report added that as long as South Africa relied on white males for most of its engineers, the gap would grow.

"White women, coloureds and Indians are beginning to make a contribution, but it is not growing nearly fast enough to close the gap," said the report.

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to the poor

Making justice more accessible

Staff Reporter

NEARLY six years ago a group of lawyers launched a pioneering project to make the law more accessible to people who could not afford the costs of justice in South Africa.

Today that project, the Legal Resources Centre (LRC), has expanded into a substantial operation, with offices in Johannesburg, Cape Town and Durban, and a budget of almost one million rands.

In his annual report, the LRC director, Mr Arthur Chaskalson, a man who gave up a successful career at the Bar to head the centre in

1979, says the LRC "has been involved in providing legal services to those who might not otherwise have access to the courts".

"It is also involved in clinical legal education programmes, in establishing and operating law clinics, in giving assistance to advice bureaux and in the training of law graduates through a fellowship programme."

Mr Chaskalson said it was clear that legal services — both litigation and advice — "will continue to be the major part of its work".

"These services are focused on issues relevant to poor and disadvantaged communities."

"The demand for such services increases all the time, and the Legal Resources Centre is and will continue to be hard-pressed to meet that demand, at least until the development of the integrated legal aid scheme envisaged by the report of the Hoexter Commission."

This description of LRC activities does not, however, do justice to the kind of work it has undertaken.

When one looks at some of the cases it has been involved in, the role of the LRC becomes clearer. They include the Rikhotso and Komanini influx control cases which extended the rights of migrant workers to be in the

cities, labour and housing cases, the Duma case in Natal which restricted the definition of "idle and undesirable" black people, pension problems, Unemployment Insurance Fund cases, consumer exploitation, and the rights of squatters.

These are all issues affecting people who could not normally afford lawyers, let alone the expertise necessary to be able to challenge the way the law is being administered.

The annual report contains some details of typical cases handled by the centre.

"Mr P N purchased a stove on credit from a large furniture dealer in Johannesburg. He understood the purchase price to be R500 and paid a deposit. Upon delivery of the stove, Mr P N discovered that the purchase price was in excess of R1 000."

"On inquiry by the LRC, the saleslady stated that she had used the term 500 pounds because 'Africans still count in pounds and not rands'. Cancellation of the agreement was negotiated and restitution effected."

"On March 26 Mrs N M, a 65-year-old woman, was detained by police at Tugela Ferry and assaulted. The assault included the manhandling of her wrists to her ankles, a wet sack being placed

over her head and, save for a leathershirt, being held naked in a cell overnight."

"Acting on her behalf, the LRC reported the matter to the Commissioner of Police and instituted a civil action. In the result a policeman was charged and convicted of assault and an amount paid to Mrs N M in settlement of the civil proceedings."

"Mr N, a waiter at a leading Cape Town hotel, was dismissed after nine years' service. He had for several years been an active trade unionist."

"The immediate cause given for his dismissal was that he had placed tartare

the process the blocks enjoyed some sorely-needed improvements."

A number of other examples are given in the annual report, but it is jarring to realize that without the LRC, few if any of cases like this would ever come before the courts."

In this way the LRC is making an effective contribution in trying to make justice more accessible in South Africa.

There is a long way to go before there is equal access to the law in South Africa, regardless of wealth and colour.

sauce in front of guests in a stainless steel rather than a silver bowl. Application was successfully made to the Industrial Court for Mr N's temporary reinstatement pending a final resolution of the dispute, which was eventually settled to Mr N's satisfaction.

"One result of this action was a report appearing in the trade journal 'Hotelier and Caterer', which after this case quoted a well-known Cape Town hotelier as stating: 'I would like to warn hoteliers that they should be considerate and fair to their employees and realize that the labour scene in South Africa is changing

Law Society tells it like it is

STUNG by a reader who claimed that his conveyancing fee for buying a flat worked out at R286 an hour, the Law Society replied as follows.

● A five-year university degree, two years' practical training and a formidable practical examination are the hurdles to overcome for admission as an attorney

Conveyancing is a specialized branch of the attorney's profession and to be admitted as a conveyancer the candidate has to submit himself to an additional very stringent written and oral examination

As a general rule conveyancing is regarded as a most important portion of legal professional work and is not performed under the supervision of the junior branch of the profession

your reader may not have been aware of this, the attendances were certainly not confined to a mere three hours

In order to comply with the statutory requirements prescribed by the Sectional Titles Act, the Transfer Duties Act and the Group Areas Act a number of documents had to be prepared, obtained and perused. In addition the conveyancer had to ensure that both the seller and the purchaser had legal capacity to act, that the property was free from attachments and that the financial arrangements were in order

● The documentation which a conveyancer prepares represents only a small portion of the work involved in a conveyancing transaction. The attendances are the same irrespective of whether or not the previous transaction took place two months or

three years ago because the ultimate goal is always to ensure that the purchaser has security of title which responsibility rests entirely with the conveyancer

● Your reader will be happy to note that South Africa is one of the very few countries in the world where the land registration system affords absolute security and where, unlike in other leading Western countries, the owner of the property is not obliged to take out an insurance policy to guarantee his title before a money-lending institution will grant him a loan against security of that property

This would involve the home owner in addition to ongoing costs far in excess of the single conveyancing fee for obtaining indisputable title to his home under the present system in RSA

It is a remarkable phenomenon that although more than a million transactions are registered in Deeds Registries annually, the number of these giving rise to litigation are negligible. The importance of eliminating costs of such litigation for the ordinary citizen needs hardly be stressed

This happy state of affairs can be attributed to the highly skilled professional men and women who are responsible for the acts of registration and whose responsibility for ensuring the validity of title has increased dramatically over the last 15 years, so much so that in the case of sectional titles it rests entirely with them

A conveyancer carries a heavier responsibility for a R100 000 transaction than a R10 000 transaction and the statutory tariff as approved by the minister concerned takes cognisance of this fact

Council warns of fly-by-night travel agencies

THE Consumer Council has warned that bucket shops and fly-by-night travel agencies offering cheap flights may turn out to be the most expensive way to travel

"Prospective travellers planning to go abroad are urged to be most circumspect in choosing a travel agency. According to com-

plaints we have received, travellers seldom realize the full implications of the contracts they enter into with travel agencies.

"Numerous cases have come to our notice of so-called travel agents who are in fact otherwise employed but organize touring parties so that they and members

of their families may travel along free

"Consumers are strongly cautioned to ensure beyond all doubt that the travel agencies they deal with are members of the umbrella organization known as ASATA (Association of South African Travel Agents)."

More on the legal-fees wrangle

A DOCTOR offers the medical angle on legal fees:

Since no doubt the Law Society will respond to you with an indication of factors which justify relatively high fees, I have taken the opportunity of tabulating a fee comparator, where similar skills in two related professions, namely medicine and law, are compared

1st" surgeon to equate for my legal account

Implied in this is that this lawyer had no higher qualifications, and his overhead costs were almost certainly less than mine, as transport, and communication services are utilized more, and are more developed in an active surgical practice

In terms of age my experience exceeded that of the lawyer, and in some respects I am accredited as an authority within my field

I thus accounted consecutive patients through my practice, until I had equated what I would need to earn the same gross fee as the lawyer had charged me

This proved to be 307 separate consultations, involving 126 separate patients, 28 operative procedures were performed, amounting to 32 hours operating time, 183 letters were written, and 25 other procedures (changes of plaster casts, manipulations, and injections) were also performed. My fees were those published in the Government Gazette

Following the receipt of his account, I then compared the services which I would have to perform, as a "special-

The majority of my patients are covered by medical insurance, and it almost goes without saying that where large debts are incurred, or the patient is inadequately insured, my fees were reduced accordingly. Travelling costs, telephone and stationery charges I disregard, as do my medical colleagues

Of course to pay for this legal advice net, I would probably have to multiply the above figures by three, that is nearly 1 000 separate consultations, and nearly 100 hours of operating time

These figures were drawn to the attention of the "general practitioner" lawyer concerned, who responded by saying that I appeared to have forgotten that he had undertaken many telephone calls on my behalf



Struck off attorney loses appeal

BLOEMFONTEIN — The Appeal Court here yesterday dismissed the appeal of Mr Shumugan Nganasamanthan (Shun) Chetty, a Johannesburg attorney who fled South Africa in 1979, against the rejection of an application for the rescission of the order that struck his name from the roll of attorneys.

Mr Justice Miller, with the concurrence of the Chief Justice, Mr Justice Rabie, Mr Justice Kotze, Mr Justice Viljoen and Mr Justice Galgut (acting judge of appeal), was satisfied that the application for rescission of the order must fail on its own demerits.

It was thus unnecessary to decide on the correctness or otherwise of the conclusion of the Transvaal Supreme Court that Mr Chetty was to be regarded as a fugitive from justice who, on

that account, lost his right to apply for the relief he sought.

Mr Justice Miller said the reason why it was said Mr Chetty's application failed on its own demerits was because he was unable to find in Mr Chetty's lengthy founding affidavit, or elsewhere in the papers, any reasonable or satisfactory explanation of his default and total failure to offer any opposition whatever to the confirmation on September 16, 1980 of the rule nisi issued on April 22, 1980.

Mr Justice Miller said it was clearly incumbent on Mr Chetty to disclose, with a degree of particularity, what it was that prevented him from achieving his avowed object to oppose confirmation of the rule nisi.

He was a practising

attorney, not at all unfamiliar with the procedure in South African courts, who although physically absent from the seat of the court, was represented in Johannesburg by his attorney with whom he could readily communicate and, moreover, had available to him the services of an attorney and a barrister in London.

In the light of the finding that Mr Chetty's explanation was unsatisfactory and unacceptable, it was unnecessary to make findings or to consider the arguments that related to his prospects of success on the merits of the removal.

His counsel had laid considerable stress on the finding of the court that confirmed the rule nisi to the effect that Mr Chetty had misappropriated

trust funds and he contended that it was apparent from the judgment that, but for such finding, the court would not have ordered the removal of his name from the roll, whatever other form of disciplinary action it might have taken.

The judge said it was clear that Mr Chetty had failed to keep proper books of account, as he was required to do.

It now appeared, however, that despite irregularities and impropriety in the keeping and administration of the accounts, there was no misappropriation of trust funds by Mr Chetty.

It might be that even if this had been shown on the return date of the rule nisi, the court would have ordered the removal of Mr Chetty's name from the roll.

It was reasonably possible that the court might have considered that a less severe disciplinary measure than removal from the roll be taken.

To that extent Mr Chetty

might have satisfied the second of the two essential requisites for rescission. But that did not assist him in the final result because of his failure to satisfy the other essential requisite — SAPA.

Lawyers' group expands

THE Democratic Lawyers' Congress will establish a number of regional offices throughout the country during the next four weeks.

The deputy president of the DLC, Mr Billy Mothle, and a regional office on the Eastern Transvaal will be launched tomorrow at the Wayside Motel near

Grobbelaarsdal

The Central Transvaal regional office will be launched at the John Player Special boardroom in Silverton, Pretoria, at 7pm on Wednesday. The Northern Transvaal and Western Transvaal regions will be organised at the Holiday Inn in Pietersburg and Mafikeng on April

21 and May 5 respectively.

All attorneys practising in these regions have been invited to attend Advocate, law lecturers and articled clerks are also invited, Mr Mothle said.

Negotiations, he added, had also been made with the Black Lawyers' Association and the Democratic Lawyers' Association in Natal "with the view of forming a national body for attorneys either on a federal or confederal basis or alternatively on a structure that will be acceptable to every body".

Varsity staff probe to be held in camera

Labour Reporter

THE State-appointed committee of inquiry into staff grievances at the University of Durban-Westville would hold its investigations 'in camera' to protect the identity of potential witnesses, Mr Hassan Mall, chairman of the committee, said yesterday.

three-man committee's first working meeting in Durban yesterday, he said potential witnesses had expressed fears of being victimised if the inquiry was held in public.

committee and the witness concerned will be allowed to attend.

'As an added precaution individuals wishing to give evidence before the committee will be personally informed of the dates and venue when they can present their evidence,' he said.

Mr Mall, who is also an advocate, said there would be no cross-examination of witnesses and no legal representation. 'We hope this is adequate assurance for the protection of witnesses' identities,' he added.

The other members of the committee are advocate Mr P J Wilson and Mr A K Singh, chief director of the Department of Indian Education. The committee was appointed by Mr Kassie Ramduth, Minister of Education and Culture in the House of Delegates.

The appointment follows allegations by some members of the academic staff that Indians were bypassed in appointments to

senior posts in favour of whites. They claimed that although Indian members on the staff had qualifications higher than whites they had in some cases been overlooked.

Those wishing to give oral evidence before the committee have been requested to advise the secretary of the committee, Private Bag X54323, Dur-

ban, 4000, by April 30. The committee's terms of reference are to determine the criteria used in the appointment, promotion or dismissal of academic and administrative staff and to inquire into and report on whether and to what extent the criteria determined in staff appointments have not been followed.

KDM 18/4/85

Boesak retains top post

DR ALLAN BOESAK, president of the World Alliance of Reformed Churches, is "free to resume his official duties" as vice president of the South African Council of Churches, Dr Beyers Naude, the general secretary of the SACC, announced in a statement in Johannesburg yesterday. The executive committee had been notified of the March 19 decision by the Ring (Circuit) of the SA Gestig of the Nederduitse Gereformeerde Sendingkerk, whereby Dr Boesak was reinstated as a minister.

"The executive has noted that Dr Boesak has resumed his ministry and in the light of the decision of the Circuit and Dr Boesak's response, his position as vice president of the SACC is not affected,"

Dr Naude said

The text of the Circuit findings, after the SA Gestig convened an extraordinary meeting to discuss public allegations surrounding the person of Dr Allan Boesak, read:

"After thorough deliberation of the relevant documentation and the oral testimony of Dr Boesak in which he refused to acknowledge an extramarital affair as published by the media on the basis of anonymous pamphlets, and described the relationship as special, the Ring decided that the allegations were unfounded."

"In the light of this, the Ring rejects these allegations. From Dr Boesak's testimony it is clear that what was published was a distorted image of the relationship which gave rise to unfortunate misunderstandings. — Sapa."

White law lecturers on boycott at Turf

By Own Correspondent and Sapa

WHITE lecturers at the University of the North yesterday went on a boycott of lectures following a demonstration by students on Monday, and the assault on a lecturer in the faculty of law.

The law faculty at the university was closed down yesterday until further notice, according to Mr Goodman Socikwa, chairman of the Law Faculty Council (LFC).

Confirming the closing down of the faculty, law professor J A van den Heever, head of the department of Criminal Law and Procedure, said that they could not be in a position to enter the lecture hall until they were assured of safety that they would not be attacked by the students.

Professor van den Heever said that the staff members took the decision following the events on campus that led to the assault of Professor P van Warmelo with a chemical acid.

Among placards carried by the demonstrators one read "Van Warmelo get the hell out of our campus and go to Rome. Even Romans won't appreciate your way of teaching Roman Law."

Prof van Warmelo was among the three lecturers whose immediate expulsion was demanded by students during their month long boycott in October last year.

The other lecturer was Mr W R Johnson, head of the department of mathematics, who was alleged to have told students that black students do not have the "right intelligence" to understand mathematics.

He has since been dismissed by the university. A day before his dismissal his office was destroyed when a building was gutted last month.

The third lecturer, whose expulsion was demanded by students, is a black lecturer in economics, Mr S T Galela.

Vice-president of the SRC, Mr Blessing Mphela, said: "The law students action to go on a demonstration without first going through the normal channel shows that the authorities had been ignoring the problem which has now reached an explosive level."

"Normally when the workers in factories and students at schools and universities go on strike, the police are called to use force, but it is surprising that when the white lecturers went on a work stoppage, disrupting the normal function of academic activities, no police were called to restore order."

• The Lebowa Commissioner of Police, Brigadier W Beetge, said there were allegations that Prof van Warmelo's assailants poured a chemical substance over him.

Prof van Warmelo was treated for shock and burns, but his condition was satisfactory.

The incident apparently occurred while Prof van Warmelo was on his way to a class.

Police are investigating but no arrests have been made.

The university's rector, Professor P C. Mokgo-kong, was not available for comment.

Samuel 24/11/85

Law 'endangers journalists'

Political Correspondent

JOURNALISTS' lives could be endangered through the indiscriminate use of Section 205 of the Criminal Procedures Act, which empowered the police to demand information from newspapers and others, Mr Dave Dalling, chief Opposition media spokesman, said yesterday

'There are grave disadvantages and consequences for a free Press if this procedure is used indiscriminately used,' he said in Parliament yesterday during the budget debate on the Department of Law and Order

He appealed to the Minister, Mr Louis le Grange, to withdraw all pending subpoenas and charges relating to Section 205 and then to apply the legislation with the utmost circumspection

It was a powerful tool in the hands of the Government and empowered the police to demand that

a person disclose information before a magistrate if it was suspected it had a bearing on an offence or even a suspected offence

'But, in recent months this law has been used largely to compel editors and journalists to disclose sources of published material, to hand over photographs of gatherings, of marches and meetings and even to deliver up personal notebooks for official scrutiny,' said Mr Dalling

'While journalists' protests have been strident, I think the layman has had difficulty in comprehending why

'After all, if a crime has been committed, why should the Press wish to sabotage bringing criminals to justice?

'Of course, that is not the issue at all

'If it is a straightforward matter of crime detection, there has never been any difficulty

about getting information from the Press

'The problem arises not in the case of ordinary crime, but rather when the possible offences, alleged or suspected — for instance the presence of certain persons at gatherings or meetings or marches — are of a politically controversial nature,' said Mr Dalling

The problem had been exacerbated late last year and early this year when Section 205 was not used as a 'last resort' but as a 'first resort.'

This gave rise to grave problems for a free Press

'If journalists or editors refuse to comply with the demand in terms of Section 205, they are rendered criminal themselves and subject to imprisonment.

'If they do comply and deliver up the documents required, their credibility and impartiality among the communities involved in any unrest

will be destroyed

'No independent Press person will ever acquiesce to becoming yet another arm of police investigation'

Another deleterious side effect of indiscriminate application of the legislation was that the Press would more and more be seen as a 'player' in the political drama, and not as an observer

'This could imperil the lives of reporters and photographers in volatile situations and lead to important events not being reported at all

'Who will speak to reporters if it is known that whatever is said will in due course become the property of the State?

'There must be a confidentiality between the reporter and the one who is disclosing the information

'If reporters are forced to tell the police all they hear, they will soon have almost nothing to tell'

Law can endanger journalists — Dalling

Political Staff ~~243~~
PARLIAMENT — Jour-
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May Day: No ²⁴ lectures at Fort ^{Sowden 3.5/65}

LECTURERS at the University of Fort Hare stayed away on Wednesday to celebrate May Day, students have claimed. ²⁴⁸

Students say they received notices that there would be no lectures on May 1 — International Labour Day — as lecturers were to celebrate that day and they (students) had no option but to stay away too.

But a university spokesperson dismissed the claims as "nonsense".

"When students do not come to lectures, lecturers leave because there is nothing they can do. Since last year students, on this day, had not been attending lectures. So I suppose when they did not turn up on Wednesday they were stretching that resolution", the spokesperson said.

She added that only a few turned up for lessons yesterday, and she did not know why the majority were absent.

Meanwhile, more than 500 graduands will receive degrees and diplomas at the 1985 graduation ceremony at Fort Hare on Saturday.

About 393 will receive bachelor degrees, 12 will receive post graduate degrees, eight will receive diplomas and about 98 will receive non-graduate diplomas.

The university Senate had decided to hold graduation ceremonies during the winter recess when thousands of students were away. This year the Senate rescinded its decision and the graduation will be held before the winter holidays.

Varsities' claim to the top scientists

Mercury Correspondent

CAPE TOWN—A CSIR study has found that the majority of South Africa's outstanding scientists, based on an internationally-recognised rating system, are based at two campuses, the universities of Cape Town and the Witwatersrand.

UCT has 13 of South Africa's 35 'A category' scientists and Wits seven.

All other universities fall far behind them, Natal and the University of South Africa have 3 A category scientists, Potchefstroom, Pretoria, and Rand Afrikaans have two such scientists, while there is one at the University of the Orange Free State.

But one of the most respected Afrikaans-speaking universities, Stellenbosch, has no A category scientists.

Leaders

Or does Rhodes, Fort Hare, Durban-Westville, Port Elizabeth or any other university campus.

'A category' researchers are those academics who without any doubt are accepted by the international community as being the leaders in their field, or researchers accepted by the international community as being among the leaders in a rather narrow field, or others with a broader range with strong claims to a leadership role.

The study into South Africa's natural scientists, conducted by the CSIR's Foundation for Research Development (FRD), has not been published before but some indication of its findings were disclosed in this week's Monday Paper, published by UCT.

The Monday Paper says the FRD report shows that UCT is the South African leader in academic research — particularly in the top category of "outstanding scientists".

Beer sales boost SAB turnover

JOHANNESBURG. — With beer drinkers swilling their fill, South African Breweries Ltd (SAB) increased their turnover for the year ended March 31, to R5 359,2m, an increase of 11 percent over 1984's R4 815,2m.

But the trading profit was down to R354,4m (R369,1m) and profit after taxation was down only one percent to R248,5m (R250,9m).

An unchanged final dividend of 26c a share has been declared, maintaining the total for the year at the level of 36c paid in respect of the previous year.

Provision

With a foreign exchange provision of R5m included, a record R210,3m was attributable to shareholders, three percent up on last year's R204,6m.

The earnings attributable to shareholders represent earnings a share of 80,4c as compared with 79,4c for the previous year.

The directors say "This has been achieved against the background of a precipitous collapse in consumer spending, particularly in the latter six months of the financial year when the estimated decline in real private consumption expenditure was of the order of 3,5 percent."

"All sectors of spending have suffered in recent months, especially durables and the mid-

dle and lower-income mass consumer markets."

"Volume growth of seven percent in the beer division was a major factor in the increase from R126,6m to R141,6m in earnings for the year in the group's beverage interests."

"Earnings brought to account from the remaining interests of the group declined from R78m to R50m, to which must be added R18,7m of deferred investment allowances credited to the income statement in terms of the group's established accounting policy," the directors say.

The group recorded an increase of 11 percent in turnover but with margins being brought under severe pressure, the directors say.

In the event, trading profit fell only four percent below the previous year's achievement.

Interest costs

The say "The substantial increase in interest costs was more than offset by the sharply reduced level of taxation (R22,3m as against R90,4m the previous year), resulting from utilization of assessed losses and the continued transfer back to earnings of investment allowances deferred in previous years."

Included under interest paid (R132,2m as against R79,8m the previous year) is an amount of R6,1m in respect of the amortization of the unrealized currency translation deficit on an aggregate of R50m of foreign borrowings which remained uncovered throughout the year, the directors say.

In addition, group attributable earnings have been reduced by an amount of R5m set aside as a matter of prudence against the total amount carried forward, leaving a net balance of R6,2m to

be amortized over the remaining 4,5 years of the loan arrangements concerned.

Borrowings increased by R76m over the year and reflected the results of tight asset management throughout the group as well as the benefit of the R100m of redeemable preference shares issued with effect from February 1 this year.

Of future prospects, the directors say that it is clear the turning point in the country's economic downswing will not be reached until the latter part of this year.

Spending

Negative growth in real consumer spending in the first six months of the coming year is expected to depress group earnings to a level well below that of the previous year.

"Trading in the second half of the year, however, is always the critical determinant of the full year's performance."

"If the improvement in the overall economic climate anticipated in the group budgets materializes, earnings for the year as a whole will be in line with those of the year just closed," the directors say — Sapa.

Mathivha sets Turf top post

Sowetan 24/5/85

By ALIMPHAKI (248)

FORMER head of the Department of Venda at the University of the North (Turfloop), Professor Matshaya Edward Mathivha, has been appointed as vice-rector of the institution.

SOWETAN, Friday, May 24, 1985

Page 17



MEMBERS of the furniture trade turned up in great numbers when a retail furniture chain, Price and Pride, opened its third outlet in Johannesburg this week. Guests listen attentively to a speaker (not in the picture) at a roof-wetting ceremony.



PROFESSOR Matshaya Edward Mathivha

Prof Mathivha was born on December 24 in 1921 in Sibasa.

He passed matric (Joint Matriculation Board) in 1946. He obtained his BA degree, majoring in Venda, Psychology and Northern Sotho in 1950 — from the University of South Africa.

From the same university, he also obtained his MA and D Litt et Phil degrees. The theses for the latter was The History of Venda Literature.

In 1961 he was appointed language assistant at the University College of the North. In 1962 he was promoted to lecturer and in 1967 to the post of senior lecturer and head of the Department of Venda.

He served on various

committees, inter alia The Sibasa Teachers' Association, The Venda Language Committee of the SABC, Venda Language Committee of Bantu Education and The Advisory Board of SABCTV2.

He has written and published the following books:

Tsha Ri Vhone (a novel), Mabalanganye (a drama in Venda) and Thahulela Luvenda (a Venda text book for high schools).

Prof Mathivha was also involved in the compilation of the Venda-Afrikaans-English dictionary.

I was hounded — black lawyer

By Phil Mtshkulu

248

Star 1/7/85

A young black lawyer yesterday described how he had been hounded from various premises in Potgietersrus because of the Group Areas Act.

Mr Richard Ramodipa was addressing the vice-president of the Transvaal Law Society, Mr Stan Treisman, at a general meeting of the Black Lawyers' Association in Welkom.

Mr Treisman said earlier that the society was doing all in its power to have a blanket exemption for black lawyers from the Group Areas Act, section 10 and curfew regulations.

Mr Ramodipa said the lawyers were not impressed with the efforts of the law society.

"I will become personal. The Law Society has done nothing for me. I have been hounded from one office after the other in Potgietersrus."

"I do not accept the argument that it is a conservative town. Does this mean we have to leave it and go to practice in other towns?" he asked.

Mr Ramodipa said as soon as he found new premises the town council would pressurise his new landlord to evict him.

"This has been going on since 1981. At one place I found a sympathetic landlord who allowed me an office on his premises, but this was on condition that I did not display my nameplate. My clients did not know where I was."

"The other office I had was at

the back of some buildings and it was difficult to find if one was not familiar with the area."

Mr Treisman said it was beyond the powers of the society to change the Group Areas Act. The society could only make representations for exemptions and in this regard it had had a measure of success.

The meeting did not discuss the question of a member who was allegedly referred to as a "kaffir prokureur" by a Lydenburg magistrate. The matter had already been referred to a local authority.

The association said, however, that members who were victims of discrimination must inform it so that a dossier could be compiled and be made public.

Lawyers' groups 'are not rivals'

THE Democratic Lawyers' Association yesterday disputed the fact that they are a break-away group from the Black Lawyers Association and said they regarded members of that organisation as colleagues

A spokesman for the

Democratic Lawyers Association, Mr Sello Monyatsi, said it was also not true that the Black Lawyers Association includes all black lawyers in the Transvaal "Most of the qualifying lawyers are joining us and do not agree much with the policies of the BLA. But this does not mean we should be referred to as rivals," Mr Monyatsi said.

He said the founder members of the Democratic Lawyers Association are or were not members of the BLA

Mr Monyatsi also announced that the DLA will be holding a meeting at the Chamdor Training Centre, near Krugersdorp, on Sunday starting at 9.30 am. It will be a supreme council meeting and all community orientated organisations are invited to attend as observers.

Iranian force 'destroyed'

MANAMA, Bahram — Iraq said it "completely annihilated" an Iranian force in the central sector of the 1 180 km war-front.

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Black lawyers: discrimination hampers legal profession

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By Phil Mtimkulu

In 1959 Mr Godfrey Pitje, one of the oldest attorneys in practice today, was charged with contempt of court for refusing to sit at a separate table from his white colleagues.

Mr Pitje, who was then working for the Mandela and Tambo law firm, was sentenced to a fine of R10 or 10 days. He refused to pay the fine and he was sent to the cells.

The matter was taken on appeal to the Transvaal Provincial Division and later the Appellate Division in Bloemfontein, but Mr Pitje lost.

Since the time of this kind of discrimination, according to Mr Stan Treisman, the vice-president of the Transvaal Law Society, things have changed.

This is what Mr Treisman told a meeting of the Black Lawyers' Association over the weekend in Welkom.

NO CHANGE

But the young lawyers in the profession stared in amazement at Mr Treisman.

As far as they were concerned things have not changed from the day when white lawyers objected to blacks referring to them as "my geleerde vriend" (my learned friend).

And to prove this they had a list of grievances which they said the law society was not attending to.

Top of the list was the Group Areas Act. Under this Act black lawyers are not supposed to occupy premises in town — they can only have offices in the townships.

For them to have offices in a city they have to apply for a permit. They claim that this is difficult to obtain.

Mr Pitje said when they applied for premises, landlords always asked for a permit.

HOUNDED

A young black lawyer described how he had been hounded from various premises in Potgietersrus because of the Group Areas Act.

He said they were not impressed with the efforts of the law society and the changes Mr Treisman was talking about.

"I will become personal. The law society has done nothing for me," he said.

Mr Treisman said the law society could not change the Group Areas Act, but it could apply for exemptions from various Government departments and in this regard the society had had a measure of success.

While recognising that some measures of Government legislation hamstrung them in their duties, the lawyers felt bitter about subtle discrimination which they said was practised by court officials.

Mr Pitje said it was difficult for a black attorney to get a postponement over the telephone. He had to go to court and sometimes wait until late in the afternoon for a remand date. This cost time and money and black clients were often unwilling to pay if there was no hearing.

He also said cases featuring black attorneys were always placed at the bottom of the roll.

New law group asserts independence

By Tembani Mhobo

248
The interim president of the Democratic Lawyer's Congress (DLC) emphasised yesterday that the organisation was not a break-away group of any of the country's existing lawyers' associations.

Mr Dennis Mosupye, a Pretoria attorney, was addressing the first Supreme Council of the organisation held yesterday at Chamdor, near Krugersdorp.

"The DLC is aware of the existence of other organisations such as the Black Lawyers' Association (BLA), the Lawyers for Human Rights and the Democratic Lawyers'

Stat 8/7/85
Association (DLA) but the DLC is not a dissident group of any of them," he said.

Mr Mosupye, who was presenting the founding document, said the DLC was a non-racial organisation consisting of lawyers (advocates, attorneys, articulated clerks, law teachers) and members of other professions appointed to serve as honorary members.

It had been formed to provide a forum for lawyers and members of the public who do not subscribe to the aims and policies of the other organisations mentioned, and for lawyers who have been barred from being

members of such organisations

Mr Mosupye said members of the DLC were committed to realising a just non-racial democratic society by upholding human rights and individual liberties and ensuring a proper administration of justice.

"The DLC is also committed to the abolition of all segregatory laws and practices," he said.

Mr Mosupye said when the organisation was formed, the interim committee had resolved not to subscribe to or align itself with any political organisation, but it was now planning to review this policy as most of its

four newly formed regions were questioning the stance.

Mr S P Motlhe told the council that the "Role of a Lawyer in an Unjust Society" will be discussed during the first annual general conference of the DLC in Pretoria from October 25 to October 27.

Mr Motlhe, interim vice-president, said papers on this theme will be presented by trade unionists, business people, lawyers and members of the public.

On October 26 the focus would be on what the lawyer has done for the community and what he is planning to do in future, he said.

8/10/85
23/7/85
Professor Alan Rothberg
... post at Wits

Paediatrics professor appointed

24/8
Medical Reporter

Professor Alan Rothberg, principal paediatrician in the Paediatric Intensive Care Unit of the Johannesburg Hospital, has been appointed professor of paediatrics at Wits University and chief paediatrician at the hospital.

Professor Rothberg has been on the staff of the Johannesburg Hospital since 1980 and he and his group are engaged in key research projects.

One project involves the growth and development of very low birth-weight infants (under 1 500 g) when fed with breast milk as compared with different artificial feeds.

Professor Rothberg says studies have shown artificial formulas are superior in meeting nutritional needs of low birth-weight infants.

Professor Rothberg is also honorary director of the Transvaal Memorial Institute for Child Health and Development and honorary vice-president of the Southern Transvaal Branch of the South African Society of Physiotherapists.

Medunsa professor quits after complaints

The head of the anatomy department at the Medical University of South Africa, Professor C G J le Roux, has resigned after differences with some of his students.

In a joint statement, Medunsa and Professor le Roux said he had decided to resign "in the interests of the continuing education at the university".

The university council which, earlier, had found there were no grounds for disciplinary action against

Professor le Roux, accepted his resignation with "appreciation for the spirit in which he made his decision and full recognition for his services in the anatomy department".

Professor le Roux's resignation came after months of complaints by students at the university who did not approve of his attitude. They also complained that he had once given a lecture while wearing a military uniform — Sapa

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is over

Students at the Medical University of South Africa (Medunsa) are to end their boycott now that a professor whose dismissal they had demanded has resigned. *slad*

The students had called for the dismissal of Professor C G J le Roux the head of the anatomy department. They blamed him for the high failure rate in his department. *24/7/85*

University officials told students yesterday that Professor le Roux had resigned voluntarily.

"We have reassessed the situation and decided to terminate our boycott of academic, cultural and sporting activities on campus," a spokesman for the Medunsa Students' Association said yesterday. "We hope to resume classes from tomorrow."

"Though this is a small victory for the students, it is a giant leap for the general struggle of justice in South Africa."

In a bid last week to resolve the "continued friction and incompatibility" between Professor le Roux and the students, the university council offered him financial compensation to resign, though an inquiry had found there were no grounds for disciplinary action against him.

Medunsa Rector Professor T Taljaart said last week that the council had asked Professor le Roux to resign.

He urged students to return to lectures to comply with end-of-year examination regulations, but they vowed to continue the boycott until Professor le Roux had actually resigned.

Detentions: lecturers make plea to Viljoen

The rector and lecturers of the Soweto College of Education yesterday wrote a letter to the Minister of Education and Training, Dr Gerrit Viljoen, urging him to seek the release of six college student leaders detained early yesterday

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And in another protest move, the student body began a class boycott which they said would continue until their leaders were released

Star 27/7/83
The letter, signed by black and white lecturers, was read to students gathered to decide what action to take to secure the release of their leaders

Those detained are executives of the Azanian Students' Organisation (Azaso) and SCE students' ad hoc committee members.

They are Mr Aubrey Matshiqi, Mr Linda Duma, Mr Tumelo Mangakama, Mr Dan Motau, Mr Reginald Mkhonza and Mr Phandelani Mokono

BUSINESS

Legal costs and businessmen: when the taxman pays the bill

By Michael Menof

248
The question of legal expenses must be on the minds of many businessmen today

These expenses include fees for lawyers and all related expenses such as advocates charges, court fees, witnesses' fees and their expenses, expenses of messengers of the court or other expenses of litigation, for example, legal opinions

How do the tax authorities view such expenses from a deduction point of view?

Generally speaking, legal expenses can be deducted from income provided they are not of a capital nature, are actually incurred (not necessarily paid) during the year in respect of any claim, dispute or court case, and arise from the ordinary operations undertaken by the businessman in the carrying out of his work

The Tax Act refers to carrying on a trade, and this needs to be carefully considered

Legal expenses claimed must be closely connected with income-earning operations, and be regarded as part and parcel of them

The businessman must show that the legal expenses are linked to a business operation undertaken with the object of producing income and not an operation that tries to protect an existing source of income or to prevent it from diminishing

STAR DEDUCTIBLE 6/8/85

Legal expenses spent on the defence of a person's good name for the purpose of protecting his business and ensuring further income have been held not to have been spent in the production of income. This is seen as protecting goodwill

Legal expenses spent to reduce deductible expenditure — and as such prevent income from being reduced — have, unfortunately, not been spent for the purpose of earning the income. Such an amount cannot be regarded as having being spent in

the production of income, and is not allowed as a deductible expense

There is a further section in the Tax Act which gives a taxpayer more scope and states that if you incurred legal expenses and receive a taxable award from the courts you can deduct the related legal expenses. If the award is not taxable then the expense is not deductible.

Hence in the case of journalists or newspapers who run the risk of paying amounts for libel, their legal expenses would be allowed on the grounds that if the newspaper pays a libel suit the amount is an expense allowed as a deduction and as such the legal expenses can also be deducted. Where the person receives a libel suit award which is taxable then the legal expenses can be deducted

But if a libel award received is not subject to tax then the legal expenses would not be allowed as a deduction. Clearly each case must be judged on its individual merits.

Language row in Pta court

SOWETAN 9/8/85

248

Sowetan Reporter

There was drama at the Atteridgeville Magistrate's Court yesterday when a black lawyer was denied the right to conduct his defence in English by a magistrate who ruled that he speak Afrikaans.

Mr Lot Madungandaba, instructed by Sinti, Mavundla and Partners, a Pretoria firm of attorneys, was appearing for a local high school teacher accused of crimen injuria and of resisting arrest.

The drama started when the prosecutor Mr C Nel informed the magistrate, Mr R G van der Merwe in English that the defence wished to conduct its argument in English, although the charge sheet was in Afrikaans. The magistrate then ruled that the State had to decide which language to use. Mr Nel then presented the case in Afrikaans. The accused, Mr Joseph Patrick Dau pleaded not guilty to both counts.

Mr Madungandaba stood up to explain instructions he had been given but was cut short. Just after he had said, "your lordship", Mr

van der Merwe interrupted him and said "Afrikaans".

The embarrassed lawyer tried to explain that he had been instructed to conduct his defence in English but the magistrate ruled that it was the State that decided which language should be used. Mr Madungandaba complied. He told the court that their plea would be explained on August 28.

According to the charge sheet, Mr Dau of 19 Masemola Street, Atteridgeville, and a teacher at the D H Peta High School, on July 16 refused to give his name and address to Constable L T Makgosi who is attached to the local uniformed branch of the South African Police.

He is also accused of having intentionally and wrongfully insulted and degraded Constable Makgosi by swearing at him saying, "jou ma se p". Mr Dau yesterday pleaded not guilty to both charges.

He was arrested inside the local police station on July 16 where he had gone to report that he was assaulted by Constable Makgosi. He was however arrested by

the policeman who alleged that Mr Dau had resisted arrest and had also sworn at him.

Mr van der Merwe yesterday postponed the case to August 28. Mr Madungandaba also indicated to the court that the defence would be conducted in English, despite the magistrate's ruling.



Emergency won't remove anger, say lawyers



THE Black Lawyers' Association has called on the Government to address itself to the basic political aspirations of black people.

According to the association, the present turmoil countrywide, is a clear manifestation of black frustrations and dissatisfaction about the political set-up in South Africa

At a general meeting on Sunday held at Ngwane Valley Inn in Kaniyane, BLA members said they firmly believed that the state of emergency could not remove the root causes of black anger

They said the state of emergency, plus the imposition of a curfew in certain areas, could only serve to galvanise the masses whose lives are made miserable by discriminatory laws

The meeting also expressed "profound sympathy" with all victims

BLA PLEDGES AID FOR PUBLIC

By
**NKOPANE
MAKOBANE**

of the present situation in the country. It said in the wake of Mrs Victoria Mxenge's death, it noted that a BLA member, Mr Richard Lekgolo Ramodipa, has been placed on the hit-list by what is believed

to be a rightwing organisation

According to a weekend newspaper report, Mr Ramodipa and six other prominent Lebowa residents have been put on the list by an unknown organisation calling itself the MAMC

"We will not be deterred from our duty

and we will continue to represent our people who are victims of the system. In addition, the BLA is more than willing to assist the public with regard to problems arising out of the state of emergency," members said

The meeting also discussed the appointment of black lawyers to serve as judicial officers on

small claims courts as well as their participation as assessors in supreme courts

However, this matter was referred to the BLA's annual general meeting to be held in Pretoria on October 27. In the meantime, opinion will be sought from a senior counsel about black lawyers being

compelled to act as assessors

On the inclusion of arrested clerks as members of the BLA, it was decided that the matter will be reviewed at a future meeting. Some members who felt that the clerks should be accepted, called for the amendment of the constitution to make this possible

GODFREY PITJE, chairman of the Black Lawyers Association, chaired the weekend meeting

Tuesday, August 27, 1985

Incompetent attorney is struck off roll

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27/8/85
MERCURY

Pietermaritzburg
Bureau

A HARDING attorney was struck from the roll of attorneys in the Supreme Court here yesterday after judges found he had been 'negligent, incompetent and irresponsible'.

The action was brought against Mr Nazir Ebrahim of Ebrahim, Gagoo and Associates, by the Natal Law Society.

Mr Justice Broome, with Mr Justice Nienaber concurring, said it was in the public interest that Mr Ebrahim be struck from the roll of attorneys and said they had no hesitation in doing so.

Mr Justice Broome said he was also influenced by the need to set an example to others.

The Judge said Mr Ebrahim had failed to keep proper books of account from October 19 last year, left correspondence unanswered and his files required attention.

He had not banked trust money regularly or promptly and there was a shortfall in his trust account.

Mr Justice Broome said Mr Ebrahim had not co-operated with the ac-

countants as one would have expected him to, and said his handling of the litigation brought against him by the Natal Law Society had been 'irresponsible in the extreme'.

He said there were delays in the filing of his affidavits and the papers contained several inconsistencies.

'One is perturbed that as an officer of this Court he has not seen fit to appear today in person or to appoint a representative,' the Judge added.

'We are satisfied that he is not a fit and proper person to practise as an attorney.'

Arrangement

The Judge said Mr Ebrahim had claimed that the reason for neglecting his practice was because he had been suffering from depression.

However, Mr Justice Broome said there was no acceptable evidence before the Court that his condition prevented him from attending his practice or informing anyone of his whereabouts, or prevented him from enlisting help from a colleague and making some arrangement for his practice to be cared for.

TWO ATHLONE MAGISTRATES SAY ...

'WE QUIT!'

248

7/9/85

Cape Herald

TWO magistrates based at Athlone courts have resigned, fuelling rumours that they have refused to hear political trials.

They are Mrs Pam Sickle and Mr Eshaam Palmer.

On Monday, Mrs Sickle confirmed, through a court orderly, that she had resigned. She added, however, that she had no comment to make to the Press.

Mr Palmer could not be contacted.

Cape Herald put the following questions to the Attorney-General of the Cape, Mr Daniel Rossouw, on Monday afternoon.

● Why have "political trials" connected with the unrest situation seemingly been switched to Wynberg Magistrate's Court, even when arrests have been made in Athlone?

● Is it true that Mrs Sickle and Mr Palmer have refused to hear such political trials?

● Why have they resigned?

● Have they resigned because of their "refusal"?

We are awaiting his reply



● CONFIRMED: Sickie

Lawyers draw up petition on Maureen Smith sentence

248

9/9/85

Mercury

Mercury Correspondent

JOHANNESBURG—The long and hard-fought legal battle over the Roger Smith murder in Johannesburg in 1982 is still being pressed ahead in an attempt to reduce the 20-year jail sentence passed on his wife, Maureen.

Her lawyers have confirmed that they are preparing a petition to be presented to the Prison's Commission.

It is understood that the petition will contain 'startling' new evidence which was not available at the time of the trial.

Meanwhile, as Scotland Yard detectives prepare to fly to South Africa to interview Mrs Smith in jail at Pretoria Central Prison, her Durban-based lawyer, Mr Duncan Downes, is in London, also in connection with further work on the case.

Blackmail

The Scotland Yard men want to know exactly how deeply involved London insurance assessor Mr Harry Mullocks — Maureen's father — was involved in the stabbing to death of Roger Smith.

Mr Mullocks has already said in an affidavit before the full Appeal Court in Bloemfontein that he had ordered and financed the killing because he feared that Smith might blackmail him with documents taken from Mullocks's office in London's East End.

The South African Police have promised 'full

co-operation' with the Scotland Yard team.

Several months ago Mr Downes said the new evidence being submitted was 'startling' and had only been made available after the appeal case in which Mrs Smith and two black men successfully appealed against the death sentence.

It is understood that at least one more affidavit made by Mr Mullocks will be included and there is a possibility that another made by Mrs Smith's daughter Karen will also be included.

Johannesburg lawyer Mr Gordon Martin (one of the legal team acting for Mrs Smith) confirmed that Mr Downes was in London in connection with the case.

He said it was not yet certain exactly when the petition would be filed.

The position is that you are entitled to submit evidence which wasn't available at the time of the trial and which might materially affect the guilty party's effective sentence.

It is not a judicial process but is one allowed by the Minister of Justice.

'The petition is currently being prepared,' he said yesterday.

Teddy bear picnic

Mercury Reporter

THE children of Sunfield Homes who suffer from Downe's Syndrome will

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Attorney fined for insulting black policeman at hotel

Court Reporter

A DURBAN attorney and owner of the Asoka Hotel in Reservoir Hills was fined R150 (or 50 days) in the Durban Magistrate's Court yesterday for insulting a policeman.

The Court found that Rabikaram Bugwande, 52, had insulted Const T S Ngcobo on March 23 at the hotel.

Const Ngcobo had accompanied two Indian policemen to the hotel at about 6 a.m. to investigate a dagga case.

Bugwande had been called to open one of the rooms and an argument had broken out between himself and the two Indi-

an policemen.

Bugwande had turned to Const Ngcobo and called him a 'black b...'. He had said: 'You are a slave,' and 'Why are you here while your nation is being killed in Soweto?'

The Magistrate, Mr C Kruger, said he rejected Bugwande's statement that he had sworn at one of the Indian policemen.

He said Const Ngcobo had nothing to gain or lose by concocting the story.

Mr Kruger said Bugwande was obviously biased against the police force.

Such words might have a demoralising effect on policemen, especially black members of the force, he said.

Miss B Fick appeared for the State and Mr B J van der Merwe for Bugwande.

Jhb offices for state of emergency legal aid

Lawyers for Human Rights has established a crisis centre in Johannesburg to deal with cases arising out of the state of emergency STAK

The organisation's national chairman, Mr Jules Browde SC, said the recently declared state of emergency had given rise to detentions on an unprecedented scale with concomitant demands being made on the legal professions

It had therefore been decided that a crisis office be established in Johannesburg to be run by a qualified attorney. It is proposed that the office will

- 13/9/85
- Act as a documentation centre and receive all available relevant information concerning the state of emergency
- Prepare a bulletin arising out of the information received with a view to publication in a newspaper on a weekly basis
- Receive complaints and queries from individuals and organisations who are directly affected by the state of emergency
- Identify legal needs, and where appropriate, refer individuals to attorneys who are members of Lawyers for Human Rights
- Regularly meet a panel of the organisation's members to discuss trends in the implementation of the state of emergency and identify areas for litigation if necessary.

The office is at 701 Medical Arts Building, 220 Jeppe Street, telephone (011) 23-1210

Stayaway call gets backing

THE Democratic Lawyers' Congress has come out in support of a group of 400 Christian leaders from 47 denominations that met in Maritzburg last week to launch the National Initiative for Reconciliation.

The group has already placed advertisements in newspapers calling among other things, for Christians to stay away from work on October 9 (except in regard to essential services)

The assembly also said it would send a delegation to the State President, Mr P W Botha, to present the following "positive initiatives":

- End of the state of emergency.
- Removal of the SADF and emergency police forces from the townships.
- Release of all detainees and political prisoners, withdrawal of charges against the treason trialists and permission for exiles to return home

- Begin talks immediately with authentic leadership of the various population groups and with a view towards equitable power sharing in South Africa

- Beginning of the process of introducing a common system of education, and

- Taking of the necessary steps towards the elimination of all forms of legislated discrimination

The signatories listed in the advertisement are Mr Michael Cassidy, chairman, Dr Bonganjalo Goba, Vice-chairman, Archbishop Phillip Russell, Rev Alan Maker, Bishop Desmond Tutu, Professor Adrio Konig, Denise Ackermann, Professor David Bosch, Rev Peter Storey, Dr Khoza Mgojo; Dr Piet Liebenberg; Dr Caesar Bolebatsie; and Virginia Gcabashe.

Mr Sello Monyatsi, public relations officer of the DLC, said they pledged their support for the assembly.

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Order against SAP assaults

Court Reporter

MR JUSTICE EKSTEEN today granted an order in the Port Elizabeth Supreme Court restraining the South African Police from assaulting detainees at St Albans and North End prisons in PE and future detainees in the PE and Uitenhage magisterial districts.

The urgent application was brought by a Port Elizabeth district surgeon, Dr Wendy Orr, and 44 other applicants

Dr Orr said in papers before the court that she believed there was an extensive pattern of police abuse on emergency detainees who were being "systematically" assaulted and abused after their arrest

She said detainees were being "brutally assaulted" under interrogation in Port Elizabeth and complaints were being made "on a vast scale"

Dr Orr said in her affidavit "What disturbs me most is that detainees are being taken out of my care for the purposes of interrogation and, during the course of interrogation, brutally assaulted"

She said detainees who complained of assaults almost always showed injuries consistent with their allegations

The applicants for an order restraining the police

included relatives of detainees as well as the Rt Rev Bruce Evans, Anglican Bishop of Port Elizabeth, the Rev George Irvine, head of the Methodist Church in the Eastern Cape, and two clergymen who are former detainees

Because the police were acting under emergency regulations and apparently believed they enjoyed an immunity, some of them were "quite unrestrained" in abusing detainees, Dr Orr said

"The departments of Prisons and Health seem to me to have turned a blind eye," said Dr Orr

Dr Orr said that since August 1 she had been responsible for detainees held at St Albans and North End prisons, obliged to examine them on admission and visit them regularly "There seems to me to be an extensive pattern of police abuse upon detainees," she said

Medical services in the prisons were unable to cope with the vast numbers of detainees who were not getting proper medical care, she said

It had become clear to her that complaints of police assault were not being investigated as they should be She said she had received instructions not to endorse medical records requesting investigation of alleged assaults

Dr Orr, who started work as a district surgeon in January this year, said she had been involved on a daily basis examining men and women detainees

Having been instructed by her superior, the assistant district surgeon for Port Elizabeth, Dr Ivor Lang, to make copies of all admission cards of people complaining of assault, she extracted 286 for the period July 22 to

September 16

These were incomplete and there had to have been more complaints than that, she said

"But even taking it at 286 the number of complaints is astronomical compared with the frequency of complaints of assault in prison normally received"

Dr Orr said that in 153 cases the injuries were such they could not have been inflicted lawfully

In 60 cases the detainees had facial injuries, eight had perforated eardrums and 26 had weals and blisters consistent with blunt blows on "unusual" parts of their bodies

Seven had injuries consistent with an assault of a restrained victim, 48 had such a multiplicity of injuries they could not have been inflicted in a violent attempt to arrest a man or disperse a mob, and four detainees were not injured on their admission but were later found to have injuries consistent with assault

The order declared that no member of the SAP enjoyed any immunity in terms of the emergency regulations against civil or criminal proceedings from any wilful assault perpetrated on a detainee held under the emergency regulations

The Prisons Department was instructed by the judge to read out the order to prisoners at the jails concerned. The application was not opposed

● See Page 2

Mr Wim Trengrove and Ms Amanda Rykman instructed by Cheadle, Thompson and Hyslop, appeared for the applicants Mr H J Luebenberg, instructed by the Deputy State Attorney, appeared for the first six respondents

MPC's evidence in PE criminal injuries case
— Page 5



Stand on apartheid

— Page 3

Former's wife and sister stoned in bakkie

Doctor tells of prison injuries

25/09/85
E Post 248
ONE detainee complained he had been forced to eat his own hair, another to drink petrol, and a third had so many weals on his body she could not count them, a district surgeon said in papers before the Port Elizabeth Supreme Court today

"They were superimposed on each other," said Dr Wendy Orr, who was one of 44 applicants for an urgent interdict against the Minister of Police, senior police officers and several policemen

It was eventually her conscience that convinced her she had to do something about the plight of the detainees she saw every day

Her work as a medical officer in the Port Elizabeth district surgeon's office brought her into daily contact with detainees being held under emergency regulations and the "overwhelming" evidence presented to her in the prisons convinced her that detainees were being systematically assaulted and abused after their arrest and before being admitted to prison

It also occurred during their incarceration when they were being interrogated

From the beginning of August she examined about 20 newly-admitted detainees a day

"An inordinately large proportion of them complained to me that they had been assaulted by the police. They presented symptoms consistent with their

complaints, mostly severe multiple weals, bruising and swelling," she said

An early case she recalled was of a man who, according to his prison admission card, had not complained of being assaulted when admitted

"When I saw him he was severely injured. His injuries included large areas of severe and deep bruising on the lower back and buttocks"

A Prisons Department nursing sister had said the SAP had taken him away for interrogation the previous day. On return he was severely injured

A second case involved a detainee called Edward Mentoor. He complained that during the course of his interrogation he had been forced to eat his own hair

On August 16 she examined about 170 detainees who had been admitted the previous day. Roughly half alleged they had been assaulted. Several had eardrums freshly perforated, consistent with a heavy blow on the side of the head

On September 4 she examined about 360 detainees. About half complained of assault and most of their injuries were consistent with the complaints

The assaults were generally not as severe as those on detainees arrested in August

She also examined detainees arrested at a meeting in Uitenhage on September 11

Law group slams A-G's decision

Pietermaritzburg
Bureau 248
MR MIKE Cowling, chairman of Lawyers for Human Rights, slammed a decision by the Attorney-General not to prosecute a Railway Police station commander who had refused to accept an official complaint from a woman that she had been 'tortured' by one of his constables.

Sgt Johann van Zyl of Donnybrook Railway Police Station was charged with trying to defeat the ends of justice after Mrs Sithekile Phoswa, 39, said she had been assaulted by Const Mabango Matamayi during questioning about selling beer at Bulwer Station.

According to Col Hannes Slabbert of the Railway Police, Durban, the Attorney-General had dropped the case against the sergeant in April 1984. No reasons were given for the decision.

Increased

Const Matamayi was found guilty in the Bulwer Magistrate's Court in August 1984 of assaulting Mrs Phoswa with intent to do grievous bodily harm and was fined R100 (or four months) conditionally suspended for three years.

The constable appealed against his sentence in the Supreme Court in Pietermaritzburg, where he failed to appear to argue his case and the matter was postponed until October 31 when, Mr Justice Didcott ruled, the policeman should show cause why his sentence should not be increased. According to Court records, Sgt van Zyl said, he had not believed the woman's accusations when she had tried to lodge a complaint because when she had been in custody he had not seen her in pain or

injured. Mr Cowling said he was surprised at the decision of the Attorney-General not to prosecute Sgt van Zyl in the light of the constable's conviction.

'The Magistrate accepted Mrs Phoswa's evidence, which should have created enough doubt that the sergeant could have tried to obstruct the course of justice when he claimed he did not believe her story about being assaulted,' he said.

Mr Cowling said the Attorney-General's role was not to judge the merits of allegations but where there was any 'suspicion' he should refer the case for trial and let the court decide.

Mr Cowling said 'In this case the station commander should have no discretion about assessing the validity of the complaint when it concerns a serious allegation against one of his men'.

Deputy Attorney-General Mr H C Slabbert said it was the policy of the office of the Attorney-General not to give reasons in these matters.

Pressed 26/9/85

In evidence before a magistrate, Mrs Phoswa said the constable had blindfolded and handcuffed her and then pushed a pole between her arms and knees, which had been swung between two chairs so that she did not touch the floor.

She said she had lost consciousness from the pain when something had been pressed against various parts of her body. The woman had been in hospital for eight days and had shown her scars from the assault to the magistrate.

Const Matamayi was sentenced on August 30, 1984, and not last month as was reported in The Natal Mercury yesterday.

Assault

interdict 'could lead to actions'

E Post
26/09/85

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By DIRK VAN ZYL

IF the court interdict granted yesterday restraining police from assaulting detainees in Port Elizabeth and Uitenhage is upheld, it will overcome the indemnity of the police under the emergency regulations, opening the way for detainees to sue the police on grounds of alleged assault

This is the opinion of Mr Clive Thompson, of Johannesburg, an instructing attorney in yesterday's application in the Port Elizabeth Supreme Court

Mr Justice Eksteen granted an interim order restraining the South African Police from assaulting detainees at St Albans and North End prisons in PE, and future detainees in the PE and Uitenhage magisterial districts

The interdict has been welcomed by civil rights experts as a possible landmark with national implications

The urgent application was brought by a PE district surgeon, Dr Wendy Orr, and 44 other applicants

Dr Orr said in papers before the court that she believed there was an extensive pattern of police abuse on detainees. They were being "systematically" assaulted and abused after their arrest, she said

Mr Justice Eksteen's order declared that no member of the SAP enjoyed any immunity in terms of the emergency regulations against civil or criminal proceedings from any wilful assault perpetrated on a detainee held under the emergency regulations

The judge granted a *rule nisi* returnable on November 26

The national chairman of Lawyers for Human Rights, Mr Jules Browde, SC, said although the interdict applied only in the PE-Uitenhage region, it would have "persuasive authority" throughout the country in granting orders in similar cases

He hoped the interdict would lead to regular visits by judges — hopefully in every Supreme Court division — with judges taking turns to visit these prisons regularly and with visits applying to all detainees

The veteran PFP human rights campaigner, Mrs Helen Suzman, MP for Houghton, called for an independent inquiry into allegations of police torture. She said the judgment was a "serious reflection on the manner in which the police were abusing their authority"

Mrs Suzman called on the Minister of Justice, Mr Kobie Coetsee, and the Commissioner of Police, General Johan Coetzee, to carry out an undertaking they had given to the PFP two weeks ago "that serious steps would be taken against police found abusing their power"

Professor John Dugard, director of the Centre for Applied Legal Studies at the University of the Witwatersrand, said the interdict indicated the need for judicial intervention to put an end to widespread substantiated allegations of police torture and brutality

He said it was the first time an interdict had been granted in respect of so many detainees and unnamed detainees. He hoped it would have an impact beyond Port Elizabeth

The Detainees Parents' Support Committee also welcomed the judgment. A spokesman said he hoped other district surgeons would follow the "courageous step" taken by Dr Orr and come forward with details of alleged abuses in other areas

A police spokesman in Pretoria declined to comment on the judgment

Dr WENDY ORR, who made the allegations of detainees in an affidavit before the Port Elizabeth yesterday.

Minister awaits interdict report

PRETORIA — The Minister of Law and Order, Mr Louis le Grange, was today awaiting a report on the circumstances leading to the granting of an interdict restraining police in the Port Elizabeth area from assaulting detainees, according to a spokesman for the minister

An urgent order granted yesterday in the Port Elizabeth Supreme Court by Mr Justice Eksteen interdicted police from assaulting or threatening assault on detainees held under the emergency regulations in Port Elizabeth or Uitenhage

The order also directed the Minister of Law and Order, the SA Police divisional commissioner, the district commandants and several station commanders in the area to "take all reasonable steps within their power to prevent any member of the SAP from perpetrating such assaults or making such threats"

The order has to be read out by the prisons authorities to detainees being held at the St Albans and North End prisons

A Prisons spokesman in Pretoria said the Prisons Services would inform detainees of the court order — Sapa

Wendy Orr keeps a low profile

W. Post
Weekend Post Reporter

DR WENDY ORR has dropped out of the glare of publicity for a while

The 25-year-old Port Elizabeth district surgeon, who evoked national and international reaction this week when she successfully applied to the PE Supreme Court for a temporary order restraining the police in PE and Uitenhage from assaulting detainees, is spending the weekend somewhere in Johannesburg.

Her father, the Reverend Robert Orr, said today she had decided to steer clear of any further publicity

Yesterday and on Thursday, the switchboard operator at the PE District Surgeon's office told Weekend Post she had been instructed from Pretoria not to allow any calls through to Dr Orr

● The deputy director,

● Turn to Page 2

Dr Orr avoids publicity

W. Post
28/09/82
● From Page 1

(medical services) for the Department of Health in Pretoria, Dr J J Reynders, said yesterday that the department would decide whether disciplinary action would be taken against Dr Orr once it had received all the facts.

"A case always has two sides and we will have to determine if Dr Orr had a legitimate reason for ignoring available official channels before we decide if disciplinary action in terms of civil service rules and regulations is necessary

"If disciplinary action should be necessary, it would be as prescribed by these regulations"

He said standard procedure would have been for Dr Orr to ask her immediate senior to report the matter to the regional director of the Department of Health in PE

Prisons 248

DISPATCH
ban on

Dr Orr?

Dispatch Bureau

PORT ELIZABETH — Dr

Wendy Orr, the young district surgeon who successfully applied for an interim order restraining police from assaulting detainees in Port Elizabeth, has been banned from visiting prisons, according to her father.

The Reverend Robert Orr was approached to confirm reports to this effect. He said his daughter would not be making any statements to the media.

Dr J D Krynauw, regional director of the Department of National Health and Population Development said last night he had not issued an order barring Dr Orr from prisons — DDC

Fear of charging police Lawyers offer free legal aid

By TONY WEAVER

IN THE face of a growing outcry over the conduct of police in City townships, the Law Society of the Cape announced yesterday it will provide a free legal aid service to township residents wanting to lodge complaints against the security forces.

The Law Society represents all attorneys in the Cape.

In a statement yesterday, the society said the service was specifically designed for people who "experience difficulties in lodging complaints" through existing police and military channels.

A panel of volunteers would operate free of charge and could be contacted between 8 30am and 4 30pm at (021) 24-8060.

Concern

Legal sources said yesterday the move was in part a result of growing concern among attorneys about fears expressed by those allegedly assaulted by police about laying charges against police at police stations.

Mr Jan van Eck, Progressive Federal Party MPC for Groote Schuur and a member of the party's unrest monitoring committee, welcomed the announcement.

"Dozens of people we have heard of have not laid charges against the police because they have been afraid and have believed nothing would come from laying such charges."

Appreciation

"This demonstrates the depth of concern at all levels about what is happening in our society."

A spokesperson for the Cape Action League expressed appreciation of the Law Society move but repeated demands for "an end to police interference at schools and the removal of troops and security guards."

Mrs Mary Burton, Western Cape chairperson of the Black Sash, said the information daily brought to our at-

tention indicates that people in Cape Town are receiving such treatment at the hands of the police that they have come to regard them with dread and hatred.

"Every effort to remedy this situation is to be welcomed as is the Law Society's offer of free assistance to victims wishing to lay complaints."

"We hope it will help, not only in individual cases, but also as a response to peoples' growing disillusionment with the process of law."

A spokesperson for the New Unity Movement said the move highlighted the gravity of charges against the police.

Criticism

But the spokesperson criticized the Law Society's previous silence during periods of political unrest as "very conspicuous over a long period of time."

"It has maintained this silence in respect of Section 29 detainees, on the arrest and detention of advocates and attorneys, and at the withdrawal of passports of members of the legal profession."

"That the Law Society should have considered it necessary to intervene at this stage by providing some form of legal aid and defence for persons who have suffered at the hands of the police and military highlights the gravity of charges against the security forces."

"Without wanting to diminish the importance of this decision of the Law Society, one wonders whether the society's response is not motivated by a desire to establish credibility for itself and the administration of justice as a whole."

Police arrest Belhar pupils

By EBRAHIM MOOSA

POLICE and soldiers arrested at least eight pupils at Belhar Senior Secondary No 2 School yesterday morning while the principal led them in prayer.

Meanwhile, in most areas in the Cape Flats pupils attended classes and held meetings yesterday.

Security men attached to the Department of Education and Culture continued to monitor activities at several schools in the Peninsula.

In another development, the Cape Teachers' Professional Association (CTPA) yesterday said it would seek an urgent Supreme Court order to challenge the validity of the government's ban on all teachers' and pupils' meetings.

Last night the CTPA said its executive committee had briefed senior counsel to seek an order declaring the regulations — gazetted on October 1 — null and void.

Police yesterday confirmed that eight male pupils, between the ages of 14 and 17, had been arrested about 10am yesterday.

'In support of police'

An SADF spokesman in Pretoria said last night that if troops had been used it was "in support of police."

Outraged teachers and parents said pupils had been in their classes under full discipline.

Teachers, parents and pupils said that after 9am three Casspirs, two Buffels and several patrol vans surrounded the school.

According to a parent who witnessed the event, Mr Abdullah Hamza, the principal, Mr Isaac Hattingh, tried to "calm the situation" as bewildered pupils became restless and frightened.

The principal, after being approached by police, called an assembly of all pupils in the school quad.

As he read from the Bible a policeman interrupted him and ordered pupils to line up. Nine pupils dressed in casual clothes were then arrested.

Mr Hattingh later told teachers he had had no choice but to call the assembly as police had threatened to storm classrooms.

Told to 'shut up'

A teacher said she heard a policeman saying "Ons het nie hier gekom om kerk te hou nie" (We did not come here to hear a church service).

When teachers protested at the arrests they were told to "shut up" and threatened with arrest. Mr Hamza said he was grabbed by the scruff of the neck and escorted to his car.

About 25 Belhar teachers later went to Bellville police station and were told the pupils would appear "soon" in Bellville Magistrate's Court on charges of public violence.

Army hails offer of free legal service

Staff Reporter

THE Law Society of the Cape offers to provide a free legal aid service to township residents wanting to lodge complaints against the security forces has been welcomed by the Army.

"The involvement of the community and the much respected legal fraternity in particular in the reporting and investigation of alleged excesses and irregularities by the security forces can only help us in dealing with such incidents," said Brigadier A C Chetty, Director Manpower Liaison of the Army.

The offer followed growing concern about fears about laying charges against the police at police stations.

Basic rights

In Thursday's statement the Society said:

"The extent to which the emergency regulations have deprived the people of this country of their basic rights is a source of grave concern to the Association of Law Societies of the Republic of South Africa."

"Perhaps the full impact of the regulations has not been fully appreciated by the general public because of the legalistic language in which they are drafted."

"The effect of the regulations is that any person can be imprisoned if in the opinion of a policeman, soldier or prison official, this is necessary for the maintenance of public order. There is no requirement that any offence should have been committed."

The fact that a person has been arrested and imprisoned may not be disclosed to anyone, not even to the prisoner's family without the consent of the Minister of Law and Order.

"While in gaol the prisoner can and probably will be prohibited from writing any letters or receiving any visits from his family or

friends. The prisoner cannot see his lawyer without the permission of the Minister or the Commissioner of Police and then only within a prison official's hearing. "While in prison the prisoner may not have a reading matter other than the Bible or other religious books supplied by the prison authorities; he may not receive food parcels; he may not speak to other prisoners and he may not have a radio or tape recorder or musical instrument."

"If the prisoner sings or makes frivolous complaints or conducts himself in any other manner which is contrary to good order and discipline he can be punished. Punishments can include whipping or solitary confinement on a spare diet. A person charged with a breach of the prison rules is not entitled to legal representation without the permission of the Minister or the Commissioner."

Delegation

"It will be seen that the effect of the emergency regulations is that an inhabitant of this country who has committed no crime can be subjected to a humiliating and degrading imprisonment without any recourse of the law. If a mistake is made it is unlikely that the victim will receive any recompense. The authorities have a full indemnity against civil or criminal proceedings unless it can be proved that they did not act in good faith."

"On Thursday a delegation from the Association of Law Societies consisting of the president Mr G C Cox and the president of the Law Society of the Transvaal Mr E N Solthe, called upon the Minister of Justice to express the deep concern of the attorneys' profession regarding the inroads which have been made on the basic rights of the individual."

Skilled jobs available despite recession

Thousands of job vacancies for engineers, artisans, nurses and other skilled occupations still exist despite the economic recession, according to a Department of Manpower survey. **STAR 7/10/85**

However, many companies are reluctant to fill vacant posts because of the recession

The survey, which examined the position of vacancies in various occupations in September 1984, showed the following shortages: **7/10/85**

- A total of 203 174 vacancies in all occupations (4 percent vacancy rate)
- About 23 507 vacancies for artisans (7 percent vacancy rate)
- Vacancies for 41 646 people in the professional semi-professional and technical category (8 percent vacancy rate)
- About 9 663 vacancies for nurses (12 percent vacancy rate)
- A total of 20 905 clerical vacancies (4 percent vacancy rate)
- About 3 636 vacancies in the sales and related category (1 percent vacancy rate)

According to the Federation of Societies of Professional Engineers, the total number of vacant posts was 1 816 in the engineering and technical job category

"We have been saying for several years that the demand for technically qualified people is significantly higher than the supply," said the President of the Federation, Mr Douglas Mills

Demand for engineers countrywide — reports

Dispatch Reporter

EAST LONDON — The economic downturn was supposed to have affected the employment of engineers, yet there is a countrywide shortage of professional engineers, according to a release by the Federation of Societies of Professional Engineers (FSPE)

The total vacant posts for professional engineers at present was 1816

East London's city engineer, Mr Graham Kerppe, said the city had experienced a shortage of engineers for a while now

He said the shortage of

DISPATCH 07/10/85
skilled professional people also applied to other fields, especially in town planning and architecture

Information released by the Department of Manpower recently confirmed the shortage

There were vacant posts for 652 civil engineers, 663 posts for electrical and electronic engineers, 344 posts available for mechanical and similar engineers and a further 152 posts for chemical, mining, metallurgical and agricultural engineers

The president of the FSPE, Mr Douglas Mills, said the demand for technically qualified

people was significantly higher than the supply

"These latest figures show clearly that, even in a time of economic crisis, the demand is still there," he said

"We are extremely worried about what will happen in any economic upturn. Last time we ran out of technical skills, and the boom was short-lived as a result," he added

Mr Mills urged school leavers to seriously think of careers in engineering and technology. He said that by the time their training was complete, the demand for their services was likely to be very high

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AN APPLICATION by the Natal Law Society to have a prominent member of the Durban legal community, Mr Tony Dumas, struck from the roll, is expected to be heard in the Supreme Court, Pietermaritzburg, today

Mr Geyser said he did not wish to prejudice court proceedings, but because of the allegations of theft and misappropriation, it was likely the matter would be referred to the Attorney-General.

Contacted at his Salmon Grove chambers yesterday, Mr Dumas, who has practised law for 24 years, spoke openly about the pending application, although he did not wish

Mr Tony Dumas
... 'I'm in trouble
and I am going to
face it'

to comment on the circumstances or merits of the case

'I am in trouble and I'm going to face it,' he said

'It's a civil application and it's just that I have consented and won't be practising law any more

I have got nothing to
hide'

Several members of the Durban legal profession expressed shock and sur-

■ RETURN TO PAGE 2

■ FROM PAGE 1

prise when told of the
news. 748

Mr Dumas, a former captain of the Springbok life-saving squad, said he resigned as chairman of the Durban Surf Life-Saving Club last week 'when this all came up'.

'I am totally shocked,' said Mr Norman Murdey, vice-chairman of the club 'I have known Tony personally for many years and he is very highly thought of. He has a very good reputation. 9/10/64

'Tony has been involved with the club since

1953 He is a man who is totally dedicated to life-saving,' said Mr Murdey, adding that Mr Dumas had often handled legal matters on his behalf

Mr Dumas, who lives in La Lucia, holds Natal colours for swimming and waterpolo and at the age of 14 turned down an offer of a sports scholarship at the Southern Methodist University in Dallas, Texas.

'I am going to first help whoever takes over here, and then decide what I'm going to do,' said Mr Dumas.

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Advocate Patel to face music

(248) 11/10/85 11/10/85
MBABANE — A barred South African advocate, a fugitive from justice, Yusof Patel, has been declared a prohibited immigrant in Swaziland

and is to be extradited to South Africa, Sapa's correspondent reports.

A Swaziland police spokesman, assistant superintendent Solly Mkhonta, has said that a formal request had been received from the South African authorities for Patel's extradition

He said arrangements were being made to hand Patel back to the South African authorities and in the meantime Patel, who was arrested last Friday, had been transferred from the Manzini Police Station to a maximum security cell in Matsapa Central Prison *Sowetan*

Patel was sentenced to three years' imprisonment by a South African court in 1973 after being convicted of defeating the ends of justice—Sapa

Bar: Posting a 'blow to SWA justice'

Cape Times
15/10/85

248

Staff Reporter

THE General Council of the Bar of South Africa yesterday said the promotion of a Justice Department official to the position of Supreme Court judge in SWA/Namibia was a blow to the territory's system of justice.

It was reported in the Cape Times of October 5 that Mr Pieter van der Byl, a legal adviser from the Department of Justice, was appointed as a judge because the interim government needed a judge to head its Constitutional Committee. No members of the Windhoek Bench were prepared to accept the position because of its controversial political links.

Yesterday's South African Bar Council statement, issued by advocate Mr Henri Viljoen, SC, chairman of the council, said. "To appoint an official who has been awarded the status of senior counsel through public service channels a judge of the Supreme Court, in order

to comply with a statutory requirement that only a judge or retired judge may fill a specific post, displays a total disregard for the purpose of such legislation and is a blow to the territory's system of justice.

"Judges of the Supreme Court are traditionally and with good reason appointed from the ranks of practising senior advocates to whom that status has been awarded after approval by their colleagues and the Judges-President of the divisions in which they practice, and after years of practical experience.

"No matter how suitable the qualifications of the public servant in question may be to chair the Constitutional Council, there can be no doubt that his background does not properly qualify him to fill the high judicial office which has been conferred upon him once the Constitutional Council's task has been completed," the statement said.



Mr MOTSHEKGA . case being investigated

Lawyer beaten up

A well-known black advocate and senior lecturer at the University of South Africa has been admitted to the Kalafong Hospital after allegedly being assaulted by police in Mamelodi, Pretoria this week.

Mr Mathole Sam Motshekga, who is also director for Legal Education of the Democratic Lawyers Congress (DLC) said from his hospital bed

that he was assaulted and then thrown out of a window at the Mamelodi Police Station on Tuesday night.

Mr Motshekga, who was still dazed yesterday, said he was with a friend, Mr Thomas Mashilane, driving home when they were stopped by black policemen at about 10pm. They were allegedly dragged out of the car, assaulted and then taken to the police station.

Mr Mashilane appeared in court yesterday on charges of drunken driving.

The divisional CID officer for the Northern Transvaal Brigadier H A du Piessis, yesterday said he had received reports concerning Mr Motshekga's alleged assault by the police. The matter is being investigated.

Mr Motshekga said no charges had been laid against him by the police.

INVOIT SOWETAN on Monday

MONDAYS cannot be the same for readers of The SOWETAN without a copy of their favourite newspaper. So do not miss the exciting features in Monday's SOWETAN, which include:

- On The Line
- Monday Blues, to make the wear

and tear of the weekend seem more bearable

- The very attractive Woman's feature page with readers expressing their views on what makes women dress up
- A full coverage of weekend sports covered with insight and stimulating reports plus all the pictures

Athlone deaths: Urgent talks with Le Grange

ARK 16
21/10/85

Staff Reporter

"DEEP concern" over the killing by police of young people in Athlone has prompted the Association of Law Societies of South Africa to arrange an urgent meeting with the Minister of Law and Order Mr Louis le Grange.

Normal laws are in force in Athlone and everyone including police are subject to them, says the association.

A statement issued today by the association's president, Mr G C Cox, says killing someone is justified in South African law only in exceptional circumstances and police should have to justify their actions.

The statement says the association is extremely concerned about last week's events in Athlone.

It goes on "As far as the Association of Law Societies is aware, Ath-

lone is not within a magisterial district to which the emergency regulations apply and accordingly the normal laws of the country continue to be in force there.

"All citizens of the State, including members of the police force, are subject to these laws. In terms of South African law the killing of another person is justified only in the most exceptional circumstances.

"The question is whether or not the police exceeded the permissible limits. Whether the police are or are not able to justify their actions is not at this stage determinable.

"The Association of Law Societies sees this as an unsatisfactory state of affairs which requires clarification. Because of its deep concern the Association of Law Societies has arranged an urgent meeting with the Minister of Law and Order."

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CAPE TIMES 22/10/85
Lawyers

seek
clarity

Staff Reporter

THE Association of Law Societies has arranged an urgent meeting with the Minister of Law and Order to discuss events in the Western Cape in which children were killed during police action.

The association said it was extremely concerned about recent events in Athlone. As far as it was aware Athlone was not an emergency area, and the normal laws of the state continued to be in force there.

"All citizens of the state, including members of the police force are subject to these laws. In terms of South African law the killing of a person is justified only in the most exceptional circumstances.

"The question is whether or not the police exceeded the permissible limits. Whether the police are or are not able to justify their actions is not at this stage determinable.

The Association of Law Societies sees this as an unsatisfactory state of affairs requiring clarification.

SA needs another 1 816 engineers

Science Reporter

Despite the economic downturn, South Africa's chronic shortage of engineers has increased beyond all expectations.

There are now 1 816 engineering posts vacant throughout the country — 162 more than predicted in a painstaking survey by the Federated Society of Professional Engineers (FSPE) last year.

The greatest shortage is among electrical and electronic engineers. The survey predicted a shortage of 533 in this field, but the actual shortage is 663.

The president of the FSPE, Mr Douglas Mills, has commented: "We have been saying for several years that the demand for technically qualified people is significantly higher than the supply. Latest figures show clearly that even in a time of economic stress, the demand is still there."

"We are extremely worried about what will happen in any economic upturn."

"School leavers this year must seriously think of careers in engineering and technology. By the time their training is complete, the demand for their services is likely to be high."

Lawyers seek Group Areas exemption

Staff Reporter

THE Law Society of the Cape of Good Hope yesterday called for a blanket exemption for all attorneys from the Group Areas Act to enable them to occupy premises in any area zoned for business or professional use

Addressing the society's 102nd annual meeting in Cape Town yesterday, the president of the society, Mr Angus McLellan, said the reason black attorneys did not regard themselves as having the same status and facilities as their white colleagues was mainly that the government had taken away their right to practise in the area most suitable for them

Mr McLellan also called for a new look at the Legal Aid system

Only eight branch offices existed in Cape Town, Athlone, Bloemfontein, Pretoria, Johannesburg, Germiston, Durban and Port Elizabeth. It was hoped that another branch would be established in Mitchells Plain in the near future

In other centres the applicant was expected to apply for legal aid at the Magistrate's Courts, the same centre where he would be tried and it was to be expected that the majority of the black community would be suspicious of such a legal system

He said that although these points had been made by the Hoexter Commission there had been no sign of any reaction to date

Professions —

1986

16 USD 19
20/1/86 248

MP leads burial march

THE funeral of an alleged victim of police bullets took place quietly near Port Elizabeth on Saturday.

It was attended by more than 3 000 mourners amid an extensive police presence in Casspirs.

Thirteen-year-old Ntombe Ekaya Mgudasi was allegedly killed by police while on a shopping errand in Walmer on January 7. His funeral was banned to all except Walmer residents.

After the service, about 5 000 people marched to the Walmer cemetery. Marshalls dressed in khaki and African National Congress colours guided the procession led by Andrew Savage, Progressive Federal Party MP for Walmer, and the Rev Mike Mjekula.

Savage had obtained special permission to head the procession from the Commissioner of Police.

Unconfirmed reports said at least one person was shot dead in Kagiso, Krugersdorp, on Saturday.

Residents said gunfire was heard in several parts of the township as a heavy contingent of soldiers and policemen conducted house-to-house searches. They said teargas was also fired.

AIRLINE MANEUVERING

CAT Tmp LS
24/1/86

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'Law for all' campaign plan

Staff Reporter

THE Association of Law Societies of RSA is to launch a major "law for all" campaign, the association's newly-appointed president, Mr Roger Cleaver, announced yesterday.

The campaign would be aimed at increasing knowledge and understanding of the law — especially among young people, Mr Cleaver said.

And, in South Africa's

complex society, it was vital that the law be seen as the surest guarantee of justice, he added.

"The programme will counteract the generally negative feelings many people in our community have about the law.

"Many people associate the law with criminal courts and a vast number of administrative regulations either prescribing or proscribing certain acts,

"We feel our profession should definitely take the initiative in a programme which will not only lead to better group relations but also improve the image of lawyers," he said.

The campaign of information about the law in general would be based on a pilot programme — adapted from the American "street law" programme — which was conducted by a team headed by the deputy dean of the law faculty at the University of Natal, Professor David McQuoid-Mason.

"Last year, two one-day 'street law' workshops were attended by about 60 black school-teachers and pupils from Umlazi. Another workshop was attended by a multi-racial group of about 50 teachers and pupils," Mr Cleaver said.

Booklet

Since then, more teachers and pupils had asked that the programme be introduced at their schools on a regular basis — and soon, he said.

In September last year, the association agreed to fund a national legal education programme which would extend the "street law" concept to adults. It was now forming a multi-disciplinary advisory board for the programme and was designing and providing the necessary educational material.

● Mr Cleaver also announced that the association would issue a booklet on wills and estates this year as a "special service" to the public. The booklet would be supported by an Afrikaans television programme to be screened between March and May.

Care Trials 24/1/86

'Attorneys for Bench' proposal

248 Staff Reporter

THE Association of Law Societies has reacted strongly "to rumours that magistrates are to be considered for appointment to the Bench"

In a statement yesterday, the new president of the association, Mr Roger Cleaver, urged that if the demand for judges could not be met by practising advocates, then practising attorneys should be considered next

"The fact that there are scarcely 800 practising advocates in South Africa means that in selecting judges for the Supreme Court, the state has an extremely limited choice," Mr Cleaver said

Attorneys could be expected to have the independence of the judiciary "very much at heart", he said

"South Africa has about 6 000 attorneys. Several hundred of them are senior partners in the larger legal practices, the largest of which has 41 partners"

'Step in right direction'

The fact that attorneys were serving as commissioners in small claims courts — whose success was welcomed by the association — was a step in the right direction, he said

The profession was also giving urgent attention to the position of black attorneys

"We recognize that because of the situation in South Africa black attorneys have certain problems. We hope now that blacks are being able to own fixed property, black attorneys will receive more conveyancing work and not be obliged to rely so heavily on criminal cases and third party claims in the courts," Mr Cleaver said

Black attorneys could not rely on much income from divorce court work or even routine commercial work such as the forming of close corporations, he said

Detained lawyer released after fourteen days

14280 DISPATCH 948

UMTATA — An Umtata attorney, Mr Dumisa Ntsebeza, has been released from detention after spending 14 days in security police cells.

Mr Ntsebeza, with his brother, Mr Lungisile Ntsebeza, Mr Godfrey Silinga, Mr Mondo Mvimbi and Mr Victor Ngaleka, were detained by the security police on January 28.

Mr Lungisile Ntsebeza, Mr Mvimbi, Mr Silinga and Mr Ngaleka, are still being detained.

Mr Dumisa Ntsebeza said yesterday that he had spoken to the country's security head, Lieutenant-General Leonard Kawe, about the detention of the remaining four and said Gen Kawe had told him he was still awaiting a report on the matter.

Gen Kawe also confirmed here yesterday that a former Pan Africanist member, Mr

Synod Madlebe, who was also a former Robben Island prisoner, had been detained by the security police.

Gen Kawe said Mr Madlebe was still being questioned by the police and could not say when he would be released.

Mr Dumisa Ntsebeza, who was back at his office yesterday, said his detention was not warranted.

"There is nothing the police got from me by detaining me which they could not have got by simply calling me for questioning in the ordinary course.

"I have spent 14 days and during this period I was interrogated for no more than an hour in total."

● Mr Ntsebeza said yesterday he would sue the Transkei government because of the detention.

1986 N. Mercury 26/2/86

Bid to strike off attorneys after claim of break-in

Pietermaritzburg Bureau

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THE Natal Law Society has applied to the Supreme Court here to strike off the roll two Ladysmith attorneys on the grounds of 'unprofessional, dishonourable and unworthy' conduct.

The application follows allegations that attorneys Mr Rohith Singh and Mr Surendra Singh unlawfully broke into and entered a yard and removed a motor vehicle without the owner's permission, used vulgar and abusive language unbecoming an attorney and attempted to defeat the ends of justice by obtaining false statements from a Ladysmith traffic officer which they presented to the Natal Law Society in response to a complaint against them.

The attorneys are contesting the application in the Supreme Court and deny the allegations against them.

The Court hearing follows an inquiry into their conduct by the Natal Law Society.

Refused

The society received a complaint from Mr K S Mahomed, owner of Speedy Breakdown and Motor Garage in Ladysmith, who laid a charge of theft against the two attorneys, alleging they had broken into his premises and removed a car belonging to their client without his permission.

Mr Mahomed said he had earlier refused to release the vehicle to their client, Mr Samuel Sibiya, until he had been paid for the work he had done.

Following an argument on September 17 1983, involving the two attorneys at the yard in Cemetery Road

where he kept the vehicle, he asked his employees to keep a watch on the vehicle.

They later reported to him that they had seen people breaking the lock on the gate and entering the premises. The car was loaded on to a breakdown van and taken away.

An employee, Mr Joseph Mngomezulu, said in an affidavit that he recognised two men on the scene as the Singhs.

Unlock

Mr Mahomed said he then called the police.

The Natal Law Society alleges that following this incident the two attorneys obtained a false statement from Ladysmith traffic officer Hermanus Myburgh, in which he said he saw Mr Mahomed together with the attorneys and others at the premises in Cemetery Road about 2 30 p.m. on September 17.

Mr Myburgh said he saw Mr Mahomed unlock the gate to allow the breakdown van to enter and to remove the car.

The society alleges that the statement was obtained in order to mislead them and hamper their investigations.

Revenge

Mr S. Singh has claimed in an affidavit that Mr Mahomed agreed to release the vehicle on September 17 1983.

Mr Singh said he would have had nothing to gain by forcibly removing the vehicle and claims that Mr Mahomed laid a false charge.

Mr Singh alleged that Mr Mahomed wished to get revenge after he had obtained judgment against him for R500 in another action.

AR625 4/3/86

Law students need first-year Latin

Supreme Court Reporter

LAW students at the University of Cape Town will have to pass a full first-year Latin course if they want to be admitted to the Cape Bar, the Supreme Court, Cape Town, has ruled.

An application by UCT for an order that a pass in its introductory course, Latin intensive, be held sufficient for admission as an advocate was dismissed.

A similar request regarding Afrikaans intensive was also rejected.

The Full Bench decision goes against recent decisions in the Transvaal and Natal divisions. They ruled, respectively, that preliminary courses at Witwatersrand University and the University of South Africa were sufficient.

ENGLISH, AFRIKAANS

The application was opposed by the Bar Council and the Law Society of the Cape of Good Hope.

Mr Justice Vivier said the Admission of Advocates Act stipulated that courses in English, Latin and Afrikaans be passed "at university level".

It was "clear" that Afrikaans intensive and Latin intensive were "beginners' courses" which required "no previous knowledge".

Mr Justice Lategan and Mr Justice Howie concurred.

Cut-price divorce scheme in trouble

WEEKLY MAIL
14/3/86
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By CARMEL RICKARD,
Durban

A DURBAN money-lending company, offering cut-price divorces as a side-line, has run foul of the Natal Law Society.

The attorneys' association has laid charges against Rand Investment for charging would-be divorcees for legal advice.

Women bringing divorce actions this week, with papers prepared by Rand Investments, said they were charged between R240 and R250 which they could pay off in instalments.

The president of the Natal Law Society, Andries Geyser, said members of the public had complained about the activities of the company and the society had now submitted a report on its activities to the Attorney General for an investigation into whether the Attorney's Act had been contravened.

Geyser claimed his society was acting in the interests of the public who were "being charged for legal service given to them by someone who is not qualified".

The man from Rand Investment, who wants to be known only as "Mr Viljoen", said there were lawyers in town who hated him, so he would prefer to keep his first name "out of it".

He said he felt he gave the public a "goodwill service". He was helping people who remained married to their partners only because they could not afford lawyers' fees of at least R800.

Viljoen said he made no money on the help he gave. Serving notices cost "about R40" and stamps a further R3. The remainder of the fee covered the cost of advertising the company's services "usually in the personal column of the newspapers", telephone calls, typists' fees and stationery.

Viljoen is a private investigator. He has no legal training. But, he said, eight years' experience in banking qualified him to help with straightforward divorce cases.

"Our clients do not have to do anything. We do all the paperwork. We take them by the hand and lead them down the garden path and make them happy. I go down to court with them. I comfort them and give them encouragement. It makes them feel better when I am with them," Viljoen said.

If there were complications, he said, he recommended a person saw a lawyer. He would also refuse to see someone who had already begun an action through an attorney.

"We act very professionally and do not take cases away from attorneys," he said.

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**Jailed lawyer may
be struck off roll 248**

A DURBAN lawyer, convicted of treason and jailed for 20 years, could be struck off the Roll of Attorneys if a Natal Law Society application, heard this week, is successful.

Patrick Maqubela was convicted of being involved in a conspiracy in which eight bombs were planted in Durban, injuring nine people.

Police detaining Maqubela found explosives, ammunition and an AK47 rifle at his home.

Maqubela has opposed the society's action. His lawyers argued that a precedent had been set by the treatment of lawyers involved in the Jameson Raid. That conspiracy involved the storing of arms, and had caused injuries, but although the conspirators had been convicted of treason, they had not been struck off the roll.

Asked by one of the three judges why Maqubela had not "blown up pylons", rather than endanger lives, his legal team answered that Maqubela felt this "had not helped".

The society argued that Maqubela was, by virtue of his conviction "not a fit and proper person" to practise as an attorney.

Maqubela's defence said that if the court found it necessary to take some form of action against him, it should not go further than removing him from the roll for the period he served his prison sentence.

Lawyer's challenge to police: the full text

A Johannesburg advocate has issued a strongly worded challenge to the police over their version of the shooting of school pupils at Kabokweni Magistrate's Court on Tuesday

Mr Laurence Tonkin's challenge follows close behind the Minister of Law and Order's announcement of an official inquiry into the incident in which a 15-year-old boy died and 80 other pupils were hurt.

Mr Tonkin, who was at the court to represent youths appearing on charges of public violence, has issued an account of the shooting — an incident which drew a national outcry about police conduct there and in other unrest areas

I have spoken to the chairman of the Johannesburg Bar Council who has told me that the decision whether to make this statement is one which I should take I

have decided that it is my duty to make a short statement, outlining what occurred at the Kabokweni Magistrate's Court, near White River, in the Eastern Transvaal on the morning of Tuesday March 11 1986

I had gone there to represent certain accused in a case in which the charge was public violence

Some time after my arrival, I was told by the magistrate that he had been informed that a number of schoolchildren had commandeered buses and were on their way to witness the case. The magistrate and I went to the entrance to the compound in which the court buildings are and we found that the children were arriving in large numbers, some of whom were armed with sticks

I positioned myself next to the gate at the entrance to the compound and I addressed the people telling them, among others, that I was there to represent their friends according to law and that the crowd would help me if they could behave in a lawful and peaceful fashion

I could see the crowd was very angry. Some of them shouted to me a complaint about not being allowed to enter through the gate, which was locked. The crowd pressed against the fence which partly collapsed and was partly trampled down

It then surged into the compound

Some of the crowd, which consisted mostly of schoolchildren, picked up some bananas in the compound and were eating these

I then repositioned myself inside the compound. I told the police that I intended to address the people again and that they should not shoot. I called for a bench which was brought to me and I stood on this and once again addressed the people

At some stage or another (I am not sure when) a Bible was handed to me and I held this aloft, saying to the people that the Bible was an instrument of peace and that they should be peaceful. I also held my brief aloft to show that this was an instrument of peace

I emphasised to the crowd that they should not give an opportunity to the police to shoot them or assault them. The crowd screamed agreement with me. I called for one of the sticks and held it aloft saying it was an instrument which should not be used

While I was addressing the crowd, a captain of the police came to me and said that I should draw leaders from among the people because he wanted to have a discussion. I told the crowd what the captain had said, that he wished to talk and that he wanted leaders to talk to him

I drew six leaders from among the crowd and got them to stand next to me on the bench

The leaders and I then proceeded to a position towards the side of the compound where the police were and I tried to locate the captain. Many of the crowd followed me. While I was proceeding towards where the police were situated, I heard a shot being fired and this was followed by many other shots

This happened within approximately one minute after I had started towards where the police were. I cowered, clutching to myself two of the leaders. I was aware of children scrambling away from the police

I have considered some of the Press reports about the matter. I feel it my duty to make the following observations:

- The crowd was not uncontrollable
- I heard no order to disperse whatever
- I neither saw nor experienced any tear-gas being fired
- I saw nothing to justify the view that the shooting was the last resort available to the police

It is true that the crowd was very angry. I was frightened and the police also looked frightened to me. There was, however, no apparent justification for the shooting

619

TUESDAY, 18 MARCH 1986

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may do paid work outside the educational sector during suspension.)

(3) (a) Yes.

(b) (i) Yes

(ii) Falls away.

ANSWER 619
18/3/86
 Married women teachers
 *7 Mr R M BURROWS asked the Minister of Education and Culture:

(1) Whether (a) his Department and/or (b) the provincial education departments employ or employed married women teachers in a temporary capacity; if so, how many were so employed as at the latest specified date for which information is available,

(2) whether any married women employed as temporary teachers have had their services terminated as a result of their marital status, if so, (a) how many, (b) for what reasons and (c) in respect of what date is this information furnished,

(3) whether he will make a statement on the matter?

THE MINISTER OF LOCAL GOVERNMENT, HOUSING AND WORKS (for the Minister of Education and Culture)

(1) (a) Yes, 754 on 12 March 1986

(b) Yes, 7 167 on 12 March 1986
 The numbers given in (a) and (b) do not include the numbers of the Natal Education Department. Due to a change of office accommodation, this information could not be made available in time. The information will be released as soon as possible

(2) No (a), (b) and (c) fall away and

(3) No

Mr R M BURROWS Mr Chairman, arising out of the hon the Minister's reply, is it

not true that the temporary teachers are employed because of their marital status and lose their jobs because of their marital status?

The MINISTER Mr Chairman, the hon member is welcome to put that question on the Question Paper for my colleague the hon the Minister of Education and Culture to reply to

ANSWER 620
18/3/86
 Budgetary control
 *8 Mr R M BURROWS asked the Minister of Education and Culture

(1) Whether his Department has or intends to have full budgetary control of the provincial education departments, if so, as from what date,

(2) whether there will be any retention of micro-control by the provinces, if so, (a) why and (b) of what matters will the provinces retain control,

(3) whether he will make a statement on the matter?

THE MINISTER OF LOCAL GOVERNMENT, HOUSING AND WORKS (for the Minister of Education and Culture)

(1) and (2) As indicated by the Chairman of the Ministers' Council on 20 February 1986, the rationalisation of the functions of the Administration's departments is at present being studied. The division of control functions within the Department of Education and Culture is included in this rationalisation.

(3) No

For written reply

General Affairs

ANSWER 620
18/3/86
 Corporal punishment
 193 Mr D J DALLING asked the Minister of Justice:

How many persons of each race group

621

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were sentenced to corporal punishment during the period 1 June 1984 to 30 June 1985?

The information is not available in the Department. The Central Statistical Services supplied the following information:

The MINISTER OF JUSTICE.

Race	Corporal punishment coupled with imprisonment — (i) which was not suspended	Corporal punishment not coupled with other sentences (ii) which was suspended
Whites	22	1 730
Indians	2	656
Coloureds	187	14 016
Blacks	439	23 886
Total	650	40 288

The number of persons in the last column includes juvenile males who have been sentenced to a moderate correction of whipping in terms of section 294 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

ANSWER 621
18/3/86
 Resignations
 266 Mr P R C RODGERS asked the Minister of Justice

(1) Whether any resignations were received from legally qualified personnel in his Department in 1985, if so, how many in each category;

(2) whether any of these posts have since been filled, if so, how many in each category?

The MINISTER OF JUSTICE:

(1) Yes

Occupational Class

State Advocate	7
State Prosecutor	59
Magistrate	10
State Attorney	2
Legal Administration Officer	3
Article Clerk	7
Deputy-Director	1

(2) Yes.

Occupational Class

State Advocate	7
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ter of Justice

ANSWER 622
18/3/86
 Rape
 267 Mr P R C RODGERS asked the Minister of Justice

(1) How many cases of rape were tried in (a) each province of the Republic and (b) the Western Cape during the latest specified period of 12 months for which figures are available;

(2) in respect of how many such cases (a) were convictions obtained and (b) was (i) the death penalty and (ii) a suspended sentence imposed?

The MINISTER OF JUSTICE:

(1) (a) and (b) The information is not readily available in the Department. According to the Central Statistical Services the total number of prosecutions in the Republic of South Africa

OTHER PEOPLE

The moderate man who refused to stay silent (248)

Advocate Laurence Tonkin, the man who caused a furore when he contradicted the police version of the White River shootings, is no high-profile leftwinger, reports PATRICK LAURENCE

SOUTH Africa's crisis may be forging a new class of professional people, those who put expediency aside and refuse to remain silent in the face of injustice.

Last year there was Wendy Orr, the young doctor who braved disapproval from her seniors in the employ of the state to give evidence to the Supreme Court that detainees in two Port Elizabeth jails were being tortured.

Now Johannesburg advocate Laurence Tonkin has issued a public statement contradicting in large measure the official police version of the shooting at Kabokweni in the Eastern Transvaal, in which a teenage boy was killed and several school children injured.

There are sufficient parallels between Orr and Tonkin to justify comparison of them.

Neither is a high profile "leftist". Neither has endeared themselves to the authorities, and especially the police, by speaking out. Both are members of professions which usually evoke "professional reasons" for keeping quiet. Both are essentially introverted people who are uncomfortable in the limelight.

Tonkin's statement was hardly self-serving. He did not project himself as a hero, but admitted that he "cowered" as police opened fire and was so deeply shocked that he "burst into tears". While he made the statement with the consent of the chairman of the Johannesburg Bar Council, it was hardly calculated to win approval from the establishment.

Tonkin politely declined to be interviewed, but Weekly Mail was able to piece together a portrait of the man by talking to his uncle, Professor Noel Garson, professor of history at the University of the Witwatersrand, and to his friends and colleagues.

A man in his early forties, Tonkin is not a product of Johannesburg's opulent northern suburbs which churn out trendy leftists. He went to high school in the southern suburbs. He was head prefect at Forest High, matriculating there in 1961.

He attended the University of the Witwatersrand in the years 1962 to 1964, graduating with a BA in early 1965. He stood for and was elected to the SRC, not as a fashionable campus leftist inspired by political ideology but as a pragmatist addressing himself to mundane student issues.

Tonkin completed a LLB at Wits in 1967 in the minimum time required by the law faculty. He practised as an attorney from 1968-73 before going to the bar after a brief period as a prosecutor.

As an advocate he handled a wide range of cases and certainly did not start out as a "political lawyer". It is only in the last year or so that he began to appear as counsel for the defence in trials of a political nature. The spectacular increase in political trials which coincided with the present crisis meant, of course, that lawyers

without special skills in these cases were drawn in. Tonkin was one.

But, of course, even relatively a political lawyers — Tonkin has no party political affiliations — have to be men of proven integrity. As a well-placed observer put it: "They have to satisfy the Left that they are men of integrity, but they do not have to be of the Left."

What, then, led Tonkin, a married man with four children and two stepchildren, to take the unusual, if not unprecedented step of issuing a public statement on the Kabokweni shooting?

Tonkin himself provides the answer in his statement. He decided it was his duty to do so.

"I feel it is my duty to make the following observations," he said. "The

crowd was not uncontrollable. I heard no order to disperse. I neither saw nor experienced any teargas being fired. I saw nothing to justify the view that the shooting was the last resort available to the police."

He did not issue the statement lightly.

Tonkin is a professional man who — in the view of those who know him well — is "essentially a conservative person" who tends to view events through a legal framework.

"Law is his window on to the world," a friend said. "He would rather not get involved."

But his conscience has forced him to become involved. Perhaps his involvement, like Orr's, signals the emergence of a new kind of professional person.



Tonkin at his front door — he declined to pose for a formal portrait. Picture: DEENA SHAPIRO

City attorney is sequestrated

Pretoria Correspondent

Johannesburg attorney Mr Konrad Rontgen, whose name has been mentioned in civil and alleged criminal proceedings in sums totalling millions of rands, was finally sequestrated in the Pretoria Supreme Court yesterday.

The applicant, Messrs Financial Advice Bureau (Pty) Ltd told the court Mr Rontgen, who is well-known in powerboating circles, owed them R30 000 in respect of "monies lent and advanced" and prospects of retrieving the debt were doubtful.

Judgments amounting to nearly R1 million have already been obtained against Mr Rontgen, including those in respect of Barclays National Bank (R400 000), Rand Finance (R150 000), United Building Society (R130 000) and specialist carpet merchants H Lidchi and Co (R10 000).

Besides these, sums totalling in excess of R2 million are still owed by Mr Rontgen, papers before the court indicate.

According to Johannesburg financier Mr Lionel Reichenberg, who accompanied Major Nel to Pretoria and has a vested interest in a claim against Mr Rontgen's estate, an application for the attorney's arrest is to be made "as soon as possible".

Grant for law books increased

Own Correspondent

LAW textbooks for university libraries will become more affordable because of the doubling of an annual sponsorship by the Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund.

The 100% increase — from R5 000 to R10 000 a university — has been announced in the wake of the abolition of the 10% import surcharge on books in the Budget.

Chairman of the fund Eric Liefeldt said the increase of the grant to R170 000 was one of the ways open to the legal profession to maintain the high standard of legal education in SA.

The Attorneys Fund would also award 76 bursaries to law students this year.

"University libraries are adversely affected by the pressure of inflation and the unfavourable exchange rate, and the lifting of the surcharge provides welcome relief. We will also attempt to assist universities experiencing difficulty in maintaining subscriptions to law magazines and periodicals," Liefeldt said.

LIAM EGAN

GENERAL dissatisfaction with the legal procedure of MVA claims has led the Association of Law Societies to recommend the implementation of a court specifically for MVA claims. In its recommendations, submitted to the Department of Justice last year, the association requested that an "inquisitorial" procedure, as opposed to the present "adversarial" one, be implemented officially within the special MVA-court. The association, representing about

Call for MVA claims court

BUSINESS DAY, Thursday, March 27, 1986

6 000 SA advocates and attorneys, also claims the right of attorneys to be represented at hearings of the MVA-court even though it would fall within the jurisdiction of the Supreme Court, should it be implemented.

According to the association's president R.B. Cleaver, who told *Business Day* yesterday he was expecting a reply

from the department within days, "the present adversarial system of hearing MVA claims was slow, expensive and unnecessarily stressful on litigants." "The members of the association agree on the whole that the inquisitorial system, as would be practised by the MVA-court, would eliminate the lengthy cross-examination characteristic of the adversarial system by allowing the pre-

siding officer to play a far greater role in the proceedings."

An editorial in the latest edition of the association's official journal, *De Rebus*, points to the success of the inquisitorial system as practised in the small-claims court in calling for a "speedier processing of third-party claims for vehicle accidents."

The editorial claims significant procedural advantages for the inquisitorial system over the adversarial system "which is largely to blame for escalating legal costs."

Cape Times, Monday, March 31, 1986

R41 000 of 'bail fund' paid attorney's fees

Staff Reporter

MOST of the "bail fund" collected from New and Old Crossroads residents for 168 women arrested for public violence last year was used to pay a Pretoria attorney's legal fees — including expenses of more than R750 a day.

The lawyer represented Old Crossroads leader Mr Johnson Nxobongwana and 72 women involved in the case.

According to documents handed to the Cape Times last week by members of the New Crossroads Committee (NCC), the Pretoria attorney, Mr Isaac Swartzberg, was given R29 500 to represent Mr Nxobongwana and 72 of the women.

The women pleaded guilty.

The remainder of the women chose local legal representation.

According to his firm's account to a Mr Albert Yawa, of the NCC, the attorney incurred R11 336,51 in hotel, petrol and car expenses and air fares when covering the 15-day trial.

After air fares, flying from Pretoria to Cape Town and back each day, Mr Swartzberg would have incurred expenses of some R400 a day — including accommodation, meals and laundry. This did not include consultation fees.

His total bill amounted to

R41 308, and R11 808 was still outstanding.

Asked why out-of-town legal representation was sought and not local attorneys, the NCC members declined to comment.

"That's Mr Nxobongwana's business," one said.

However, it would appear that local legal representation was sought twice, but in each case dropped as the "justice" concerned had not known "the Prime Minister" or "the right people", the Cape Times has learnt.

The NCC members said that about R15 000 was collected from Old Crossroads residents — the rest from elsewhere, including

New Crossroads.

The money collected by the NCC before the trial in July was to cover legal fees and to post bail for the accused.

The alleged abuse of the "fund" and claims by New Crossroads residents that Mr Nxobongwana was attempting to establish a power base in the area have been cited as the cause of the violence between "fathers" and "cousins" which left nine "fathers" dead and three women wounded last week.

Apart from the money handed over to Mr Swartzberg, about R2 450 was given back to 28 women who were acquitted. This was con-

firmed by a United Women's Congress (UWCO) member, Mrs Sophia Mbenge.

Mr Swartzberg could not be contacted. A member of his firm in Pretoria said last week that he was "away out of town" until April 4.

Meanwhile, it has been disclosed from different sources that R15 collected from New and Old Crossroads residents recently made them "eligible" to vote in an election last month for a new chairman of the New and Old Crossroads committees.

Voters who paid R15 were told it was for a "photograph" of the candidates, residents said.

Mr Nxobongwana was re-elected chairman of both committees, the NCC said, and they deny he was trying to establish a power base in the area.

Of the 150 000-odd residents in New and Old Crossroads, fewer than 6 000 voted in the election, residents claimed.

The NCC has also accused the police of siding with the UWCO, a United Democratic Front affiliate, and other organizations.

They claimed that if police at Guguletu police station had arrested soon after being informed that the homes of Mr James Mkhabela and Mr Fendito Silweye — both

NCC members, who were arrested last Wednesday evening — they would both "be alive today".

A police liaison officer for the Western Cape, Captain Jan Callie denied that police were taking sides in the issue.

The branch chairman of the General Workers Union and public secretary for the Western Cape Hostels Association, Mr Johnson Mphahlele, appealed to leaders on both sides to meet and settle their differences "as soon as possible".

"The violence will destroy the unity of the black people if it continues. The people must consider this very seriously," he said.

114/15 BUS DAY (248) No support from advocates

SOUTH AFRICAN advocates do not support the implementation of a new legal procedure for the hearing of MVA claims.

According to chairman of the General Council of the Bar, Henry Viljoen SC, the new system proposed by the Association of Law Societies on behalf of attorneys would offer no significant advantages over the procedure used in hearing MVA claims at present.

He was reacting to a report which appeared in *Business Day* last week describing both advocates and attorneys as supporting the recommendations sub-

LIAM EGAN

mitted to the Department of Justice last year by the Association of Law Societies

Referring to the report as incorrect in describing the Association as representative of South African advocates, Viljoen said that advocates were in fact represented by the General Council of the Bar. He said it was the opinion of the Council that the procedure recommended by the Association would not be more appropriate than the present procedure due to the complexity of the issues generally arising out of MVA claims

Liberals mourn Ernie Wentzel

SOUTH Africa's liberal community is mourning the death of Ernie Wentzel, former chairman of the Liberal Party and one of Johannesburg's best-known advocates.

Wentzel, 52, died on Wednesday night after a long battle with cancer.

Wentzel was known for many years for his commitment to liberalism and opposition organisations, and his jovial disposition.

He was president of the SRC at the University of Cape Town from 1955 to 57 and later president of the

National Union of SA Students
(Nusas).

He was imprisoned without trial twice during the 1960s.

He served for many years on the executive of the SA Institute of Race Relations and the council of Lawyers for Human Rights and has acted in a number of major political trials.

● Next week the Weekly Mail will carry a full profile of Wentzel by his close friend, Benjamin Pogrund.

CAPE TIMES 15/4/86

Lawyers oppose Bill of Rights

Staff Reporter

AN organization called the Democratic Lawyers Anti-Bill of Rights Committee (DLAC) has been formed to oppose the notion of a Bill of Rights and "to focus on the vital questions facing the country before entertaining ideas and models of such a bill".

Formed at the Mamelodi Cultural Centre in Pretoria last Thursday, the committee took its cue from an inter-university faculty council meeting at the University of the North last month where it was resolved to condemn the idea of a Bill of Rights.

DLAC publicity secretary Mr. Jacob Malatji said yesterday that law students, lawyers and academics should rather be discussing.

● In what type of constitutional framework the proposed Bill of Rights would function,

● Which Parliament was competent to adopt such a constitution,

● What type of society was envisaged by such a constitution,

● What was the future and position of the silenced leadership in such a constitution and Bill.

Mr Malatji said "DLAC wants to sound some words of warning to the advocates of a Bill of Rights, that while trying to appear as national saviours their programme and discussion panels still smack of racial exclusion and abhorrence of the other

cultures and ideas

"DLAC believes that a Bill of Rights is and can only be a national document offered at the instance of national leadership and not a device to keep the national leadership out of politics."

DLAC, he said, supports the ideas in the Freedom Charter

US lawyers' observer at SA treason trials

SPM 248
5/4/86
An observer from the American Bar Association (ABA), Mr David Brink, is in South Africa to observe the procedures at two treason trials.

Mr Brink, who attended the trial of 22 members of the Azanian People's Organisation, the United Democratic Front, the Azanian National Youth Unity and the Vaal Civic Association in Delmas yesterday, said he had also been asked to attend the treason trial in Maritzburg where four men are appearing.

CONCERN

He said the purposes of his visit were to obtain information about the conduct of the trials, the nature of the cases against the accused and the laws under which they were being tried.

He said he was also briefed to collect background information on the circumstances leading to the trials and to make known to the South African authorities and the public, the interest and concern of the American legal profession in the trials.

Treason case man attends mum's burial



**Lawyers
at the
burial**

Mr GEORGE Bizos, SC, and Mr T H Kamdar who were among the mourners at Mrs Josephine Mokoena's funeral in Evaton yesterday. She was the mother of Mr Petrus Mokoena one of the accused in the Delmas treason trial. Mr Bizos is the defence counsel and Mr Kamdar is the instructing attorney at the trial.

MR PETRUS Mokoena, a member of the Evaton Ratepayers' Association who is one of the accused in the Delmas treason trial involving 22 people, was given permission to attend his 70-year-old mother's funeral in Evaton yesterday.

Police in vans escorted hundreds of mourners who attended Mrs Josephine Mantoa Mokoena's funeral. She was a member of the Bantu Reformed Church Mothers' Union. She died at the Sebokeng Hospital after a long illness.

Mr Mokoena, who is charged with 21 other people, was met by family members and friends at the funeral.

He was escorted by members of the security police who later drove off with him after the service.

Mr George Bizos, who is representing Mr Mokoena and his co-accused, was among the mourners at the funeral.

Scores of chanting pupils were ordered from the funeral by the Rev Lord McCamel, of the Vaal Civic Association, who conducted the service. There was no political speeches made during the three-hour service held in Small Farms, Evaton. Police in hippos and other vehicles watched and took pictures of the proceedings.

Organisations represented at the funeral included the Vaal Ministers' Solidarity Group, the Vaal Civic Association, the Vaal Parents' Crisis Committee and the Azanian Peoples' Organisation.

Makers wary of stocks building up

Big discounting on cars looms

CAR manufacturers could be forced into heavy discounting if sales do not rise significantly this quarter.

Unless volumes improve they will be stuck with stock ordered in the more optimistic times of the last quarter of 1985.

While discounting is rife in the depressed heavy-commercial market, as manufacturers struggle to stimulate volumes, in the past nine months car-makers have decided to risk stock shortages and the possibility of losing market share rather than have unsaleable vehicles.

The unpredictability of the car sector has, however, made it a minefield for market planners. Manufacturers have to order completely-knocked-down component packs from source plants overseas about six months in advance, so

ALAN RUDDOCK

unexpected dives or surges disrupt planning

When the car market slumped to 12 000 units last April, some manufacturers embarked on a discounting free-for-all. Buyers could shop around for discounts of between 15% and 30%, cash gifts and rock-bottom interest rates.

The unexpected slump in the first quarter of this year could produce similar results.

Samcor MD Spencer Sterling says discounting could be a problem if manufacturers are faced with large inventories

Toyota MD Colin Adcock says: "We all tended to overreact last year to cut stocks, and then tended to go the other way and order more stock. Unit sales for the first quarter were well down on what we had planned"

More professionals come than go

A TOTAL of 614 more professionals immigrated to SA than left the country last year, according to Administration and Economic Advisory Services Minister Eli Louw.

A total of 2 273 professionals arrived in SA compared with the 1 659 who left in 1985, Louw said in reply to a written question from Peter Soal (PFP Johannesburg North)

The breakdown for the different professions included (the number leaving

listed first)

Doctors (58, 129), engineers and related technicians (658, 925), dentists (12, 14); lawyers (17, 1); architects and town planners (30, 59); scientists (69, 103); medical, dental and veterinary workers (172, 297); statisticians and mathematicians (81, 102); economists (147, 136); teachers (145, 188); authors and journalists (46, 36) and artists (31, 30).

WECILLY M
18/4/86

OTHER PEOPLE

Ernie Wentzel: Robin Hood of the courts

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Advocate Ernie Wentzel was a Robin Hood of the law; loading charges for the rich to allow him to act for the poor. BENJAMIN POGRUND pays tribute to his close friend

WHEN 16 years ago I asked Ernie Wentzel to be the best man at my wedding, it caused some problems

My father was an orthodox Jew and although he liked Ernie, he was unhappy about him being best man. He felt it was undesirable to have someone who was not Jewish so closely involved in the ceremony.

I explained Ernie's special role in my life. He was not only my oldest friend, but during the turbulent times of my life, when I was under severe attack from the government, Ernie had been my confidential adviser behind the scenes.

Even more, I told my father, Ernie and his wife had made their home my home; they were like family to me.

My father beamed and said, oh, that's different, Ernie belonged to that select class of non-Jews who had given succour to Jews down the ages. He was one of the Righteous.

Not only did my father have no further objection to Ernie being the best man, but our family would be honoured to have him.

This is, of course, a highly personal story. But there are many, many people in South Africa who will recognise their own experience in it: for, whether as a lawyer, a politician or a person, Ernie's life was one of giving to others.

People came to him because he was a comforting person. At the most direct level, they sought him out because they needed help. The numbers who came to Ernie at some critical, troubled stage of their lives are beyond counting. He gave them moral support or advice, he went to bat for them against officialdom and he gave them shelter or financial support.

The story will also surprise many who have always believed that Ernie was actually a Jew — a belief which amused him and which was fostered because of his love for all things Jewish, his unceasing repertoire of



Ernie Wentzel — "A life of giving to others." This picture was taken in 1972.

Jewish jokes and impeccable Yiddish accent.

If only for his Security Police dossier — which a policeman once disclosed was several feet thick — let it be recorded that Ernie came from the two mainstreams of white South Africa, and was half English and half Afrikaans.

Ernie would have laughed in telling this — that laugh which spread smiles around him. It came bellowing out of him, out of that ample stomach which developed in later years so that he came to look like a character from a Dickens novel.

His eminence in his profession was assured by his intellect, his ability to cut through the dross and his remarkable fluency as a speaker.

He was also a Robin Hood of the law, loading the fees of the rich so that he could act for those without funds. There was no secret about it: he was barefaced in telling wealthy clients what he was doing to them.

But he reserved his special emotions for the accused he defended in political trials. As he defended

someone he genuinely, sometimes almost inexplicably, came to believe in the total goodness of that person, and would work his guts out for him.

His feelings of doing his best for people belonged to his overall view of South Africa. His interest in politics began in his early years at Rondebosch Boys' High School in Cape Town.

But somewhat to his later embarrassment, he did not begin auspiciously: he supported the United Party.

I take credit for helping to wean him from that and to get him involved in student politics — where he was successively president of the University of Cape Town SRC and the National Union of SA Students.

Then it was a brisk step into the Liberal Party, where he found both his spiritual home and his wife, Jill White.

Ernie was a natural politician: thrusting, energetic, clever, utterly charming and persuasive — and cunning, and Machiavellian. In a normal society he would have been a political leader with no office beyond his reach.

But having chosen liberalism, with absolute dedication to a non-racial South Africa, the only place for him was as a victim of government harassment, with a couple of sessions of detention without trial and the loss of his passport for a number of years.

He never compromised, however. He never sought the easy path. Not for him the membership of select clubs and the apparent respectability that could have gone with it.

He was equally uncompromising on the other side of the political spectrum — stalwart in his view of individual freedom. If for no other reason, his rejection of the extreme Left went deep and he maintained an acute suspicion of the Left in disguise.

He could have ruffled fewer feathers, both on the Left and the Right, by keeping more silent, but he would not do so.

In the last year of his life, he was a driving force in the new liberal movement which has arisen in response to crisis.

Police call for evidence of 'war against children'

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STAR 22/4/86
Police have urged the New York-based Lawyers' Committee for Human Rights to make available the evidence on which it has based its report entitled "War against Children South Africa's Youngest Victims"

The report, released in New York on Thursday, concluded that far from being spared the brunt of State-sanctioned violence, children in South Africa had often been the special target of such violence. It examined the death and injury of children on township streets, mass arrests and detentions, and assault and torture.

"We would urge the Lawyers' Committee for Human Rights to make the evidence they say they have available to the South African Police so that a

thorough investigation can be launched," said a statement released by the Police Directorate of Public Relations.

"We give the assurance that justice will be done should members of the security forces be found guilty of any illegal actions."

The police have denied allegations that the Defence Force abducted Davyton children, that children were "picked-up" or shot at random by security forces or that young people were tortured or assaulted by security forces.

Police have been sharply critical of the report's failure to fully identify alleged victims in many cases and to give full particulars of the date and place of the incident.

The author of the report has stated names have been withheld in many cases because the children and their families fear victimisation.

Police added: "Should anyone be of the opinion that there is legal cause for complaint against any member(s) of the security forces, affidavits can be made available to the police so that the allegation can be investigated."

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Identity system for advocates^{SJR} recommended^{23/4/86} ⁽²⁴⁸⁾

Political Staff

have copies of the roll.

PARLIAMENT — University law faculties should imprint identity numbers on their degree certificates, a Commission of Inquiry has recommended.

The inquiry was set up after Mr Sebastiaan de Jager used false documents a few years ago to gain admission and practice as an advocate.

RULES OF COURT

The commission, chaired by Mr Justice F S Smuts, also recommended the roll of advocates should reflect the identity numbers and that all Supreme Court registrars

Mr Justice Smuts's report, tabled in Parliament yesterday, also recommended changes in the Rules of Court to ensure the positive identification of advocates.

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FOCUS ON ARCHITECTURE

Draughting for apartheid

Architects are a profession in trouble: 40 percent have little or no work. What work there is tends often to be on state contracts in the homelands. Which raises a thorny dilemma: should architects refuse to design for apartheid? If so, should an architect refuse to design a hospital because it is state-run? **BARBARA LUDMAN and MELINDA SILVERMAN report**

EARLY this year, the Royal Institute of British Architects voted to "de-recognise" architecture degrees awarded by South African universities.

RIBA's move was a slap in the face, not a serious professional hindrance — but it encouraged a growing tendency among architects to examine whether their skills are being used to perpetuate apartheid.

They have plenty of time for soul-searching. There is little work on the drawing boards of many SA architects, as the building industry feels the tremors of political and financial instability. A survey conducted recently by the Institute of SA Architects revealed 40 percent of firms had little work or were completing existing work and then closing.

It's in the "homelands" that business appears to be improving, with contracts awarded for the design of, inter alia, legislative assemblies, national stadiums, shopping complexes, schools and casinos.

The new ISAA directory lists 28 architectural firms operating in the bantustans. In Phuthaditjhaba, capital of Qwa Qwa, there are four.

Since 1981, five new architectural practices have opened in the Border/East London area, close to both the Transkei and the Ciskei.

Other architects, not registered as practising in a homeland, are nevertheless working for homeland authorities.

Any architect can ask to be put on the register of businesses wishing public works contracts by simply filling in a form and posting it off to ISAA. Architects can choose which department they're willing to work for: Public Works and Land Affairs, Education and Training, the various houses of the tricameral parliament, and so on.

Should they?

The number of architects saying "No" is growing.

Chief mover in the debate is a new organisation called Architects Against Apartheid, whimsically abbreviated to "Aap".

"Who are the architects who design the structures on behalf of the state?" asks Aap secretary Hans Schirmacher this week in a letter to Weekly Mail (see page 10).

"It is time to stop laying all the blame for the crimes committed against humanity in the name of apartheid at the door of the government, and begin the process of identifying those professions which assist big brother in his ill-conceived schemes."

Aap has been collecting signatures from architects, great and small, calling for a general meeting of the Transvaal Provincial Institute, the ISAA's regional arm, "to debate and clarify our role in the process of change."

It should be a lively debate. Architects interviewed on the subject agreed it was time to take a stand, but disagreed on where the line should be drawn — or, indeed, whether drawing lines was what the debate ought to centre on.

TPI president Arthur van der Westhuizen this week declined comment on the issue because, he said, he had not seen a draft resolution.

"When a petition is received from a minimum of 139 members that calls for a special general meeting to discuss a matter quoted on the petition, the meeting will be held," he said.

The petition calls for a general assembly, not a meeting, and the draft resolution is not appended to it.

Thus whether the signatures already collected will have to be re-collected for a meeting to be called will be decided at a committee meeting in 10 days, he said.

These technical problems have not stemmed the debate.

Says Schirmacher, in an interview: "It is important that the profession withdraw its services completely from the government. Each individual might have his own way of architecting which is performed in conformity with human rights principles. But as an individual, his power is really very limited. Only a group can effectively force an issue."

He notes the ISAA congress last year adopted the Declaration of Architects accepted four years earlier at Warsaw by the International Union of Architects.

It appears a highly-principled Declaration.

It states that the signatories acknowledge the basic needs and rights of people to the



fulfillment of spiritual, social and economic needs.

It also notes the rights of the people for whom designs are done to a framework of freedom, dignity, equality and social justice, and the improvement of the quality of life.

Schirmacher would like to see the ISAA constitution include the Declaration, with insertions recognising South African problems. He would also like to see sections added, so that it would be the ISAA policy that any architect participating professionally in the administration, enforcement or the implementation of apartheid is acting unethically.

What that means depends on which architect one is talking to.

The draft resolution would censure architects who involve themselves in a range of public projects.

That means architects would be expected to pass up contracts to design buildings intended to house state and local government offices or administration boards, "own affairs" structures or "tricameral parliaments".

The resolution would also urge architects not to design public buildings or environments located in homelands.

And the design or planning of any public buildings or environment intended to house the administration of any agency of the state denying citizens "freedom of speech, the protection of the law, the principle of habeas corpus, or which is engaged in the divestment of civil liberties" would also be considered unethical.

Taking the resolution on its face value would constitute the "hard line". There are other interpretations.

"In the area of essential services, such as hospitals and schools, what becomes important is that work is done with the consent and participation of the real users," says Jeff Stacey. "If you're asked to do alterations to a hospital, you must identify your client as the staff of the hospital, although legally your client may be the provincial administration."

A senior architect who asked that his name not be used pointed out that the debate was probably irrelevant, because few architects were offered public works anyway. "I'd be pleased to be asked to design a school," he said. "My name has been on the list for 30 years and I've never been offered anything."

Architect Clive Chipkin says he doesn't want to criticise colleagues from "some remote elevated moral position", but recognises that "there are considerable areas of complacency in our profession while at the same time the profession pays routine lip service to the rhetoric of human values."

It is not a compartmentalisation peculiar to architects, he says, but common to SA and the

He calls the Declaration of Architects adopted by ISAA last year vague and generalised "virtually meaningless (unless) spelt out in the context of our own country where many of these rights are abused or non-existent. That is the environment of our architecture and planning. Our architecture must be seen in this historical context: words like 'slum clearance' and 'urban renewal' have been used in association with evictions, relocations, divesting of rights to locality or to freehold possession."

Barry Senior is an urban designer and architect, a partner in a major firm. "I agree with the sentiment of what's being done," he says, "but I don't agree with the means to achieve it."

"It's very difficult to draw specific boundaries. If you're working in an apartheid society, should you really be doing work in a white group area, for example? And why exclude a school in a black area?"

By adopting what he calls a negative approach, "you're not really helping the people who need help." He is involved in projects in Winterveld, north of Pretoria, "which obviously came about because of the Group Areas Act and influx control."

"There are very few schools. They are lacking in other public amenities. Water and sewerage are being put in at the moment."

"For architects not to help these people is totally wrong. It's the people who should be a priority."

"For architects to pull out and not be involved is not helping the situation at all. We should be at the coal face. We should be involved in development work."

"And as technical people, we should be giving out technical information. We should be working out what it is costing to transport people from places like KwaNdebele, what the costs are to society, so that it becomes obvious that the decision to move people to KwaNdebele really was a political decision."

Nobody talks much about losing international recognition, assuming other international associations are tempted to follow the Royal Institute's move.

The Institute's decision was made despite the evidence, points out architect Herbert Prins, a senior lecturer at Wits University. The British institute took issue with the low enrollment of black students in architecture at the "open" universities — Wits, the Universities of Cape Town and Natal. But, says Prins, applications are low; professions like law and medicine appear more attractive because they seem more relevant.

The soul-searching seems to be entirely an internal matter — and the power of Aap, a tiny group, lodges perhaps in the chord it is striking in the hearts and minds of fellow architects.

"We know that meticulous drawings were done for the Nazi gas chambers," says one

Lawyers meet on Bill of Rights

Pretoria Bureau

A group of the country's foremost lawyers will meet in Pretoria tomorrow and Friday to thrash out ideas for a Bill of Rights for South Africa.

The conference is the branchchild of the University of Pretoria law faculty which has organised it under the auspices of the Society of University Teachers of Law.

Organisers have brought together an impressive group of legal brains, representing the political factions of the country from left to right.

The aim of the conference is to debate the issues surrounding a Bill of Rights and to contribute to the reform debate.

Although no political parties will be represented, many speakers are known to be representative of political bodies, including the Conservative Party and the United Democratic Front.

Participants include Professor John Dugard, of Wits University's Centre for Applied Legal Studies, Mr. Arthur Chaskalson SC of the Wits Legal Resources Centre, Mr Justice L W H Ackerman and Mr Justice J C Kriegler of the Transvaal Supreme Court, Mr Justice J M Diddcott of the Natal Bench and a judge of appeal, Mr Justice G P C Kotze, and law professors from the universities of Natal, Cape Town, Pretoria and Potchefstroom.

Delegates also represent the practising members of the Bar and sidebars.

3/5/86 (248)

STAR

Prof criticises legal system

By Sue Leeman,
Pretoria Bureau

The South African Bench is failing in many cases to protect individual rights — a situation which must be urgently remedied, says Professor Dion Basson of the University of Pretoria

He told a lawyers' conference on human rights in the capital yesterday that a new legal approach was needed, the removal of discriminatory legislation and the adoption of a Bill of Rights as well as a revision of the system of appointing judges

The Supreme Court must be re-instated as "a bastion of individual freedom", he said

The legal system had lost much of its legitimacy because of unfair laws and the fact that judges were often inclined to make their rulings in line with the current status quo

Human rights and freedoms — upon which the legal system was theoretically based — were therefore not being fully protected

"Lack of trust in a legal system is one of the strongest invitations to revolution," Professor Basson said

A Bill of Human Rights would help judges to declare unfair laws

constitutionally null and void

Many judges tended merely to implement the commands of a sovereign legislature. This approach was largely due to the Westminster system of constitutional law which promoted the idea of parliamentary sovereignty.

Judges' backgrounds and training often led to their acceptance of the status quo and the sovereignty of Parliament

The professor said what was needed was to reform the law in line with the legal values which underpinned the freedom-oriented Western legal tradition. Judges should make their rulings in line with these values and not those of the status quo

The method of appointing judges should also be reconsidered and people from other race groups appointed to the Bench

"We must guard against purely political appointments. All judges must be appointed on merit alone and they must all hear all types of cases."

Professor Basson said unfair laws must be abolished, but in the meantime the Supreme Court should speak out against unfair legislation whenever possible.

By BENITO PHILLIPS

THE Fort Hare University council will meet tomorrow to decide whether to accept or reverse the resignation of theology lecturer and UDF Border secretary Rev Makhenkesi Stofile

Stofile's resignation - handed to Fort Hare rector Prof Johan Lamprecht by the Ciskei security police three days after he was detained - has sparked a class boycott at the university

This week students - entering the third week of the boycott - reiterated their demand that Stofile be reinstated and that his family be allowed to remain in their house on the campus

Stofile said this week he would accept the outcome of tomorrow's meeting. He received a letter from Lamprecht stating that he did not have to vacate the house, he said

Meanwhile, the hearing for Lamprecht's application to order Fort Hare workers to return to work was postponed to May 23 at the agreement of both parties. Workers went on strike

Fort Hare to decide on Stofile's resignation



last month after a dispute over changes in the draft constitution of the workers' organisation

An interim order was granted to Lamprecht in the Bisho Supreme Court last month

Sada township, near Whittlesea, was under siege this week and many school-children and civil servants have been detained, *Veritas* News Agency reports

The home of Ciskei Justice, Police and Prison Minister David Macebo Takene was petrolbombed. Other houses and shops were also damaged and many people were injured

Nomboniso Sakwe, 17, died of first degree burns in the Cecilia Makwane Hospital.

This is the second time that Sada is under siege. Last year 10 community leaders were detained. They are now all on trial for subversion

Charges of incitement against Dimbaza student Xolani Biseti were this week withdrawn in the Zwelitsha Regional Court. Biseti was charged with intimidating students at Kuyasa High School and inciting others to damage school property. Six people appeared in

the Umtata Regional Court on charges of harbouring trained guerillas in Transkei

Dr Zolile Nombe of Sturksuit, Dr Zolan Dabula of Umtata, Zakada Bhuka, 54, of Engcobo, Vuyisile Vena, Mpumelelo Notunu and Mzimkhulu Thukela were also charged with contravening Section 9 of the Transkei Public Security Act

They were not asked to plead and Advocate MTK Moerane asked for the case to be postponed to November 17. The men are all out on bail

774 engineers quit in SA in 2 years

Own Correspondent

JOHANNESBURG — South Africa lost 774 engineers to emigration in the past two years, according to a report by the National Manpower Commission in Parliament

The report said 469 engineers emigrated last year and 305 in 1984. This was 5,2 percent of 14 700 engineers.

The figures are supported by the Engineers' Association of SA (EASA) which says it lost 450 engineers from a membership of 3 800 in 1985. EASA, whose membership includes 500 new graduates, says that 1 500 associated personnel also left the country.

"These figures apply only to people

connected with our association," said Mr Edgar Irle, director of EASA. "Indications are that 1986 could be worse."

Prof Roy Marcus, dean of the engineering faculty at Wits, said an immediate change of attitude by government was needed.

He said emigration was one of the main reasons why universities were experiencing staff shortages.

Mr Koos Kemp, deputy president at the Council for Scientific Research (CSIR) said he was concerned because the CSIR was having problems recruiting and retaining the services of engineers.

1985-1987

Architects' degrees not recognised

Own Correspondent

DURBAN — The Royal Institute of British Architects has withdrawn its recognition of the Architecture degrees of three South African universities — because insufficient progress has been made in the admission of black students.

The RIBA has severed its educational links with the Universities of Natal, Cape Town and the Witwatersrand.

The decision was taken at a meeting of the RIBA council in January.

In a letter to the Vice-Chancellor and Principal of the University of Natal, Professor P. de V. Booysen, the Institute's secretary said RIBA would, however, maintain links and its council would "be ready to receive applications for re-recognition when substantial improvements can be demonstrated."

The council also refused an appeal by the University of the Orange Free State against an earlier de-recognition of its Architecture degree.

May 13 1986 15

British architects disappoint varsities

By Susan Fleming

The recent decision by the Royal Institute of British Architects (RIBA) not to recognise the architecture degrees of three South African universities was a great disappointment, an executive member of the Institute of South African Architects said last night. Mr Herbert Prins, a lecturer in the architecture department at the University of the Witwatersrand, attended RIBA's London meeting in February when the decision to withdraw recognition was taken. "We put our case forward but we were unsuccessful," Mr Prins told The Star.

The de-recognition will affect first-year students starting architecture in January 1987. RIBA withdrew recognition because insufficient progress had been made in the admission of black students. The universities affected are the universities of Natal, Cape Town and the Witwatersrand. The decision was "purely political", Mr Prins said. "It had nothing to do with the educational quality of the degrees we are offering."

In fact, in 1983 an inspector from RIBA had reported very favourably about the quality of the degrees. About 18 months ago, RIBA withdrew recognition of the University of the Orange Free State's architecture degree. An appeal by the UOFS against the de-recognition was refused.

OPPOSED APARTHEID

The three South African English universities which had been denied recognition had consistently shown their opposition to apartheid and had fought against separate universities.

"This was well known to the Institute, but they believed that to show support at this time would be to bolster the apartheid system," he said. RIBA had a beneficial effect on the South African universities and Mr Prins said he now feared South African architecture students would be suffer internationally. "We will no longer be able to compare ourselves to other architecture schools around the world," he said. Mr Prins added that the de-recognition by RIBA would not affect the quality of architecture degrees from the three universities.

Not do work...
Replacement of tetra-ethyl lead as an octane increaser

22/5/80

Lawyers split over ads

THE Association of Law Societies is investigating the possibility of limited advertising by lawyers

President Roger Cleaver says it was "being looked into after the US and UK permitted advertising by the profession to some extent".

Attorneys, like several other professions in SA, are not allowed to advertise.

Cleaver says limited advertising would tell the public which attorneys render specific services.

The law societies of Natal, Transvaal and Cape already distribute booklets listing firms and specialist services.

Cape Town lawyer Max Hales put forward a plea to have the law altered

BEULAH BROWN

Several lawyers in Johannesburg indicated they would welcome advertising. However, Johannesburg lawyer Johan Dreyer says advertising will harm the profession.

"I believe only those who could not build up sufficient business will welcome it."

Transvaal Law Society president Edward Southey says advertising would normally be regarded as touting. Limited advertising, however, will be considered.

An overall decision made by the association would be passed to Justice Minister Kobie Coetsee. Only then could legislation be passed to permit advertising

AIRLINE MOVEMENTS

Lawyers to learn more in US

FIVE black lawyers will leave for Washington in July for a year's legal training at Georgetown University's Law Centre

The participants will learn the legal skills necessary to be licenced as advocates and to practice before the SA Supreme Court

It is also hoped they will learn to become more proficient in their appearance before the lower courts

At the moment, only about 20 of the 200 black lawyers in SA are registered as advocates - compared to about 700 of SA's 6 000 white lawyers

"The secondary goal is that they'll hopefully return to SA to teach in law schools and to help set up clinical training and legal aid programs," Georgetown University Law Centre director Edward O'Brien said

"Students receive very little clinical training - in negotiation, arguing a case, cross examination, and trial experience in SA," he said

O'Brien visited SA last May and June under the auspices of the US Information Service

During his three-week stay, he met and advised lawyers, law professors and deans, and representatives of various public interest organizations

Former Natal University dean David McQuoid-Mason - who is on sabbatical leave in the US and is advising O'Brien - agrees

"Black lawyers do not get much more than theoretical training in the law

"They need clinical training and training in advocacy and criminal law

"About 200 000 people go to jail every year without representation," he said

He said he always en-

Honoured at U



ORLANDO NGKA minister Elia Mashai Tema (left) received a doctorate in theology at the University of SA's graduation ceremony last Saturday.

Having to walk on crutches did not keep Matome Walter Kganaka (right) from attending the ceremony to receive his BA degree

And Ezekiel Ratshephe Wright Makhene (bottom right) received a BComm Honours degree in Business Economics.

couraged his SA students to go to the US to study civil liberties and labour law - both of which are important in SA

"We're excited about the program because it is important for students to see a democratic society and realize that people can litigate on an equal basis," he said

"It gives us hope for post apartheid SA"

The students will undergo a month-long orientation course on their arrival in the US

Later they will take courses in constitutional law, criminal procedure, civil rights, trial practice and client representation

The training program is being sponsored by the Georgetown University and the US Information Agency

Find more

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23/5/86 STAR

Architects 'live off apartheid system'

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By Susan Fleming

South African architects should not be involved in the design of "apartheid supportive structures", such as buildings in the homelands, segregated schools, hospitals or the fortification of John Vorster Square — regarded as one of the international symbols in Human Rights violations

Mr Hans Schirmacher, secretary of a new organisation called Architects Against Apartheid (AAP), said too many architects bolstered apartheid by accepting Government contracts

"Too many architects live off the apartheid system. We must withdraw our services. This Government will change only through pressure."

The Royal Institute of British Architects (RIBA) recently decided not to recognise the architecture degrees of three South African universities because insufficient progress had been made in the admission of blacks

The universities affected are those of Natal, Cape Town and the Witwatersrand. De-recognition will affect first year students starting in January 1987

A founder member of AAP, Mr Ivan Schlapobersky, said the de-recognition had taken place despite "lengthy and eloquent argument in defence" by a delegation of the Institute of South African Architects (ISAA)

"The most frustrating aspect of RIBA's de-recognition vote is that it is the present and future architectural student who will pay the price, whereas it is the ISAA through its educational committee which should stand in the dock. They are responsible for establishing curriculum at architectural schools."

He did not wish for standards to be lowered, but said the current standards had been responsible for "creations" such as the Alexandra Township Hostels

"We demand that the ISAA examine more closely the archi-

tectural needs of the great majority in this country. At present, architectural training in South Africa is confined within largely elitist limits

"We need a course of study which allows students to work in architectural offices on an intermittent basis during their academic training to assist them in the payment of their fees."

Mr Schirmacher said that if the ISAA wished to retain international credibility it would have to overhaul the educational system completely

He added that South Africans should be thankful to RIBA for pointing out the deficiencies in architectural training

"We must not leave the impression that architecture is an imposed and elitist white enterprise — an enterprise which either banishes them for life into endless rows of box-like shelters or inflicts upon them 'apartheid-sponsored palaces' in some remote corner in the bush"

No

29/5/86
Business Day

Measures opposed

STEPHEN CRANSTON

THE Lawyers for Human Rights (LHR) organisation has expressed "grave disquiet" about the proposed new security measures and has called for their immediate withdrawal.

In a statement to *Business Day* it said that the new Public Safety Amendment Bill confers powers on the Minister of Law and Order usually reserved for times of war.

At the same time the Internal Security Amendment Bill proposed the introduction of a 180-day preventive detention measure, which would nullify a landmark decision of the Appellate Division of the Supreme Court (*Ntondo v Minister of Law and Order*).

Unequivocal opposition to the proposed legislation was expressed at the LHR annual meeting at the University of the Witwatersrand.

Lawyers get court order against Radio 5 show

By Bart Marinovich

Radio Five's "Chuckle and Chat Show" on the legal profession has had immediate repercussions — a Rand Supreme Court order has prevented a follow-up programme and the show's freelance deejays have been suspended.

The Law Society of the Transvaal sent a telex to the Director General of the SABC complaining about the contents of the programme.

Mr Edward Southey, president of the society, said last night: "We feel a number of defamatory and incorrect statements were made during the programme and would like to put the record straight. We would like to look at the transcripts before deciding what steps to take."

The programme, on Wednesday evening, probed some aspects of the legal profession. Apparently, the show was not monitored prior to broadcast.

In a statement issued last night, the SABC said it dissociated itself from the views expressed and ap-

logised to "any targets of adverse comments and statements" during the programme.

Co-presenters David Blood and Tony Sanderson were suspended pending an internal investigation by the SABC.

Mr Blood and Mr Sanderson will remain off the airwaves until the investigation is complete. It is not known how long that will be. Both were apparently in Cape Town and unavailable for comment.

Vince Connell — the Chuckle and Chat Show's regular newsreader — presented last night's show.

Head of Radio Five, Mr Pietie Lotriet, said the court interdict, granted by Mr Justice A M van Niekerk, prevented further programmes on the legal profession. It was served yesterday evening.

The applicants were Mr Alan Levin and Mr Wertheim Becker and the respondents were the SABC's Radio Five and Mr Azriel Lionel Reichenberg.

Mr Reichenberg was believed to have been in the studio at the time of the programme.

except tangentially. The question, though, that we will turn to next is what the process of secularization has meant for the traditional religious contents and for the institutions that embody them.

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Journalists warn of beatings, harassment

BY PAT SIDLEY

THE annual congress of the Southern African Society of Journalists (SASJ) last weekend revealed a growing concern that the profession is threatened as never before.

Delegates reported journalists are having to cope with the problems of working in a war situation — with the dangers that situation entails both to the safety of the journalists and the survival of independent reporting.

In a normal war, SASJ national organiser John Allen told the congress, journalists could not report adequately on both sides. They would be shot by one side as a traitor.

This resembled the current situation in Natal, where journalists on the Argus company's Zulu-language paper, *Ilanga*, are faced with warring groups, each wanting to claim the newspaper and its journalists as their own.

For these journalists, many of whom have found themselves severely injured and in hospital, the battle is between the UDF and Inkatha. And, congress delegates reported, for the "protagonists" in this battle, there is no such thing as an independent journalist: one is perceived either as a supporter of a particular group or faction or as part of its opposition.

While sources and subjects threaten the existence of independent journalism, the government has not been idle, delegates around the country reported serious state action against journalists.

Professor Gavin Stewart, head of the Department of Media Studies at Rhodes University, said it appeared that newspapers had less trouble from communities if they made some noticeable attempt to reflect the views of all sections of those communities. However, in the case of the Cape Times and Eastern Province Herald, this attempt at balance appeared to exaggerate official attention.

The SASJ resolved to publicise the plight of its journalists, to try to speak to groups like the UDF or Inkatha to take up issues of balanced reporting with editors who may, through their selection of news, inadvertently encourage attacks on their staff and to ask overseas organisations and governments to protest to various political groups about the intimidation of journalists.

The SASJ also plans to document the harassment of journalists.

● Many contributors to the Weekly Mail have been harassed in the course of their work during the past year.

Reporter Gavin Evans was detained for several days when the State of Emergency was declared.

Photographer Gideon Mendel has on several occasions come under attack from both police and others.

Port Elizabeth correspondent Mike Loewe earlier this month received threats to his life.

In East London, shots were fired through the door of the house of Frans Kruger, injuring a young woman there. In another attack, his car was set alight and destroyed.

Last week, reporter Phillip van Nickerk was beaten while covering the NP/AWB punch-up in Pietersburg.

June 1986

Engineers at odds

MICK COLLINS

THE country's top engineering organisations are engaged in a war of words over the state of the industry.

At odds are the Federation of Societies of Professional Engineers (FSPE) and the Engineers' Association of SA (EASA), which broke away from the FSPE three years ago.

The FSPE has condemned EASA for creating the impression in Press reports that the profession is in disarray, although EASA denies it has made irresponsible statements to the Press.

Observers feel recent government moves to have an organisation totally representative of the profession could be the underlying cause of the dispute.

'Lawyers must speak out'

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345/86
3

THE Democratic Lawyers' Association has called on lawyers to speak out against invasions of human rights, unjust procedures and practices and the many manifestations of injustice which have seeped into the courts.

The association, formed by attorneys and articled clerks, said in a statement released by secretary Mr H Joshua that the rule of law had been totally eroded.

The Government had institutionalised detention without trial and judicial procedures which seriously undermined the possibility of obtaining justice in South African courts.

"While we appreciate attempts from the bench to curb inbred dictatorship and dictatorial methods, the sad fact remains that fundamentally our legal system serves to buttress and maintain an unjust social order."

The association called

on the government to release all political prisoners and detainees and to unban the African National Congress, the Pan Africanist Congress and other organisations.

The continued detention of political prisoners like Nelson Mandela, Govan Mbeki, Andrew Mlangeni, Raymond Mhlaba, Ahmed Kathrada, Jeff Masekela and John Nkosi — sentenced to life imprisonment in the early 1960s — was against the principles of justice.

"In terms of South African legal practice these eminent men have long ago completed their sentences. The attempted trading in their liberty by President P W Botha and his Government is unethical and repugnant."

Advocate Dullah Omar is the chairman of the organisation.

Academics vote to keep police off Wits campus

By Susan Fleming

More than 200 academics from the University of the Witwatersrand yesterday passed a resolution urging the university to keep police off campus.

Of the 218 academics who attended the urgent Academic Staff Association (ASA) meeting, only one voted against the resolution, which also noted the need for the university to protect its members and to develop a "clear and united response" to police entering campus.

The resolution was passed in the wake of strong police action on the campus on three successive days last week when many students were injured in clashes and 48 students and academics arrested after an attempted march to Hillbrow police station to demand the release of a detained student.

The academics called

on the vice-chancellor and principal, Professor Karl Tober, to negotiate an agreement with the police to stop "disrupting protest meetings and other academic activities" and to deal directly with police in confrontations like last week's.

All parties on campus were urged to respect the need for non-violence and order.

SUPPORTERS

The Black University Workers Association, the Administrative and Library Staff Association, the Technical Staff Association, the Student Representative Council and the Black Students Society were asked to support the resolution.

● A student assembly will be held today at 12 30 pm in the Wits Great Hall to discuss last week's events. Student leaders and Professor Tober are expected to speak.

ther arising from the hon the Minister's reply, does he not feel that this results in people believing that those arrests are taking place merely in lieu of detention because no reasons are given?

The CHAIRMAN OF THE HOUSE ORDER! The hon member is making a statement That is not a question

Mr K M ANDREW. Mr Chairman, may I rephrase it?

The CHAIRMAN OF THE HOUSE Please do

Mr K M ANDREW Mr Chairman, may I ask the hon the Minister whether it is not the policy of the SA Police to use this law to detain people rather than to resort to detention without trial?

The CHAIRMAN OF THE HOUSE ORDER! That is still a statement!

Mr K M ANDREW. Mr Chairman, I am asking the hon the Minister about his policy

The CHAIRMAN OF THE HOUSE ORDER! No, I cannot allow that The hon member is phrasing his question in the form of a statement

Mr K M ANDREW Mr Chairman, may I address you on that? I asked whether it has not become a policy of the SA Police to arrest people in this manner rather than to detain them without trial

The CHAIRMAN OF THE HOUSE ORDER! I will allow the question

The MINISTER Mr Chairman, the reply to the question is no [Interjections.]

Handwritten: 31/6/86
Pupils who are not Black at Government schools

*23 Mr K M ANDREW to ask the Minister of Education and Development Aid.

Whether any pupils who are not Black are attending any Government schools administered by his Department, if not, why not, if so, (a) how many, (b) since when

HoA

and (c) in terms of what laws or regulations is such attendance taking place?

The DEPUTY MINISTER OF EDUCATION AND DEVELOPMENT AID

Yes

(a) 3 689 pupils (the hon member is also referred to table 3 4 3, page 242, in the 1985 annual report of the Department)

(b) Since the inception of the Department

(c) In terms of regulation 2(1)(b) of the regulations regarding the admission of pupils to public schools and State-aided schools published under regulation R1143 dated 29 May 1981

Handwritten: 31/6/86
Pensions

*24 Mr K M ANDREW asked the Minister of Constitutional Development and Planning:

(1) Whether any changes are envisaged in the (a) frequency and (b) method of payment of pensions to Blacks, if not, why not; if so, (i) what changes and (ii) when are the changes due to take place,

(2) how many Blacks are (a) being paid social old-age pensions and (b) estimated to be eligible for but not receiving such pensions?

The DEPUTY MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING.

(1) (a) and (b) Yes

(i) Monthly payments

(ii) To be phased in over a period of 3 years as soon as certain investigations have been completed

(2) (a) 264 200

(b) Unknown All applications who qualify are allocated pensions

Mr R M BURROWS. Mr Chairman, arising out of the hon the Deputy Minister's reply, has consideration been given to any form of payment other than the present one?

The DEPUTY MINISTER. Mr Chairman, that is not being considered at the moment. At the moment it is paid out two-monthly, and the investigation only deals with the possibility that we pay it out monthly

Mr B B GOODALL Mr Chairman, further arising out of the hon the Deputy Minister's reply, will he consider during the investigation having the pensions paid into savings accounts as is the case with Whites, Coloureds and Indians?

Mr R M BURROWS That is what I meant

The DEPUTY MINISTER Mr Chairman, we can take that into account and have it investigated?

Own Affairs

Establishment of youth organisation

*1 Mr H D K VAN DER MERWE asked the Minister of Education and Culture †

(1) Whether he or his Department (a) were consulted in connection with and/or (b) were involved with the establishment of a certain youth organisation, the name of which has been furnished to the Minister's Department for the purposes of his reply, if so, what is the name of the organisation concerned,

(2) whether his Department has contributed financially or otherwise to this organisation; if so, (a) why and (b) what was the (i) nature and (ii) total amount of this contribution;

(3) whether he will make a statement on the matter?

The MINISTER OF EDUCATION AND CULTURE

HoA

(1) (a) and (b) No

(2) No

(a) and (b)(i) and (ii) Fall away

(3) No

Handwritten: 31/6/86
Principals of universities/directors
*2 Mr H D K VAN DER MERWE asked the Minister of Education and Culture †

Whether his Department has granted permission to principals of universities to accept appointments as directors of life insurance companies, if so, which (a) principals and (b) companies are involved?

The MINISTER OF EDUCATION AND CULTURE

No, there is no legal regulation stipulates that principals of universities must obtain the Department's permission to accept appointments as directors of life insurance companies;

(a) and (b) Fall away

†Mr H D K VAN DER MERWE Mr Chairman, arising out of the hon the Minister's reply, is he aware of the fact that certain principals are in fact directors?

†The MINISTER Mr Chairman, whether I am aware of it or not, fact of the matter is that there is nothing that prevent principals from becoming directors. Universities are autonomous institutions and their autonomous councils will decide themselves on these matters

†Mr H D K VAN DER MERWE Mr Chairman, further arising out of the hon the Minister's reply, does he not think that such external interests will be detrimental to principals' activities at the universities? [Interjections.]

†The MINISTER Mr Chairman, the hon member must put that question to the relevant council [Interjections.]

SASJ did not abstain from human rights vote

Reports indicating the Southern African Society of Journalists (SASJ) abstained from voting at the International Federation of Journalists congress on issues such as democratic rights for all South Africans and the practice of free journalism are incorrect, says the acting president.

In a statement released in Johannesburg yesterday, Gwen Gill said it was only on the matter of sanctions that the SASJ abstained at last week's IFJ congress in Denmark and that was "because we had no mandate from members".

She added "Much of the resolution condemned issues the SASJ feels strongly about — democratic rights for all South Africans, the Le Grange bills, licensing of journalists and intimidation and harassment of journalists.

"Our national congress gave us a specific mandate on these issues and our national organiser, John Allen, and representative at the IFJ congress, voted for the resolution."

She said since Mr Allen did not have a mandate to vote on sanctions, he recorded his abstention on that aspect of the resolution.

On Friday night the general secretary of the IFJ, Mr Hans Larsen, told Sapa, by telephone the resolution on South Africa had been adopted unanimously. — Sapa

Report looks at Wits' role in new SA

By Susan Fleming,
Education Reporter

A 100 page report examining the role of the University of the Witwatersrand in a changing South Africa was released this week.

The report, entitled "Perceptions of Wits — The role of the University in a changing South Africa", was initiated in November 1985 by a group of Wits academics.

It examines the views of a number of communities, the university, overseas people — and the African National Congress.

The academics hope the report will stimulate debate and that it will be tabled at a Wits Council and Senate meeting. They say the need for debate

about the role of the university had intensified because of the deepening education crisis.

The presence of police on campus last August had also stimulated the need to re-examine the university's role.

Towards the end of 1985 it seemed to a group of us that a critical factor missing from this debate was the 'view from below' — the opinion of people at present excluded from decision-making, but who will be influential in shaping the South Africa of the future," said one of the academics.

He added that Wits should

address itself more directly to the needs of the black community, not only because they constituted the majority, but because their views had been neglected in the past.

The academics had interviewed three groups — the black community, overseas organisations and individuals and university members.

Interviews were also held with the ANC.

The majority of people interviewed saw Wits as being dominated by big business, Government and the white community. The university was also

considered isolated from the experiences of black people.

Black and white students differed on a number of issues.

The most striking was the belief of black students that the university should have a greater political alignment.

Common agreement existed between black and white students for the need of a grievance committee or ombudsman to deal with cases of racial discrimination or racial incitement on the campus.

Also, while white non-academic staff seemed relatively content, the researchers found deep resentment among black non-academic staff towards university management.

While a minority of university members (25 percent) felt a subtle form of racial discrimination against black Wits staff members existed, 70 percent of the people interviewed from the community thought that black staff were being discriminated against.

Although Wits had a reputation for opposing apartheid, it discriminated against blacks within the university, they said. Many of the people interviewed believed Wits should be part of the broad movement against apartheid, but that it should not be linked to any organisation or party — this was also the view of the ANC.

Most stressed that parents' associations, civic groups, trade unions and labour organisations should be fairly represented in the decision-making structures of the university and should be consulted often.

Respondents also pointed out that structures, such as part-time courses and library and resource centres, should be created to encourage meaningful consultation between the university and the community.

The community, overseas and university surveys were similar in many ways and they all agreed Wits should maintain high academic standards and an atmosphere of open and rational debate should be created on the campus.

The majority of those interviewed in both the community and the university favoured greater resources being made available to improve academic support facilities of Wits.

It was also said that the university's admission policy and bursaries should be more widely publicised in the community.

Most of the respondents agreed that matriculation should not be the sole criterion for admission.

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Namibian legal system ^{16/6/86} 'not for Third World'

The Star's Africa News Service

WINDHOEK — A well-known black politician has called for the scrapping of Namibia's current system of a bar and side-bar for advocates and attorneys, claiming it is expensive and discriminates against blacks

Mr Emil Appollus, chief whip of the Swapo-Democrats party, had tabled a motion in the National Assembly in Windhoek saying the present legal structure was not appropriate to a developing Third World country

HUNDREDS JAILED

Mr Appollus said it was "pathetic" for him to see the hundreds of poor people who were innocent, yet sent to jail because they could not afford legal representation

He also knew, he added, of black advocates who sat without work because they were not allowed under the present system to defend black people without being briefed by an attorney

He also cited cases in which highly paid white advocates from South Africa were brought to this country for specific cases, while black lawyers stood idle

Replying to Mr Appollus's motion, Justice Minister Mr Fanuel Kozonguizi — himself a lawyer — said the current system could not be changed overnight, but that he would consider the problem

Nine lawyers held

At least eight attorneys and one advocate involved in "security" trials have been detained in terms of the State of Emergency.

Some were detained at the court buildings where they were appearing to defend clients.

On Wednesday afternoon an application brought in the Grahamstown Supreme Court for the release of Rishi Thakurdin was dismissed with costs. The case was put to the court this week after the lawyer, from the Port Elizabeth branch of the firm Krish Naidoo, had been detained outside court in the small Eastern Cape town of Ordrecht together with some of the accused in a public violence case he had been defending. The accused were from the neighbouring town of Aliwal North.

The major part of the challenge, made before Judge Jennett by Jules Browde, was that the policeman who detained the lawyer did not "apply his mind" and that he did not, therefore, hold a proper opinion. (The validity of a detention relies solely on the opinion of the policeman.)

In Benoni, an attorney from a Johannesburg firm which has already suffered the detention of another lawyer was detained at the court with 23 people he was defending in a case arising out of the disturbances during

last year's State of Emergency.

In Cape Town, an attorney, Trevor de Bruyn, and an advocate, Anwar Albertus were detained at the court building. An application for their release was begun in the Cape Town Supreme Court but was withdrawn when the two were released.

However, it is understood both have since been charged, apparently in terms of the Internal Security Act.

An attorney in Potgietersrus has also been detained.

In King Williams Town, a small Eastern Cape town, two of the three partners in a legal firm were detained.

The president of the Transvaal Law Society, Ed Southey, is to see the Commissioner of Police to seek reasons for certain of the detentions and to negotiate for the lawyers' release.

Further court action is possible, according to lawyers connected to the detainees. They expressed concern that the lawyers may have been detained because they had taken on politically-related cases.

In terms of Emergency regulations, detainees' names may not be published. The detainees identified in this article have already been named in open court.

By PAT SIDLEY

CITY PRESS, June 29, 1986

2 lawyers released

TWO lawyers detained on June 19 at the Worcester court, where they were defending clients, were freed this week — hours before their wives applied to the Cape Supreme Court for their release.

Advocate Mohamed Anwar Albertus and attorney Trevor de Bruyn were released at 3am from Victor Verster prison, Paarl.

Lawyer I Farlam, who appeared with JJ Gauntlett, withdrew the application.

Farlam said Albertus and De Bruyn appeared in court in Worcester later that day, and were released on R500 bail each. They will appear again on August 4 — but no charges were presented to them.

In an affidavit FR Bunting said he was part of the legal team that appeared in



THE EMERGENCY

the Worcester Regional Court for 38 people charged with public violence, allegedly committed at Robertson's Nkqubela Township in November 1985.

Albertus and De Bruyn were members of the team.

On April 4 the trial was postponed to June 16. The accused were on bail. Seven were rearrested.

On June 16 the trial was postponed to June 18 for an inspection at Nkqubela.

During the inspection on June 18 relatives were not allowed to speak to the defence. The trial was adjourned to June 19 to enable the lawyers to look into residents' complaints of police

harassment that morning.

De Bruyn tried to get permission for the team to enter Nkqubela, but the lawyers were told to hold consultations outside the township.

They were only able to see two accused.

Bunting said they were told the bus taking the accused home was stopped and the accused were detained.

The next morning Albertus asked senior public prosecutor W Bourwer that the lawyers be allowed to see their clients.

A police officer, a Lieutenant Le Roux of Pretoria, interrupted to say that they would not see their clients. Albertus "angrily" told Le Roux to "keep quiet".

The defence team decided to inform an advocate from the Attorney General's office of their problems.

But while they waited for permission to phone, "Le Roux and his men" told Albertus he was being arrested "in terms of the emergency regulations", said Bunting.

The other lawyers with the public prosecutor, approached the chief magistrate for permission to telephone the State advocate.

While they waited for the call, Bunting said, Le Roux entered and told De Bruyn he was also being arrested in terms of the emergency regulations — Sapa.

Alan: We can't say anything

DR ALLAN Boesak arrived in London this week and told a news conference he could not say what was happening in South Africa.

His visit had not been announced and his objective was not really clear. "I hope my presence here will be a more eloquent statement than any speech I can make," he said.

Boesak is a guest of Brent Council, a Labour Party-controlled left-wing London local authority.



ALAN BOESAK
in Britain

"We cannot say what is happening to people," he said.

Good deal for dealers

TOYOTA SA is stepping up its programs to help motor dealers develop management and other skills

Eighty-five of his staff is black and there are senior white specialists who report to Kgomongwe and other black managers

Toyota has enlarged the special team at its Wynberg headquarters which offers practical help and expertise to the 15 black entrepreneurs who have so far met the stringent requirements necessary to operate a Toyota retail franchise

The Toyota black dealership program is the biggest of its kind in the SA motor industry and is now fully integrated into the complex structure which supports all Toyota's 320 dealers in SA.

The team was formed four years ago by one of Toyota SA's most experienced managers, Steve Kruger

The concept has worked so well that Kruger has stepped aside and it is now headed by black executive, Arius Kgomongwe.

The entrepreneurs who head a dealership are selected on their business backgrounds, personal abilities and financial resources

Toyota specialists in all aspects of the retail motor business help establish the dealership, giving advice which ranges from select-

ing premises through to the marketing and after-sales servicing of cars, light commercial vehicles and trucks

of the Toyota SA team and we are fully committed to help them develop their businesses to their fullest potential

"Our black dealership are showing exceptional results and we are very proud of their performance," says Toyota SA managing director Colin Adcock

"They are full members

"The program has also given opportunities to black Toyota employees with management potential and I expect them to continue to develop their careers in our organisation"

Rank Xerox donation

THE Rank Xerox Foundation has donated R200 000 to the Diepkloof Community Project Committee. The money will be used to build a community centre in Soweto. The donation was given to committee chairman Joyce Kganyago by Rank Xerox managing director David English

FIVE SA lawyers are leaving for Washington in July to begin a year of legal training at Georgetown University

The course - sponsored by the university and the US Information Agency - will enable the participants to obtain the legal skills necessary to be licensed as advocates and practice before the SA Supreme Court. The goal of the course is also to teach the lawyers to become more proficient in their activities in the lower courts

Only about 20 of the 200 black lawyers in SA are qualified as advocates, as compared to about 700 white lawyers

According to an advisor of the program Dr David McQuoid-Mason black lawyers need clinical training and training

5 lawyers to study in US soon

in advocacy in criminal law

"We have about 200 000 people a year who go to jail without representation

"It is important for black students to see a democratic society and realise that people can litigate on an equal basis. It gives us hope for post-apartheid SA," he said

After a month-long orientation course which is designed to prepare the

five lawyers for an American law school, they will take courses in Constitutional Law, Criminal Procedures, Civil Rights, Trial Practice and Client Representation

The lawyers who'll be going are Selewe Peter Mthle, who obtained his degree at Unisa, Seth Mphahlele, who graduated at the University of the North, Eric Mabuza, who trained at Wits University and Abram Malose Motemele, who also graduated at the University of the North

The fifth lawyer did not want his name mentioned.

Bus. Day 2/7/86

THE CELEBRATED 1981 judgment which won Section 10 rights for Tom Rikhoto and 60 000 other long-term migrant workers is both an indictment of the SA legislature and indicative of the work carried out by the Legal Resources Centre (LRC).

An indictment of the legislature for denying some the right to live within a city and indicative of the impact the LRC has had on the lives of black South Africans since its inception in 1979.

Although the Rikhoto judgment is now redundant in view of the scrapping of Influx Control legislation, it remains typical of the LRC's activities over the years.

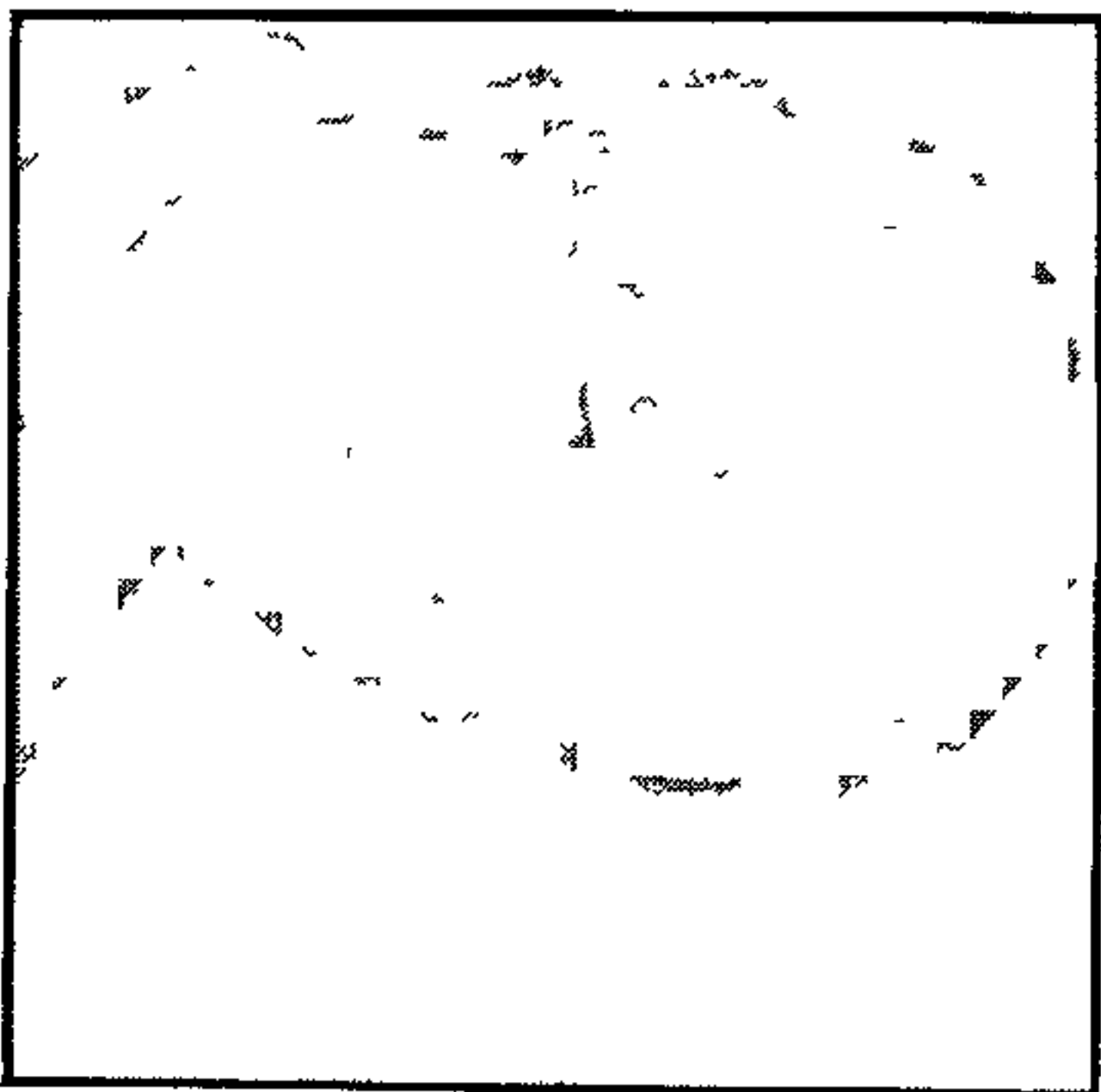
The organisation, according to its Johannesburg office director Geoffrey Budlender, seeks to establish legal precedent where the law is unclear or widely abused.

He describes it as an organisation of lawyers "which attempts to ensure that the law performs a protective function for those who would not ordinarily have adequate access to it".

That the organisation has over the years effectively demonstrated the law as a protective device is borne out by even a cursory analysis of litigation undertaken by associated lawyers.

Such an analysis also serves to reveal some of the precedents set by the organisation in issues as diverse as influx control, labour disputes, damages, resettlement and squatter protection.

Almost as celebrated as the Rikhoto judgment was the Komani judgment of 1980, which won for black people already entitled to reside within a city the right to live with their families.



☐ **BUDLENDER** ... "protective function"

Despite the Komani and Rikhoto judgments, LRC lawyers had, however, to argue hundreds of cases similarly related to the Urban Areas Act before these two precedents were applied by administration board officials.

Though the Duma judgment of 1982 set a precedent in Natal of Section 29 of the Urban Areas Act, it was not until the Rand Supreme Court ruled similarly in Sithole's case of 1985 that it was established in the Transvaal as such.

The LRC successfully argued Duma's case before the Natal Supreme Court after a commissioner had invoked Section 29 to order her to leave a South Coast municipality because she was "idle".

In reversing the commissioner's decision, a full Bench of the Supreme Court sharply criticized Section 29 for its harsh provisions and ordered that "idle" be inter-

Lawyers who fight for rights

LIAM EGAN

preted in its ordinary sense. The Court held that, since Duma had continuously sought employment, she could not "ordinarily be considered idle," even if she had not been lawfully employed for at least 122 days annually, as stipulated by the Act.

A court action by the Johannesburg LRC on behalf of the dependants of Saul Mkhize ended successfully last year when the SA Police capitulated on the first day of the hearing.

The SAP paid damages to the dependants of the Driefontein community leader who was shot dead by a young constable in 1983 while negotiations on the designated "black spot" were in progress. As tragic as the negotiations were for Mkhize and his relatives, they nevertheless succeeded — again with the help of the LRC —

in relieving the Eastern Transvaal community from resettlement.

Even though officially spared incorporation with the Ciskei, partly as a result of representations by the Johannesburg LRC, the Eastern Cape community of Mgwali still lives, however, with the threat of resettlement.

The Western Transvaal community of Mathopetstad — also facing resettlement — anxiously awaits the outcome of current negotiations between government and its Johannesburg LRC representatives.

While those cited so far are among the more prominent cases to have set precedent, LRC annual reports of previous years reveal numerous unpublished cases where the organisation litigated successfully.

Consider the Soshanguve resident, dubbed Mr M M in the report, who turned to the LRC in despera-

tion to successfully oppose an eviction order served on him by the township manager.

The commissioner had ordered his eviction after cancelling his "certificate of occupation" because his newly-wed wife was a resident of neighbouring Hammankraal and not of Soshanguve.

Also prominently featured is the case of the Springs worker who was charged under the Prevention of Illegal Squatting Act for taking a short cut across council property.

The LRC successfully took the case to the Rand Supreme Court to have reinstated his pass-book endorsement allowing him to be legally employed in the Springs managerial district.

Then there was the case of Miss G T, who had since 1978 unsuccessfully applied 41 times on a monthly basis to her local commissioner for a reference book before the LRC came to her rescue.

Probably the most significant litigation instituted by the LRC this year was an Industrial Court action against the Marévale mine management and a Cape Supreme Court application on behalf of KTC squatters.

The successful court action on behalf of the National Union of Mineworkers — later upheld by the Supreme Court — ensured the reinstatement of numerous Marévale mine workers who were dismissed after taking part in a legal strike.

The Cape Supreme Court application is an attempt by the Cape LRC to interdict the SAP and SADF from allegedly assaulting squatters and to ensure police provide protection against attacks by the "Witdoeke" vigilantes.

Seminar for black lawyers

By Mudini Maivha

In an effort to alleviate the acute shortage of black advocates, a group of lawyers has organised a seminar to teach trial advocacy skills to black attorneys

The seminar, organised by the Black Lawyers' Association (BLA), will be held at Broederstroom from today until Sunday.

Two Americans, Mr Jim Ferguson, a civil rights lawyer, and Mr Ken Broun, dean of law at the University of Carolina, will take part

SMALL NUMBER

There are fewer than 20 African advocates and about 250 attorneys in the country.

Attorneys, advocates and judges will assist in teaching and assessing the performance of advocacy. Among them will be advocates Mr Dikgang Moseneke, Mr Arthur Chaskalson and Mr Paul Pretorius.

The director of the BLA's legal education centre, Mr Godfrey Pitje, said the course was designed to give black attorneys the skills to use the law with confidence

Architects quit as Institute snubs new code

WEEKLY MAIL REPORTER

CRACKS began to appear this week in the foundation of the Transvaal Provincial Institute of Architects (TPI) after the group refused to consider a new code of conduct at a meeting on Monday.

At least three architects, two of them senior members of the profession, yesterday resigned from the TPI, and more are expected to follow their example.

The code, drafted by an organisation called Architects Against Apartheid (abbreviated whimsically to Aap), would amend the ethics clause of the Institute of SA Architects (ISAA), the TPI's parent body. It would require architects to do "nothing that may be construed as giving support to the designing, construction or supervision of projects, the use of which has the effect, whether directly or indirectly, of discriminating against individuals or groups on the basis of race, colour, sex, language, religion, ideology, national or social origin or creed".

It would also bar architects working in homelands from designing anything except "human shelter, environment and community service facilities where the participation and consent of those people directly affected is obtained".

At Monday's meeting, TPI members voted 300-217 that the motion be "not put", effectively barring debate.

"The motion could not have been passed by anybody prepared to continue working in this country, because it says one cannot work where discriminatory legislation is operative," said a senior architect who opposed it.

He also opposed the gag on discussion, but said he found the exercise futile in any case.

"In the unlikely event the Institute had accepted the motion, it would have destroyed the profession, because there would have been conservative architects not prepared to go along with it."

"If the TPI had rejected it, the wrath of the outside world would have descended on us."

He expects the "wrath of the outside world" to descend in any case. The "not put" vote could, he said, result in the ISAA's expulsion from the International Union of Architects (UIA).

According to an Aap representative, 21 council members of the Royal Institute of British Architects — which earlier this year voted to "de-recognise" architecture degrees awarded by South African universities — and the UIA vice president sent Aap messages of support before Monday's meeting. Messages were

and the kinds of contracts he can accept will be limited.

"It means modifying what I can do," he said.

"Resignation from the TPI means that one cannot call oneself an architect," adds the Aap representative, who has also resigned. "Because of the reservation of work regulations recently introduced by the Institute, one cannot accept contracts above a certain monetary value."

Architects at the meeting "regarded the substance of the motion on the agenda as far too close to the political scene and properly not the business of the ISAA," said Arthur van der Westhuizen, TPI president. "The meeting felt the motion would impinge upon the freedom of its members to accept or reject commissions according to the dictates of their own conscience."

In any case, he said, the ISAA had more than once affirmed its support of the first principle of a declaration adopted by the UIA four years ago in Warsaw — at a meeting to which, according to the Aap representative, Van der Westhuizen was a delegate.

The principle states that the signatories acknowledge the basic needs and rights of people to the fulfilment of spiritual, social and economic needs.

But, said the Aap representative, the declaration is not part of the ISAA constitution.

"Affirmation of support by a congress or a committee, particularly only five years after the event, is mere window-dressing," says the Aap representative, "unless the fundamental principles involved become part of the constitution and thus binding on all architects."

He said yesterday Aap would investigate whether Monday night's meeting had been conducted in a properly constitutional manner and would also look at the legal position of architects who choose to resign from the Institute.

also received from the recently formed British architects against apartheid group.

A senior architect who has notified the TPI his registration will not be renewed said yesterday his gesture would mean a "substantial financial loss". He expects to have to resign as a director of a major architectural firm;

By Frank Jeans
South Africa's engineers are moving away from "splinter group" thinking and will bring all disciplines of the profession under one umbrella of an Engineering Association

Pledging action now to create one voice for engineers is Mr Bob St Leger, newly elected president of the Federation of Societies of Professional Engineers

In his inaugural address in Johannesburg, he said "We need to assist in a wider sense by pro-

One voice for engineers

viding guidance and counsel to the country's legislators and other public bodies struggling with the immense problems facing us

"The need, therefore, to form a single organisation to represent the total engineering profession embracing technologists, technicians as well as professional engineers, has never been stronger"

Spelling out the main objectives during his term of office, Mr St Leger said his first aim was to ensure that the new concept of an Engineering Association would be fully supported and brought into being

Until the new organisation is fully operational, FSPPE will make the "profession's knowledge and experience available

"Many engineering companies

in the design, manufacturing and construction fields have to Government and other bodies wherever appropriate"

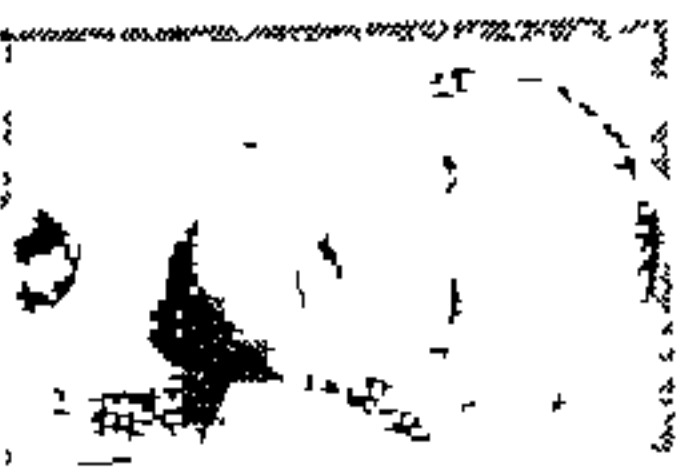
Referring to present conditions in the engineering industry, Mr St Leger, who is seconded by Murray and Roberts to the Central Energy Fund as project director, said "The low level of economic activity is causing serious concern

been seriously weakened and many engineering personnel have had to leave the profession and even the country

"If allowed to continue, this trend will

impede the profession's ability to handle the economic recovery so essential in this time of political change"

Bob St Leger



Landmark court ruling on emergency

Lawyers will push to see 700 detainees

17/7/86 SMR 248

Staff Reporters

In the wake of the landmark ruling by the Natal Supreme Court yesterday, applications will be made within the next few days to visit at least 700 of the thousands of people believed to be detained under the emergency laws.

The panel of three judges rejected important clauses in the emergency regulations.

This has been welcomed by lawyers, opposition politicians and human rights groups as an important victory for the rule of law.

Attorney Mr Peter Harris of Johannesburg, whose firm instructed counsel in the application, said it was acting for 400 detainees.

"Telexes will be sent to Pretoria today applying for attorneys to visit all of them."

Another prominent human rights lawyer, Mrs Priscilla Jana, said she would take similar steps later this week to secure visits to about 300 detainees represented by her firm.

She said a fresh challenge to the emergency regulations was likely to be launched in the Transvaal this week, centring on the detained editor of *The New Nation*, Mr Zwelakhe Si-sulu.

A Johannesburg lawyer said the court's findings would give the media some degree of certainty, but that "it would be foolhardy to believe the tight control of the media has been loosened."

He welcomed the court's decision to uphold the right of detainees to have access to legal representation.

Spokesmen for the Metal and Allied Workers' Union (Mawu), which brought the case to court, and the Congress of SA Trade Unions (Cosatu), one of the chief targets of emergency actions, were not available for comment this morning.

Mr John Allen, national organiser for the Southern African Society of Journalists (SASJ), said the judgment should be a clear indication to the Government that attempts to suppress basic democratic freedoms would be hopeless in the long term.

The national chairman of Lawyers for Human Rights, Mr Jules Browde, said the judgment had removed important obstacles for the media — newspapers had a clearer idea of what they could publish because several "unintelligible" definitions of the term subversive had been rejected by the court.

Mr Browde said the court's ruling applied particularly to Natal, but similar actions could be brought in other provinces.

The Natal decision would be "strongly persuasive" in other courts.

A spokesman for the Detainees' Parents Support Committee welcomed the decision and said

the judgment was "a sad reflection on our law-makers."

A spokesman for Law and Order Minister Mr Louis le Grange said the Minister was "grateful that a Full Bench of the Natal Supreme Court has ruled so completely in the Government's favour."

The Minister had, however, "taken note of those faults which have been scrapped by the Bench."

"We will decide later whether to appeal against the scrapping of these clauses or to reformulate them," he said.

The Bureau for Information said it had "taken note" of the judgment. It warned the media to study the judgment carefully before reporting anything under the emergency.

Mr Harris highlighted the fact

that although the court had ruled as valid a clause against inciting people to resist or oppose the Government, Mr Justice Didcott had qualified this by saying opposition should not be read as mere criticism, but as resistance.

"Mr Justice Didcott reaffirmed 'the right of the public to vehemently criticise the Government in spite of the state of emergency'," said Mr Harris.

A professor of Constitutional Law at Unisa, Professor Marinus Wiechers, said the court had effectively upheld the principle of the rule of law.

"It has said that the courts can never accept that there is an existing state of affairs where normal laws do not apply," he said.

See Page 4.

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567 NEW CHARTERED ACCOUNTANTS

REPUTATION and financial skill are what the chartered accountant depends on . . . and this batch of newly qualified chartered accountants will be joining a profession with what is indeed an enviable reputation.

Each year at this time it is a red letter day for hundreds of young South African men and women who have passed the qualifying examination of the South African Institute of Chartered Accountants

The demanding post-graduate chartered accountancy educational and training programme produces the men and women who are destined to play a major role in making South Africa's businesses operate effectively and efficiently — and those who have already qualified have done so to such an extent that there are few South African companies who do not have a chartered accountant as a chairman, or a director or certainly a vital part of top management.

The chartered accountant plays a major role in making businesses operate effectively and efficiently. Of more than 11 000 chartered accountants in South Africa, only three out of every ten are engaged in public practice. The rest are employed in

business, industry, Government or education but all share a common bond — the complete professionalism instilled by the Institute's educational programme, and the carefully prescribed and supervised training programmes in the offices of a practising chartered accountant.

There are virtually no owners of small businesses who do not rely on chartered accountants for the whole spectrum of business advice — as fundamental as the preparation of personal income tax returns or as complex as buying or selling a business or raising capital for a major expansion.

Whatever the situation, the chartered accountant possesses the financial expertise to provide an excellent professional service

Businessmen know that a chartered accountant is vital to big business. He or she will prepare financial reports, balance sheets, operating statements and other documentation, help management to interpret results — and then provide a range of advice, based on a clear understanding of business data.

There is also a special area in which the char-

tered accountant can help greatly. Taxation is an extremely sensitive area for any person or business — in fact, many a transaction will make or lose money depending on the tax implications.

It is vital that the chartered accountant becomes involved early to assist with tax planning. He should not be called in only at the end of the financial year to help complete the income tax returns.

Anyone who owns shares in a company, and reads its annual report, will be familiar with the important role the chartered accountant plays as an auditor

This is a licensed function in South Africa for registered public accountants and auditors, and the Chartered Accountant (South Africa) is eligible to act in this capacity

An auditor examines the financial statements and supporting statements of companies in order to reach an informed and objective opinion on the reliability of the information presented. This is mainly for the benefit of shareholders, partners and proprietors, but wide acceptance of the auditor's integrity makes it important also to many other parties.

In the case of public sector organisations, such as hospitals, universities, school boards and para-

statel groups, this opinion is for the benefit of all. Chartered accountants also act as accounting officers for Close Corporations

In carrying out this responsibility, and in other cases where an audit is not required by law or is otherwise called for, the chartered accountant may review the financial statements of a company and comment. This adds credibility

There are also many chartered accountants who have chosen a career in educational institutions including universities — these groups have a continuing need for chartered accountants on their teaching staffs — this presents further career opportunities for the professional chartered accountant.

Remember, a chartered accountant will be invaluable in many ways . . . but while you may look to the telephone directory to find the name of a firm conveniently located for you, remember that chartered accountants' practices are built on reputation.

We recommend that you personalise the selection of your chartered accountant. Ask your friend — you'll find that they will be delighted to recommend their chartered accountant to you.

CAPE TIMES
23/7/86

Warning on drain of journalists

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JOURNALISTS will join South Africa's "brain drain" if the state of emergency is not brought to an end quickly, the Editor of the Cape Times, Mr Anthony Heard, warned.

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Addressing the South African Institute of International Affairs in Cape Town yesterday, he said self-respecting journalists would not continue to work in a country where "consensus journalism" triumphed over press freedom.

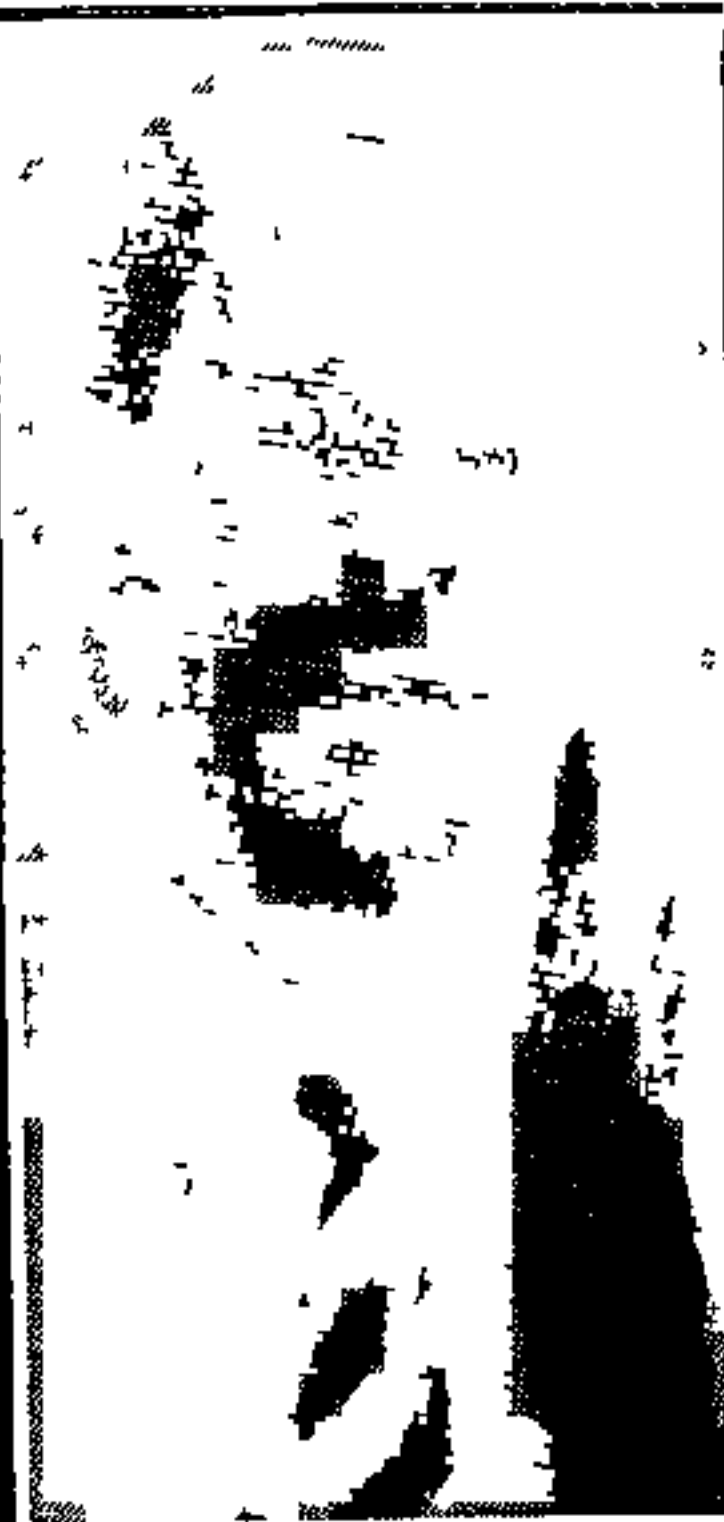
Journalists were "convulsed by an onslaught" on their right to do their primary job of seeking out new answers to national problems, caring for the afflicted and underprivileged and checking those who wanted to spend public money on militaristic or ideological excesses.

Instead of playing this role, "we must listen to the strictures of party politicians on how to perform our profession..." he said.

Journalists were deprived "and we as citizens are allowing our destiny to be forged without the help of a vigorous, free press which can assist mightily in the process of negotiation".

If newspapers here should be faced with a South American situation where they were forced to publish poetry to avoid openly defying the censorship laws "there will be no self-respecting journalists around to preside at the final interment of a great tradition of freedom — they will have joined the brain drain".

"Whether they still have a role to play now depends, to a great degree, on whether the emergency is brought to an end quickly..."



Mr SEUN Moshidi.

Off to lawyers' indaba

BLACK Lawyers Association secretary Mr Seun Moshidi jets out of the country tomorrow to attend a nine-day law conference in the United States.

The annual conference, which last year was attended by among others, Advocate Dikgang Moseneke, is arranged by the Aspen Institute for Humanistic Studies in Colorado. Its theme this year is "Justice and Society".

According to Mr Moshidi, the purpose of the conference is to bring together jurists, attorneys, academics and other people from a wide variety of backgrounds.

Mr Moshidi said although he had been invited in his own capacity, he would also discuss matters of interest regarding his association.

He added that Mrs Helen Suzman of the Progressive Federal Party had also been invited to the conference which starts from July 26 to August 3.

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Professor reports on Wits detainees

Two academic staff members and 20 students of the University of the Witwatersrand are in detention, according to a pamphlet issued on campus yesterday by deputy vice-chancellor Professor Mervyn Shear

The pamphlet, issued to let students and staff know the steps the university has taken on behalf of the detainees, does not identify them "in view of the emergency regulations"

In the pamphlet, Professor Shear details representations the university has made to the Government for their release and to ensure their wellbeing

while in detention, and calls on the authorities "to charge or release them"

According to the pamphlet, the Student Affairs office of the university

- Maintains a detailed register of all Wits detainees
- Attempts to confirm all detentions with the Commissioner of Police
- Contacts families and parents "wherever possible"
- Arranges for exams to be deferred if necessary, and tries to get relevant study material to the detainees — "although we have not yet been successful in all cases in having study material delivered to detainees, we will not cease our efforts"

"The administration has spoken to senior police officers and been assured that all the Wits detainees are in good health, are visited regularly by judges and magistrates, have regular access to a district surgeon and are given medication if necessary," the pamphlet says

"We shall not cease in our efforts to secure their release"

Thousands of the pamphlets were distributed all over campus yesterday and posted to staff members

Journalists may join 'brain drain' Heard

CAPE TOWN — Journalists would join South Africa's "brain drain" if the state of emergency was not brought to an end quickly, the editor of the *Cape Times*, Mr Anthony Heard, warned yesterday

Addressing the South African Institute of International Affairs in Cape Town, Mr Heard said self-respecting journalists would not continue to work in a country where "consensus journalism" triumphed over Press freedom

Journalists in this country were "convulsed by an onslaught" on their right to do their primary job of seeking out new answers to national problems, caring for the afflicted and under-privileged and checking those who spend public money

on militaristic or ideological excesses

Instead of playing this role, "we must listen to the strictures of party politicians on how to perform our profession — as if more than a century of experience in the field of free expression meant little," he said

"In all this we as journalists are deprived and we are wasting a lot of our time and energy, and we as citizens are allowing our destiny to be forged without the help of a free Press which can assist mightily in the process of negotiation."

"Whether they still have a role to play now depends on whether the emergency is brought to an end quickly, before irreparable damage is done to their craft," Mr Heard said — Sapa

SIPHO NGCOBO

PROMINENT civil rights lawyers complain policemen listen to prison interviews

They say the State is infringing the law by having a third party at supposedly confidential consultations with clients.

Government's approval of lawyers' applications to visit state of emergency detainees followed a Natal Supreme Court ruling annulling parts of emergency regulations

Lawyers say they have been allowed to see one detainee at a time with a policeman present within sight and hearing distance

Prisons Service liaison officer Lt-Col Roy Lamble referred all inquiries to the police

A Police Public Relations Directorate spokesman, in Pretoria, says that if lawyers have any queries they should complain formally to the Commissioner of Prisons

Lawyers say police listen

"The commissioner is the one who grants permission to lawyers."

Peter Harris, of Cheadle, Thomson & Hayson, a Johannesburg law firm, who says he has permission and access to about 11 detainees, complains consultations have not been private because of the police presence

"In every consultation a member of the police would sit and listen while I was talking to my client. It was absolutely difficult to discuss matters of confidential nature. I regard this behaviour as an infringement upon the right of the attorney to consult a detainee," Harris says

Another Johannesburg lawyer, Ismail

Ayob, complains of police presence when consulting with a colleague, Azaar Cachalia

Cachalia, an attorney with Ismail Ayob & Associates, was released during the same consultation last week after spending more than a month in detention.

Ayob and Harris say their firms have made many applications to visit detainees.

A spokesman for Priscilla Jana & Associates confirms they have made applications, but are awaiting replies from the Commissioner of Police

Krish Naidoo, another lawyer representing detainees, says he has made 150 applications to visit clients

Division over women priests

Merwyn 30/07/86

A REPORT produced last month at Sheffield University outlines the difficulties facing the Anglican Church on the issue of the ordination of women

The issue has already divided the church into the progressives, who are strongly in favour of the move, and the traditionalists, particularly those in favour of closer links with the

The ordination of women could lead to a split in the Anglican Church, members of the General Synod were told in a report published in London.

Roman Catholic Church, who are against.

In November 1984 the Synod took its first tentative step in the direction of ordaining women when it asked for legislation to be prepared.

The McLeah report,

considered by the Synod at its meeting in York this month, outlines some of the safeguards necessary to protect those who cannot accept women priests.

The most drastic option in the report is the creation of a separate

Anglican Church with an all-male priesthood, with each parish and clergyman being required to decide whether they belong to this branch, or the other, in which women have been ordained

Other proposals include parish incum-

bents having a veto over women priests operating in their parish, and laity being able to reject a women priest.

The report also recommends parishes being able to contract out of accepting women priests and, in dioceses where the bishop has accepted women priests, being transferred to the jurisdiction of another where the bishop has not.

By JEREMY BROOKS,
MORE than 10 percent of all architects in the Transvaal — 160 in all — are being investigated by the police.

Their names, and copies of declarations signed by them expressing their opposition to apartheid, have been confiscated at the offices of the Transvaal Provincial Institute of Architects (TPIA).

A tape-recording of a special general meeting at which members decided not to vote on an anti-apartheid motion was also removed.

The motion would have made it unethical for any architect to design a "pro-apartheid" building — including segregated schools and police stations.

TPIA president Arthur van der Westhuizen sent out a circular to all members of the institute this week warning that all signatories to the anti-apartheid declaration were now the subject of a police investigation.

Mr van der Westhuizen said the institute, alarmed at the police raid on July 9, had telexed and written to the

160 architects in massive police probe

Minister of Law and Order, Mr Louis le Grange, asking for an explanation.

The telex and letter pointed out that the wording between the original declaration, which merely called for the special meeting, and the eventual motion were very different.

The Minister was also asked to give an assurance that "no members would be detrimentally effected in any way by the fact that 160 of them had signed the requisition form."

"As no response has been received from the Minister, the committee deemed it ad-

visable to inform all members."

Mr van der Westhuizen said he was assured by senior officials of the police that the difference in wording between the declaration and the more radical motion would be emphasised in their reports.

The police investigation opens another chapter in a long-standing row which has threatened to split the normally placid architectural body in two.

The anti-apartheid motion was drawn up by Johannesburg architect Mr Hans Schirmacher, founder of an

organisation calling itself "AAP" — Architects Against Apartheid.

Telephone calls to Mr Schirmacher's residence were answered by a tape recording — he is currently believed to be in Europe for several weeks.

One architect whose name was taken by the police said: "I signed the declaration requesting the special general meeting merely because I felt that the whole issue of apartheid in architecture should be discussed in a democratic manner."

□ □ □

"I felt the motion was too strongly worded — I would have voted against it had it been put to the floor."

"Now it appears my name has been entered in some police file in Pretoria."

The Sunday Times was referred by the Bureau of Information to the Police Directorate of Public Relations, who referred the reporter in turn to the office of the Minister of Law and Order.

There a spokesman said he had no record of the TPIA telex being received.

SECURITY BRIEFS +++ SECURITY BRIEFS +++ SECURITY BRIEFS +++

● THE Editor of the Sowetan, Mr Joe Latakoma, has promised his paper will be out on the streets again tomorrow, despite the shock police seizure of some late copies on Friday.

A spokesman for the Bureau for Information confirmed that the order for the seizure was given by the security police, but no reasons were given.

Mr Latakoma said he did not have the slightest idea why his newspaper had been seized.

● A VETERAN security policeman died in a hand-grenade attack on his home early yesterday.

According to a relative, two hand-

grenades were thrown into Lt Victor Narsi Raju's house in Himalaya Drive, Shallicross, near Durban, shortly after midnight.

One landed on the bed where Lt Raju, 61, was sleeping, and the other in the lounge. He died in the arms of his son-in-law, the Rev John Naidoo, who had found him lying in a pool of blood on the bedroom floor.

Lt Raju retired from the police recently, but continued working for the Durban security police.

● AFTER months in hiding, five fugitive student leaders from the Univers-

ity of Durban-Westville gave themselves up to police this week.

The five decided to turn themselves in after receiving assurances that any criminal charges against them would be processed rapidly.

● TEARGAS was fired and thousands of people were turned away from the Soweto funeral of three young men killed in what was described as gang battles.

About 1 000 mourners were allowed into the Emadwaleni High School. Police fired teargas to disperse a chanting crowd of thousands on the fringes of the funeral service.

THE EMERGENCY

Lawyers won't be charged

CP Correspondent

TWO Western Cape lawyers — detained while defending clients — have been told they will not be charged with contravening the emergency regulations

The Attorney-General has decided not to prosecute Cape Town advocate Mohammed Anwar Albertus and Stellenbosch lawyer Trevor Vernon Gerald de Bruyn.

The two were detained on June 19 while defending people accused of public violence

Albertus and De Bruyn were released from detention on June 25 on R500 bail each, hours before their wives applied to the Cape Town Supreme Court for their release

After their release, the men appeared in the Worcester magistrate's court on charges of contravening the regulations.

They did not plead to the charges and the matter was referred to the A-G

Albertus said he intended instituting civil proceedings against Law and Order Minister Louis le Grange for wrongful arrest and crimen injuria.

Court frees 2 more

CP Correspondent

TWO emergency detainees were released from detention this week without being charged, after an urgent Supreme Court application in Durban.

One of the detainees, Vusumuzi Langa, said in an affidavit that on June 15 he was on his way home from the shops when he saw police and soldiers travelling in a Hippo

He said he heard shooting and was struck in the back by birdshot.

Langa said he tried to run away, but lost consciousness and later woke up in KwaMashu police station.

He was taken to the Westville prison, he said, where he was kept until his release this week.

Langa claimed he was questioned only once during his detention

He said he told his interrogators he was not a member of the UDF, the "comrades" or any other political organisation.

During his questioning he was asked to sign a statement that he and other people planned to necklace somebody

He said he refused to

sign the statement

The other applicant, Busi Molefe, said that on July 9 seven policeman arrived at her home and arrested her

She was asked whether she was involved in arranging school boycotts and whether she distributed boycott pamphlets — as her name, together with the names of other people, appeared on a list in the police's possession

Molefe denied the police had any grounds to hold her and added that while she was questioned she saw another detainee, Muzi Sibuya, being assaulted

Because Langa and Molefe have been released, their case has been postponed until later this month for argument over the costs of the application

Free - but

CP Correspondent

MIDLANDS Council of Churches organising secretary Abe Visagie was released from detention this week — but placed under strict restrictions

Visagie — detained in Schoonbee, a settlement 40km from Middelburg — has been prohibited from leaving the Middelburg area, taking part in MCC and UDF activities, attend-

ce won't d - Steyn

Steyn said. The Urban Foundation totally rejected the idea that "the end justifies the means. Rather, we would argue a contrary position. Sound means contribute to good ends"

Steyn said the government had committed itself to a process of reform that resulted in a number of "very real changes in the laws in terms of which we are governed" — Sapa

Natal judgment opens floodgates

Lawyers in struggle to free detainees

DOMINIQUE GILBERT
and MAX DU PREEZ

12 000 HELD

LAWYERS will square up today for round two of a legal battle with government by flooding supreme courts countrywide with applications for the release of detainees.

Durban lawyers are drafting more than 138 applications for the release of detainees. Transvaal and Cape lawyers are making similar applications affecting more than 500 others.

A number of applications are likely to be heard today.

● See Comment — Page 6

Government, meanwhile, is fighting yesterday's dramatic Natal Supreme Court ruling invalidating key emergency regulations used to detain thousands and says the status quo will be maintained.

A spokesman for Law and Order Minister Louis le Grange said yesterday no detainees other than the UDF's Lechesa Tsenoli, whose immediate release was ordered by the Natal court, would be freed until the state's appeal against the judgment was heard.

THE PFP has concrete information that organisations monitoring missing persons have considerably underestimated their numbers.

The head of its Bureau for Missing Persons Neil Ross said yesterday that 5 900 people were known to have been detained since June 12.

He said that the real figure could be as high as 12 000.

However, it could take three months to a year before the appeal can be accommodated by the Appellate Division.

In the successful application for the release of Tsenoli, the UDF's Natal publicity secretary who has been in detention since June, Mr Justice Friedman, with Mr Justice Leon and Mr Justice Wilson concurring, ruled that President P W Botha had acted beyond his powers in promulgating clauses 3 (1) and 3 (3) of

● To Page 2

Battle on for detainees

the emergency regulations

These clauses, relating to arrest by security forces and the length of detention, were declared invalid. The respondents, the State President, the Law and Order Minister and the Minister of Justice were ordered to pay costs.

Lawyers countrywide responded yesterday by sending a flood of telexes demanding the release of detainees on the basis of the Natal judgment.

In Natal, some lawyers asked for the release of detainees by 2pm yesterday, and others by 8.30am today.

They received no response to or acknowledgement of their telexes.

It is believed the Natal judgment may not be binding in other provinces. But is likely to be persuasive in Transvaal, Cape and Free State courts.

The judgment is thought effectively to invalidate any arrest and detention in terms of the Public Safety Act, in Natal at least.

Any further arrests in Natal in terms of the Act will now be unlawful.

But legal experts predict the state may introduce new legislation to counter the judgment because, if the court's ruling is upheld by authorities nationwide, it could lead to the release of all those detained under the emergency.

ing is upheld by authorities nationwide, it could lead to the release of all those detained under the emergency.

Government would be forced to pull out all the stops, a lawyer said yesterday, because it could face an estimated 9 000 or more civil actions for unlawful arrest, should it lose on appeal.

"This could cost the state hundreds of thousands of rands in law suits," he said.

Spokesmen for the Department of Justice, the Prison Service and the Bureau for Information yesterday declined to comment on the judgment.

□ The Congress of South African Trade Unions (Cosatu) is to challenge Regulations 3 (1) and 3 (3) of the emergency in the Natal Supreme Court, Maritzburg, tomorrow.

An application will also be made to have the detention of 30 people declared invalid and to order their immediate release.

The action is being brought against President Botha and Minister of Law and Order Louis le Grange.

Liquor retailers 'under threat'

THE traditional liquor retailing sector was under serious threat and many small hotels could be forced to close because of falling liquor sales, government-protected monopolies and the free issue of liquor licences which had led to over-trading, Federated Hotel Liquor and Catering Association (Fedhasa) president Mike Kovensky said.

Kovensky said the liquor industry was supplied by a "statutory monopoly" in the form of the KWV, which controlled production of wine and grape spirits.

At retail level, the industry was supplied by a beer monopoly controlled by SA Breweries, while a "strong oligopoly", Cape Wine and Distillers, controlled 75% of the wine and spirit retail market.

Overall sales of liquor had declined in real terms by 5% to May 1986 and margins had shrunk. — Sapa.

GOVERNMENT can expect a deluge of informed public condemnation from academic platforms around the country today for the way in which it has been perceived to have helped precipitate the national crises facing SA.

At least three open universities — the Universities of Cape Town, Natal and the Witwatersrand — are to simultaneously hold formal assemblies on their campuses at noon, to focus on the situation in which SA now finds itself.

The rallying cry spearheading this nationwide gathering has come from one of Government's most outspoken and respected critics, Stuart Saunders, vice-chancellor of UCT and current president of the Institute of Race Relations.

In an interview yesterday with *Business Day*, Saunders said the purpose for calling the assemblies was to respond to the current national crisis.

Campus meetings on national crises

CHRIS CAIRNCROSS

He stressed the event was planned as a dignified academic occasion to provide an opportunity to reaffirm the values for which these institutions stand, and to say what was felt about the state of the country, especially as it affected education.

Saunders said he hoped the assembly would generate an ongoing debate in all sections of the university community.

Speakers at today's assembly at UCT are to include Saunders, two student leaders and a representative of the blue-collar workers at the university.

The last time such an event was arranged at UCT was in 1983.

THE WORLD'S MOST ADVANCED AIRPORT TERMINAL BUILDING
NO QUEUE SCENES NO QUEUES NO CONGESTION

FLIGHTS TO PARIS, AMSTERDAM AND OTHER CONTINENTAL DESTINATIONS LEAVE FROM TERMINAL 1
LONDON BY ROAD AND UNDERGROUND EASY CONNECTIONS TO VARIOUS LONDON AIRPORTS
EUROPEAN AND DOMESTIC FLIGHTS

BRITISH AIRWAYS

BRITISH AIRWAYS AIRPORT

Police raid attorneys' offices

SMK 20/8/86
Pretoria Correspondent

Shortly after 9 am.

A team of 14 Commercial Branch detectives armed with search warrants yesterday raided the offices of a firm of Pretoria attorneys.

Headed by Lieutenant Dereck Furter of the Pretoria Commercial Branch, they entered the offices of Klagsbruns Incorporated in Corporate Place, Struben Street,

They confiscated piles of receipts, books, files and documents from the offices. The seized items were removed from the premises in a police riot truck.

The police action is part of an investigation which has not yet been completed.

Partners, clerks and other Klagsbruns staff sat by as police searched

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cabinets, files and other repositories.

Members of the public craned from windows in surrounding buildings and watched as heavily laden policemen loaded the truck which was parked on the pavement outside Corporate Place.

Police would not comment on the precise nature of the allegations or when the probe is likely to be concluded.

'Govt orders not valid'

By LANGA
SKOSANA

21/8/86
LAWYERS representing the Government conceded in court yesterday that police orders prohibiting newspapers reporting about the conduct of police and the banning of reporters from unrest areas were invalid.

The *Sowetan* lawyer, Mr Peter Reynolds, said in an interview yesterday that this was a sequel to an application brought in the Maritzburg Supreme Court by some newspapers. The newspapers are challenging powers given to the police under Section 7 1(c) and Section 7 1(d) of the emergency regulations.

Section 7 1(c) prohibits newspapers from publishing anything regarding the conduct of police or armed forces. Section 7 1(d) prohibits the presence of journalists for the purpose of reporting any action of the police or armed forces in any black residential area or any place where unrest is occurring, without proper consent.

Telex

Mr Reynolds said the newspapers challenged both orders on the basis that they were not properly promulgated in terms of emergency regulations and also because they had been issued by a telex message and not published in the Government Gazette.

He added that the effect of the Government lawyers conceding, meant that the two orders were invalid and have no force or effect.

Judgment was reserved.

(248)
**ANC nod
for Wits
men at
congress**

NEW DELHI — Two SA sociologists were detained at Delhi airport yesterday when they arrived to attend an international congress, but were allowed entry only after the African National Congress (ANC) cleared their credentials.

Johan Muller and Nico Cloete of the University of Witwatersrand were detained at the airport for several hours before being given a 72-hour entry permit, a conference spokesman said. They came to take part in the IX World Congress of Sociology, which began on August 18.

Several Indian sociologists strongly opposed the two South Africans attending the meeting on the grounds that they were white and represented the apartheid policy of racial segregation.

India has no diplomatic or trade links with SA

Muller and Cloete were given permission to enter the country only after the ANC certified that they were opponents of apartheid.

The two, whose joint paper is on the role of intellectuals in the black struggle in SA, were given a clearance by the ANC offices in Lusaka and London. — Sapa-AP.

Press action lawyers get threatening calls

Two Johannesburg attorneys who have been extensively involved in the application brought by the English-language newspaper groups in Maritzburg against the State President and others, have been on the receiving end of strange telephone calls.

Mr Peter Leon, a partner in Webber Wentzel and son of Mr Justice R N Leon, the presiding judge in the application, and Mr Paul Jenkins, also of Webber Wentzel, the Argus Company's attorneys, said they had received abusive and threatening calls.

Mr Leon said that on Sunday, August 10, the night before the application was due to start in Maritzburg, someone left an extremely abusive message on his telephone answering machine.

While Mr Jenkins was in Maritzburg his wife received a telephone call, purportedly from a Warrant Officer Brown of Hillbrow police station, claiming that their motor car has been stolen and recovered.

Mrs Jenkins was asked to confirm both the registration number and her identity number. She refused and was told a policeman would visit her.

After the call it was established that the car was exactly where it had been left the night before and, on enquiring, Mrs Jenkins was told that there was no Warrant Officer Brown at Hillbrow police station.

On August 19, a message was left at the Imperial Hotel in Maritzburg for Mr Leon. It said Mrs Leon had been hurt in a car accident in Johannesburg but was "all right". Mr Leon is single.

● See Page 3.

Lawyers for 400 detainees find PE offices ransacked

Post Reporter

THE offices of a Port Elizabeth firm of attorneys who are dealing with more than 400 cases involving detainees were burgled last night

Attorneys working for Krish Naidoo's firm of attorneys in Alfin House, North End, discovered the burglary when they arrived for work today

One of the attorneys,

Mr B Hansjee, said "We arrived to find all three rooms virtually bare of their contents, except for the furniture. All our records and files of the cases we have been working on had been removed.

"The entire contents of the filing cabinet, desks and the stationery cupboard have been stolen — we now have nothing from which to work

A typewriter, dicata-

phone machine, three telephones, a few chairs and court gowns had also disappeared and the curtains in the offices had been ripped down.

Mr David Naidoo, another attorney, said the burglary had very serious implications.

"It means that we have effectively been put out of operation for at least two months"

Press lawyers harassed during trial

22/8/86

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JOHANNESBURG — Two Johannesburg attorneys who have been extensively involved in the application brought by the English-language newspaper groups in Maritzburg against the State President and others have been receiving strange telephone calls

Mr Peter Leon, son of Mr Justice Leon, the presiding judge in the application, and Mr Paul Jenkins, both of Webber Wentzel, the Argus company's attorneys, said they had received abusive and threatening calls

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On August 19 a message was left at a hotel in Maritzburg for Mr Leon. It said Mrs Leon had been hurt in a car accident in Johannesburg, but was "all right".

Mr Leon is single. — Sapa

Attorney freed after 68 days

Post Reporter

A PORT ELIZABETH attorney, detained for 68 days under the State of Emergency, was released from detention on Friday.

Mr Rishi Thakurdin, of Krish Naidoo's firm of attorneys in North End, PE, was detained in Aliwal North on June 16, while attending to trial matters, according to Mr David Naidoo, a colleague in the firm.

Mr Naidoo said Mr Thakurdin, who had been detained under the Emergency Regulations, had been held in solitary confinement in the Burgersdorp prison for the entire 68 days.

Mr Naidoo said lawyers were allowed access to him only two weeks ago.

"The first application for his release was turned down — we had not been allowed access to him by then and we went to go to court without an affidavit. After the visit, a memorandum was submitted to the Bar Council and to the President of the Association of Law Societies, and then to the Commissioner of Police."

"He was released one week after the visit and will be returning to work tomorrow," he said.

25/8/86, STAR

ANC stops visit to India by SA academics

Own Correspondent

DURBAN — The African National Congress helped block a visit to India by three white South African academics

Durban political scientist Professor Lawrie Schlemmer and professors Herman Giliomee of the University of Stellenbosch and Jan Coetzee of the University of the Orange Free State had applied for visas so they could attend the World Congress of Sociology in New Delhi.

The African National Congress in Lusaka sought to block the visas

However, Professor Schlemmer got wind of it and withdrew his application in mid-July

He said, "I knew there was an issue about South Africans attending. It appeared to involve some uncertainty and I have better things to do with my time than worry about that"

The Indians also refused entry to an Israeli delegation

An ANC spokesman, told International Sociology Association secretary Felix Geyer the ANC were dismayed that no black sociologists were attending the conference

However, the ANC sanctioned the visas of two Wits University delegates, Mr John Cloete and Mr Johan Muller.

They presented a paper on the "Role of Intellectuals in the Black Struggle in South Africa"

This week it was learnt that Durban sociologist Professor Fatima Meer refused to attend as part of an "exchange deal" to clear the way for visas for the three white South Africans

UK scientist out of SA conference

The Star Bureau

LONDON — British laser scientist Dr Michael Key will not attend a conference in South Africa on high-speed photography

Dr Key, head of the laser department at the British government-funded Science and Engineering Research Council, was asked to withdraw after strong representations from the Anti-Apartheid Movement

At least three of the 16 other UK scientists due to travel to Pretoria announced at the weekend that they were pulling out

Attorney has cycle tyre hung round his neck

By DENISE BOUTALL

THE annual general meeting of the South Eastern Cape Attorney's Association was last week briefly disrupted when a tyre was hung round the neck of a lawyer proposing a motion calling for the lifting of the state of emergency

The meeting was held at a Port Elizabeth beachfront hotel on August 21 and three motions dealing with the rule of law and the state of emergency were on the agenda

While a Port Elizabeth attorney and proposer of the second motion, calling for the lifting of the state of emergency, was speaking, another city attorney, described as a conservative Afrikaans speaking man, went up to the speaker and hung a bicycle tyre round his neck.

Most of the audience, including the speaker, laughed, but others objected. Some lawyers felt that the action had been in extremely bad taste but felt that it was in keeping with the sense of humour of the man.

The motion about the state of emergency and another lengthy one on the rule of law were ultimately not put to the vote

The motion passed by the association was that the association "reaffirms that it subscribes to the rule of law as a fundamental tenet of a civil and just society"

The motion on the state of emergency read:

Whereas regulations currently promulgated under the Public Safety Act of 1953 allow little political control, virtually no judicial control and an unnecessarily wide delegation of authority to the executive, and whereas regulations have been amended from time to time to relegate the judiciary to a position of total impotence in respect of the conduct of the emergency, this association calls for the withdrawal of proclamations under section 2(1) of the Public Safety Act that a state of emergency exists in South Africa

EVE PORT 26/8/86

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Lecturer freed on eve of bid to secure release

28/8/86

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Post Reporter

A LECTURER whose application for release from detention was due to be heard in the Grahamstown Supreme Court today was freed last night after 10 weeks in detention.

Mr André Roux, an economics lecturer at Rhodes University and father of two small children, was released from the North End Prison in Port Elizabeth at 9pm.

Mr Roux said today that although he was "obviously delighted", some of his pleasure was marred by the fact that his fellow detainees were still being held.

He said he had been served with an order placing him under certain restrictions which were valid until August 31, 1987.

"The order states that I am not allowed to participate in any meeting consisting of more than five people relating to protest against any political or economic aims of the Government, or to participate in the preparation or dissemination of any publication critical of the Government's aims.

"I am also not allowed to hold office in the Grahamstown Democratic Action Committee or the East Cape Legal Information and Support Service."

Mr Roux said he had not been informed beforehand that he would be released.

"They came to my cell after hours last night — which is highly unusual — and told me to pack my things."

He said he wanted to go back to work as soon as possible.

"After wasting so much time in prison, the last thing I want to do now is go on holiday," he said.

The law comes under fire from the lawyers

WILL South Africa's judges be tried for war crimes when the black majority rules South Africa?

This was one of the controversial issues raised at the University of the Witwatersrand last weekend when several hundred university students and a handful of legal, medical and media professionals attended a conference on Professional Responses to the Law.

The question, from a first year law student, was addressed to Judge John Didcott of the Pietermaritzburg bench. Didcott was on the panel of judges which struck a blow for press freedom by ruling certain of the Emergency's censorship regulations unlawful for reasons of vagueness earlier this month. But, perhaps ironically, he agreed to address the conference only on condition he was not quoted.

The conference also examined the issues of how closely lawyers should identify with community resistance, how appropriate the Roman Dutch legal system was in South Africa today and whether lawyers should continue to operate within the "apartheid system".

"We are patriots and democrats before we are lawyers," one black law student said. "It's a matter of life and death for us."

"Of course we need lawyers, but, although we will get involved in legal fields, our priority lies in organising effectively in the townships."

University of Cape Town law professor Dennis Davis said lawyers would have to adapt to an increasingly tense and repressive society. He called

Spirited controversy raged when law students, lawyers — and a judge — discussed the law in a state of crisis. Questions were asked about war crimes, whether all lawyers should not resign, whether the big law firms are doing enough. JO-ANN BEKKER reports

on them to "put their services at the disposal of the people".

Davis described Roman Dutch law as "completely and utterly archaic".

One of the most direct appeals for action came from Max Coleman of the Detainees' Parents Support Committee, who called on lawyers to intervene in what he called "a travesty of justice". He said detained children were brought before a court, without legal representation, and sentenced to four to six year jail terms.

"It can only be stopped by intense vigilance on the part of the legal profession, and if lawyers make representations that children should not be allowed to go to jail for such long periods," Coleman said.

Other speakers called for the large, powerful legal firms to "do their bit" and take some of the load off the handful of lawyers who were prepared to act for detainees and awaiting-trial political prisoners.

The role of the media under the State of Emergency was also scrutinised at the conference.

Tony Heard, editor of the Cape Times, said before the Emergency was imposed on June 12, "the South African press could be defended, I

think, as partially free, living in a twilight world between freedom and authoritarianism."

After June 12 "the (government's) gloves came off," he said. "The Emergency was largely imposed to cut down on media coverage. There was no doubt the government wanted a different, compliant press."

Heard said the restrictions forced the newspapers to censor their own reports, and most "play safe — sorry, but that's it".

Gilbert Marcus, an advocate at Wits's Centre for Applied Legal Studies, said although the Emergency restrictions and the battery of laws permanently on the statute books obstructed press freedom, the press had imposed many restraints on itself.

Dominated by fear and commercial restraints, newspapers had introduced "insidious forms of self-censorship", such as bringing out separate black and white editions of the same newspaper, which he called "self-imposed press apartheid".

"By and large newspapers shield white South Africans from reality by imposing a protective cocoon," Marcus said.

Former PFP leader Dr Frederik van Zyl Slabbert, who delivered the keynote speech, said there would be no fundamental justice in South Africa as long as the government's only concern was to create "new shops for old customers".

"The government is creating a multi-racial autocracy in the face of demands for a non-racial democracy," Slabbert added.

The rights denied to treason accused

By JO-ANN BEKKER

MOST people tried for high treason in South African courts have been deprived of two fundamental rights: the right to remain silent before coming to court and the right to be tried by a judge who is not a stranger to their experience.

But, according to George Bizos, a senior advocate who has represented many treason trialists, observers at treason trials would never guess at these infringements.

Speaking at the Professional Responses to the Law conference at the University of the Witwatersrand last weekend, Bizos said, "The public relations men of South Africa invite the world at large to see how well we do our court cases."

"At any treason trial you will see a judge and two assessors. There will be decorum. There will be peace and quiet. And, since the passing of legislation prohibiting demonstrations outside the court, the proceedings will not be disrupted. Consular representatives and learned men from abroad will watch the proceedings and they will be impressed with the manner in which the trial is conducted."

But, he stressed, most trialists had been deprived of one of the most fundamental human rights — the right to remain silent.

"There is almost a 99 percent chance that a person charged with treason has been detained under Section 29 of the Internal Security Act," Bizos said. "This means he will not be brought to court until he has made a statement to the satisfaction of the Commissioner

of Police, which usually means to the satisfaction of the investigating officer."

Many treason accused claim the confessions were extracted by force or threat, but this was difficult to prove, he said. If the confessions were made during the early stages of detention, the police often created a fiction that the accused was not detained under Section 29 at that time, but was an awaiting trial prisoner.

This made it more difficult for the defence to prove his admissions were not freely and voluntarily made.

If the accused has pointed out targets for attack, or arms caches, these "pointings out" are admissible as evidence, even if it can be proved they were compelled, he said. And often the "pointing out" is enough evidence to secure a conviction.

The second fundamental right denied treason trialists, according to Bizos, is the right to a judge who understands their world experience. Most of the accused are black and, except for a recent trial in Pietermaritzburg where both assessors were black, most judges and assessors are white.

"Most have no experience of black people except in the master and servant relationship," Bizos said.

In the words of South West African People's Organisation leader Herman Toivo ja Toiva, any black South African can say he is a stranger to the judge and assessors who are trying him, Bizos said.

Bizos said defence lawyers should not apologise for what their clients have done. There is a tendency for some to preface their defence with "I am not a communist, nor a terrorist and am not sympathetic to the accused, but..."

Bizos said there was an unfortunate tendency for the advocate to be confused with the accused. "It is no accident that the ancient Greek word for advocate means co-accused."

He said in spite of a history of hostility between the lawyers representing the treason trialists and the prosecution, defence lawyers should not lose their sense of objectivity.

"But that does not mean you should not understand and identify with your client so you can understand what he has done and help him put his point of view across," Bizos said. "It is not for you to judge him; there are judges to do that."

Asked whether lawyers who campaigned for human rights did not lend an undeserved respectability to South Africa's legal system, Bizos said, "The people who argue about the ethics of giving the system respectability are those who can afford to intellectualise. Those who have really been through the worst want their day in court and they want assistance."

Bizos added, "We at the Bar will stop defending people when their mothers and fathers and brothers and sisters stop knocking at our door. If an accused person wants to be defended, we will defend him."

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BY GARRY TRUDEAU

Political guidelines for lecturers

SUN APR 31 1986
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UNIVERSITY lecturers at South Africa's traditionally liberal universities are drawing up a set of political guidelines for lecturers which will allow academics abroad to distinguish between opponents and supporters of apartheid.

The move is an attempt to minimise the impact of the academic boycott of this country by pointing the way to a selective boycott of individuals and institutions.

In the past few months the academic boycott has begun to sting, with an increasing number of South African academics being barred from in-

By DENYSE ARMOUR

ternational conferences.

The most recent incident resulted in three sociologists — including Durban's Professor Lawrence Schlemmer — being barred from a conference in New Delhi.

Meanwhile, the African National Congress vouched for the credentials of another two South African academics from Wits University, who were then allowed to participate.

At a national congress of

the University Teachers' Association of South Africa (Utas) in Johannesburg next weekend, lecturers will debate the adoption of a set of political guidelines which will give academics abroad a basis for selective boycotting.

Professor Colin Gardiner, from the University of Natal, Maritzburg, is one of the candidates for the chair of the revamped Utasa.

"The academic boycott has been going on for some time and a small minority of people on our campuses believe it is right and justified. They believe all possible pressure should be exerted on South Africa," he said.

"But what we are trying to say to those abroad is that, while we understand the reasons for the boycott, we believe they should distinguish between opponents of apartheid and others."

THE FREEZE ON SA UNIVERSITIES

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SCHOLARS UNDER SIEGE

HEN Nico Cloete and Johan Muller of the university of the Witwatersrand received a telex from the International Sociological Association (ISA) saying they had been "cleared" to attend the association's conference this year in India they thought their troubles were over. They were just beginning.

Their story highlights the deep confusion among South African academics — boycotts of South African university teachers going abroad are now regular reality, and no clear response — even among the academic "Left" — has been formulated.

The ISA telex meant Cloete and Muller had overcome the hurdles which the Association, under pressure from the Indian government, had put in the way of South African-based academics wanting to attend the conference.

At the outset, South Africans had to submit statements to the ISA secretariat giving their views on apartheid. These were sent to the African National Congress in Lusaka for screening. At this point most of the South Africans found themselves excluded from the conference, either because they failed the "statement test" or because they refused to submit to it.

Cloete and Muller passed — though they still don't know precisely what they said that did the trick.

They obviously didn't graduate with flying colours, however, they were subsequently asked to say "what they had done recently to help bring an end to apartheid."

We have interviewed the National Education Crisis Committee and its affiliates while preparing a report on the role of the university in a changing society," they replied.

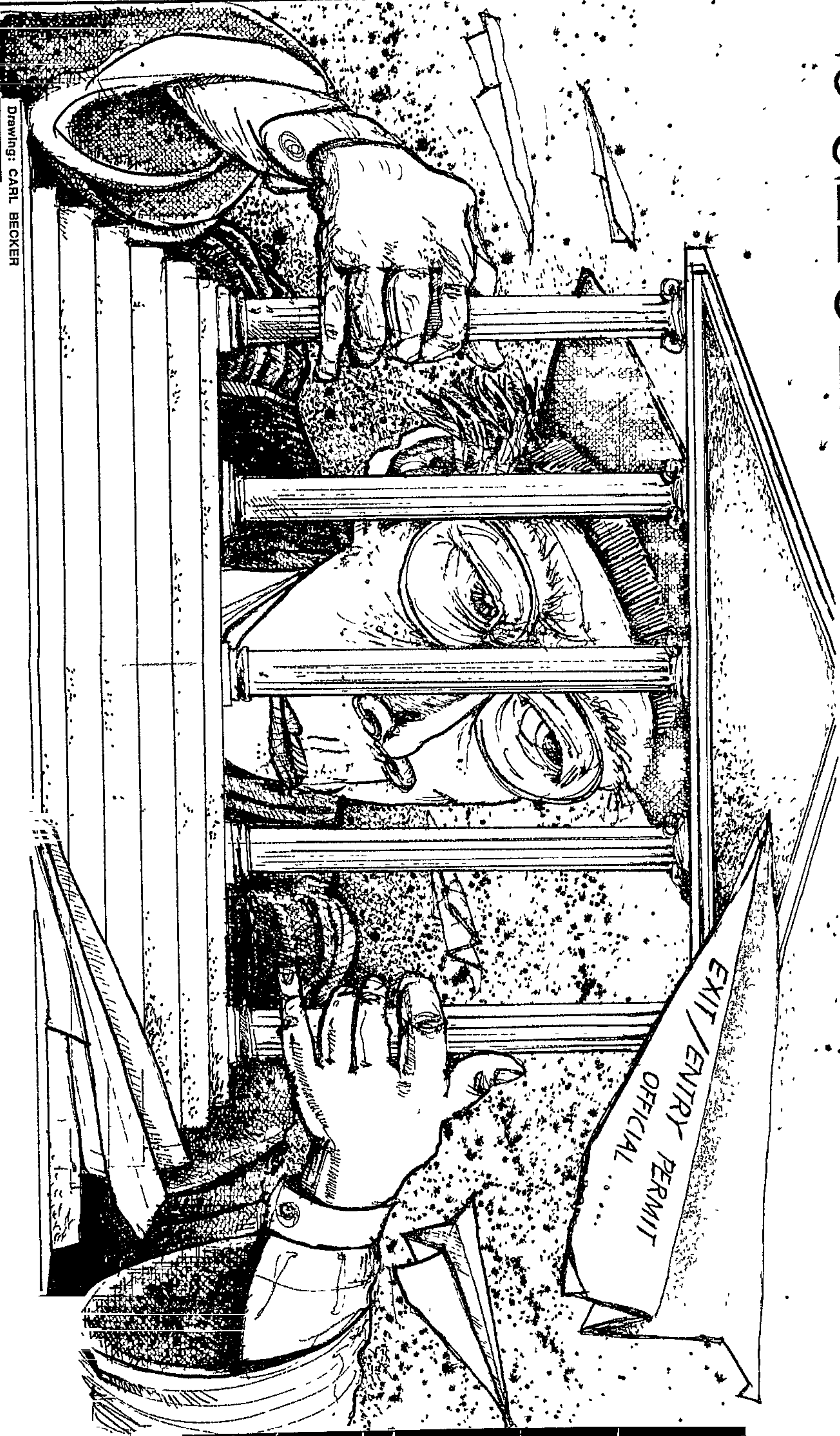
Says Muller "We believe this was an important factor in winning our clearance, but don't know for sure."

Whatever the reason, it produced the magical telex from the ISA saying the Indian government, on the advice of the ANC, was prepared to grant them visas to enter India.

But at New Delhi airport, an immigration official was decidedly unimpressed by the telex. He had never heard of the ISA and wasn't about to let any stray South African academics into the country. He wrote out an immediate deportation order.

At this point, fate intervened in the form of an air hostess who assisted the bemused pair to contact the Indian Foreign Office. They were granted 72-hour visas.

At the conference they found themselves at the centre of another major controversy, with Indian delegates demanding their immediate expulsion and wanting to know why the ISA secretariat had agreed to allow "Pretoria's agents" to attend. Another statement on apartheid was called for.



Drawing: CARL BECKER

loete and Muller obliged again, this time adding that they had been cleared by the ANC

The Indian press, which had been hostile, now hailed them as champions of the struggle against apartheid. Most delegates concurred, though a minority circulated a petition against them. They took part in the conference.

This bizarre tale is but one example — rather unusual, but representative nevertheless — of the velvet faced by South African universities and the individuals who teach within them. Its message is quite clear: the boycott has finally arrived on campus.

It is not a bolt from the blue. Professor Colin Gardner, head of the University Teachers' Association of South Africa (Utas), says "the problem has been simmering for some time." He relieves the upsurge in American consciousness on South African issues has been catalytic. "Where

Conor Cruise fuels the boycott brouhaha

THE media brouhaha surrounding the visit of Dr Honor Cruise O'Brien to the University of Cape Town has added fuel to the already smouldering fire of the academic boycott controversy.

O'Brien, as it has repeatedly and correctly been pointed out, cannot be glibly dismissed as another academic apologist for apartheid. He is a former president of the Irish Anti-Apartheid Movement and, according to one commentator, "his views on racism are impeccable."

O'Brien's image as 'boycott buster' is further confused by the fact that he supports international measures — including economic — to bring pressure to bear on Pretoria.

He has stated the reasons for his decision in several lengthy newspaper articles, both here and abroad. Essentially he believes that one should not isolate what he calls "honest, open and creative intellectual communities" (like that of UCT) because of the government of their country. He was quite happy to have his actions interpreted as 'a gesture of defiance' against the "intellectually disreputable" application of an indiscriminating boycott.

The dissenting stand of the "warrior scholar", who has been characteristically open rather than

receptive about the

AN INTERNATIONAL BOYCOTT OF SOUTH AFRICAN UNIVERSITIES BEGINS TO BITE

DUNCAN INNES and SHAUN JOHNSON report

before most United States academics were not even sure of where South Africa was, now they are often more scrupulous in excluding South Africans than the British Local academics have felt the effects."

It is also spreading into new academic disciplines. "Whereas boycotts were known in the humanities and social sciences," says Gardner, "other scientists are now shocked to find it happening to them. They thought they were part of an international academic community which was above such 'petty political concerns'."

The issues are vexed, far from being clear cut, the boycott is shrouded in confusion and

By SHAUN JOHNSON

throws into sharp relief a central dilemma facing protagonists of a blanket boycott.

Is it ever legitimate for an academic to come to South Africa? Do his or her reasons for doing so cut any ice?

In O'Brien's case, the answers from important anti-apartheid and resistance organisations amount to a resounding "no."

The Irish academic, diplomat and former newspaper editor has been accused of being "politically inconsistent", tactically naive and of taking an unjustifiably individualistic approach to the question of isolating South Africa internationally.

His position is complicated by the fact that, whatever his own reasons and motivation for coming to South Africa, these inevitably take second place as he is feted by the local press as a "boycott buster."

ANC representative in Lusaka, Tom Sebina, told the Weekly Mail "O'Brien has no moral right to call for sanctions and still visit UCT. This is a sign of political inconsistency on his part and is unacceptable" to the ANC. This stance is consistent

controversy in its application.

To take an important example, the ANC's position as spelt out by its education representative, H Makgothi, in the "Perception of Wits" report issued earlier this year, seems unambiguous. "It is ANC policy to isolate white-dominated South Africa in all areas, including sport, investment, trade, entertainment and teaching. We refuse to lift the barriers by making exceptions. This hard line is based on experience."

There is an apparent incongruity between this public position, which was echoed by the Non-Aligned Movement at its recent conference, and Cloete and Muller's experience. Barriers were

with the ANC's attitude that no reasoning — no matter how sophisticated — can justify visits to South Africa by foreign academics.

Murphy Morobe, the UDF's acting publicity secretary, said O'Brien's decision was "a contradiction in terms. We can't accept a situation where he argues for the economic isolation of the country and in the same breath would rather come and teach here than not. We are forced to ask the question: what is in it for him, what is he getting out of it? He has gone against the Anti-Apartheid Movement, and I can say that we don't take kindly to his presence."

The AAM itself says O'Brien's is "an open and shut case. He is totally out of step and misguided in breaking the academic boycott."

AAM campaigns officer Karen Talbot said his actions "mean that he will be subjected to severe criticism by the movement on his return to the UK. He will have great difficulty in justifying what he has done."

O'Brien, who could not be contacted this week despite repeated attempts by the Weekly Mail, can safely be expected to respond to some or all of these charges in his own pithy fashion.

He is likely to say again, as he has said in print before: "Stuff 'em."

lifted in their case, and the ANC played a key role in lifting them.

Even more confusing is speculation over the ANC's role in a conference on South Africa After Apartheid, to be held next week at York University, England. Some 12 prominent South African-based academics and non-academics are to attend the conference. Although there has been no overt screening of those attending, conference organisers say the ANC has agreed to send a delegation. The ANC itself said this week that no decision had been taken as yet.

Perhaps this is why the Association for Sociology in Southern Africa (ASSA) recently decided they should visit Lusaka "to investigate current positions held by the ANC." The proposed ASSA visit, which it is hoped will be funded by the Ford Foundation, is prompted by a desire to try to overcome ASSA's isolation in the face of the academic boycott.

Similarly, a University of Cape Town delegation led by vice-chancellor Stuart Saunders returned last week from Lusaka where its members consulted with the ANC.

But just as there seems to be no rigid and rigorous policy towards South African academics which holds sway outside the country, so academics here are divided over the principles and practice of the boycott.

Most oppose it, that is only to be expected. But there is a large group who are more ambivalent: some who simply accept it as inevitable, and others whose own attitudes to apartheid make them broadly sympathetic to moves to isolate the present government by whatever means.

Within these latter groups there are disagreements about the scope and implementation of the boycott. A crucial debate is developing among these academics, one that will hopefully lead to a coherent, considered, canvassed and unified policy platform.

A primary concern is that the process of "selection" or "screening", which is willy-nilly a reality after the events in Delhi, places tremendous

power in the hands of non-academics. Th worries Doug Hindson, a Wits University lecturer who will be attending the York conference. "I believe 'people who are not academics' and therefore do not fully understand academic work should not have these powers of selection."

He acknowledges that "academics are not outside of society", but argues "they need to protect the independence. They must establish their right to be able to decide what teaching work appropriate."

Wits colleague and former Utas council member Jonathan Paton says "There are mixed feelings and an air of caution about screening. Who screens? Could it just turn into a choir between Pretoria and Lusaka?" Paton says there is no debilitating "split" within Utas over the issue, but academics desperately need to debate it problem and be given definite direction.

But if political organisations are not to control the selection process, should it be left up to it individual academic to decide?

Hindson strongly opposes this idea, as do Cloete and Muller. "Our conclusion, based on recent experience, is that it can't be done on an individual basis," argue Cloete and Muller. "As individuals you get sucked into either one political pole or the other. It is also extremely difficult for international organisations who know very little about you to judge you as individuals."

What kinds of proposals are emerging from the debate which is so clearly occupying the attention of "progressive" academics? One approach currently being pushed on English-language campuses does not seek to confront the boycott issue directly — not at this stage, anyway. Rather it acknowledges that South African-based academics as a body have not done enough to promote change, either within their universities or in the country as a whole, and seeks to address this issue.

"At the most basic level", says Alan Mabini, head of the Wits Academic Staff Association, "this includes the whole direction of our universities — how are they contributing to the creation of a nonracialism in South Africa? We must guarantee

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ordinated resistance on the part of existing academic organisations.

There is also the immediate problem of how the new union or organisation would relate to existing bodies like the university staff associations and professional bodies like ASSA. Alan Mabin, who supports "in principle" the concept of a national academic organisation, warns against a new group emerging "self-appointedly" and expresses some doubts as to "whether it could function in a democratic way". He believes serious consideration should be given to improving the role of existing organisations "because they have never attempted to play such a role, they have always been concerned with trying to defeat academic boycotts in a blanket fashion". This could change, he says.

Some academics, notably at the University of Natal, favour working within existing structures. Colin Gardner of the Pietermaritzburg campus says there is a body of opinion which favours the development of Utasa to fill the role. "Many think Utasa must evolve a kind of declaration. This might interest some overseas universities in applying a selective boycott, both coming in and going out. Many of our members believe progressive academics urgently need backing from an academic organisation in South Africa with clearly stated principles."

"Generally, I think it is safe to say that people in Utasa tend to support the idea of a selective academic boycott if it can be sensibly devised. I think this is often a reason behind people who support a blanket boycott: an efficient and just selective boycott is so difficult to implement."

Utasa, which claims to be representative of the English-language campuses, holds a council meeting in Durban next month where the accelerating crisis will be fully discussed. The organisation is clearly entering a period of intense introspection and flux. Anything is possible, Gardner doesn't even rule out the long-term possibility that the association could align itself formally with an organisation like the United Democratic Front (UDF).

The Joint Academic Staff Association of the University of Natal is — alone among university staff associations — already a UDF affiliate.

One of the glaring ironies of the lack of clarity surrounding the boycott is that while anti-apartheid groups have had some success in restricting the flow of South African-based academics abroad, their effect on foreign-based academics coming into this country has been very one-sided.

Says Alan Mabin: "Progressive academics,

justification for such visits.

The British Anti-Apartheid Movement (AAM) supports a blanket academic boycott, and says it allows "no qualifications" to this position.

According to London AAM Campaigns Officer Karen Talbot, "We have a very clear position in support of a complete boycott by British academics of South Africa and Namibia, and also by South African and Namibian academics living in the United Kingdom."

Talbot said the AAM would not diverge from or dilute this policy, and "constantly appealed to student unions and teachers' unions in Britain to be vigilant and on guard against South African academics who are invited to their institutions".

The United Democratic Front has recently discussed the academic boycott in some detail, according to acting publicity secretary Murphy Morobe. The UDF supported the boycott and did not encourage foreign academics to visit South Africa. "Despite the argument that this cuts universities off from some of the finest brains in the world, we believe that the isolation of the government is more important."

As far as allowing progressive South African academics access to an overseas audience was concerned, Morobe said the UDF was developing a policy of "tactical flexibility".

"It is the regime we want to isolate," he said, "and to achieve that we support the boycott. But of course there are cases when inflexibility is not appropriate. What is important to us is that progressives are screened in some way by the broad democratic movement — including the UDF and Cosatu. They must enjoy the support of the movement."

Shaun Johnson

hostile to apartheid, tend to heed the boycott call. Right wing academics, who just ignore it, go in and out quite freely." Indeed, it is felt in many academic circles that the stream of visiting academic "apologists for apartheid" continues unabated.

Whatever the difficulties, and they are manifold, many academics are today facing up to the fundamental need for new direction. The unprecedented current debate itself might be instrumental in providing a progressive, internal South African input into the academic boycott conundrum — and may just help to eradicate some of the confusions and anomalies. The task is of the utmost significance for the short- and long-term future of the South African academic world.

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The ANC line: No exceptions

against letting the boycott issue — important as it is — divert us from this task”

Cloete and Muller argue that one path out of the current chaos is the formation of a new academic organisation or union. “An organised union of academics could clarify the terrain and stake of the academic. It could clarify the relation of a democratic union to the larger union movement and national politics. It could also clarify the relation of the struggle for democracy within the university with larger democratic struggles outside.”

Hindson concurs, saying that through such an organisation “we must take up the issues that confront us on campus, such as police harassment, detention of students and staff, state interference in research funding patterns within universities and recruitment and selection policies.”

“And by creating our own organisation,” says Hindson, “we are in a position to respond to broader issues as an organisation, not individually. We can forge practical links with other educational and non-educational organisations. Out of these activities a national union of university teachers should emerge.”

Of course, it needs to be said that academics are not the easiest of people to organise. The emphasis they place on their individual rights, not to mention the delight they take in the niceties of intellectual argument, incline them to resist organisational discipline. But this problem aside, even were such a union or organisation to be formed, how would it relate to the boycott issue?

“If a selective boycott is to work effectively,” says Hindson, “it would have to be implemented by academics inside South Africa as well as outside.”

Some academics have argued that although there are no plans to do this, it might be possible for a local academic union to screen foreign academics coming to South Africa; to decide what funding to receive and what to reject, and to decide what research should and should not be done. Without prescribing to international bodies, it might also be possible to liaise with them on which locally-based academics should be accepted overseas.

It is too early to tell how successful moves to create an academic union will be. Existing academic organisations have not been outstandingly successful in defending their members’ rights, either at the basic level of employment practices or indeed politics.

At the political level, state harassment of academics through detentions, bannings or passport withdrawals, has not produced any co-

THE African National Congress (ANC) plays a pivotal role in determining the extent and effect of the academic boycott of South Africa. And all indications are that its influence is set to increase in the coming months.

Although the organisation’s “no exceptions” stated policy to “isolate white-dominated South Africa” — academics specifically included — has been consistent, many university teachers and observers are unclear as to what this means in practice.

There has also been little direct information on the policies of other important organisations, here and abroad.

The ANC’s position is complicated by the fact that the organisation has not only been prepared to receive South African academic delegations in Lusaka (witness the recent visit by a contingent from the universities of Cape Town and the Western Cape), but appears to have endorsed the attendance of selected South African academics at overseas conferences (witness the “clearance” of two Wits University lecturers for the Delhi sociology gathering).

In an attempt to gain further clarity on the ANC’s policy, and thereby facilitate some progress in the local debate among academics on the boycott, the Weekly Mail put a series of questions to the ANC’s representative in Lusaka, Tom Sebina.

Sebina confirmed that the ANC had been asked to screen South African delegates to the International Sociological Association’s annual conference in New Delhi. Asked who had been designated by the organisation to undertake the screening, Sebina said decisions were made on the basis of “consultation between ANC offices in London, Lusaka and Delhi”. Advice was also sought “from people in South Africa”, he said.

He also confirmed that the recent “hard line” policy statement on South African academics by ANC education officer H Makgothi remained unchanged (see main story).

Responding to reports which suggested the ANC was to send a delegation to next week’s “South Africa after Apartheid” conference in England, Sebina said: “No decision has been taken yet on the York conference.”

He came out strongly against overseas academics visiting South African universities. Asked whether there were any cases in which the ANC believed academics could legitimately visit South Africa from abroad, he said: “There can be no

'Image' crisis facing legal profession

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CAL TAP
2/9/86

By SHAUNA WESTCOTT
Supreme Court Reporter

THE legal profession is facing a public relations crisis, according to a publisher of legal books who suggests that the public's favourite quote about lawyers is Shakespeare's "The first thing we do, let's kill all the lawyers".

In a speech to a conference of the International Bar Association reported in the latest issue of the lawyers' journal *De Rebus*, chief executive of Butterworths Mr Gordon Graham says the profession's declining image is suggested by an informal survey of attitudes in six countries.

The context of the decline is increasing public scrutiny, "legislation so complex that loopholes become more important than substance", societies where the distinction between the law-abiding and the law-breaker are no longer clearcut, and a movement favouring a return to amateurism or "the role of the village elders".

Only in New Zealand is the legal profession more respected today than ten years ago, the reason given being that it has "accommodated reform very readily".

In South Africa, the public attitude to the legal profession, especially the judiciary, is reported to be one of unchanged respect. However, Mr Graham's survey may be somewhat at odds with more comprehensive local research.

Both the Hoexter Commission and the Human Sciences Research Council have warned against the fact that most South Africans are view-

ing the law with increasing suspicion. Whether the practitioners of the law are escaping this negativity is a matter for debate.

Mr Graham notes that some lawyers in South Africa are respected for their readiness to speak out against injustice and adds "It is perhaps a pity that law societies cannot identify the entire profession more with their members battling for the oppressed".

The image problem is dire in Australia where a district judge is serving a sentence, another is being prosecuted and a high court judge has been committed to stand trial on charges of attempting to pervert the course of justice.

'Vulture role'

But it is in the United States that lawyers "are seen increasingly in the vulture role". In a recent survey which asked Americans to list institutions in which they had the highest confidence, lawyers finished last of 13.

Mr Graham says lawyers are unfairly vulnerable to the "malign influence of a tiny minority whose interest in their income overshadows their devotion to the law", citing the arrival of Mr Melvin Belli at the Union Carbide plant in Bhopal.

"People generally believe that lawyers earn too much," he says but adds that the average lawyer in Canada earns "only a modest \$46 000 (R118 000) a year". He also quotes a Canadian respondent to his survey who remarked "Of course the national sport here is not hockey, but envy".

... CONT

The first Carnegie study focused upon poor Whites within the old Union of South Africa. The second Inquiry has cast its net slightly wider. The area to be covered is that which contains the single economy, centred on the Vaal Triangle, lying between the Cape of Good Hope and the Limpopo River.

Within this area are different sorts of political boundaries, such as those which demarcate Lesotho, Ciskei, KwaZulu and the "Coloured labour preference area", to name only four. But it is clear that these boundaries are of secondary importance compared with the massive fact of one single economy which binds all these areas together. It is not possible to consider poverty in Bophuthatswana, for example, in isolation from the economic and political forces of Southern Africa as a whole.

The procedure

How then does one set about tackling so huge a task? It is worth noting that before the Second Carnegie Inquiry was launched in April 1982, there was a full 15 month period — spread over more than two years — of quiet travelling, consultation and thinking with a wide range of people throughout Southern Africa as to the feasibility of such an Inquiry and the value of undertaking it. As the work proceeds it becomes increasingly clear that this preparatory phase was of critical importance in finding an appropriate shape for the Inquiry and ensuring widespread participation.

Why not a Commission?

One important idea that emerged during this process was the realisation that the best model for the investigation was not a commission consisting of a few "wise persons" invited to undertake research and write a massive report. For, helpful though such a document might have been, the process of producing it would have effectively excluded everybody except the commissioners from thinking hard about the problems until, like prophets of old, they laid their tablets of stone before an admiring (but possibly sceptical) public.

It gradually became obvious for two reasons that it would not be a good idea to start with a commission. One reason was the negative image which commissions have acquired — often through no fault of their own. To set up a "Carnegie Commission" which both sounded like a government undertaking and yet lacked any influence with the authorities because of its non-governmental status, seemed to be ensuring the worst of both worlds. The second reason lay in the political difficulties of putting together a list of commissioners that would be both authoritative and acceptable to a wide range of South Africans across both the white and the black political spectrums.

Having decided, for these two reasons, not to have a commission, it then became apparent that there was a third, even more important reason why this model was inappropriate. A commission is not the most effective way of drawing on the widest possible range of the existing resources of people

and organisations concerned about poverty. Finding the right structural basis on which to build the Inquiry proved difficult and time consuming but in the end it seemed best (and subsequent experience has confirmed this) that the inquiry should be located in one of the Universities of South Africa which would then be charged with stimulating and co-ordinating research around the country.

The Inquiry has been based at the University of Cape Town within the Southern Africa Labour and Development Research Unit (SALDRU), whose head was appointed to direct it.

Wide participation

From the beginning an important aim has been to ensure as wide a participation as possible in the work of the Inquiry. To this end announcements which accompanied its launching in April 1982 contained an open invitation to all those interested in contributing to the Inquiry to volunteer their services. We had numerous letters and have established a number of fruitful contacts as a result. For example an African dominee of the NG Kerk of Africa read about the Inquiry in *Die Transvaler* and wrote to us from a remote town in the North Eastern Transvaal. He is now a member of a working group charged specifically, with thinking through the role of the Church when faced with the challenge of widespread poverty.

This particular working group reflects a major concern of the first Carnegie Commission in which there was a close link between the academics involved and the DRC, to which so many of the poor themselves belonged.

The open invitation via the Press was followed by visits by the director of the Inquiry to 17 different universities South of the Limpopo, including such places as UNISA, RAU, UWC, UNITRA, UNIBO, UPE, The Universities of the Witwatersrand, Natal, Rhodes, Fort Hare and the National University of Lesotho.

Visits to colleagues in these places have proved most fruitful and we hope that papers will come from almost all of them.

Although the total amount of money committed to the project sounds enormous

and is indeed vast by standards of the social sciences in South Africa, it nevertheless is very small when measured against what is needed. In the USA a full scale investigation along the lines of the South African Inquiry was estimated some years ago to re-

CONT...

Restriction order on freed attorneys (248) (239)

KING WILLIAM'S TOWN — Attorneys Mr John Smith and Mr Dudley van Heerden, both of Breidbach, have been released from detention and served with restriction orders

They were detained under the state of emergency on June 14 and released on Monday

The restriction orders prohibit them from entering schools

and other academic institutions until August 1 next year

They are not allowed to involve themselves in the activities of the United Democratic Front, King William's Town Civic Association and the Border Council of Churches and are forbidden to attend meetings where the Government is to be criticised or politics discussed

span 4/9/85

Black lawyers to form body

Dispatch Reporter

BISHO — Eight black lawyers' associations which met here at the weekend resolved to form a national body, the secretary of their steering committee, Mr Deva Pillay, said yesterday.

He said the meeting had been well attended and well represented.

He said a steering committee was appointed to draft a constitution for the new organisation, which he said was committed to the principles of democracy and unity.

A Transkei attorney, Mr Dumisa Ntsebeza, was appointed chairman of the steering committee.

Mr Pillay said the steering committee was to form the broad guidelines on which the national body would be formed.

On the steering committee each organisation was to be represented by a member as well as two independent members who were not affiliated to any of the eight organisations.

He said a national convention would be held in Durban from December 5 to 7.

Prior to this convention, all the organisations were required to submit drafts of the constitution and motions to be discussed at the convention.

THE Association of Law Societies and its constituent bodies, the four provincial law societies, have been criticised by a number of lawyers for failing to defend their interests, and the interests of some of their clients, during the State of Emergency.

The lawyers are from practices with many Emergency detainee clients and, in some cases, practices where lawyers themselves have been detained. In order to practise, all attorneys have to belong to a provincial law society, the association is the umbrella group.

The lawyers' accusation is that the Association and the law societies should have become more involved during the State of Emergency by bringing applications to the Supreme Court to have lawyer-detainees released. Lawyers have also voiced their dissatisfaction at arrangements made between the Association and the police for the access of lawyers to detainee clients. Some of the lawyers say they do not want to be bound by these arrangements.

But the Association, which regulates the profession and sees to it that lawyers can practise their profession without hindrance, believes it is not its job to apply to court for its members' release and finds other criticism unfounded.

Nine lawyers were detained during the Emergency, the last two were released on Tuesday. They are Dudley van Heerden and John Smith of Smith, Tabata and Van Heerden in King Williams Town, detained near the beginning of the Emergency in June.

Rishi Thakurdin, the Port Elizabeth attorney from Krish Naidoo, was released late last month after spending nearly three months in detention.

He had been detained outside court in Dordrecht where he was defending Aliwal North youths on trial for public violence.

An application for his release and that of the two King Williams Town lawyers was turned down by the Grahamstown Supreme Court.

On the day of Thakurdin's release, the Port Elizabeth office of Krish Naidoo was burgled. No cash was

Lawyer societies deny neglecting detained attorneys

Civil rights lawyers have accused their law societies of failing to defend the interests of nine lawyers held under Emergency regulations. The Association rejects the claims, reports PAT SIDLEY

taken — but all the files concerning hundreds of detainees disappeared. And in Johannesburg, Krish Naidoo's office has twice been burgled — and on neither occasion has money been taken.

After the first bid for Thakurdin's release was rejected, Naidoo had wanted the law society to join him in a second application to the Supreme Court to have his attorney released. The law society declined.

The vice president of the Transvaal Law Society, Stan Treisman, told Weekly Mail the Association of Law Societies had received an assurance from the Commissioner of Police that no lawyers had been detained by reason of their position as attorneys, nor had they been detained because of the causes espoused by their clients.

He said at this point there was no evidence from law societies' members that they had been detained because of their duties as a lawyer.

One lawyer had stated in an affidavit that he had been detained while he was in a township with clients.

"But I'm not totally convinced about this," said Treisman. The lawyer had been in an unrest situation and when arrested was found with pamphlets which he said belonged to his client.

He should, according to the rules of the profession, have been consulting in his offices, unless it was absolutely

essential that he be elsewhere, said Treisman. But if members felt aggrieved he would take the issues up with the Commissioner.

Treisman said the Commissioner had agreed to treat the cases of professionals in detention as a priority. The release this week of the last two known to be in detention was, "I would like to think," he said, "because of the interview I had with the deputy commissioner of police last week," adding that "I am absolutely satisfied with the *bona fides* of the Commissioner of Police."

Treisman did not believe the Association had *locus standi* (the legal ability) to make representations to a court for detained members to be released. The Association might ask a court to appoint a curator if it believed the member's practice was suffering because of his detention.

Asked if it was not a matter worth testing to see if the society had *locus standi*, Treisman said "This is something we have not considered."

"If we felt the (Emergency) regulations were *ultra vires* (not validly passed), we might have gone to court for a declarator. And we could probably be criticised for not having done so," he said.

Dealing with the problems attorneys faced when seeking access to detainees, he said the position in Natal was different to the rest of the country. The courts had secured access to detainees in that province on the same basis as access to convicted prisoners.

The Association had arranged with the Commissioner for access to be applied for in writing in the other

provinces and addressed to the local divisional commanders of the Security Police. Initially the Association had arranged for all requests to be routed through Pretoria, and this had caused a log-jam and long delays for attorneys to get to see their clients. The attorneys had been assured they would have requests dealt with in 72 hours.

But said Treisman, "It's all very well for me to go and bang on the table and say 'Look, you're obstructing us'. The police have tremendous logistical problems."

He explained that when attorneys, for instance, sent cheques for their clients, they were returned as police stations simply did not have facilities to deal with cheques. Additionally police had showed him a batch of requests "half an inch thick" from one attorney for access to all his detainees. This could not be done in 72 hours.

Treisman told Weekly Mail the function of the Association would be to ensure people were entitled to consult with their attorneys and to assist members in seeking to assure lawyers had not been detained by reason of their position.

More broadly, the law societies ensured that members were not in any way precluded from carrying out their professions. This had included investigating and seeking redress for matters like "ordinary discrimination", he said.

The law societies were also to oppose any matter which tended to encroach on the rights of the profession.

The Association had opposed security legislation and saw this as its duty. But Treisman was not sure it was in a position to judge the necessity for a State of Emergency in order to oppose it.

"We must encourage things like human rights," Treisman said. "But there are two sides to this story. There are also obligations. We represent a broad spectrum of ideas and thoughts." While some members thought not enough was being done about the Emergency, others believed enough or even too much was being done, he said.

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5/9/86 ★ Cape

Decision 2681 on Latin

BLOEMFONTEIN. —
The Appeal Court in
Bloemfontein yesterday
found that post-matricu-
lation Latin is a require-
ment for admission as an
advocate

The court dismissed
an appeal by the Uni-
versity of Cape Town
against a decision of the
Cape Supreme Court
that found, on March 1,
1986, that the intensive
courses in Latin and
Afrikaans offered by
UCT were no more than
the equivalent of matric-
ulation

The University had
sought an order to de-
clare that, by passing
Latin Intensive and Afri-
kaans Intensive, a stu-
dent will have complied
with the requirements
for admission as an ad-
vocate in respect of such
languages in Section 3
(2)(a) of the Admission of
Advocates Act of 1964
The application was op-
posed by the Cape Bar
Council and the Law
Society of the Cape of
Good Hope

By agreement between
the parties no order was
made as to costs — Sapa

Law firm's bulletin advises on sanctions

Glenda Spiro

To prepare clients for proposed worldwide sanctions measures on South Africa, a Johannesburg legal firm, Deneys Reitz, issued its first "Information Bulletin" on sanctions this week.

One of the partners, Mr Peter Simkins, said the bulletins would provide factual information on sanctions, explain the legislative procedures, and highlight the ramifications of sanctions on business transactions.

Mr Simkins said there may possibly be ways to structure trade routes legally. He would not elaborate on these methods of combating sanctions. He denied it was a form of sanction-busting — which was illegal, he said "If all areas of sanctions are imposed, it becomes illegal to circumvent them."

The bulletins offer an advisory service, because "a lack of awareness on the full-reaching effect of sanctions has emerged." Problems brought to the firm's attention are of common interest to other clients and are discussed in the bulletins. The first deals with contracts impossible to perform because of sanctions.

Payment or delivery might be prevented, guarantees can become unenforceable and the contract discharged. A way to safeguard this is to add appropriate clauses in the contract which would preserve rights of action.

It is remarkable how naive some people are on how sanctions will affect them, Mr Simkins said.

"There seems to be apathy and a wait-and-see attitude. We don't think a lot of people have taken steps to guard against sanctions."

This week President Reagan renewed the 1985 executive order which imposed limited sanctions. They include a ban on Krugerrands and the sale of computers to South African security



Mr Peter Simkins

agencies. He will consider more measures after consultations with United States allies.

The bulletin details proposed measures in the US, and those under consideration in various parts of the world. The Bill, which goes to the House of Representatives on Monday, has already been adopted by the Senate with more than the two-thirds majority needed to override a presidential veto. If the House approves the Bill, it will be sent to President Reagan for his approval.

The measures include

- The termination of landing rights for South African aircraft
- Prohibition of new investment in South Africa
- Prohibition of loans to the South African Government
- Prohibition of imports — coal, uranium, textiles, Krugerrands and anything grown, manufactured and marketed by organisations which are subsidised or owned by the South African Government
- Prohibition of the exports of several goods to South Africa

Keeping it legal

Predictably, attorneys are fiercely defending their 15% hike in conveyancing and bond registration fees (*Property* September 12)

Perhaps more to the point, they are also defending the long-standing monopoly they hold over the conveyancing business.

Gustav Radloff, chairman of the Association of Law Societies standing conveyancing committee, says the work is becoming ever more complex and is proving a minefield for lawyers.

However, the Free Market Foundation's Roger van Niekerk, himself a lawyer, dismisses the mystique surrounding property registration as "the biggest sham in the country." Conveyancing, he says, is a classic example of restricting work for a privileged few.

Radloff, however, sticks to his guns. Recent legislation, he argues, has essentially transferred more of the onus for property registration from the public to the private sector. No longer, he points out, do deeds offices serve as a "final backstop" to ensure correct information before registering the transfer of a property.

Certification required

Today, when conveyancers prepare a deed, he says they must certify the correctness of the parties, the property, and all conditions as well as the capacity of the parties to act and contract. And they can be held personally liable for a possible claim resulting from incorrect information.

To do the job, he reckons conveyancers have to have a good working knowledge of, among others, the Deeds Registries, Alienation of Land, Sectional Title, Share Block Control, Black Communities Development and, latterly, the Matrimonial Property acts.

Certainly, the arguments seem to have won over the Competition Board's (CB) Stef Naude — also a lawyer — who has granted the legal profession one of the few exemptions to continue with their closed shop.

Van Niekerk, however, is adamant that the closed shop arrangement must go. So much so, that he is preparing to challenge the CB's ruling through the newly promulgated Temporary Removal of Restrictions on Economic Activities Act.

Even within the legal profession, he points out, only a quarter of attorneys are allowed to participate in the lucrative conveyancing business. And lucrative it is, he says.

Conveyancing fees, he insists, are artificially inflated and help price home ownership out of the reach of first-time buyers.

Radloff, however, disputes the common belief that conveyancing is just a question of paper shuffling and word processing.

The Matrimonial Property Act alone, he says, has become a major headache for attor-

neys. For example, if a lawyer were to permit a property transaction where a community of property marriage is involved — without the consent of the other spouse — he would be in serious trouble.

Copies of identity documents and affidavits are now required to protect the profession against buyers who may lie in order to thwart the other party.

Van Niekerk pooh-poohs the complex picture painted by Radloff. He reckons that some 80% of the conveyancing work is handled by legal clerks with no reference to lawyers.

Only in rare cases, he claims, are queries referred to attorneys. In difficult cases, he says buyers who foresee legal problems would take the job to an attorney anyway. ■

WEEKLY MAIL
Sociologists
1976 (248)
to meet ANC

FIVE sociologists, drawn from the executive council of the Association for Sociology in Southern Africa (ASSA), want to travel to Lusaka soon to have talks with the African National Congress (ANC).

The proposed visit is prompted by ASSA's desire to overcome its isolation in the face of a growing academic boycott against South Africa.

The decision to meet the ANC was taken at the association's annual meeting in July.

The proposal was formed at a council meeting in June, after Professor Eddie Webster of the University of the Witwatersrand argued that re-establishment of contact with sociologists outside South Africa would only be feasible after consultation with the ANC.

ASSA has approached the Ford Foundation of New York for ad hoc funding for the visit. The delegation also hopes to visit Mozambique and Zimbabwe.

The main purpose of the meeting will be to investigate current positions held by the ANC. ASSA also wants to review its proposed regional status. Although in principle a regional organisation, in practice it has become confined to South Africa and Namibia.

The meeting should help ASSA in its task of confronting more explicitly the leading, social, political and economic issues of the day.

R14 a month to foot all legal battles

By Ruth Golembo

LITIGANTS will soon be able to go to court — without paying fees.

Legal Insurance SA (Lisa) will provide cover for all legal wrangles.

In return for an average monthly premium of about R14, Lisa will pay attorneys' and advocates' fees.

Depending on the policy, cover in a matrimonial matter or all-inclusive legal protection policy will be a maximum of R75 000 a month. This includes the insured's legal costs, witness and expert fees and even an opponent's costs.

Approved

Started by a Johannesburg attorney Zak Crafford and partner Eric Annegarn, the scheme has been approved in principle by the Registrar of Insurance — subject to share capital of R5-million being raised.

Lisa intends to issue a prospectus in the next few weeks, aimed mainly at members of the legal profession and financial institutions.

Mr Crafford says legal insurance will give the average person access to the courts.

"Legal costs have rocketed and the courts are almost out of the average person's reach. He or she cannot afford to pay, but is not poor enough to qualify for legal aid."



Zak Crafford... paving the way to court

"The Hoexter Commission into the functioning of the courts spotlighted the high cost of litigation and mentioned the need for legal insurance."

"Legal insurance is available in Europe. In West Germany, one in three people has legal cover."

"Market research showed 80% of our sample favoured legal insurance."

"Legal aid organisations serve only a small number of litigants. The small claims courts have limited jurisdiction."

Lisa will offer three main policies — matrimonial, commercial and all-inclusive

for matters other than the first two.

It will exclude liability for matters relating to war, sabotage, terrorism, riots and civil commotion, nuclear explosions, radioactivity, vexatiousness or malice on the part of the insured, illegal contracts and trivial actions.

It will also exclude petty offences, especially crimes for which admission of guilt fines can be paid, charges for contempt of court and the institution of private prosecutions.

Criticism

Mr Crafford concedes that it could be difficult to control adverse risk selection.

"Although we will not screen applicants, we will ask a prospective insured whether he has been convicted of criminal offences in the past three years."

"If he has, indemnity will not extend to a claim related to a similar offence."

A criticism of the scheme is that insurance will encourage litigation or promote crime.

Mr Crafford says "Lisa will pay for consultation fees. We are confident that lawyers will prevent disputes from reaching the litigation stage if they are minor."

"We do not believe people commit more crimes if they know they can get legal representation. Our legal system recognises the right of every accused to have representation."

SUNTIMES
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'Western Cape may free Afrikaans of its fetters'

I have been asked why I am prepared to give up my position at such a well-known, established, "international" university as Wits, where I can quietly do my research and lecture undisturbed in a reasonably protected atmosphere as protected as one can be in South Africa), and go to the still relatively small quiet new University of the Western Cape — which is persistently being threatened from the hegemony of power, and by tinpot politicians, because of its "left radicalism" and its "Marxism"

My reasons for taking this step are the direct consequences of my views on the role of a university in a community, on the political commitment of students, on education and the often spoken of future of Afrikaans

Coming from what one could typify as a "universal" university, which draws students from many and varied communities, I have become aware of the fact that a university — and now I am referring specifically to situations in a developing Africa — has to be part of a community, that it is there to lead, to help a specific community

Thinking change

Not thereby to perpetuate separateness, but to change the thinking of all of us who have by political engineering been forced to experience reality only in terms of separate ethnic/cultural existencies

In being part of a community, a university is involved with the problems of that community, it therefore takes sides, it cannot be liberal, it has to be partisan, it has to be an organisation which takes part in the struggle

I believe that the University of the Western Cape has become a centre of mobilisation for those who are striving towards a better future. It has turned against any forms of ethnicity as dominant principle in human relationships, and it has turned against any form of

248 STAR
Ampie Coetzee (right), controversial professor of Afrikaans and Nederlands at the University of the Witwatersrand, has decided to accept a post at the University of the Western Cape from the beginning of next year. In this article he explains why.

I have also come to realise that the necessary politicisation of the student body at a university is a prerequisite to awareness of the political structures in a community — the structures of suppression and exploitation

The students of the Western Cape were already politicised during their teens by apartheid, their material conditions of existence were created by political and economic discrimination

Their politicisation did therefore not begin at university (as is the case at the "white", liberal universities), it does, however, reach fruition there, to become a motivating force for change

Ultimately, and primarily, there is the question of education and Afrikaans

During the past few years, especially since 1976, when the misuse of Afrikaans by certain Nationalist Ministers reached a peak of arrogance — especially since then — there have been doubts expressed about the future of Afrikaans from suppressed black people, particularly students who quite understandably have seen it as the language of the oppressor, and therefore a language to be rejected

but also from "within", from such an eminent Afrikaans poet as Breyten Breytenbach

How does one then justify education for the people in Afrikaans?

I do not have to justify it, because Afrikaans exists and "the people" are speaking it. About its future I have nothing to say, and those who prophesy do not take the past, the present and historical materialism into sufficient account

Political reasons

Afrikaans was never exclusively the property of the white person. It has been used by them since 1875 for political reasons, as a symbol of Afrikaner nationalism. But a language which is being spoken and written cannot be a symbol. Monuments are symbols — but only of the dead

In typical capitalist fashion Afrikaans was also appropriated by white people — just as they appropriated the minerals and the labour power in this country

But a language belongs to no one person, a language does not belong, it exists in living relationship to people

While the Afrikaner has been speaking his language and writing his literature (a literature which is becoming more and more sterile because it is no more part of a struggle, but the property of an elite class) — while Afrikaans, has seemingly become the possession and the weapon of the repressive State apparatuses, it is also being spoken in the Western Cape by workers and by students, and being written by a new generation of black writers

Perhaps a different Afrikaans, but perhaps with similarities to the original language before "Nationalisation" and appropriation

The black writer in Afrikaans has very recently started stating his case. In the words of one of these poets, Patrick J. Petersen: "The Afrikaans used becomes a force of Africa towards liberation. In this sense the power belongs to us"

In this liberation, the Western Cape may free Afrikaans of its fetters — just as this country will eventually be liberated from the forces of suppression. This is a future to be hoped for, and if those who are working towards that future communicate in Afrikaans, I can see no new society without it

NEW WAY TO MEET LEGAL COSTS

MILLIONS of South Africans are effectively denied justice because of high fees charged by attorneys and advocates, says Mr Zak Crafford, a director of a new specialist legal expenses company.

BY NKOPANE MAKOBANE

The company is called Legal Expenses Insurance Southern Africa Limited (LISA). It is a specialist company providing indemnity to the man-in-the-street and business enterprises against payment of legal costs.

Mr Crafford, an attorney, said after extensive research overseas and locally, LISA was incorporated in November 1984.

On March 13, this year, the Registrar of Insurance granted approval in principle for the registration of LISA as a specialist legal expenses insurer subject,

among other things, to certain conditions concerning shareholders' funds.

According to Mr Crafford, high legal fees are depriving many people of legal representation.

Suspicion

This has caused suspicion towards the judicial system.

He said legal aid bodies could only perform a peripheral function.

"The solution to the problem of high fees,

which have long been a heated point of discussion, is the legal expenses insurance." I South Africa today, if you are not very rich, or not very poor, then the chances are that you could not afford legal representation.

"Now for the first time in South Africa, legal rights can be totally secure. People will not need money when they need a lawyer. LISA will bring justice to the home of every man, woman and child," he said.

LISA's plan offer protection in three main categories.

The are

- All-Inclusive Legal Protection at between R8 and R18 a month, for legal disputes involving the entire family, arising from any situation, excluding marriage and profit-making activities,

- Matrimonial Legal Protection at between R18 and R22 a month, and

- Commercial Legal Protection for commercial disputes. Premiums will be determined according to the circumstances of each applicant.

Disputes

Legal disputes arising from the following situations which are all covered by the All-Inclusive Legal Protection may be taken out separately.

- Motor vehicle owners for cases connected with the driving or ownership of a car (Motor-

MR GODFREY Pitje... a LISA director.

for a month. If he does not pay, he is not covered.

To obtain a cover, one merely contacts his insurance broker, asks his attorney or employer or obtains more information from LISA.

Upon receipt of an application, LISA will supply the applicant with bank, building society, or post office deposit forms already filled in to correspond

names of attorneys," he said. He added that the legal expenses insurance has been advocated for a long time.

The Hoexter Commission of Inquiry into the functioning of the courts approved of it in its final report.

Others who have also approved of it are, M Henri Viljoen, president of the General Council

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R10 a month, and

- Any employment (Employees' Legal Protection) at R8 a month

All the common types of cases that a person or business is likely to get involved in, such as serious traffic and other offences, obtaining bail, suing someone or defending a civil case in court, appealing against unfavourable Judgments or convictions are all covered by the indemnity

The insurance is taken out on a monthly basis. If one pays the monthly premium, he is covered

with his requirements

This will enable the applicant to make a monthly or weekly deposit of the premium directly in to LISA's account

Mr Crafford also said another LISA benefit is that it will operate free to its policyholders a 24-hour general advice service in English, Zulu, Afrikaans and North Sotho

"An insured person can choose any attorney since there is no interference. However, if the person wishes, LISA can supply them with

Zyl, past president of The Association of Law Societies of South Africa and Professor J P van Niekerk of UNISA

Other LISA directors are, Mr Eric Annegarn, a foreign exchange risk management expert, and Mr Godfrey Pitje, a well-known attorney who has practised in Johannesburg for the past 25 years

For more information, people can write to Deqtime House, 280 Pretoria Avenue, Randburg, 2194, PO Box 3528, Randburg 2125, or telephone 886-2587

Major UK conference on SA faces the flak

A MAJOR conference on the "Southern African Economy After Apartheid" opens at York University in England next week — and although it was planned before the issue of academic boycotts attracted such widespread international attention, it unwillingly faces the full force of the current controversy.

The four-day conference, which focusses largely on the economic implications of dismantling apartheid, is to be attended by some 100 academics from all over the world, including about 25 South Africans.

Landeg White, Director of the York Centre for Southern African Studies (CSAS), which is hosting the gathering, says the conference is "purely academic. No resolutions will emerge, it is a forum."

He believes it can go ahead without "the kinds of problems which have faced other international conferences which have run into trouble. We are not looking for limelight."

Overseas conferences now almost automatically face difficulties if they include South African-based academics. The African National Congress publicly maintains its hard line on their "absolute isolation", but the organisation has confirmed that it is often asked by various institutions to "screen" academics.

White says the ANC has agreed to send a delegation to the conference as observers, and is "quite confident" that they will attend. In a telex to the Weekly Mail this week, the ANC said

"no decision has yet been taken on the York conference."

The CSAS has been in contact with the ANC "recognising the absolute need for such groups to be represented in our discussions", but vehemently rejects any suggestion that the organisation "screened" South African delegates.

"The ANC was not in any way responsible for validating those who are attending, or for keeping anyone away," he says.

White declined to name the South African participants before the conference, but said they represented a broad spectrum of "South Africans who are interested in seeing apartheid go as quickly as possible." There were certainly no government representatives, he said.

He could not confirm the attendance of any Afrikaans-speaking academics, but said there were definitely no staff members of Afrikaans universities.

White rejected out of hand any suggestion that the conference funding was South African-linked.

"This conference is a sincere attempt to address the future of Southern Africa," he said, "and we hope to achieve serious discussion of papers and an identification of research priorities."

"We think it is valuable and are encouraging as little publicity as possible until it is an accomplished fact."

● The Academic Boycott:
See PAGE 12

THE FREEZE ON SA UNIVERSITIES

SCHOLARS UNDER S

WHEN Nico Cloete and Johan Muller of the University of the Witwatersrand received a telex from the International Sociological Association (ISA) saying they had been "cleared" to attend the Association's conference this year in India they thought their troubles were over. They were just beginning.

Their story highlights the deep confusion among South African academics: boycotts of South African university teachers going abroad are now a regular reality, and no clear response — even among the academic "Left" — has been formulated.

The ISA telex meant Cloete and Muller had overcome the hurdles which the Association, under pressure from the Indian government, had put in the way of South African based academics wanting to attend the conference.

At the outset, South Africans had to submit statements to the ISA secretariat giving their views on apartheid. These were sent to the African National Congress in Lusaka for screening. At this point most of the South Africans found themselves excluded from the conference, either because they failed the "statement test" or because they refused to submit to it.

Cloete and Muller passed — though they still don't know precisely what they said that did the trick.

They obviously didn't graduate with flying colours, however they were subsequently asked to say "what they had done recently to help bring an end to apartheid."

"We have interviewed the National Education Crisis Committee and its affiliates while preparing a report on the role of the university in a changing society," they replied.

Says Muller: "We believe this was an important factor in winning our clearance, but don't know for sure."

Whatever the reason, it produced the magical telex from the ISA saying the Indian government, on the advice of the ANC, was prepared to grant them visas to enter India.

But at New Delhi airport, an immigration official was decidedly unimpressed by the telex. He had never heard of the ISA and wasn't about to let any stray South African academics into the country. He wrote out an immediate deportation order.

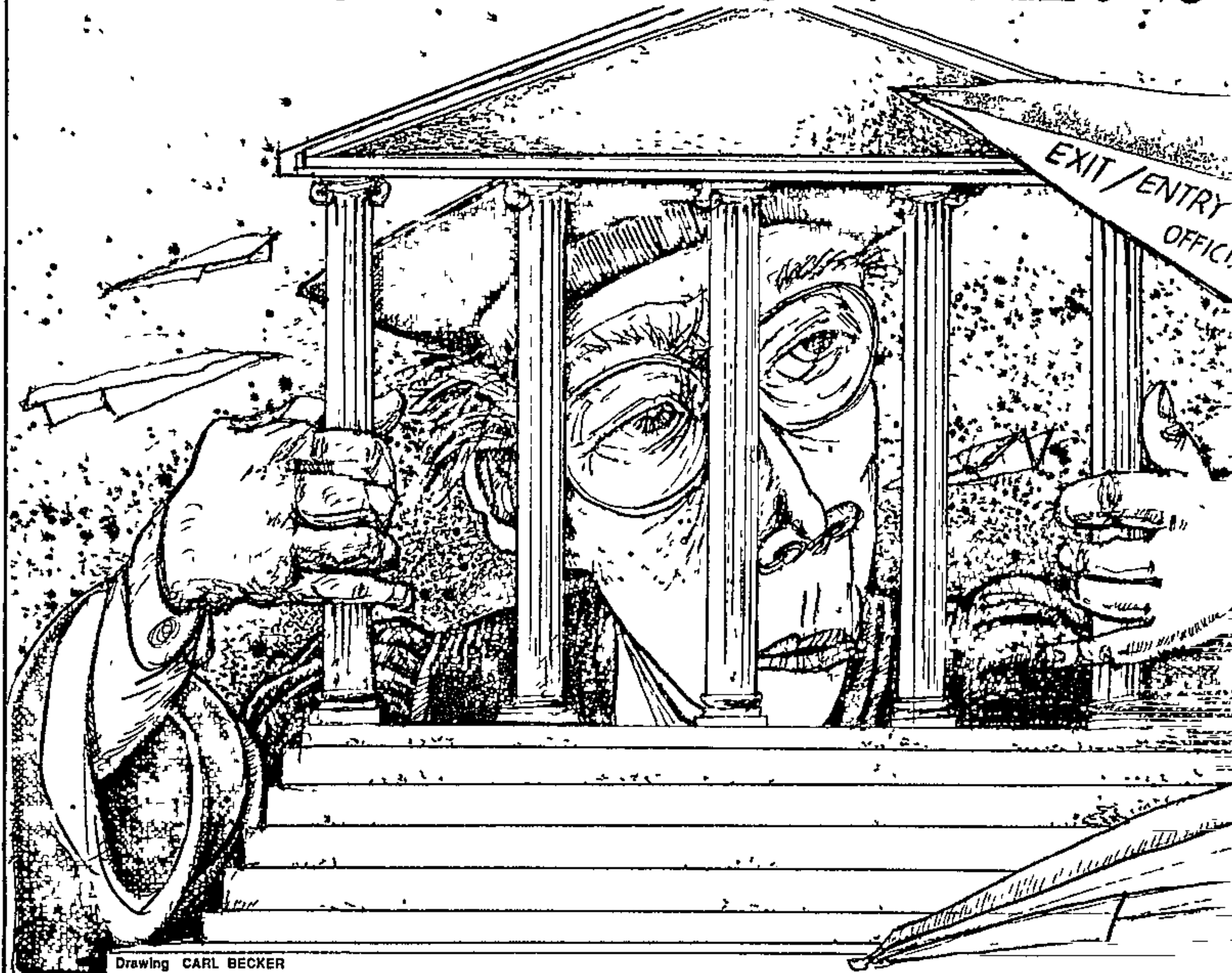
At this point fate intervened in the form of an air hostess who assisted the bemused pair to contact the Indian Foreign Office. They were granted 72-hour visas.

At the conference they found themselves at the centre of another major controversy, with Indian delegates demanding their immediate expulsion and wanting to know why the ISA secretariat had agreed to allow "Pretoria's agents" to attend. Another statement on apartheid was called for. Cloete and Muller obliged again, this time adding that they had been cleared by the ANC.

The Indian press, which had been hostile, now hailed them as champions of the struggle against apartheid. Most delegates concurred, though a minority circulated a petition against them. They took part in the conference.

This bizarre tale is but one example — rather unusual, but representative nevertheless — of the welter faced by South African universities and the individuals who teach within them. Its message is quite clear: the boycott has finally arrived on campus.

It is not a bolt from the blue. Professor Colin Gardner, head of the University Teachers' Association of South Africa (Utas), says "the problem has been simmering for some time." He believes the upsurge in American consciousness on South African issues has been catalytic. "Where



Drawing CARL BECKER

AN INTERNATIONAL BOYCOTT OF SOUTH AFRICAN UNIVERSITIES

DUNCAN INNES and SHAUN JOHNSON

before most United States academics were not even sure of where South Africa was, now they are often more scrupulous in excluding South Africans than the British. Local academics have felt the effects.

It is also spreading into new academic disciplines. "Whereas boycotts were known in the humanities and social sciences," says Gardner, "other scientists are now shocked to find it happening to them. They thought they were part of an international academic community which was above such 'petty political concerns'."

The issues are vexed, far from being clear cut, the boycott is shrouded in confusion and

controversy in its application.

To take an important example the ANC's position as spelt out by its education representative, H Makgothi, in the "Perception of Wits" report issued earlier this year, seems unambiguous. "It is ANC policy to isolate white dominated South Africa in all areas, including sport, investment, trade, entertainment and teaching. We refuse to lift the barriers by making exceptions. This hard line is based on experience."

There is an apparent incongruity between this public position, which was echoed by the Non-Aligned Movement at its recent conference, and Cloete and Muller's experience. Barriers were

lifted in their case, and the ANC played a key role in lifting them.

Even more confusing is speculation over the ANC's role in a conference on South Africa After Apartheid, to be held next week at York University, England. Some 12 prominent South African based academics and non academics are to attend the conference. Although there has been no overt screening of those attending, conference organisers say the ANC has agreed to send a delegation. The ANC itself said this week that no decision had been taken as yet.

Perhaps this is why the Association for Sociology in Southern Africa (ASSA) recently decided they should visit Lusaka "to investigate current positions held by the ANC." The proposed ASSA visit, which it is hoped will be funded by the Ford Foundation, is prompted by a desire to try to overcome ASSA's isolation in the face of the academic boycott.

Similarly, a University of Cape Town delegation led by vice chancellor Stuart Saunders returned last week from Lusaka where its members consulted with the ANC.

But just as there seems to be no rigid and rigorous policy towards South African academics which holds sway outside the country, so academics here are divided over the principles and practice of the boycott.

Most oppose it, that is only to be expected. But there is a large group who are more ambivalent: some who simply accept it as inevitable, and others whose own attitudes to apartheid make them broadly sympathetic to moves to isolate the present government by whatever means.

Within these latter groups there are disagreements about the scope and implementation of the boycott. A crucial debate is developing among these academics, one that will hopefully lead to a coherent, considered, canvassed and unified policy platform.

A primary concern is that the process of "selection" or "screening", which is willy nilly a reality after the events in Delhi, places tremendous

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Conor Cruise fuels the boycott brouhaha

By SHAUN JOHNSON

THE media brouhaha surrounding the visit of Dr Conor Cruise O'Brien to the University of Cape Town has added fuel to the already smouldering fire of the academic boycott controversy.

O'Brien, as it has repeatedly and correctly been pointed out, cannot be glibly dismissed as another academic apologist for apartheid. He is a former president of the Irish Anti Apartheid Movement and, according to one commentator, "his views on racism are impeccable."

O'Brien's image as "boycott buster" is further confused by the fact that he supports international "measures" — including economic — to bring pressure to bear on Pretoria.

He has stated the reasons for his decision in several lengthy newspaper articles, both here and abroad. Essentially he believes that one should not isolate what he calls "honest, open and creative intellectual communities" (like that of UCT) because of the government of their country. He was quite happy to have his actions interpreted as "a gesture of defiance" against the "intellectually disreputable" application of an indiscriminating boycott.

The dissenting stand of the "warrior scholar", who has been characteristically open rather than secretive about his decision to lecture at UCT,

throws into sharp relief a central dilemma facing protagonists of a blanket boycott.

Is it ever legitimate for an academic to come to South Africa? Do his or her reasons for doing so cut any ice?

In O'Brien's case, the answers from important anti apartheid and resistance organisations amount to a resounding "no".

The Irish academic, diplomat and former newspaper editor has been accused of being "politically inconsistent", tactically naive and of taking an unjustifiably individualistic approach to the question of isolating South Africa internationally.

His position is complicated by the fact that, whatever his own reasons and motivation for coming to South Africa, these inevitably take second place as he is fettered by the local press as a "boycott buster".

ANC representative in Lusaka, Tom Sebina, told the Weekly Mail: "O'Brien has no moral right to call for sanctions and still visit UCT. This is a sign of political inconsistency on his part and is unacceptable" to the ANC. This stance is consistent

with the ANC's attitude that no reasoning — no matter how sophisticated — can justify visits to South Africa by foreign academics.

Murphy Morobe, the UDF's acting publicity secretary, said O'Brien's decision was "a contradiction in terms. We can't accept a situation where he argues for the economic isolation of the country and in the same breath would rather come and teach here than not. We are forced to ask the question: what is in it for him, what is he getting out of it? He has gone against the Anti-Apartheid Movement, and I can say that we don't take kindly to his presence."

The AAM itself says O'Brien is "an open and shut case. He is totally out of step and misguided in breaking the academic boycott."

AAM campaigns officer Karen Talbot said his actions "mean that he will be subjected to severe criticism by the movement on his return to the UK. He will have great difficulty in justifying what he has done."

O'Brien, who could not be contacted this week despite repeated attempts by the Weekly Mail, can safely be expected to respond to some or all of these charges in his own pithy fashion.

He is likely to say again, as he has said in print before: "Stuff 'em."

UNDER SIEGE



UTH AFRICAN UNIVERSITIES BEGINS TO BITE

ANC's lifted in their case and the ANC played a key role in lifting them.

Even more confusing is speculation over the ANC's role in a conference on South Africa After Apartheid, to be held next week at York University, England. Some 12 prominent South African based academics and non academics are to attend the conference. Although there has been no overt screening of those attending, conference organisers say the ANC has agreed to send a delegation. The ANC itself said this week that no decision had been taken as yet.

Perhaps this is why the Association for Sociology in Southern Africa (ASSA) recently decided they should visit Lusaka "to investigate current positions held by the ANC". The proposed ASSA visit, which it is hoped will be funded by the Ford Foundation, is prompted by a desire to try to overcome ASSA's isolation in the face of the academic boycott.

Similarly, a University of Cape Town delegation led by vice chancellor Stuart Saunders returned last week from Lusaka where its members consulted with the ANC.

But just as there seems to be no rigid and rigorous policy towards South African academics which holds sway outside the country, so academics here are divided over the principles and practice of the boycott.

Most oppose it, that is only to be expected. But there is a large group who are more ambivalent, some who simply accept it as inevitable, and others whose own attitudes to apartheid make them broadly sympathetic to moves to isolate the present government by whatever means.

Within these latter groups there are disagreements about the scope and implementation of the boycott. A crucial debate is developing among these academics, one that will hopefully lead to a coherent, considered, canvassed and unified policy platform.

A primary concern is that the process of "selection" or "screening", which is willy nilly a reality after the events in Delhi, places tremendous

power in the hands of non academics. This worries Doug Hindson, a Wits University lecturer who will be attending the York conference. He believes "people who are not academics and therefore do not fully understand academic work should not have these powers of selection".

He acknowledges that "academics are not outside of society", but argues they need to protect their independence. They must establish their right to be able to decide what teaching work is appropriate.

Wits colleague and former Utasa council member Jonathan Paton says: "There are mixed feelings and an air of caution about screening. Who screens? Could it just turn into a choice between Pretoria and Lusaka?" Paton says there is no debilitating "split" within Utasa over the issue, but academics desperately need to debate the problem and be given definite direction.

But if political organisations are not to control the selection process, should it be left up to the individual academic to decide?

Hindson strongly opposes this idea, as do Cloete and Muller. "Our conclusion, based on recent experience, is that it can't be done on an individual basis," argue Cloete and Muller. "As individuals you get sucked into either one political pole or the other. It is also extremely difficult for international organisations who know very little about you to judge you as individuals."

What kinds of proposals are emerging from this debate which is so clearly occupying the attention of "progressive" academics? One approach currently being pushed on English language campuses does not seek to confront the boycott issue directly — not at this stage, anyway. Rather, it acknowledges that South African based academics as a body have not done enough to promote change, either within their universities or in the country as a whole, and seeks to address this issue.

"At the most basic level", says Alan Mabin, head of the Wits Academic Staff Association, "this includes the whole direction of our universities — how are they contributing to the creation of nonracialism in South Africa? We must guard

against letting the boycott issue — important as it is — divert us from this task."

Cloete and Muller argue that one path out of the current chaos is the formation of a new academic organisation or union. "An organised union of academics could clarify the terrain and stake of the academic. It could clarify the relation of a democratic union to the larger union movement and national politics. It could also clarify the relation of the struggle for democracy within the university with larger democratic struggles outside."

Hindson concurs, saying that through such an organisation "we must take up the issues that confront us on campus, such as police harassment, detention of students and staff, state interference in research funding patterns within universities and recruitment and selection policies."

"And by creating our own organisation," says Hindson, "we are in a position to respond to broader issues as an organisation, not individually. We can forge practical links with other educational and non educational organisations. Out of these activities a national union of university teachers should emerge."

Of course it needs to be said that academics are not the easiest of people to organise. The emphasis they place on their individual rights, not to mention the delight they take in the niceties of intellectual argument, incline them to resist organisational discipline. But this problem aside, even were such a union or organisation to be formed, how would it relate to the boycott issue?

"If a selective boycott is to work effectively", says Hindson, "it would have to be implemented by academics inside South Africa as well as outside."

Some academics have argued that although there are no plans to do this, it might be possible for a local academic union to screen foreign academics coming to South Africa, to decide what funding to receive and what to reject and to decide what research should and should not be done. Without prescribing to international bodies, it might also be possible to liaise with them on which locally-based academics should be accepted overseas.

It is too early to tell how successful moves to create an academic union will be. Existing academic organisations have not been outstandingly successful in defending their members' rights, either at the basic level of employment practices or indeed politics.

At the political level, state harassment of academics through detentions, bannings or passport withdrawals, has not produced any co-ordinated resistance on the part of existing academic organisations.

There is also the immediate problem of how the new union or organisation would relate to existing bodies like the university staff associations and professional bodies like ASSA. Alan Mabin, who supports "in principle" the concept of a national academic organisation, warns against a new group emerging "self appointed" and expresses some doubts as to "whether it could function in a democratic way". He believes serious consideration should be given to improving the role of existing organisations "because they have never attempted to play such a role, they have always been concerned with trying to defeat academic boycotts in a blanket fashion". This could change, he says.

Some academics, notably at the University of Natal favour working within existing structures. Colin Gardner of the Pietermaritzburg campus says there is a body of opinion which favours the development of Utasa to fill the role. "Many think Utasa must evolve a kind of declaration. This might interest some overseas universities in applying a selective boycott, both coming in and going out. Many of our members believe progressive academics urgently need backing from an academic organisation in South Africa with clearly stated principles."

"Generally, I think it is safe to say that people in Utasa tend to support the idea of a selective academic boycott if it can be sensibly devised. I think this is often a reason behind people who support a blanket boycott: an efficient and just selective boycott is so difficult to implement."

Utasa, which claims to be representative of the English language campuses, holds a council meeting in Durban next month where the accelerating crisis will be fully discussed. The organisation is clearly entering a period of intense introspection and flux. Anything is possible, Gardner doesn't even rule out the long term possibility that the association could align itself formally with an organisation like the United Democratic Front (UDF).

The Joint Academic Staff Association of the University of Natal is — alone among university staff associations — already a UDF affiliate.

One of the glaring ironies of the lack of clarity surrounding the boycott is that while anti-apartheid groups have had some success in restricting the flow of South African-based academics abroad, their effect on foreign-based academics coming into this country has been very one sided.

Says Alan Mabin: "Progressive academics,

The ANC line: No exceptions

THE African National Congress (ANC) plays a pivotal role in determining the extent and effect of the academic boycott of South Africa. And all indications are that its influence is set to increase in the coming months.

Although the organisation's "no exceptions" stated policy to "isolate white-dominated South Africa" — academics specifically included — has been consistent, many university teachers and observers are unclear as to what this means in practice.

There has also been little direct information on the policies of other important organisations, here and abroad.

The ANC's position is complicated by the fact that the organisation has not only been prepared to receive South African academic delegations in Lusaka (witness the recent visit by a contingent from the universities of Cape Town and the Western Cape), but appears to have endorsed the attendance of selected South African academics at overseas conferences (witness the "clearance" of two Wits University lecturers for the Delhi sociology gathering).

In an attempt to gain further clarity on the ANC's policy, and thereby facilitate some progress in the local debate among academics on the boycott, the Weekly Mail put a series of questions to the ANC's representative in Lusaka, Tom Sebina.

Sebina confirmed that the ANC had been asked to screen South African delegates to the International Sociological Association's annual conference in New Delhi. Asked who had been designated by the organisation to undertake the screening, Sebina said decisions were made on the basis of "consultation between ANC offices in London, Lusaka and Delhi". Advice was also sought "from people in South Africa", he said.

He also confirmed that the recent "hard line" policy statement on South African academics by ANC education officer H. Makgobane remained unchanged (see main story).

Responding to reports which suggested the ANC was to send a delegation to next week's "South Africa after Apartheid" conference in England, Sebina said: "No decision has been taken yet on the York conference."

He came out strongly against overseas academics visiting South African universities. Asked whether there were any cases in which the ANC believed academics could legitimately visit South Africa from abroad, he said: "There can be no justification for such visits."

The British Anti Apartheid Movement (AAM) supports a blanket academic boycott, and says it allows "no qualifications" to this position.

According to London AAM Campaigns Officer Karen Talbot, "We have a very clear position in support of a complete boycott by British academics of South Africa and Namibia, and also by South African and Namibian academics living in the United Kingdom."

Talbot said the AAM would not diverge from or dilute this policy, and "constantly appealed to student unions and teachers' unions in Britain to be vigilant and on guard against South African academics who are invited to their institutions."

The United Democratic Front has recently discussed the academic boycott in some detail, according to acting publicity secretary Murphy Morobe. The UDF supported the boycott and did not encourage foreign academics to visit South Africa. "Despite the argument that this cuts universities off from some of the finest brains in the world, we believe that the isolation of the government is more important."

As far as allowing progressive South African academics access to an overseas audience was concerned, Morobe said the UDF was developing a policy of "tactical flexibility".

"It is the regime we want to isolate," he said, "and to achieve that we support the boycott. But of course there are cases when inflexibility is not appropriate. What is important to us is that progressives are screened in some way by the broad democratic movement — including the UDF and Cosatu. They must enjoy the support of the movement."

Shaun Johnson

hostile to apartheid, tend to heed the boycott call. Right wing academics, who just ignore it, go in and out quite freely. Indeed, it is felt in many academic circles that the stream of visiting academic "apologists for apartheid" continues unabated.

Whatever the difficulties, and they are manifold, many academics are today facing up to the fundamental need for new direction. The unprecedented current debate itself might be instrumental in providing a progressive, internal South African input into the academic boycott conundrum — and may just help to eradicate some of the confusions and anomalies. The task is of the utmost significance for the short- and long-term future of the South African academic world.

Bu DAY
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CHRIS CAIRNCROSS
THE University of Cape Town has decided to take action to help break the political stalemate in SA

The instrument it has created to climb out of its ivory tower is its Institute for the Study of Public Policy.

Headed by prominent political scientist Robert Schrire, its first task is development of a "critical choices" programme, whose objective is to use experts to examine the most important challenges facing SA in politics, economics, resource development, foreign policy and so on.

"The aim is to use the institute to bridge the gap and attempt to give direction to the enormous amount of drift occurring within SA"

The institute aims to contribute to an ongoing debate on the nature of public authority and the desirable balance between the State and society.

Additionally, the institute — which is being funded partly by private-sector donations — will provide detailed research on major policy issues and an analysis of the critical choices facing SA society

Further aims are to improve the quality of political and administrative decision-making by extending the range of contacts between the world of research and the world of politics

According to Schrire, the institute has already started commissioning eminent SA and overseas scholars to carry out various studies and produce position-papers covering the realms of government policy

UCT to examine choices open to S Africa

After the revolution

10/10/86 FINMAIL

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In the justifiable belief that post-revolutionary governments are short on economic reality, the University of York's Centre for Southern African Studies held a conference last weekend on the southern African economy after sanctions. Premature though the initiative may be, the tenor of the papers — some from academics at Wits and UCT — justified the event.

The *FM* is indebted to former Saan staffer Noel Bruyns for a summary of arguments presented. Quoting participants by name was barred by the conference.

More than 150 academics attended the four-day affair. More than half were South African, mostly teachers of sociology and economics.

If what they said bears much relation to what they teach, there will plainly not be an economy worth contemplating in post-apartheid SA.

What they advocated approximates the policies of the Nationalist government before it discovered capitalism a decade or so ago.

The extent of central planning and control under their blueprints would perpetuate the mass solutions of apartheid and absence of personal freedom — only this time in the name of freedom instead of Afrikanerdom.

The economic — let alone other — depredations of post-colonial African regimes appeared entirely lost on the participants. Nor did they pay much attention to the economic decline of the broader socialist world.

According to delegates:

□ The economic structure would have to be reorganised in a post-apartheid society, as it is now based on racial capitalism, economic privilege and discrimination. Every facet, from land distribution to urban structures, would have to be deracialised;

□ In the minds of black South Africans, capitalism is seen as racial capitalism. In a non-racial SA, the capitalist system would become all but extinct. Democratic socialism — as opposed to the East-bloc brand — was a probable alternative,

□ If democratic socialism is adopted, the government of the day would have to consider seriously the economic price it is willing to pay: hard-core socialism might lead to losing Western friends with capital, including the International Monetary Fund.

"If SA took the hard option of becoming a thoroughbred socialist state, this could raise the ire of Western capitalist countries, and the threat of sanctions could then really raise its head," one delegate warned;

□ Big business run on capitalist lines would probably not give in gracefully, but make life difficult for the economic architects after liberation. Transition could be painful and — economically speaking — bloody;

□ The leaders of a post-apartheid society would have the further headache of what to

do about the independent homelands.

As the rest of the world does not recognise their sovereignty, a South African black majority government would hardly do so either, and

□ South African economic dominance over neighbouring states would remain as great as ever, even with a different political system.

Mining

The mining sector has an essential hold on the economy. Its overwhelming importance is as a source of foreign exchange. The sector has, therefore, as much to do with fiscal and banking policy as with industrial policy.

The dominant six groups, Anglo American, Gencor, Anglovaal, Gold Fields of SA, Barlow Rand and JCI, have diversified into many commercial and industrial areas.

Would these companies be nationalised?

Said one speaker: "The control mechanisms set up by a new government should retain some administrative power at mine and plant level to work within the guideline of government policy, but all marketing should be centralised and training programmes should be centrally directed as should overall development, exploration and market research."

"Inevitably there will be great hostility from both within the mining industry and the capitalist world to government control of the sector, especially as a new government may not feel that justice would be done by compensating existing owners with the full value of facilities taken into public ownership."

The most menacing prospect, however, is that the major mining companies may "rape the mines" before the transition.

Labour migration

A post-apartheid government would be faced with major problems, including economic growth, redistribution of income and providing employment.

A relatively quick and easy way to provide employment would be to replace migrants with South Africans. It was probable that this would happen any new government would be nationalist and migration would soon end.

It seemed inevitable, though, that the right to send migrants to the mines would be used to reward countries that put the least pressure on SA or even assisted possible sanctions-busting.

Land distribution

South African farms are far too large and thus economically inefficient. So there should be redistribution.

The manner of doing so was less clear, even considering the statement on land reform in the Freedom Charter: "The land shall be shared among those who work it."

Said a Wits academic. "From the point of

view of the low waged, un- and under-employed, tenancy on privately owned land may provide the only relief for families now existing in overcrowded reserves or semi-urban settlements."

Trade Unions

The trade union movement is considered a major force that will lead to a new political order. Its political muscle in the past 10 years, especially since the birth of the Congress of South African Trade Unions (Cosatu), has not gone unnoticed.

A UCT academic. "The foundations for a potential future democratic non-racial socialism with industrial democracy are being laid by political, community and trade union movements struggling for liberation."

"The democratic trade union movement is a key force. Trade unions are the only bodies which can conduct the struggle in the workplace for democratic workers' control and so help to establish industrial democracy. Their primary task is therefore to organise workers at the point of production while also actively promoting class politics."

However, many questions left unanswered cropped up during corridor conversations. Would trade unions be independent after liberation? Would they be allowed to strike?

African National Congress

Taking into account the popular support for the African National Congress (ANC), especially since its re-emergence after the 1976 Soweto uprising, it would be foolish to disregard the movement.

It thus seemed strange that no papers were delivered by the ANC itself to give more insight into its economic programme than sketched briefly in the Freedom Charter. An ANC delegate explained that the Congress had declined as it suspected the British Foreign Office was behind the gesture — a belief met by scepticism.

The opinion was widely expressed that the academics were indulging in "crystal-ball futurology" without putting their briefs in the context of the political struggle in the townships.

"What is missing is that the concept of transition is not a dogmatic approach," was one comment. "We don't know the regime will fall or when, and what will replace it. Lopsided predictions fail to take account of the character of the struggle and the time of transition."

There is little evidence that the mass liberation movements are yet grappling with these questions in a systematic way. The value of the conference, however, lies in the fact that people have started to look ahead. Its value will also be shown if it leads to further conferences within SA, between academics and community, trade union and political organisations.

SA lawyers debate using US fee system

By YVONNE STEYMBERG

THE South African legal system could face the prospect of being bogged down by hundreds of lengthy civil cases with claims running into millions of rands if a move to introduce contingency fees is accepted by the Association of Law Societies.

The possible introduction of the American system — in which payment of a lawyer's fees in a civil action depends on his client's winning the case — will be debated at the annual meeting of the Cape of Good Hope Law Society in Oudtshoorn next week.

A top legal source pointed out to Weekend Post that if the principle of contingency fees was accepted, the stage could be reached where attorneys would have the right to advertise, as was the case in the United States.

The stage could also be reached where judges might campaign for positions, either on a political platform or on a perform-

ance basis, the latter usually based on the number of convictions in his court.

But the system could not be adopted without law society approval at a national level.

"This could have very undesirable consequences, like those experienced in the United States," Prof J T Delpoit, Dean of the Faculty of Law at the University of Port Elizabeth, said this week.

"In South Africa, the fact that it costs money to start legal proceedings acts as a deterrent to irresponsible claims."

This could fall away under a system of contingency fees.

Prof Delpoit said that while the adoption of the system could help poor people seek redress through the courts, a change from the present procedure would have to be very carefully investigated to avoid negative effects and abuse of the law.

In accordance with British legal principles adopted

in South Africa, attorneys may not have a financial interest in the result of litigation.

In the United States, however, an attorney may enter into an agreement with a client for a percentage of any settlement to constitute his fee.

He may therefore accept any case he thinks worthwhile, even if his client does not have a cent.

There are fears that if the principle of contingency fees were adopted in South Africa, damages claims and the number of civil cases could increase to unprecedented levels similar to those in the US.

American cases in which companies have been crippled are regularly reported. As a result, firms and professional men pay out huge amounts for insurance against possible legal actions.

In one recent case, several asbestos manufacturers in Akron, Ohio, face ruin in an action by one attorney who has filed

more than 700 individual lawsuits against them on behalf of members of the Akron-based United Rubber Workers.

However, Mr Sakkie de Beer, a member of the Transvaal Law Society who will address the Oudtshoorn meeting on the implications of accepting the contingency fee policy, does not foresee any major difficulties.

In an interview from Pretoria, he said he had spent some time in the US this year investigating legal systems in California, Florida and Oklahoma.

He spoke to judges and visited law faculties and came to the conclusion that in many cases adverse reports about the American legal system were exaggerated.

"It is not the perfect system and would have to be modified here, but it would do away with the current situation in which a plaintiff with no money has no hope of going to the highest court," said Mr de Beer.

If the motion is adopted

in Oudtshoorn next week it would still have to be accepted by the Association of Law Societies of South Africa before it could come into force.

Mr De Beer said a committee would have to be appointed to go into the ramifications.

The Cape Law Society director, Mrs I M Hoffmann, said next week's meeting should be attended by about 180 delegates, including 30 attorneys from the Eastern Cape, Transkei and Ciskei.

Another matter for discussion will be the admission to the society of non-practising attorneys who are employed full-time by firms or large organisations.

The president, Mr A M McLellan, of East London, will be ending his term of office.

Also attending will be the Judge-President of the Cape, Mr Justice G G A Munnik, and Deputy Constitutional Development and Planning Minister Piet Badenhorst.

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Senior Unitra academic is detained by police

CP Correspondent

UNITRA senior researcher Peter Wakelin, 34, was detained by Transkei security police last week

Associates of the Unitra Institute for Management and Development Studies acting director claim he is being held under Section 47 of the homeland's Public Security Act

They say his house was searched by 10 policemen last week shortly after he had been fetched from the IMDS offices

● But this week Transkei security police head Lieutenant General Leonard Kawe would not confirm Wakelin's detention. He said he had "no comment"

Lawyers acting for the family said they had written to Transkei police commissioner RF Mantanga for confirmation, but had not received a reply

Unitra has not commented on the detention, but it is understood someone has been appointed to assume Wakelin's duties temporarily

British citizen Wakelin has lived in Umtata for almost four years. He was responsible for negotiations with the SA government on the Transkei's share of the customs pool, worth R212-million last year.

He was also responsible for planning and co-ordinating the sample popular census held in the Transkei last year – the first of its kind

The IMDS was formed in 1980 as a semi-autonomous body within Unitra

It is centrally involved in research in socio-economic fields in the homeland, and has conducted surveys into areas including income and expenditure in urban and rural areas, housing affordability and others

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Natal Law Society reports on advocate rule

Mercury Reporter

THE rule that attorneys may not appear in the Supreme Court is no longer based upon educational qualifications or ability, or any consideration of public interest

This was said in the general annual report of the Natal Law Society, which was tabled in Durban at the weekend

'Historical differences between educational levels of advocates and attorneys have not only tended to disappear, but a situation has today in fact developed in which the attorneys tend to be better qualified upon entering the ranks of practising lawyers,' the report stated

'Many of our members specialise in acquiring a knowledge of their chosen subjects which extend far beyond any expertise which is available among the ranks of advocates

Time ripe

'The question thus arises whether an attorney who has the same, or better, qualifications than an advocate should be precluded from appearing in the Supreme Court,' the report asked

It said that, while the Natal Law Society does not propagate the abolition of the bar, it felt that the time was ripe to allow attorneys to also appear in the Supreme Court

The report said the feeling was shared by members of the Association of Law Societies. The society, in collaboration with the Department of Justice, will be arranging a seminar 'at which the whole question will be thrashed out', the report stated

'We hope the result will be the removal of another restriction to which we, as attorneys, so often are necessarily subjected to'

Debate

Approached for comment yesterday, the acting chairman of the Bar Council of the Society of Advocates of Natal, Mr Keith McCall, SC, said it was the belief of the bar that the best interests of lay clients were served by having a division between the bar (advocates) and the 'side-bar' (attorneys)

Mr McCall said the debate had been going on for years and 'I thought it had been put to rest for a while'

Mr McCall said he could not imagine that many attorneys would like to appear in the Supreme Court as they do not have the time at their disposal

Other advocates, who did not want to be named, slammed the

Conetaw 22/10/86

Lawyers talk

A MOVE by major black lawyers' bodies to form one national lawyers' organisation in the country is to come under focus at the Black Lawyers' Association annual general meeting on October 26.

The meeting is to be held at the Burgerspark Hotel (corner Van der Walt and Minnaar streets), Pretoria. It will be preceded by a meeting of the BLA executive committee members on October 25.

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Lawyers' organisations

Mr Seun Moshidi, BLA's secretary, said the meeting was "crucial" in that it will give direction whether the BLA will disband and go national with other lawyers' groups, or pursue its initial idea to expand as a national body.

He said recently at a conference in Bisho, Ciskei, lawyers from different organisations formed a national steering committee to spearhead the formation of a giant lawyers' body in Durban during December, this year.

The major lawyers' organisations represented at the conference were the BLA, Democratic Lawyers' Association (Eastern Cape), Democratic Lawyers' Organisation (Western Cape), Democratic Lawyers' Congress (Transvaal), Lawyers for Democracy (Pietermaritzburg) and the UDF-affiliated Democratic Lawyers' Association (Durban).

Fees only for successful cases — Law Society studies reform

From ANTHONY DOMAN
Staff Reporter

OUDTSHOORN — Changes to centuries-old ethical practices could reduce South Africa's staid legal profession to haggling over fees, but it could mean access to legal help for many more people

Mr Mervyn Smith, new president of the Law Society of the Cape of Good Hope, was addressing the society's annual conference

Mr Smith, a Bellville attorney, has succeeded Mr Angus McLennan for a two-year term as president

Various ethical practices may have cut off the poor from legal assistance, he said

A solution to this could lie in a proposal contained in a paper on contingency fees delivered by Dr Arthur Chaskalson SC

Under this system lawyers would not charge set fees but would take a share of the proceeds if a case was successful

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"Contingency fees have been discouraged through a centuries-old legal ethical ruling which has been honoured in most Western jurisdictions

"The question is whether people have been denied access to the courts because of the ruling," Mr Smith said

The Law Society was studying this question. The concept applied to civil actions and not criminal cases

He spoke of "a great pressing need for more legal aid"

SPECIALIST COURTS

Advertising as a means of reaching more people was also being studied

"We have to decide if it should be limited to institutional advertising or if individual lawyers should be allowed to advertise"

Up to now ethical rules had barred the profession from advertising

Further discussions at the conference involved legal accessibility matters such as delays in third-party proceedings

"We believe procedures should be simplified and speeded up," Mr Smith said

"The profession has strong views on this. We favour specialist courts. This is in fact the subject of a judicial commission to which we will be making representations"

The conference, much of which has been held behind closed doors, ended yesterday

Lawyers may take a share of the spoils

Legal eagle eye on ethics review

24/10/85 STAR 248

Own Correspondent

OUDTSHOORN — Changes to centuries-old ethical practices could see the staid legal profession haggling over fees but mean legal help for more than just the wealthy, according to the Law Society's new president Mr Mervyn Smith.

Mr Smith, from Bellville in the Cape, has succeeded Mr Angus McLennan for a two-year term as president of the Law Society of the Cape of Good Hope

Mr Smith, interviewed during the society's annual conference here, said various ethical practices may have cut off the poor from legal assistance. Contin-

gency fees, the subject of a paper delivered by Dr Arthur Chaskalson SC, could be one answer

Instead of set fees, lawyers would take a share of the proceeds in successful civil litigation

'DENIED ACCESS?'

"Contingency fees have been discouraged through a centuries-old legal ethical ruling honoured in most Western jurisdictions," Dr Chaskalson said

"The question is, have people been denied access to the courts because of the ruling?"

"We are examining that," Mr Smith said, and spoke of "a great pressing need for more legal aid".

Advertising, prevented in the profession by ethical rules, was also being studied, Mr Smith said "We have to decide if it should be limited to institutional advertising or if individual lawyers should be allowed to advertise"

Further discussions at the conference involved legal accessibility matters such as delays in third party proceedings

Mr Smith said: "We believe procedures should be simplified and speeded up. The profession has strong views on this — we favour specialist courts. This is in fact the subject of a judicial commission to which we will be making representations."

The conference, much of it behind closed doors, ended on Wednesday

Lawyers argue possible new fee scheme

By YVONNE STEYNBERG

DESPITE the fact that massive civil actions could bog down the courts should attorneys be able to accept contingency fees, this could still become a reality in South Africa, even if at first in a milder form

This, the American system whereby a lawyer's fees in a civil action depend on his client's winning the case, entitles him to a pre-arranged percentage of the settlement

Contingency fees were a hot item on the agenda of the Cape Law Society's (CLS's) annual meeting in Oudtshoorn this week. It was decided to continue investigations on how best to implement the system

Although no final resolution was adopted, the meeting resolved to report on its investigations and feelings on the matter to the SA Association of Law Societies,

meeting in Cape Town in March

In addition, a committee chaired by Mr Koos de Waal, of Stellenbosch, must report back to the CLS's next annual meeting in October next year on the ramifications and possible modifications of such a system

CLS director Mrs I M Hoffman said from Cape Town that the meeting had received detailed reports. Although it was felt that in the US the system was not working as well as it should, in SA it would assist the lower middle income group to institute legal proceedings

Attorneys felt that only the wealthy could now afford civil actions

Some R5 million a year was available to help the poor with litigation in this country — a drop in the ocean, Mrs Hoffman said

Even in England, where the annual State allowance was R152,3 million, it had been found to be totally inadequate.

But the meeting felt certain safeguards would have to be built into the system, she added

It would be essential to

- Exercise a great deal of control, details of which would have to be discussed.

- Institute very strict guidelines

The feeling was that it was definitely not acceptable that an attorney should take a portion of the final award made to a litigant, but that possibly a system could be acceptable whereby

- An attorney could accept a case on condition that he do it free of charge if litigation was not successful

● An attorney be entitled to charge a reasonable fee if the case did succeed

At present an attorney in SA can only act at no charge (*pro amico*) in the case of a close friend, relative or colleague

The younger lawyers at the meeting were in favour of attorneys being allowed to advertise, as in the US, but no final decision was reached

However, even if next year's meeting decided to continue with the possibility of introducing changes to the present system, the consent of the General Bar Council, representing some 2 000 advocates, has to be obtained

At the meeting Mr Mervin Smith, of Tygerberg, was elected president and Mr Bob Stanford, of King William's Town, vice-president for 1986-87

28/10/86

STAR

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day October 28 1986

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Harriet Ngubane is UCT's first black professor

Own Correspondent

CAPE TOWN — Social anthropologist Dr Harriet Ngubane has been appointed to a newly created full professorship in the University of Cape Town's department of anthropology.

She is the first black African to be appointed a full professor at UCT.

Presently employed by the International Labour Office (ILO) as policy adviser to the commissioner of the women's bureau of the Lesotho Government, she assumes her new duties in the new year.

Part of her job will be to assist UCT's vice-chancellor, Dr Stuart Saunders, on special projects.

Professor Ngubane told UCT's campus news sheet *Monday Paper* that South Africa's unsettled and uncertain circumstances meant one had increasingly to believe in the scope for effective local initiatives.

UCT had pledged itself to develop a multiracial university without loss of academic standards and she was honoured to be able to take part in such an effort.

LARGE TASK

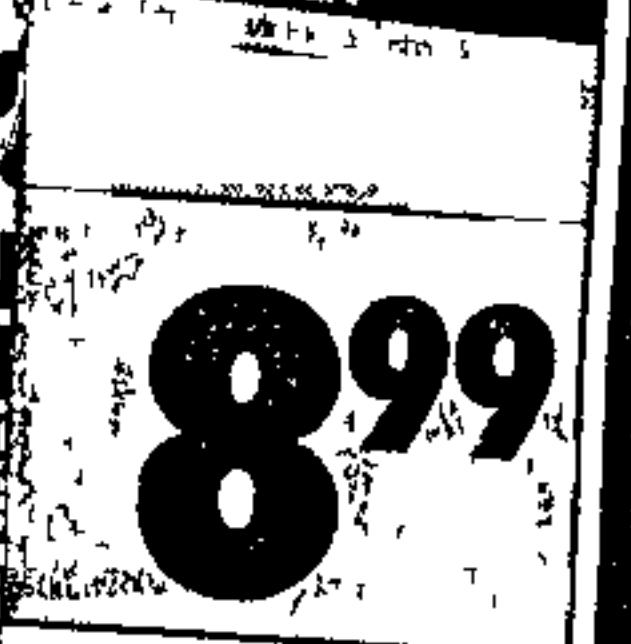
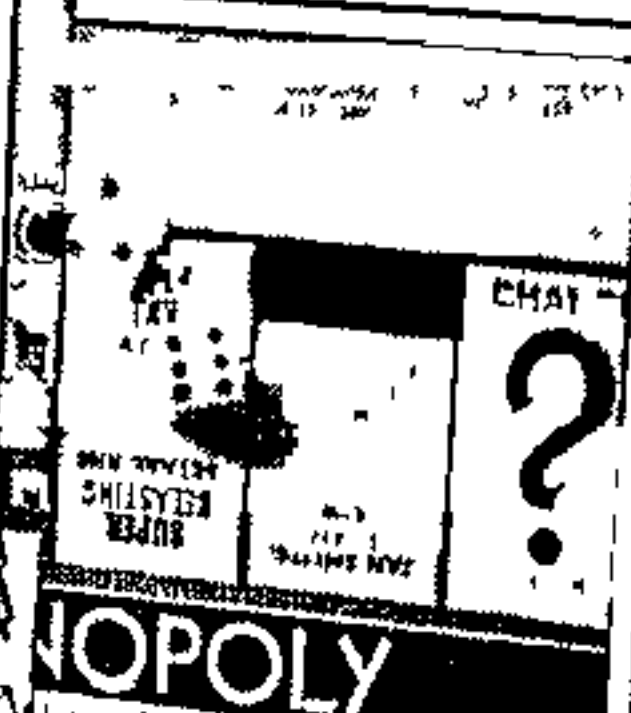
"Changing apartheid and achieving a more just kind of society is a large task. The universities should be taking a leading part in formulating directions in this process," she said.

Having studied and worked at four of the largest universities in the United Kingdom she felt well acquainted with international academic standards and believed she could help preserve them while accommodating black aspirations at the same time.

Born in Durban in 1929, she was a primary school teacher before graduating from Natal University with a BA degree. She earned her BA honours in 1963 and a PhD from Cambridge University in 1972.

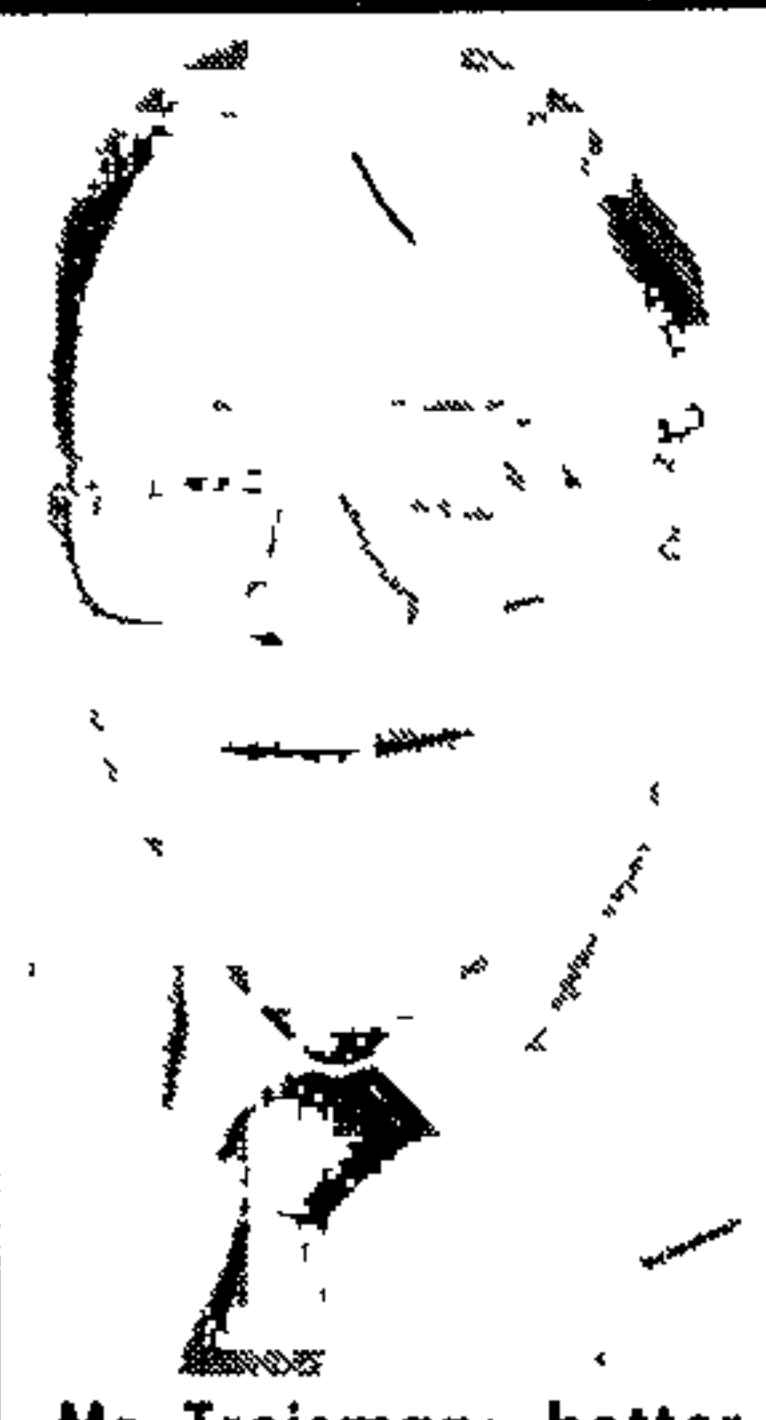
During the next 12 years she published a monograph, "Body and Mind in Zulu Medicine" and published many reports and articles.

Noted for her contribution to the field of medical anthropology, she has been involved in development work for a decade, first as a rural sociologist in Swaziland and since 1984 with the ILO. She has also acted as a consultant to the World Health Organisation.



4/11/86
SPM

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Mr Treisman: better image for attorneys.

Aim is to 'open' courts to public

By Estelle Trengove

The newly-elected president of the Transvaal Law Society, Mr Stan Treisman, has undertaken to move towards making the courts more accessible to the public

Mr Treisman's other main goal will be to improve the image of the attorneys' profession in the minds of the public to move away from the idea that lawyers are just out to make money.

Mr Treisman, married with three children, took office as the 1987 president at the annual general meeting in Rustenburg at the weekend, succeeding Mr Ed Southey.

Born and bred in Johannesburg, Mr Treisman obtained an LLB degree at the University of the Witwatersrand

Since 1971, he has specialised in property law and conveyancing Co-author of a book on the Alienation of Land Act, he was actively involved in the Sectional Titles Act, particularly the amended Act.

He was recently appointed chairman of the Practising Rights Committee of the Association of Law Societies, which investigates impediments to attorneys carrying out their duties, such as discrimination in the courts.

He was also appointed by the profession to liaise with the Commissioner of Police on the state of emergency.

Suzman meets UK Minister for SA 'update'

The Star Bureau

LONDON — Mrs Helen Suzman and Mrs Lynda Chalker, Minister of State at the Foreign Office, met for a 45-minute "update" on South Africa yesterday.

Afterwards, Mrs Suzman described the meeting as "frank, friendly and useful", and spoke of Mrs Chalker's "concern". Mrs Suzman also repeated her deep concern about the growing sanctions movement, particularly in the United States, where she has been lecturing and campaigning in an effort to off-set some of the boycotts planned by the US administration.

She earlier described the anti-sanctions campaign in the US as "a lost cause".

The Foreign Office said Mrs Chalker was particularly interested in the prospect of an election in South Africa, and of peaceful change resulting from it.

This was Mrs Suzman's first meeting with Mrs Chalker, although she has met Foreign Secretary Sir Geoffrey Howe before.

Kentridge argues for SA bill of rights

The Star Bureau

LONDON — There is still time for change in South Africa, and one of the most positive things the Government can do in the time available is to accept a bill of rights.

This was one of the points made by Mr Sydney Kentridge, QC, the South African-born barrister, when he gave the John Foster Inaugural Lecture at the University College of London yesterday.

He said he did not see "revolution around the corner" — my own guess is that it (blacks dominant in government) is likely to come about by the end of the century.

ENDLESS STRUGGLE

Reason suggested that both sides could be brought to see that a negotiated settlement was preferable to an endless struggle.

By a bill of rights, he said, he meant a statute which would

- Provide a real restraint on arbitrary executive action
- Preclude indefinite detention without trial
- Prevent forced removal of communities
- Undo bans on political organisations and individuals.

● Dismantle apartheid by making discrimination on the grounds of race or colour actually illegal. Mr Kentridge said the South African public itself had been educated on the advantages of a bill

of rights, though not academically. "What had educated it had been 'the manifest and disastrous failure of the Government's racial legislation and of its security legislation as well'."

There was growing realisation that unbridled police powers did not bring peace and were self-defeating because of the resentment created.

There was good reason to believe that the African National Congress, notwithstanding the Marxist element within its ranks, did not exclude a bill of rights from its thinking.

On the future, Mr Kentridge said he believed the South African Government would remain in control for many years to come.

But the numerical composition of the population, and the growing political consciousness and economic power of the black population must in due course end the present state of affairs.

He said he was optimistic enough to believe that although it was unlikely that change would be entirely non-violent, events in South Africa would lead to a negotiated settlement which in turn would lead to a form of government with a black majority.

He went on "I must add this the African National Congress is bound to have an important part in that process."

"That means that there is likely to be a strong, but not necessarily dominant, socialist element in a future South African Government."

● Sir John Foster was a British jurist deeply involved in human rights. He died about three years ago.

It's back to lectures for aspirant attorneys

6-18
19/11/86

MARITZBURG — It will be back to lectures for many aspirant attorneys who have to take a further Latin course before they can be admitted.

But former advocates who now want to become attorneys will not have to do a higher Latin course.

This is clear after a full bench of the Maritzburg Supreme Court judges dismissed the application by the Natal Law Society (NLS) for a declaratory order on a recent Appellate Division decision.

The Appellate Division ruled on September 4 that a Latin intensive course (such as the Latin 1(B) course at Natal University) was not an adequate

Latin qualification for admission in terms of the Admission of Advocates Act which required a higher qualification such as Latin 1(A).

The court dismissed the NLS's application to have the articles of clerkship, and the certificates of appearance of articulated clerks who did not have the correct Latin qualifications, declared valid.

However, the court found that the Attorneys Act was clear about articulated clerks — even if they did not have the required Latin qualification — who had previously been admitted as advocates.

These people's articles

of clerkship were valid and they also had the right of appearance, according to the Attorneys Act, and no declaratory order on their position was therefore necessary, the court found.

But the court would not rule as requested by the NLS on the length of articles which such an articulated clerk would have to serve before admission.

Professor James Lund, of Natal University, Maritzburg, said a committee was sending a memorandum to the Minister of Justice asking that Latin be abolished altogether as a requirement for admission — Sapa

Rights Bill ideas needed

(248)

By Estelle Trengove

STAR 20/11/86

The Association of Law Societies has urged attorneys to contribute to the investigation into the viability of a bill of rights for South Africa.

The South African Law Commission is looking into the possibility of a bill to protect human and group rights.

The Association of Law Societies, in an editorial in its official magazine *De Rebus*, said a bill of rights was so important for stability, peace and individual liberties that attorneys and other lawyers were duty bound to contribute to the SA Law Commission's investigation.

"The adoption of such a bill can be seen as a prerequisite for a just system and a stable South African community," it said.

The Department of Justice has defined the Law Commission's project as an investigation into the role of the courts in protecting group rights and

human rights and the possible extension of that protection, including the necessity for and the desirability of the introduction of a bill of rights.

The role which the courts played in protecting individuals' rights could not be underestimated, *De Rebus* editorial said. The protection of individuals should be the most important requirement of a bill of rights.

Lawyers were, however, not unanimous in their support for a bill of rights. A spokesman for the Law Commission said there was great interest in the project and contributions were streaming in, many containing very valuable input.

The Law Commission sent out about 6 000 letters to individuals, companies and organisations, including church bodies and lawyers' associations.

Any comment on the issue of a bill of rights can be sent before November 28 to: The SA Law Commission, Private Bag X668 Pretoria 0001.

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The Star Thursday N

'Courts moving towards human rights'

By Jo-Anne Richards

South African judges have moved in the past year from upholding the State's will at the expense of human rights, to decision-making which protects the individual, according to Professor Dion Basson.

Professor Basson, of the Department of Public Law at the University of Pretoria, has researched court decisions and has interpreted them in terms of "a new and welcome trend".

But an "opposite and damaging trend" has also emerged. While judges have been interpreting or, to an extent, creating law in favour of individual rights, the Government has followed up by changing the law, he says.

Studies covering legal decisions between 1910 and last year show the judiciary generally gave executive-minded decisions — those which favoured the Government rather than the individual — "even though they had the choice to rather protect individual rights and freedom".

But recent decisions show the court has exercised its choice in favour of protecting human rights.

"The Government seems intent on destroying the beneficial effects of these concerned



Professor Dion Basson has researched court decisions.

judgments," Professor Basson says. "If this dangerous trend continues it will have disastrous results."

If the courts were to be ousted altogether from the constitutional arena, "the controlled and arbitrary" infringements of human rights would result. "Today some vestiges of democratic control on the exercise of Government power remain and find expression in the concerned judgments by the judiciary."

On the one hand, these judgments should not be overestimated, he says. "Due to the steady erosion of human rights, they operate only in the very

restricted and sometimes even highly-technical area of judicial review of executive actions."

But on the other hand, they "form the only legitimate basis from which to move to the ideal democratic position where human rights in South Africa will be adequately protected — in all probability by a judicially-enforced Bill of Rights."

And "dire consequences" would result if courts were to return to their former executive-minded rulings. The previous decisions led to large numbers of people seeing the courts as "maintaining the unjust legislative programme of the status quo".

"Unless it retains the confidence of the people, the legal system loses its legitimacy and the result of the distrust will almost certainly be anarchy and revolution."

In his research, Professor Basson has identified certain specific areas where the courts have been able to swing the balance slightly in favour of human rights, and where the authorities have changed the law to circumvent this.

- In the case of the Minister of Law and Order and Others vs Hurley, the court spoke out on

the ability of a police officer to detain someone in terms of Section 29 of the Internal Security Act.

The Act required that the police officer must have "reason to believe" the person had committed a prescribed action. The court stated that this meant the "reason to believe" should be based on objective facts which could be shown in court.

- The law was then changed, making it possible for someone to be detained if, in the subjective opinion of the arresting officer, it was necessary. Even so, the courts declared he had to form the opinion "properly" — he could not be made fide, have an ulterior motive or have failed to "apply mind to matter".

"It is of course, much more difficult to prove the absence of an honestly-held opinion than it is to prove the absence of objective grounds."

The changed law also moved the onus from the arresting officer to the person arrested. Instead of the officer having to prove the necessity of an arrest to the court, the "onus was on the arrestee to show it was unnecessary.

- In Buthelesi and Others vs

the Attorney-General of Natal, the court ordered the Attorney-General could not — in terms of Section 30(1) of the Internal Security Act — prevent the court from granting bail to an accused, unless the accused had been given notice of the step and an opportunity to put his case.

- During the state of emergency of July last year, the authorities changed the regulation dealing with continuation of detention "to expressly preclude" a person having the right to put his case before his detention was extended.

- In Omar and Others vs The Minister of Law and Order and Others the majority of the court reluctantly decided that .. (the State President) did not act ultra vires when he issued the new regulation."

But in the case of Momoniat and Naidoo vs Minister of Law and Order, a full Bench declared the regulation could not stop a detainee making representations after his continued detention had been ordered. "The denial of the prior right does not carry with it the denial of the subsequent right."

- This year's emergency regulations again expressly denied a detainee's right to put his

case before his detention was extended. And the courts again declared the detainee could make written representations to the Minister after the order was issued. This meant he had to be given writing materials and information about his continued detention.

- Regulations providing for severe infringements of individual rights such as the right to legal representation and the freedom of speech and the Press, were found by the courts to be ultra vires and invalid.

Reasons for this were either that the responsible official did not stay within the Act enabling him to make the regulations, or that the regulations were void for uncertainty or unreasonableness.

- Even in cases where clauses were introduced "ousting" the court's right to inquire into executive actions, the courts decided the clauses could not stop them exercising control over executive actions which were invalid or ultra vires.

- In certain cases, the courts found some measures were invalid on the basis of improper delegation of powers. But the regulations were then amended to provide for the necessary delegation.

(248) N/M 21/11/81

Top lawyer urges no-win-no-pay fees

Mercury Reporter

THE perception that 'justice exists only for the wealthy' would be diminished if lawyers were allowed to agree on contingent (no-win-no-pay) fees with their clients, says a leading lawyer

Abolishing the rule that forbids contingent fees would open the courts to the growing number of people who would otherwise have to bow down to the superior economic resources of their adversaries, said Durban lawyer Mr Graham Cox, in the latest issue of De Rebus, journal of the Association of Law Societies (ALS)

If contingent fees are paid and the litigation is unsuccessful, the lawyer may charge a nominal fee,

or no fee at all

But if the litigation succeeds, the lawyer may charge a pre-arranged fixed fee or a fee equivalent to a percentage of the amount recovered by the client

Unprofessional

'Already attorneys are increasingly giving credit to their clients in actions in which the attorney knows that he has no prospect of being paid unless his client is successful

'This is particularly noticeable in MVA (motor vehicle accident) cases,' he said

Mr Cox, who is chairman of the ALS's joint committee of attorneys and chartered accountants and member of the standing committees on company, tax and IBA matters, said

contingent fees were considered to be 'inherently unprofessional' and reflected the ancient bias of the legal profession against becoming involved in commercial or profit-motivated activities

But, he said, the social and philosophical considerations which might make the charging of contingent fees undesirable did not appear to have been the subject of extensive judicial analysis

He argued that the objection to contingent fees rested on prejudice rather than reason, and the abolition of the rule would have a number of advantages

'First and foremost it will open the courts to the grow-

ing number of people who find themselves involved in disputes in which they have to bow down to the superior economic resources of the adversary'

Mr Cox also argued that the beneficial effects of introducing contingent fees would be greatly enhanced with the abolishment of the general rule that the loser must pay the winner's costs, and the rule that only advocates may appear in the Supreme Court

Tomb found

CAIRO—Archeologists have uncovered the tomb of a pharaonic prince site of the prototypal pyramid — (Sapa-'

BUS DAY 28/11/84
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NEW-CAR prices next year may increase by about 18%, Nissan marketing director Stephanus Loubser said yesterday.

And he predicted total industry losses this year would be about R250m — compared with estimates of between R500m and R1bn in 1985

Car prices this year have risen, on average, by more than 30%. One reason given by Loubser for next year's slowdown — and the motor industry's reduced losses — was the move to fewer derivatives of basic car models

"I expect a continued trend over the next five years of fewer derivatives," he said

He added that Nissan was the only major manufacturer not to introduce new models to SA this year. With a bigger market share, however, he said,

New-car prices set to increase

Industrial Staff

the company "has a base to launch a new model very successfully"

Loubser announced, meanwhile, that Nissan would increase its activities in rally racing next year. It will be represented in all six rally classes

SA rally champion Hannes Grobler will spearhead Nissan's team in a four-wheel-drive Skyline. He will be supported by another four-wheel-drive, a specially-built Langley driven by championship runner-up Kassie Coetzee

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CITY PRESS, November 30, 1986

PAGE 27

SOCIAL anthropologist Dr Harriet Ngubane, 57, has been appointed to a newly created full professorship in the University of Cape Town's department of anthropology

She is the first black person to be appointed a full professor at the university

She is at present employed by the International Labour Office as policy adviser to the commissioner of the Women's Bureau of the Lesotho government

Ngubane in UCT chair

Ngubane said she was "honoured" to take part in this endeavour

Born in Durban in 1929, she was a teacher before graduating from the University of Natal with a BA degree. She gained her BA Honours in 1963 and a Ph D from Cambridge Uni-

versity in Britain in 1972

She has been involved in development work for a decade, first as a rural sociologist in Swaziland and since 1984 with the ILO. She has also acted as a consultant to the World Health Organisation

She takes up her new position in January

Lawyers meet

By NKOPANE MAKOBANE

A STEERING committee spearheading the formation of a national lawyers' body will meet in Durban this weekend to finalise the new organisation's constitution.

The yet-to-be-named organisation was to have been launched on December 5 and 6. However, only the steering committee will meet.

The lawyers' groups which may belong to the association are Democratic Lawyers' Association (Durban), Democratic Lawyers' Congress (Transvaal), Democratic Lawyers' Organisation (Western Cape), Black Lawyers' Association (Transvaal and Orange Free State), the Eastern Cape Democratic Lawyers' Association and the Lawyers for Democracy (Pietermaritzburg).

Mr Seun Moshidi, the BLA's representative on the steering committee, said committee members met in Johannesburg on November 15, but were unable to finish the draft constitution

because of the work involved.

"The meeting in Durban will complete the constitution and also formally postpone the launching to a date to be announced early next year," he said.

Mr Archie Gumede, a United Democratic Front leader and member of the Durban-based DLA, has reportedly said that it was necessary to produce a powerful lawyers' body which had a correct vision of South Africa's future society.

"In the face of the ongoing crisis in the country, there has developed a dire need for people in all sections of our society to involve themselves in the struggle for a non-racial democratic South Africa. Lawyers are no exception," he said.

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Sweleke
3/12/86

No. R. 2554

5 December 1986

THE SOUTH AFRICAN MEDICAL AND DENTAL COUNCIL

RULES SPECIFYING THE ACTS OR OMISSIONS IN RESPECT OF WHICH DISCIPLINARY STEPS MAY BE TAKEN BY THE PROFESSIONAL BOARD FOR CHIROPODY AND THE COUNCIL —AMENDMENT

In terms of section 50 (2) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974), the Minister of National Health and Population Development has approved the rules made by the South African Medical and Dental Council under section 50 (1) of the said Act and set out in the Schedule hereto

SCHEDULE

The rules published under Government Notice R 1836 of 16 September 1977, as amended by Government Notice R. 2102 of 2 October 1981, are hereby amended by the substitution for the words "chiropractic" and "chiropractor", wherever these words appear, of the words "podiatry" and "podiatrist", respectively.

DEPARTMENT OF POSTS AND TELECOMMUNICATIONS

No. R. 2504

5 December 1986

AMENDMENT OF THE POST OFFICE SAVINGS BANK REGULATIONS

The Minister of Communications and of Public Works has, under section 77E of the Post Office Act, 1958 (Act 44 of 1958), made the regulations set out in the Schedule

SCHEDULE

1. In this Schedule, unless inconsistent with the context, "the Regulations" means the Post Office Savings Bank Regulations promulgated under Government Notice R 1687 of 6 August 1982, as amended by Government Notices R. 1229 of 22 June 1984, R. 2440 of 9 November 1984 and R. 1235 of 20 June 1986.

2. Subregulation 15 (1) of the Regulations is hereby amended by substituting the figure "21" for the figure "14".

3. These regulations shall come into operation on 1 December 1986.

DEPARTMENT OF PUBLIC WORKS AND LAND AFFAIRS

No. R. 2515

5 December 1986

ARCHITECTS' ACT, 1970 (ACT 35 OF 1970)

NOTICE IN TERMS OF SECTION 31B (2) —BOARD OF CONTROL FOR BUILDING SCIENCE PRACTITIONERS

I, Lourens Albertus Petrus Anderson Munnik, Minister of Communications and of Public Works, do hereby in terms of section 31B (2) of the Architects' Act, 1970 (Act 35 of 1970), establish a board of control to be known as the board of Control for Building Science Practitioners

No. R. 2554

5 Desember 1986

DIE SUID-AFRIKAANSE GENEESKUNDIGE EN TANDHEELKUNDIGE RAAD

REELS WAT DIE HANDELINGE OF VERSUIME UIT-EENSIT TEN OPSIGTE WAARVAN TUGSTAPPE DEUR DIE BEROEPSRAAD VIR CHIROPODIE EN DIE RAAD GEDOEN KAN WORD.—WYSIGING

Die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling het kragtens artikel 50 (2) van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiens-beroepe, 1974 (Wet 56 van 1974), die reels goedgekeur wat deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad kragtens artikel 50 (1) van genoemde Wet uitgevaardig is en wat in die Bylae hiervan uiteengesit word

BYLAE

Die reels afgekondig by Goewermentskennisgewing R 1836 van 16 September 1977, soos gewysig by Goewermentskennisgewing R 2102 van 2 Oktober 1981, word hierby gewysig deur die woorde "chiropractie" en "chiropraktis", waar die woorde ook al voorkom, te vervang deur die woorde "voetkunde" en "voetkundige" respektiewelik

DEPARTEMENT VAN POS- EN TELEKOMMUNIKASIEWESE

No. R. 2504

5 Desember 1986

WYSIGING VAN DIE POSSPAARBANKREGULASIES

Die Minister van Kommunikasie en van Openbare Werke het kragtens artikel 77E van die Poswet, 1958 (Wet 44 van 1958), die regulasies uitgevaardig wat in die Bylae vervat is.

BYLAE

1 In hierdie Bylae, tensy uit die samehang anders blyk, beteken "die Regulasies" die Posspaarbankregulasies afgekondig by Goewermentskennisgewing R 1687 van 6 Augustus 1982, soos gewysig by Goewermentskennisgewings R. 1229 van 22 Junie 1984, R 2440 van 9 November 1984 en R 1235 van 20 Junie 1986

2 Subregulasie 15 (1) van die Regulasies word hierby gewysig deur die syfer "14" met die syfer "21" te vervang

3. Hierdie regulasies tree op 1 Desember 1986 in werking.

DEPARTEMENT VAN OPENBARE WERKE EN GRONDSAKE

No. R. 2515

5 Desember 1986

WET OP ARGITEKTE, 1970 (WET 35 VAN 1970)

KENNISGEWING INGEVOLGE ARTIKEL 31B (2).—BEHEERRAAD VIR BOUKUNDEPRAKTISYNS

Ek, Lourens Albertus Petrus Anderson Munnik, Minister van Kommunikasie en van Openbare Werke, stel hierby kragtens artikel 31B (2) van die Wet op Argitekte, 1970 (Wet 35 van 1970), 'n beheerraad in wat bekend sal staan as die Beheerraad vir Boukundepraktisyne

No R. 2516

5 December 1986

REGULATIONS MADE IN TERMS OF SECTION 31B (3) OF THE ARCHITECTS' ACT, 1970 (ACT 35 OF 1970) — BOARD OF CONTROL FOR BUILDING SCIENCE PRACTITIONERS

The Minister of Communications and of Public Works has, in terms of section 31B (3) of the Architects' Act, 1970 (Act 35 of 1970), made the regulations set out in the Schedule hereto

SCHEDULE CONTENTS

CHAPTER 1

Regulation 1 Definitions

CHAPTER 2

Regulation 2 Constitution of the board of control and first meeting

Regulation 3 Qualifications of members of the board of control and circumstances under which they shall vacate office

Regulation 4 Term of office of members of the board of control

Regulation 5 General functions of the board of control

CHAPTER 3

Regulation 6 Registration of building science practitioners and of building science practitioners in training

CHAPTER 4

Regulation 7 Code of conduct and improper conduct

Regulation 8 Inquiry into improper conduct

Regulation 9 Punishment for improper conduct

CHAPTER 5

Regulation 10 Establishment and functions of committees

CHAPTER 6

Regulation 11 Meeting and procedures at meetings of the board of control and committees of the board of control

ANNEXURE A Requirements for registration in terms of regulation 6

ANNEXURE B Registration and annual fees

CHAPTER 1

DEFINITIONS

1 In these regulations, unless the context indicates otherwise, any expression to which a meaning has been assigned in the Architects' Act, 1970 (Act 35 of 1970), has the same meaning, and—

“board of control” means the Board of Control for Building Science Practitioners established in terms of Government Notice R. 2515, dated 5 December 1986,

“building science practitioner” means a person registered as a building science practitioner in terms of regulation 6,

“building science practitioner in training” means a person registered as a building science practitioner in training in terms of regulation 6,

“building science practitioners' institute” means any association of building science practitioners or of building science practitioners and building science practitioners in training recognised by the board of control,

“committee” means a committee established in terms of regulation 10,

“institute” means the South African Institute of Building Science Practitioners,

“register” means the register referred to in regulation 6 (13), and

“the Act” means the Architects' Act, 1970 (Act 35 of 1970)

No. R. 2516

5 December 1986

REGULASIES UITGEVAARDIG Kragtens ARTIKEL 31B (3) VAN DIE WET OP ARGITEKTE, 1970 (WET 35 VAN 1970) — BEHEERAAAD VIR BOUKUNDEPRAKTIKISTYNS

Die Minister van Kommunikasie en van Openbare Werke het kragtens artikel 31B (3) van die Wet op Argitekte, 1970 (Wet 35 van 1970), die regulasies in die Bylae uitgevaardig

BYLAE

INHOUDSOPGAWE

HOOFSTUK 1

Regulasie 1 Woordomskrifwing

HOOFSTUK 2

Regulasie 2 Samestelling van die beheerraad en eerste vergadering

Regulasie 3 Kwalifikasies van beheerraadslede en omstandighede waaronder hulle hul amp ontruim

Regulasie 4 Ampsduur van beheerraadslede

Regulasie 5 Algemene funksies van die beheerraad

HOOFSTUK 3

Regulasie 6 Registrasie van boukundepraktisyne en boukundepraktisyne in opleiding

HOOFSTUK 4

Regulasie 7 Gedragkode en onbehoorlike gedrag

Regulasie 8 Ondersoek na onbehoorlike gedrag

Regulasie 9 Strauwe vir onbehoorlike gedrag

HOOFSTUK 5

Regulasie 10 Instelling en funksies van komitees

HOOFSTUK 6

Regulasie 11 Vergaderings en prosedures op vergaderings van die beheerraad en komitees van die beheerraad

AANHANGSEL A Vereistes vir registrasie ingevolge regulasie 6

AANHANGSEL B Registrasie- en jaargelede

HOOFSTUK 1

WOORDOMSKRYWING

1 In hierdie regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waarvan in die Wet op Argitekte, 1970 (Wet 35 van 1970), n betekenis geheg is, dieselfde betekenis en beteken—

“beheerraad” die Beheerraad vir Boukundepraktisyne ingestel kragtens Goewermentekennisgewing R. 2515 van 5 Desember 1986,

“boukundepraktisyn” iemand wat ingevolge regulasie 6 as boukundepraktisyn geregistreer is,

“boukundepraktisyn-in-opleiding” iemand wat ingevolge regulasie 6 as boukundepraktisyn-in-opleiding geregistreer is,

“boukundepraktisyne-instituut” enige vereniging van boukundepraktisyne of van boukundepraktisyne en boukundepraktisyne-in-opleiding wat deur die beheerraad erken word,

“die register” die register in regulasie 6 (13) bedoel, “die Wet” die Wet op Argitekte, 1970 (Wet 35 van 1970),

“instituut” die Suid-Afrikaanse Instituut van Boukundepraktisyne, en
“komitee” n komitee ingestel kragtens regulasie 10

CHAPTER 2

CONSTITUTION OF THE BOARD OF CONTROL AND FIRST MEETING

2 (1) The board of control shall consist of the following members to be appointed by the Minister, namely—

- one person on the grounds of his experience in the teaching of architecture,
- two persons with experience in architecture, of whom at least one shall be in the service of the State,
- one person designated by the South African Council for Architects, and
- five persons nominated by the institute

(2) Whenever a nomination or a designation in terms of subregulation (1) (a), (c) or (d) becomes necessary, the Minister shall notify the body concerned by notice in writing to nominate or designate, as the case may be, within a period specified in the notice, being not less than 60 days from the date thereof, so many persons as may be required to be nominated or designated by it for appointment to the board of control as members or alternate members

(3) For every member of the board of control appointed in terms of subregulation (1), there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed may attend and take part in the proceedings at any meeting of the board of control whenever the member to whom he has been appointed as alternate member is absent from such meeting

(4) The first meeting of the board of control shall be held at a time and place to be fixed by the Minister

QUALIFICATIONS OF MEMBERS OF THE BOARD OF CONTROL AND CIRCUMSTANCES UNDER WHICH THEY SHALL VACATE OFFICE

3 (1) No person shall be appointed—

- as a member of the board of control in terms of regulation 2 (1), or as an alternate to any such member in terms of regulation 2 (3), unless he is a South African citizen,
- as a member of the board of control in terms of regulation 2 (1) (a) or (c), or as an alternate to any such member in terms of regulation 2 (3), unless he is an architect,
- as a member of the board of control in terms of regulation 2 (1) (d), or as an alternate to any such member in terms of regulation 2 (3), unless he is a building science practitioner registered as such in terms of regulation 6. Provided that this paragraph shall not apply to the meetings of the board of control during a period of six months from the date of the first meeting of the board of control, or
- as a member of the board of control in terms of regulation 2 (1) (d), or as an alternate to any such member in terms of regulation 2 (3), unless he is a member of the institute

- A member of the board of control, and any alternate member appointed in terms of regulation 2 (3), shall vacate his office if he—
 - becomes disqualified in terms of subregulation (1) from being appointed as a member of the board of control,
 - resigns as a member,
 - becomes insolvent or assigns his estate for the benefit of or compounds with his creditors,
 - is under any law detained as a mentally ill person,
 - is convicted of an offence and sentenced to a term of imprisonment without the option of a fine,
- A member of the board of control, and any alternate member appointed in terms of regulation 2 (3), shall vacate his office if he—
 - becomes disqualified in terms of subregulation (1) from being appointed as a member of the board of control,
 - resigns as a member,
 - becomes insolvent or assigns his estate for the benefit of or compounds with his creditors,
 - is under any law detained as a mentally ill person,
 - is convicted of an offence and sentenced to a term of imprisonment without the option of a fine,

HOOFSTUK 2

SAMESTELLING VAN DIE BEHEERAAAD EN EERSTE VERGADERING

2 (1) Die beheerraad bestaan uit die volgende lede wat deur die Minister aangestel moet word, naamlik—

- een persoon op grond van sy ervaring in onderrig in argitektuur,
- twee persone met ondervinding in argitektuur, van wie minstens een in diens van die Staat moet wees,
- een persoon deur die Suid-Afrikaanse Raad vir Argitekte aangewys,
- vyf persone genomineer deur die instituut

(2) Wanneer n nominasie of n aanwysing kragtens subregulasie (1) (a), (c) of (d) nodig word, moet die Minister die betrokke liggaam deur skriftelike kennisgewing in kennis stel om binne n tydperk in die kennisgewing vermeld, maar minstens 60 dae vanaf die datum van die kennisgewing, soveel persone te nomineer of aan te wys, na gelang van die geval, as wat deur die liggaam vir aanstelling in die beheerraad as lede op plaasvervangende lede genomineer of aangewys moet word

(3) Vir elke lid van die beheerraad ingevolge subregulasie (1) aangestel, moet daar n plaasvervangende lid op dieselfde wyse as die betrokke lid aangestel word, en n plaasvervangende lid aldus aangestel, kan n vergadering van die beheerraad bywoon en aan die vergadering daarvan deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel is, van bedoelde vergadering afwesig is

(4) Die eerste vergadering van die beheerraad word gehou op n tyd en plek deur die Minister vasgestel

KWALIFIKASIES VAN BEHEERAAADSLEDE EN OMSTANDIGHED E WAARONDER HULLE HUL AMP ONTRUIM

3 (1) Geen persoon word aangestel—

- as lid van die beheerraad ingevolge regulasie 2 (1) of as plaasvervanger van sodanige lid ingevolge regulasie 2 (3) nie, tensy hy n Suid-Afrikaanse burger is,
- as lid van die beheerraad ingevolge regulasie 2 (1) (a) of (c) of as plaasvervanger van sodanige lid ingevolge regulasie 2 (3) nie, tensy hy n argitek is,
- as lid van die beheerraad ingevolge regulasie 2 (1) (d) of as plaasvervanger van sodanige lid ingevolge regulasie 2 (3) nie, tensy hy n boukundepraktisyn is en as sodanige kragtens regulasie 6 geregistreer is. Met dien verstande dat hierdie paragraaf nie van toepassing is nie op alle vergaderings van die beheerraad gedurende n tydperk van ses maande vanaf die datum van die eerste vergadering van die beheerraad, of
- as lid van die beheerraad ingevolge regulasie 2 (1) (d) of as plaasvervanger van sodanige lid ingevolge regulasie 2 (3) nie, tensy hy lid is van die instituut

- Lid van die beheerraad en enige plaasvervangende lid ingevolge regulasie 2 (3) aangestel, ontruim sy amp indien hy—
 - ingevolge subregulasie (1) onbevoeg word om as lid van die beheerraad aangestel te word,
 - as lid bedank,
 - insolvent raak of van sy boedel afstand doen ten voordele van sy skuldseisers of met hulle n skikking aangaan,
 - kragtens die een of ander wet as geestesongestelde persoon aangehou word,
 - wens n misdyf skuldig bevind is en tot gevangenisstraf sonder die keuse van n boete gevonnisd word,

- (f) is removed from an office of trust on account of improper conduct or if he has been guilty of conduct by reason whereof he is in the opinion of the Minister not a fit person to be a member of the board of control,
- (g) in terms of regulation 6 (7) or 6 (8) is no longer registered as a building science practitioner or building science practitioner in training,
- (h) has been absent from three consecutive meetings of the board of control without its leave,
- (i) was appointed in terms of regulation 2 (1) (b) and, having been in the service of the State at the date of his appointment, thereafter ceases to be a person in the service of the State,
- (j) was appointed in terms of regulation 2 (1) (d) and is a person registrable in terms of regulation 6 and does not apply to be registered in terms of regulation 6 within 3 months from the date of the first meeting of the board of control, or
- (k) is a building science practitioner and—
- (i) allows his registration to lapse, or
- (ii) if his name is removed from the register because of a punishment imposed in terms of these regulations

TERM OF OFFICE OF MEMBERS OF THE BOARD OF CONTROL

- 4 (1) Every member of the board of control shall be appointed for a period of three years
- (2) Every member of the board of control shall, on expiration of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed
- (3) Whenever a member of the board of control vacates his office before the expiration of the period for which he was appointed, the Minister may, subject to the applicable provisions of regulation 2, appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed
- (4) Any person whose period of office as a member of the board of control has expired shall be eligible for re-appointment
- (5) Subregulations (1), (2), (3) and (4) of this regulation shall apply *mutatis mutandis* in respect of persons appointed in terms of regulation 2 (3)

GENERAL FUNCTIONS OF THE BOARD OF CONTROL

- 5 The board of control shall have the following general functions
- (a) Subject to the provisions of regulation 6, to consider and decide upon any application for registration in terms of these regulations and to insert the names of the applicants concerned whose applications are successful in the register
- (b) To decide upon the form of the register and certificates to be kept, maintained or issued in terms of these regulations, the reviewing thereof and the manner in which alterations thereto may be effected
- (c) To finance, print and circulate, and administer the publishing of, and generally to take any steps necessary to publish, any publication relating to the profession of building science practitioners and cognate matters
- (d) To encourage a high standard of education and training and professional conduct amongst building science practitioners
- (e) To conduct inquiries into allegations of improper conduct of which any building science practitioner or building science practitioner in training is alleged to have been guilty

- (f) weens onbehoorlike gedrag uit 'n vertrouensamp verwyder word of indien hy hom skuldig gemaak het aan gedrag van so 'n aard dat hy na die oordeel van die Minister nie 'n geskikte persoon is om lid van die beheerraad te wees nie,
- (g) ingevolge regulasie 6 (7) en 6 (8) nie meer as boukundepraktisyn of boukundepraktisyn-in-opleiding geregistreer is nie,
- (h) sonder toestemming van die beheerraad van drie agtereenvolgende vergaderings van die beheerraad afwesig is,
- (i) ingevolge regulasie 2 (1) (b) aangestel is en in diens van die Staat was op die datum van sy aanstelling, en daarna ophou om 'n persoon in diens van die Staat te wees,
- (j) ingevolge regulasie 2 (1) (d) aangestel is en ingevolge regulasie 6 'n registreerbare persoon is en nie binne 3 maande vanaf die datum van die eerste vergadering van die beheerraad ingevolge regulasie 6 om registrasie aansoek doen nie, of
- (k) 'n boukundepraktisyn is en—
- (i) toelaat dat sy registrasie vervel, of
- (ii) sy naam uit die register geskrap word as gevolg van 'n straf wat hom ingevolge hierdie regulasies opgelê is

AMPSDUR VAN BEHEERRAADSLEDE

- 4 (1) Elke lid van die beheerraad word aangestel vir 'n tydperk van drie jaar
- (2) Elke lid van die beheerraad behou, na verstrekking van die tydperk waarvoor hy aangestel is, sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is
- (3) Wanneer 'n lid van die beheerraad sy amp ontruim voor die verstrekking van die tydperk waarvoor hy aangestel is, kan die Minister, behoudens die toepaslike bepalings van regulasie 2, iemand aanstel om die vakature te vul vir die onversteke gedeelte van die tydperk waarvoor bedoelde lid aangestel is
- (4) Iemand wie se ampstermyn as lid van die beheerraad verstrik het, kan weer aangestel word
- (5) Subregulasies (1), (2), (3) en (4) van hierdie regulasie is *mutatis mutandis* van toepassing ten opsigte van persone aangestel ingevolge regulasie 2 (3)

ALGEMENE FUNKSIES VAN DIE BEHEERRAAD

- 5 Die beheerraad het die volgende algemene funksies
- (a) Om, behoudens die bepalings van regulasie 6, 'n aansoek om registrasie te oorweeg en daarvoor te besluit kragtens hierdie regulasies, en die name van die betrokke aplikante wie se aansoek suksesvol is in die register in te skryf
- (b) Om te besluit oor die vorm van die register en sertifikaat wat ingevolge hierdie regulasies gehou, bygehou of uitgereik moet word, die herstelling daarvan en die wyse waarop veranderings daarop aangebring kan word
- (c) Om enige publikasie met betrekking tot die professie van boukundepraktisyns en verwante aangeleenthede te finansier, te druk en te versprei en die publisering daarvan te administreer en om in die algemeen die stappe te doen wat nodig is om dit te publiseer
- (d) Om onder boukundepraktisyns 'n hoë standaard van opvoeding en opleiding en van professionele gedrag aan te moedig
- (e) Om ondersoek in te stel na bewerings van onbehoorlike gedrag waaraan 'n boukundepraktisyn of 'n boukundepraktisyn-in-opleiding hom na bewering skuldig sou gemaak het

CHAPTER 3 REGISTRATION OF BUILDING SCIENCE PRACTITIONERS AND BUILDING SCIENCE PRACTITIONERS IN TRAINING

- 6 (1) Any person who desires to be registered as a building science practitioner or as a building science practitioner in training shall lodge with the board of control an application in writing as prescribed by the board of control for such registration, and such application shall be accompanied by a registration fee prescribed in Annexure B and such information as may be required by the board of control
- (2) If, after consideration of any such application the board of control is satisfied that the applicant has complied with all the requirements for registration under any one of the categories set out in Annexure A, the board of control shall, subject to the provisions of subregulation (6), register the applicant as a building science practitioner or as a building science practitioner in training, as the case may be, and on payment of the registration fee due in terms of Annexure B, issue to him a certificate of registration
- (3) Whenever any person who is registered as a building science practitioner in training in terms of subregulation (2) has complied with the requirements mentioned in paragraph A 2 of Annexure A, and the board of control is satisfied that he is not less than 21 years of age, the board of control shall cancel the registration of such person and shall subject to the provisions of subregulation (6) on application register him as a building science practitioner in terms of subregulation (2)
- (4) Any person who immediately prior to the date of commencement of these regulations, was a member of the institute, shall be deemed to have complied with the requirements for registration mentioned in Annexure A, and the board of control shall on application to it register such person as a building science practitioner and issue to him a registration certificate
- (5) No person shall be registered as a building science practitioner in terms of the provisions of subregulation (4) unless he is applied to the board of control to be so registered within six months after the date of commencement of these regulations or within such further period as the board of control may in any particular case allow
- (6) The board of control may refuse to register any person as a building science practitioner or as a building science practitioner in training in terms of these regulations if he—
- (a) has at any time been removed from an office of trust, theft, fraud, forgery or uttering a forged document, perjury or any competent judgment in respect of the aforesaid charges and has been sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding R200,
- (b) is under any law declared as a mentally ill person,
- (c) is disqualified from registration in terms of a punishment imposed in terms of these regulations,
- (d) is an unrehabilitated insolvent or has entered into an arrangement with his creditors, or
- (e) has been guilty of conduct by reason whereof he is in the opinion of the board of control, not a fit person to be registered
- (7) The board of control may cancel the registration as a building science practitioner or as a building science practitioner in training of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in subregulation (6) (a), (b), (c) or (d), or whose estate is sequestrated or who enters into an arrangement with his creditors, or who was within a period of three years prior to his registration or is subsequent to his registration guilty of conduct by reason whereof he is in the opinion of the board of control not a fit person to be registered, or who was registered in error or on information subsequently proved to be false

HOOFSTUK 3

REGISTRASIE VAN BOUKUNDERAKTISYNS EN BOUKUNDEPRAKTISYN-IN-OPLEIDING

- 6 (1) Iemand wat beging is om as boukundepraktisyn of as boukundepraktisyn-in-opleiding geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie by die beheerraad indien op die wyse deur die beheerraad voorgeskryf, en sodanige aansoek moet vergeeskyf gaan van die registrasiegeeld in Aanhangsel B voorgeskryf en sodanige inligtinge wat die beheerraad verlang
- (2) Indien die beheerraad na oorweging van so 'n aansoek oortuig is dat die aplikant voldoen het aan al die vereistes vir registrasie ingevolge enige van die kategorieë uiteengesit in Aanhangsel A, moet die beheerraad, behoudens die bepalings van subregulasie 6 (6), die aplikant as boukundepraktisyn of as boukundepraktisyn-in-opleiding, na gelang van die geval, registreer en by betaling van die jaargeeld betrekke kragtens Aanhangsel B, aan hom 'n registrasiesertifikaat uitreik
- (3) Wanneer iemand wat ingevolge subregulasie 2 (2) as boukundepraktisyn-in-opleiding geregistreer is aan die in paragraaf A 2 van Aanhangsel A genoemde vereistes voldoen het, en die beheerraad oortuig is dat hy minstens 21 jaar oud is, moet die beheerraad die registrasie van sodanige persoon kanselleer en hom, behoudens die bepalings van subregulasie 6 (6) op aansoek as boukundepraktisyn ingevolge subregulasie 2 (2) registreer
- (4) Iemand wat onmiddellik voor die datum van inwerkingtrading van hierdie regulasies lid van die instituut was, word gereken aan die in Aanhangsel A vermelde vereistes vir registrasie te voldoen het, en op aansoek by die beheerraad moet die beheerraad sodanige persoon as boukundepraktisyn registreer en aan hom 'n registrasiesertifikaat uitreik
- (5) Wanneer word ingevolge die bepalings van subregulasie 4, 'n as boukundepraktisyn geregistreer nie, tensy hy binne 'n maande na die datum van inwerkingtrading van hierdie regulasies, of binne die verdere tydperk wat die beheerraad in 'n besondere geval toelaat, by die beheerraad aansoek doen het om aldus geregistreer te word
- (6) Iemand wie se ampstermyn as lid van die beheerraad verstrik het, kan weer om 'n persoon ingevolge hierdie regulasies as boukundepraktisyn of as boukundepraktisyn-in-opleiding te registreer indien hy—
- (a) te enige tyd uit 'n vertrouensamp verwyder is,
- (b) te enige tyd veroordeel is weens afpersing, omkoop, diefstal, bedrog, vervalsing of die uitgifte van 'n vervalsende dokument, meenied of enige bevoegde wettenaar by tot gevangenisstraf sonder die keuse van 'n soeke of tot 'n boete van meer as R200 gevonnis is, kragtens die een of ander wet as geestesongestelde persoon aangehou word,
- (c) ingevolge 'n straf wat hom kragtens hierdie regulasies opgelê is, onbevoegd vir registrasie verklaar is,
- (d) 'n ongerehabiliteerde insolvente persoon is of met sy skuldners 'n ooreenkoms aangegaan het, of
- (e) 'n skuldig gemaak het aan gedrag as gevolg waarvan hy na die oordeel van die beheerraad nie 'n geskikte persoon is om geregistreer te word nie
- (7) Die beheerraad kan die registrasie van 'n persoon as boukundepraktisyn of as boukundepraktisyn-in-opleiding kanselleer indien sodanige persoon na sy registrasie aan 'n subregulasie 6 (a), (b), (c) of (d) vermeldde onbevoegde verklaring onderhevig word, of indien sy boedel geeskester word of hy 'n ooreenkoms met sy skuldners aangegaan, of indien hy hom binne 'n tydperk van drie jaar voor sy registrasie skuldig gemaak het of hom na sy registrasie skuldig maak aan gedrag as gevolg waarvan hy na die oordeel van die beheerraad nie 'n geskikte persoon is om geregistreer te word nie, of indien hy per abuis geregistreer is, of geregistreer is op grond van inligging wat daarna bewys word vals te wees

(8) The registration of any person as a building science practitioner or as a building science practitioner in training, as the case may be, shall lapse if such person—

- (a) fails to pay any annual fee or levy or portion thereof, prescribed in Annexure B and payable by him within 60 days after such fee or levy or portion thereof becomes due or within such further period as the board of control may in any particular case allow, whether before or after the expiration of the said 60 days;
- (b) unless he has been granted exemption by the council in terms of paragraph A 1 (5) of Annexure A, ceases to comply with the requirements mentioned in paragraph A 1 (4) of Annexure A, or
- (c) being a person registered as a building science practitioner in training in terms of subregulation (2), has for 90 consecutive days or longer failed to perform any work of a kind mentioned in paragraph A 1 (3) of Annexure A under the direction and control of a building science practitioner. Provided that the board of control may condone any break in the said period of 90 consecutive days or longer if it is proved to the satisfaction of the board of control that such break was beyond the control of the person concerned.
- (9) The board of control shall at the written request of any building science practitioner or of any building science practitioner in training remove his name from the register, but the removal shall not affect any liability incurred by such building science practitioner or building science practitioner in training prior to the date of such request.
- (10) Subject to the provisions of subregulation (6), the board of control shall on application to it register as a building science practitioner or as a building science practitioner in training any person who was previously registered as a building science practitioner or as a building science practitioner in training in terms of subregulation (2), if he has paid the prescribed registration fee and levy prescribed in Annexure B and any arrears annual fee and levy or portion thereof together with any expenses incurred by the board of control in connection with the recovery of any arrears fees or levies and has returned the registration certificate requested in terms of subregulation (12).
- (11) A person who is registered under these regulations as a building science practitioner or as a building science practitioner in training may describe himself as such and a person registered as a building science practitioner shall, if he has paid the annual fee and levy or portion thereof as prescribed in Annexure B, be entitled to—
 - (a) describe himself as a building science practitioner and to carry on his profession in the Republic, and
 - (b) indicate his profession or make it known by using for all purposes the title "MSAIBSP" after his name
- (12) Any person whose registration as a building science practitioner or as a building science practitioner in training, as the case may be, has been cancelled in terms of subregulation (7) or has lapsed in terms of subregulation (8), or whose name has been removed from the register in terms of subregulation (9), shall return to the board of control his certificate of registration within 30 days from the date upon which he is directed by the registrar, by notice in writing transmitted by post, to do so
- (13) The board of control shall keep and maintain a register of building science practitioners and building science practitioners in training, and such register shall at all reasonable times be open to inspection by any member of the public upon payment of such fee as the board of control may prescribe

(8) Die registrasie van 'n persoon as boukundepraktisyn of as boukundepraktisyn-in-opleiding, na gelang van die geval, vervall as sodanige persoon—

- (a) versum om die in Aanhangsel B voorgeskrewe jaargeeld of heffing of gedeelte daarvan te betaal binne 60 dae nadat sodanige geeld of heffing of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die beheerraad in 'n besondere geval, hetsy voor of na die verstryking van bedoelde 60 dae, toelaat,
- (b) tensy hy deur die raad ingevolge paragraaf A 1 (5) van Aanhangsel A vrygestel is, opson om te voldoen aan die in paragraaf A 1 (4) van Aanhangsel A vermelde vereiste, of
- (c) terwyl hy iemand is wat ingevolge subregulasie (2) as 'n boukundepraktisyn-in-opleiding geregistreer is, vir 90 agtereenvolgende dae of langer versum het om werk van 'n in paragraaf A 1 (3) van Aanhangsel A vermelde soort onderworpe aan die opdragte en beheer van 'n boukundepraktisyn te verrig. Met dien verstande dat die beheerraad 'n onderbreking in gemelde tydperk van 90 agtereenvolgende dae of langer kan kondoneer indien daar ten genoegte van die beheerraad bewys gelewer word dat sodanige onderbreking buite die beheer van die betrokke persoon was
- (9) Die beheerraad moet op skriftelike versoek van 'n boukundepraktisyn of van 'n boukundepraktisyn-in-opleiding sy naam uit die register skrap maar die skraping het geen uitwerking op enige aanspreeklikheid wat sodanige boukundepraktisyn of boukundepraktisyn-in-opleiding voor die datum van sodanige versoek opgehoop het nie
- (10) Behoudens die bepalings van subregulasie (6) moet die beheerraad op aansoek by hom iemand wat voorteen ingevolge subregulasie (2) as boukundepraktisyn of as boukundepraktisyn-in-opleiding geregistreer was as boukundepraktisyn-in-opleiding geregistreer was as boukundepraktisyn of as boukundepraktisyn-in-opleiding geregistreer indien hy die in Aanhangsel B voorgeskrewe registrasiegeeld en heffing en enige agterstallige jaargeeld en heffing of gedeelte daarvan, tesame met die uitgawes deur die beheerraad aangegaan in verband met die verhaal van agterstallige geelde of heffings betaal het en die registrasiesertifikaat kragtens subregulasie (12) aangeva teruggestuur het
- (11) Iemand wat ingevolge hierdie regulasies as boukundepraktisyn of as boukundepraktisyn-in-opleiding geregistreer is, kan homself as sodanig beskryf en iemand wat as boukundepraktisyn geregistreer is, is, indien hy die in Aanhangsel B voorgeskrewe jaargeeld en heffing of gedeelte daarvan betaal het, daarop geregtig—
 - (a) om homself as boukundepraktisyn te beskryf en om sy professie in die Republiek te beoefen, en
 - (b) om sy professie aan te dui of bekend te maak deur vir alle doeleindes van die betrekking "LSAIBP" agter sy naam gedruk te maak
- (12) Iemand wie se registrasie as boukundepraktisyn of as boukundepraktisyn-in-opleiding, na gelang van die geval, ingevolge subregulasie (7) ingetrek is of ingevolge subregulasie (8) vervall het, of wie se naam ingevolge subregulasie (9) uit die register geskrap is, moet sy registrasiesertifikaat aan die beheerraad terugbesorg binne 30 dae vanaf die datum waarop hy deur die registrateur, by skriftelike kennisgewing deur die pos gestuur, gelas word om dit te doen
- (13) Die beheerraad moet 'n register van boukundepraktisyns en boukundepraktisyns-in-opleiding hou en byhou, en sodanige register moet te alle redelike tye beskikbaar wees vir enige deur enige lid van die publiek by betaling van die geelde wat die beheerraad voorskryf

CHAPTER 4

CODE OF CONDUCT AND IMPROPER CONDUCT

- 7 (1) Every person registered in terms of these regulations shall, in carrying on his profession, comply with the following code of conduct
 - (a) He shall have due regard to the public safety, health and interest
 - (b) He shall discharge his duties to his employer or client in an efficient and competent manner with complete fidelity and honesty
 - (c) He shall order his conduct so as to uphold the dignity, standing and reputation of the profession
 - (d) He shall not undertake work of an architectural nature for the execution of which his education and experience have not rendered him competent
 - (e) He shall disclose to his employer or client, in writing, any substantial interest he may have in any company, firm or person carrying on any contracting, consulting or manufacturing work which is or may be related to the work for which he is employed, and particulars of any royalty accruing to him from any article or process used in or for the purpose of the work in respect of which he is employed
 - (f) Subject to paragraph (e) he shall not receive either directly or indirectly any gratuity, commission or other financial benefit on any article or process used in or for the purpose of the work in respect of which he is employed unless such gratuity, commission or other financial benefit has been authorised, in writing, by his employer or client
 - (g) He shall not maliciously or recklessly injure, whether directly or indirectly the professional reputation, prospects or business of any other building science practitioner
 - (h) He shall order his conduct in connection with building science practitioners work outside the borders of the Republic of South Africa to the rules in these regulations in so far as they are applicable. Provided that where there are recognised standards of professional conduct in a country outside the Republic of South Africa he shall adhere to those standards
 - (i) He shall not knowingly attempt to supplant another building science practitioner in a particular engagement after definite steps have been taken towards the latter's employment
 - (j) He shall not advertise his professional services in a self-laudatory manner or in a manner which is derogatory to the dignity of the profession
 - (k) He shall not place contracts or orders or be the medium of payments on his employer's or client's behalf without the authority of his employer or client
 - (l) He shall neither personally nor through the agency of any other person whether or not such person is in his employ, canvass or solicit professional employment nor offer, by way of commission or otherwise, to make payment for the obtaining of such employment
- (2) A building science practitioner or a building science practitioner in training shall be guilty of improper conduct if he—
 - (a) fails to comply with any provision prescribed in subregulation (1),
 - (b) performs the work of a building science practitioner in connection with any matter which is the subject of dispute or litigation on condition that payment for such work will be made only if such dispute or litigation ends favourably for the party for whom such work is performed;

HOOFSTUK 4

GEDRAGSKODE EN ONBEHOORLIKE GEDRAG

- 7 (1) Enige persoon geregistreer ingevolge hierdie regulasies moet by die beoefening van sy professie die volgende gedragskode nakoem
 - (a) Hy moet die openbare veiligheid, gesondheid en belang behoortlik in ag neem
 - (b) Hy moet sy verpligtinge teenoor sy werkgever of klient op 'n bevoegde en bekwaame wyse en met volkome getrouheid en eethikheid nakoem
 - (c) Hy moet hom so gedra dat die waardigheid, status en goeie naam van die professie hoog gehou word
 - (d) Hy mag nie werk van 'n argitektoniese aard onderneem wat hy, met inagneming van sy opleiding en ondervinding, nie bevoeg is om te verrig nie
 - (e) Hy moet enige wesenlike belang wat hy het in 'n maatskappy, firma of persoon wat kontrak-, raadgevende of vervaardigingsbesigheid bedryf wat verband hou of kan hou met die werk waarvoor hy aangestel is, asook besonderhede van enige lanterne wat aan hom betaalbaar is vir 'n artikel of proses wat gebruik word vir doeleindes van die werk waarvoor hy aangestel is, skriftelik aan sy werkgever of klient openbaar
 - (f) Behoudens die bepalings van paragraaf (e), mag hy nie regstreeks of onregstreeks enige gratifikasie, kommissie of ander finansiële voordeel ontvang nie vir 'n artikel of proses wat gebruik word vir doeleindes van die werk waarvoor hy aangestel is, kommissie of ander finansiële voordeel skriftelik deur sy werkgever of klient ingedien
 - (g) Hy mag nie kwaadwillig of op roekelose wyse, hetsy regstreeks of onregstreeks, die professionele aansien, vooruitgang of sake van 'n ander boukundepraktisyn skaad nie
 - (h) Hy moet sy gedrag in verband met boukundepraktisyns werk buite die grense van die Republiek van Suid-Afrika skik ooreenkomstig die reëls in hierdie regulasies vir sover hulle van toepassing is. Met dien verstande dat waar daar in 'n land buite die Republiek ekende standaarde van professionele gedrag bestaan, by sodanige standaarde moet eethikheid
 - (i) Hy mag nie willems en wetens pogings aanwend om by 'n bepaalde diens 'n ander boukundepraktisyn te verdring nadat definitiewe stappe reeds gedoen is om laasgenoemde aan te stel nie
 - (j) Hy mag nie sy professionele dienste op 'n selfverheffende wyse of op 'n wyse wat die waardigheid van sy professie skaad, adverteer nie
 - (k) Hy mag nie sonder die magtiging van sy werkgever of klient kontrakte of bestellings plaas of die medium wees vir betalings namens sy werkgever of klient nie
 - (l) Hy mag nóg persoonlik nóg deur die tussenkoms van 'n ander persoon, ongeag of sodanige persoon in sy diens is of nie, professionele werk wettig of aanvaar of aanbid om by wyse van kommissie of andersins vir die verkryging van sodanige werk te betaal
- (2) 'n Boukundepraktisyn of 'n boukundepraktisyn-in-opleiding is skuldig aan onbehoortlike gedrag indien hy—
 - (a) versum om enige bepaling van die gedragskode voorgeskryf in subregulasie (1), na te kom,
 - (b) boukundepraktisyns werk verrig in verband met enige aangeleentheid wat die onderwerp van 'n geskil of regsgeeding uitmaak, op voorwaarde dat betaling vir sodanige werk sal geskied slegs indien sodanige geskil of geseding gunstig verloop vir die party vir wie die werk gedoen word,

- (c) accepts remuneration for services rendered from any person other than his client or employer,
- (d) performs the work of a building science practitioner during any period in respect of which he has been suspended by the board of control for any reason,
- (e) commits a criminal offence in carrying on his profession

INQUIRY INTO IMPROPER CONDUCT

8 (1) The board of control shall have the power to inquire into cases of improper conduct of which a person who is registered in terms of these regulations as a building science practitioner or as a building science practitioner in training is alleged to have been guilty while so registered, and to impose in respect thereof, if found proved, any punishment prescribed in terms of regulation 9. Provided that in the case of alleged improper conduct which forms or is likely to form the subject of criminal or civil proceedings in a court of law, the board of control may postpone the inquiry until such proceedings have been determined. Provided further that nothing contained in these regulations shall affect the right of any building science practitioner's institute to take disciplinary or other action against any of its members in accordance with its constitution and rules.

(2) The acquittal or the conviction of a building science practitioner or a building science practitioner in training by a court of law upon a criminal charge shall not be a bar to proceedings against him under these regulations on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence on which he might have been convicted at his trial on the said criminal charge.

(3) If the improper conduct with which the building science practitioner or building science practitioner in training is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such building science practitioner or such building science practitioner in training as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by the superior court. Provided that it shall be competent for the building science practitioner or building science practitioner in training charged to adduce evidence that he was in fact wrongly convicted.

(4) Whenever any punishment imposed in terms of regulation 9 consists of or includes any fine, the amount thereof shall be recoverable by the board of control from the person concerned, and any amount so recovered shall be paid into the funds of the board of control.

(5) For the purpose of any inquiry in terms of these regulations, the board of control may—

- (a) summon any person who, in its opinion, may be able to give material information concerning the subject of the inquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the inquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and may retain for examination any book, document or thing so produced;

- (c) besolding vir gelewerde dienste ontvang van iemand anders as sy klient of werkgewer,

- (d) gedurende 'n tydperk waarna hy om water rede ook al deur die beheerraad gekors is, boukundepraktisyne-werk verrig,

- (e) 'n kriminele misdryf begaan in die loop van die beoefening van sy professie

ONDERSOEK NA ONBEHOORLIKE GEDRAG

8 (1) Die beheerraad is bevoeg om ondersoek in te stel na gevalle van onbehoorlike gedrag waaraan 'n persoon wat ingevolge hierdie regulasies as boukundepraktisyn of as boukundepraktisyn-in-opleiding geregistreer is, hom na bevestiging skuldig gemaak het ten tyde van aldus geregistreer was, en om ten opsigte daarvan indien bewese bevind, 'n straf op te lê wat kragtens regulasie 9 voorgeskryf is. Met dien verstande dat in die geval van beweerde onbehoorlike gedrag wat die onderwerp van straf- of privaatregtelike veringinge in 'n getegshof uitmaak of waarskynlik sal uitmaak, die beheerraad die ondersoek kan uitstel totdat sodanige veringinge afgehandel is. Met dien verstande voorts dat die bepalings van hierdie regulasie nie afbreuk doen aan die reg van 'n boukundepraktisynsinstituut om ingevolge die konstitusie en reëls van daardie instituut tug- of ander maatreëls op enge van sy lede toe te pas nie.

(2) Die vryspreking of die skuldigebevinding van 'n boukundepraktisyn of 'n boukundepraktisyn-in-opleiding deur 'n getegshof op 'n kriminele aanklag betel nie dat stappe kragtens hierdie regulasies teen hom gedoen word op 'n aanklag van onbehoorlike gedrag nie, selfs al sou die feite uiteengeset in die aanklag van onbehoorlike gedrag, as hulle bewys sou word die misdryf uitmaak wat uiteengeset is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf uitmaak waaraan hy by se verhoor op genoemde kriminele aanklag skuldig bevind kon gewees het.

(3) As die onbehoorlike gedrag waarvan 'n boukundepraktisyn of boukundepraktisyn-in-opleiding aangekla word, neerkom op 'n misdryf waarvan hy deur 'n getegshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigebevinding deur daardie hof, nadat sodanige boukundepraktisyn of boukundepraktisyn-in-opleiding geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy sodanige misdryf begaan het tensy die skuldigebevinding deur 'n hoer hof ter syde gestel is. Met dien verstande dat dit die aangeklaagde boukundepraktisyn of boukundepraktisyn-in-opleiding vry staan om getuies aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.

(4) Wanneer 'n straf wat kragtens regulasie 9 opgelê is, uit 'n boete wat bestaan of 'n boete insluit, moet die bedrag daarvan deur die beheerraad op die betrokke persoon verhaal en in die fondse van die beheerraad gestort word.

(5) Die beheerraad kan, vir die doeleindes van 'n ondersoek ingevolge hierdie regulasies—

- (a) enige persoon wat na sy oordeel in staat is om inligting van wesenlike belang te verskaf omtrent die onderwerp wat ondersoek word, of wat vermoedelik 'n boek, dokument of saak wat betrekking het op die onderwerp wat ondersoek word, in sy besit of bewaring of onder sy beheer het, dagvaar om op 'n tyd en plek in die dagvaarding vermeld, voor die beheerraad te verskyn om ondervra te word of om daardie boek, dokument of saak voor te lê, en kan 'n boek, dokument of saak wat aldus voorgelê is, vir ondersoek behou,

- (b) call and by its chairman administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been summoned in terms of paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control,

- (c) appoint any person to advise the board of control at such inquiry or matters pertaining to law, procedure or evidence

(6) A summons for the attendance before the board of control of any person, or for the production of any book, document or thing, shall be in the form prescribed by the board of control, shall be signed by the chairman of the board of control or a person authorised thereto by it, and shall be served in such a manner as the board of control may determine.

(7) If any person who has been duly summoned in terms of these regulations fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused from further attendance by the chairman of the board of control, or if any person called in terms of subregulation (5) (b) refuses to be sworn in or to affirm as a witness, or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject of the inquiry or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence. Provided that, in connection with the interrogation of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law shall apply.

(8) Any person who, having been duly sworn or having made an affirmation, gives a false answer to any question lawfully put to him or makes a false statement on any matter, knowing such answer or statement to be false, shall be guilty of an offence.

(9) Any person who wilfully hinders the chairman or any member or official of the board of control in the exercise of any power conferred upon him by or in terms of these regulations, shall be guilty of an offence.

(10) A person whose conduct is being inquired into by the board of control shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by some other person duly authorised in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(11) Any person convicted of an offence under subregulation (7), (8) or (9) shall be liable to a fine not exceeding R200.

PUNISHMENT FOR IMPROPER CONDUCT

9 (1) A building science practitioner or a building science practitioner in training who has in terms of these regulations been found guilty of improper conduct is liable to one or more of the following punishments:

- (a) A reprimand or a caution or a reprimand and a caution
- (b) A fine not exceeding R500
- (c) Temporary or permanent disqualification from registration in terms of regulation 6

- (b) enige by die ondersoek aanwesige persoon wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en by monde van die voorsitter aan hom 'n eed ople of van hom 'n bevestiging aanneem en hom ondervra en hom aansê om enige boek, dokument of saak in sy besit of bewaring of onder sy beheer voor te lê, of

- (c) enige persoon aanstel om die beheerraad in sodanige ondersoek te adviseer oor aangecleenthede betreffende die reg, procedure of bevestigingswening

(6) 'n Dagvaarding van iemand om voor die beheerraad te verskyn of om 'n boek, dokument of saak voor te lê moet in die vorm wees wat die beheerraad voorskryf, moet deur die voorsitter van die beheerraad of 'n deur die beheerraad daartoe gemagtigde persoon onderteken word, en word bestel op 'n wyse deur die beheerraad bepaal.

(7) Indien iemand wat behoorlik kragtens hierdie regulasies gedagvaar is, sonder genoegsame rede in gebreke bly om op die in die dagvaarding bepaalde tyd en plek te verskyn, of om aanwesig te bly totdat die voorsitter van die beheerraad hom van verder bywoning versoek, of indien iemand wat kragtens subregulasie (5) (b) oproep is, weier om as getuie beëdig te word of om 'n bevestiging af te lê, of sonder genoegsame rede versum om volledig en bevredigend na sy beste wete en oortuiging te antwoord op alle vreegewiglik aan hom gestel oor die onderwerp wat ondersoek word, of om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer voor te lê wat hy aangese is om voor te lê, is hy aan 'n misdryf skuldig. Met dien verstande dat in verband met die ondervraging van so 'n persoon of die voortlegging van so 'n boek, dokument of saak, die regsgebruiks met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n getegshof getuies af te lê, of om 'n boek, dokument of saak voor te lê van toepassing is.

(8) 'n Getuie wat, nadat hy behoorlik beëdig is of 'n bevestiging afgelê het, 'n valse antwoord gee op 'n vraag wat wettiglik aan hom gestel is of 'n valse verklaring doen oor 'n aangeleentheid, wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

(9) Iemand wat die voorsitter of 'n lid of 'n beampte van die beheerraad opsettlik hinder by die uitoefening van 'n bevoegdheid deur of ingevolge hierdie regulasies aan hom verleen, is aan 'n misdryf skuldig.

(10) Daar moet aan iemand wie se gedrag deur die beheerraad ondersoek word, kennis gegee word van die aard van die klag wat teen hom ingebring is, en so iemand is geregtig om persoonlik te verskyn of deur iemand anders wat skriftelik en behoorlik namens hom daartoe gemagtig is, verteenwoordig te word, en om getuies te lewer, getuies ten behoeve van homself op te roep en te ondervra en ander getuies te kruisondervra.

(11) Iemand wat weens 'n misdryf ingevolge subregulasie (7), (8), of (9) veroordeel word, is strafbaar met 'n boete van hoogstens R200.

STRAWE VIR ONBEHOORLIKE GEDRAG

9 (1) 'n Boukundepraktisyn of 'n boukundepraktisyn-in-opleiding wat ingevolge hierdie regulasies aan onbehoorlike gedrag skuldig bevind is, kan een of meer van die volgende strawe opgelê word:

- (a) 'n Betsping of 'n waarskuwing of 'n waarskuwing
- (b) 'n Boete van hoogstens R500
- (c) Tydelike of permanente onbevoegdverklaring vir registrasie ingevolge regulasie 6

- (2) The board of control may, in its discretion and subject to such conditions as it may wish to prescribe, if any—
- suspend the operation of any punishment imposed in terms of subregulation (1) (b) for a period not exceeding three years from the date on which such punishment is imposed, or
 - reduce any punishment imposed in terms of subregulation (1) (b), or
 - substitute any other punishment referred to in subregulation (1) for any punishment imposed in terms of subregulation (1) (b) or (c) Provided that the punishment imposed in this manner shall not be more severe than the punishment originally imposed

CHAPTER 5

ESTABLISHMENT AND FUNCTIONS OF COMMITTEES

- 10 (1) The board of control may establish committees to assist it in the performance of its functions and duties and may appoint such persons as it may deem fit to be members of any such committee Provided that at least one member of such a committee or his alternate shall be a member or alternate member of the board of control
- (2) The chairman and vice-chairman of such a committee shall be designated by the board of control from among the members of the committee
- (3) A member of a committee established in terms of subregulation (1) who is not a building science practitioner shall not be designated as chairman or vice-chairman of such a committee or act as chairman during a meeting of such a committee
- (4) The function of a committee is to assist the board of control with the performance of its functions and duties in terms of these regulations and to enquire into and give advice or make recommendations in connection with any matter which the board of control may in any specific case or generally refer to a committee or which may have been raised by such committee of its own accord

CHAPTER 6

MEETINGS AND PROCEDURES AT MEETINGS OF THE BOARD OF CONTROL AND COMMITTEES OF THE BOARD OF CONTROL

- 11 (1) *Election of chairman and vice-chairman of the board of control*
- The members of the board of control shall, at the first meeting of every newly constituted board of control and thereafter as the occasion arises, from among their number elect a chairman and vice-chairman, who shall hold office for such period as the board of control may determine, provided that they remain members of the board of control
 - If the chairman or the vice-chairman of the board of control vacates his office before the expiration of the period determined by the board of control in terms of paragraph (a), another member of the board of control shall, subject to the provisions of paragraph (a), be elected chairman or vice-chairman, as the case may be, of the board of control for the unexpired portion of such period
 - If for any reason the chairman is not able to act, the vice-chairman, if able to do so, shall act in his stead
 - If the chairman and vice-chairman are absent from any meeting of the board of control or not able to preside, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may, during that meeting and until the chairman or vice-chairman resumes duty, perform all the duties of the chairman

- (2) Die beheerraad kan na goeddunke en onderworpe aan sodanige voorwaardes, as daar is, wat hy wens voor te skryf—

- die toepassing van 'n straf opgele ingevolge subregulasie (1) (b), vir 'n tydperk van hoogstens drie jaar vanaf die datum van oplegging van sodanige straf, opskort, of
- 'n straf opgele ingevolge subregulasie (1) (b), verminder, of
- 'n straf opgele ingevolge subregulasie (1) (b) of (c), vervang deur 'n ander straf in subregulasie (1) genoem Met dien verstande dat die straf in die plek daarvan gestel, nie swaarder is nie as die straf wat oorspronklik opgele is

HOOFSTUK 5

INSTELLING EN FUNKSIES VAN KOMITEES

- 10 (1) Die beheerraad kan komitees instel om hom met die verrigting van sy werksaamhede en pligte by te staan en kan die persone wat hy goedvind aanstel om lede van so 'n komitee te wees Met dien verstande dat minstens een lid van so 'n komitee, of sy plaasvervangende lid, lid of plaasvervangende lid van die beheerraad moet wees
- (2) Die voorsitter en vise-voorsitter van so 'n komitee moet deur die beheerraad vanuit die lede van die komitee aangewys word
- (3) 'n Lid van 'n komitee ingestel kragtens subregulasie (1) wat nie 'n boukundepraktisyn is nie mag nie as voorsitter of vise-voorsitter van so 'n komitee aangewys word of op 'n vergadering van so 'n komitee voorsit nie
- (4) Dit is die funksie van 'n komitee om die beheerraad by die verrigting van sy werksaamhede en pligte kragtens hierdie regulasies by te staan en om ondersoek in te stel na en advies te verleen of aanbevelings te doen met betrekking tot enige aangeleentheid wat die beheerraad in 'n spesifieke geval of in die algemeen na 'n komitee verwys of wat uit ere beweging deur sodanige komitee geopper is

HOOFSTUK 6

VERGADERINGS EN PROCEDURES OP VERGADERINGS VAN DIE BEHEERRAAD EN KOMITEES VAN DIE BEHEERRAAD

- 11 (1) *Verkeuring van voorsitter en vise-voorsitter van die beheerraad*
- Die lede van die beheerraad kies op die eerste vergadering van elke nuut saamgestelde beheerraad en daarna wanneer dit nodig word uit hul midde 'n voorsitter en 'n vise-voorsitter wat die ampte beklee vir die tydperk deur die beheerraad bepaal, mits hulle lede van die beheerraad bly
 - Indien die voorsitter of die vise-voorsitter van die beheerraad sy amp ontruim voor die verstygking van die tydperk deur die beheerraad kragtens paragraaf (a) bepaal, word 'n ander lid van die beheerraad, behoudens die bepalings van paragraaf (a), gekies tot voorsitter of vise-voorsitter, na gelang van die geval, van die beheerraad, vir die onverstekte gedeelte van sodanige tydperk
 - Indien die voorsitter om die een of ander rede nie kan optree nie, moet die vise-voorsitter, indien hy dit kan doen, in sy plek optree
 - Indien die voorsitter en die vise-voorsitter van 'n vergadering van die beheerraad afwesig is of nie kan voorsit nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit, en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die voorsitter of die vise-voorsitter sy ampspligte hervat, al die pligte van die voorsitter verrig

- (e) A member of the board of control who is not a building science practitioner shall not be elected chairman or vice-chairman of the board of control or preside at any meeting thereof

- (f) No person may serve as chairman for longer than six years

(2) Meetings of the board of control

- (a) Subject to regulation 2 (4), all meetings of the board of control shall be held at such times and places as may be fixed by the board of control Provided that the board of control shall meet at least twice in every year Provided further that, if at the close of any meeting the board of control has not fixed the time and place for its next meeting, such time and place shall be determined by the chairman

- (b) The chairman may at any time call a special meeting of the board of control

- (c) The chairman shall, upon a written request signed by not less than five members of the board of control, call a special meeting thereof to be held within four weeks after the date of receipt of such request, at such time and place as he may determine

- (d) Every member of the board of control shall be given not less than two weeks' notice, in writing, of every meeting of the board of control

- (e) A majority of all members of the board of control shall form a quorum at any meeting of the board of control

- (f) The decision of a majority of the members of the board of control present at any meeting thereof shall constitute a decision of the board of control and, in the event of an equality of votes in regard to any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote

- (g) If a member of the board of control who is present at a meeting of the board of control does not agree with a resolution of the board of control passed at such a meeting, he may request that his dissention, with or without the reasons therefor, be recorded in the minutes, and the person presiding at such a meeting shall comply with such a request or ensure that it is complied with

(3) Meetings of committees

- (a) The first meeting of a committee shall be held at a time and place to be fixed by the chairman of the board of control, and all further meetings shall be held at such times and places as may be fixed by the chairman of such committee

- (b) The chairman of a committee may in consultation with the chairman of the board of control call a special meeting of that committee at such time and place as he may determine

- (c) Subregulation (2) (d), (e) (f) and (g) shall apply *mutatis mutandis* in respect of meetings of each committee

- (e) 'n Lid van die beheerraad wat nie 'n boukundepraktisyn is nie, mag nie tot voorsitter of vise-voorsitter van die beheerraad gekies word of op 'n vergadering van die beheerraad voorsit nie

- (f) Geen persoon mag vir 'n tydperk van langer as ses jaar as voorsitter dien nie

(2) Vergaderings van die beheerraad

- (a) Behoudens regulasie 2 (4) word alle vergaderings van die beheerraad gehou op die tye en plekke wat die beheerraad bepaal Met dien verstande dat die beheerraad minstens twee keer in elke jaar moet vergader Met dien verstande voorts dat indien die beheerraad aan die einde van 'n vergadering nie die tyd en plek vir sy volgende vergadering bepaal het nie, die voorsitter sodanige tyd en plek moet bepaal

- (b) Die voorsitter kan te eniger tyd 'n spesiale vergadering van die beheerraad belê

- (c) Die voorsitter moet op 'n skriftelike versoek wat deur minstens vyf lede van die beheerraad onderteken is 'n spesiale vergadering van die beheerraad belê wat op 'n tyd en plek deur hom bepaal, dog binne vier weke na die datum van ontvangs van sodanige versoek, gehou moet word

- (d) Aan elke lid van die beheerraad moet minstens twee weke skriftelike kennis gegee word van elke vergadering van die beheerraad

- (e) 'n Meerderheid van al die lede van die beheerraad maak 'n kworum vir 'n beheerraadsvergadering uit

- (f) Die besluit van die meerderheid van die lede van die beheerraad wat op 'n beheerraadsvergadering aanwesig is, maak 'n besluit van die beheerraad uit en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke aangeleentheid voorsit, behalwe sy beraadslagende stem, ook 'n beslissende stem

- (g) Indien 'n lid van die beheerraad wat teenwoordig is op 'n beheerraadsvergadering, dit nie eens is met 'n besluit van die beheerraad wat op sodanige vergadering geneem is nie, kan hy versoek dat sy teenkanting, met of sonder die redes daarvoor, genoteer word, en die persoon wat op sodanige vergadering voorsit, moet aan sodanige versoek voldoen of toetsen dat daaraan voldoen word

(3) Vergaderings van komitees

- (a) Die eerste vergadering van 'n komitee word gehou op die tyd en plek wat die voorsitter van die beheerraad bepaal en alle verdere vergaderings word gehou op die tye en plekke deur die voorsitter van so 'n komitee bepaal

- (b) Die voorsitter van 'n komitee kan in oorleg met die voorsitter van die beheerraad te eniger tyd 'n spesiale vergadering van so 'n komitee belê op 'n tyd en plek deur hom bepaal

- (c) Subregulasie (2) (d), (e), (f) en (g) is *mutatis mutandis* van toepassing ten opsigte van vergaderings van elke komitee

ANNEXURE A

REQUIREMENTS FOR REGISTRATION IN TERMS OF REGULATION 6

A 1 BUILDING SCIENCE PRACTITIONER

A 1 (1) Minimum age

21 years

A 1 (2) Qualifications

- A 1 (2) (a) A degree in building science at a South African university recognised by the board of control for the purposes of regulation 6, or
- A 1 (2) (b) any other examination recognised by the board of control for the purposes of regulation 6

A 1 (3) Practical experience

The applicant shall, during a period of 2 years, have performed as a building science practitioner in training (or, if the board of control so determines, in any other capacity), building science practitioners work which in the opinion of the board of control is of sufficient variety and of a satisfactory nature and standard

A 1 (4) Other qualifications

The applicant shall be a member of a building science practitioners' institute and shall belong to such class of members as the board of control may determine, unless the applicant has been exempted by the council in terms of paragraph A 1 (5) hereunder

A 1 (5) Exemption

The council may grant an applicant exemption from the requirements mentioned in paragraphs A 1 (4) and A 2 (2) if the council is satisfied that membership of a building science practitioners' institute—

- (a) is contrary to such religious tenets as are adhered to by such applicant, or
- (b) is being withheld from such applicant without good cause

A 2 BUILDING SCIENCE PRACTITIONERS IN TRAINING

A 2 (1) Educational qualifications

- A 2 (1) (a) A degree in building science at a South African university recognised by the board of control for the purposes of regulation 6, or
- A 2 (1) (b) any other examination recognised by the board of control for the purposes of regulation 6

A 2 (2) Other qualifications

The applicant shall be a member of a building science practitioners' institute and shall belong to such class of members as the board of control may determine, unless the applicant has been exempted by the council in terms of paragraph A 1 (5) above

AANHANGSEL A

VEREISTES VIR REGISTRASIE INGEVOLGE REGULASIE 6

A 1 BOUKUNDEPRAKTISYNS

A 1 (1) Minimum ouderdom

21 jaar

A 1 (2) Kwalifikasies

- A 1 (2) (a) 'n Graad in boukunde aan 'n Suid-Afrikaanse universiteit wat deur die beheerraad vir die doeleindes van regulasie 6 erken word, of

- A 1 (2) (b) enige ander eksamen wat deur die beheerraad vir die doeleindes van regulasie 6 erken word

A 1 (3) Praktiese ondervinding

Die applikant moes gedurende 'n tydperk van 2 jaar as boukundepraktisyn-in-opleiding (of, indien die beheerraad so bepaal, in enige ander hoedanigheid) boukundepraktisynswerk gedoen het wat na oordeel van die beheerraad van voldoende verskeidenheid en bevredigende aard en standaard is

A 1 (4) Ander kwalifikasies

Die applikant moet lid van 'n boukundepraktisynsinstituut wees en tot 'n klas van die lede behoort wat die beheerraad bepaal, tensy die applikant deur die raad kragtens paragraaf A 1 (5) hieronder van hierdie vereiste vrygestel is

A 1 (5) Vrystelling

Die raad kan 'n applikant vrystel van die vereistes in paragrafe A 1 (4) en A 2 (2) vermeld indien die raad oortuig is dat lidmaatskap van 'n boukundepraktisynsinstituut—

- (a) in stryd is met die godsdienstige leerstellingen wat sodanige applikant aanhang, of
- (b) sonder grondige rede van sodanige applikant weethou word

A 2 BOUKUNDEPRAKTISYNS-IN-OPLEIDING

A 2 (1) Opvoedkundige kwalifikasies

- A 2 (1) (a) 'n Graad in boukunde aan 'n Suid-Afrikaanse universiteit wat deur die beheerraad vir die doeleindes van regulasie 6 erken word, of

- A 2 (1) (b) enige ander eksamen wat deur die beheerraad vir die doeleindes van regulasie 6 erken word

A 2 (2) Ander kwalifikasies

Die applikant moet lid van 'n boukundepraktisynsinstituut wees en tot 'n klas van die lede behoort wat die beheerraad bepaal, tensy die applikant deur die raad kragtens paragraaf A 1 (5) hierbo van hierdie vereiste vrygestel is

ANNEXURE B

REGISTRATION AND ANNUAL FEES

B 1 In this Annexure, unless the context otherwise indicates—

“annual fee” means the fee payable by a building science practitioner or by a building science practitioner in training within 30 days from the date on which he is informed of his registration in terms of regulation 6, *pro rata* to the balance of the year remaining, and thereafter annually on or before 30 June of each year;

“registration fee” means the fee payable when a person applies for registration as a building science practitioner or as a building science practitioner in training in terms of regulation 6, and

“year” means the period commencing on 1 July of any year and ending on 30 June of the next succeeding year

B 2 Registration fee

A fee to be determined from time to time by the board of control. Provided that if an application for registration is not successful, such amount as may be determined by the board of control shall be refunded to the applicant

B 3 Annual fee

A fee to be determined by the board of control from time to time for building science practitioners and building science practitioners in training

B 4 Duplicate registration certificate

B 4 (1) Issuing fee

A fee to be determined from time to time by the board of control. Provided that a duplicate certificate shall be issued only if the applicant submits an affidavit to the effect that the original certificate has been lost, that every effort has been made to trace it and that he has nevertheless not been able to find the certificate concerned.

No. R. 2545

5 December 1986

THE QUANTITY SURVEYORS' ACT, 1970 (ACT 36 OF 1970)

AMENDMENT OF REGULATIONS

The Minister of Communications and of Public Works has, in terms of section 27 of the Quantity Surveyors' Act, 1970 (Act 36 of 1970), made the regulations in the Schedule hereto

SCHEDULE

Definition

1 In this Schedule “the Regulations” means the regulations promulgated under Government Notice R 208 of 4 February 1983

Amendment of Chapter 3 of the Regulations

2 Chapter 3 of the Regulations is hereby amended—

(a) by the substitution for regulation 3 1 1 of the following regulation

“3 1 1 A register shall, subject to the provisions of section 7 (2) of the Act and the provisions of these regulations, be kept in which shall be entered the full name, date of birth, nationality, identity number (if any), qualifications and date of first registration of any person whose application for registration as a quantity surveyor under section 19 (2) or (5), or as a quantity surveyor in training under section 19 (4) of the Act has been approved by the Council”, and

AANHANGSEL B

REGISTRASIE- EN JAARGELDE

B 1 In hierdie Aanhangsel, tensy dit uit die samehang anders blyk, beteken—

“jaar” die tydperk beginnende op 1 Julie van 'n jaar en eindigende op 30 Junie van die daaropvolgende jaar;

“jaargeld” die geld betaalbaar deur 'n boukundepraktisyn of deur 'n boukundepraktisyn-in-opleiding binne 30 dae vanaf die datum waarop hy in kennis gestel is van sy registrasie ingevolge regulasie 6, *pro rata* tot die oortywendende gedeelte van die jaar en daarna jaarliks op of voor 30 Junie van elke jaar; en

B 2 Registrasiegeld

'n Bedrag van tyd tot tyd deur die beheerraad bepaal. Met dien verstande dat indien 'n aansoek om registrasie nie slaag nie, sodanige bedrag as wat die beheerraad mag bepaal, aan die aansoeker terugbetaal moet word

B 3 Jaargeld

'n Bedrag van tyd tot tyd deur die beheerraad vir boukundepraktisyns en vir boukundepraktisynsin-opleiding bepaal

B 4 Duplikaatreghistrasiesertifikaat

B 4 (1) Uitrekgingsgeld

'n Bedrag van tyd tot tyd deur die beheerraad bepaal. Met dien verstande dat 'n duplikaatreghistrasiesertifikaat uitgeleë word slegs indien die applikant 'n beëdigde verklaring voore met die strekking dat die oorspronklike sertifikaat verlore geraak het, dat alle moontlike stappe gedoen is om dit op te spoor en dat hy die betrokke sertifikaat desondanks nie kan vind nie

No. R. 2545

5 Desember 1986

WET OP BOUREKENAARS, 1970 (WET 36 VAN 1970)

WYSIGING VAN REGULASIES

Die Minister van Kommunikasie en van Openbare Werke het kragtens artikel 27 van die Wet op Bourekenaars, 1970 (Wet 36 van 1970), die regulasies in die Bylae uitgevaardig

BYLAE

Woordskrywing

1 In hierdie Bylae beteken “die Regulasies” die regulasies afgekondig by Goewermentskennisgewing R 208 van 4 Februarie 1983

Wysiging van Hoofstuk 3 van die Regulasies

2 Hoofstuk 3 van die Regulasies word hierby gewysig—

(a) deur regulasie 3 1 1 deur die volgende regulasie te vervang

“3 1 1 'n Register waarin ingeskryf moet word die volle naam, datum van geboorte, nasionaliteit, identiteitsnommer (indien daar is), kwalifikasies en die datum van eerste registrasie van 'n persoon wie se aansoek om registrasie as 'n bourekenaar kragtens artikel 19 (2) of (5) of as 'n bourekenaar-in-opleiding kragtens artikel 19 (4) van die Wet deur die Raad goedgekeur is, moet, behoudens die bepaling van artikel 7 (2) van die Wet en die bepaling van hierdie regulasies, gehou word”, en

(b) by the substitution for regulation 3 2 1 of the following regulation—

“3 2 1

The Registrar shall keep the register correctly and up to date and shall delete therefrom the name of any quantity surveyor or quantity surveyor in training—

3 2 1 1 who has died,

3 2 1 2 whose registration has been cancelled or has lapsed in terms of section 19 (9) or 19 (10) of the Act,

3 2 1 3 whose name has been removed from the register in terms of section 19 (11) of the Act,

3 2 1 4 who has by reason of improper conduct in terms of section 24 (1) of the Act been suspended from his profession, or

3 2 1 5 who has, in terms of section 26 (2) of the Act by reason of mental disability been suspended from his profession,

and shall enter therein the Council's findings of improper conduct and the punishment imposed in respect thereof and from time to time make such alterations to the register as determined by the Council in terms of section 7 (1) (i) of the Act.”

Amendment of Chapter 5 of the Regulations

3 Chapter 5 of the Regulations is hereby amended—

(a) by the substitution for regulation 5 1 12 of the following regulation—

“5 1 12 either personally or through the agency of any other person, whether or not such person is in his employ, offers to make, by way of commission or otherwise, payment for the obtaining of professional employment.”

(b) by the deletion of regulation 5 1 13, and

(c) by the substitution for regulation 5 1 14 of the following regulation—

“5 1 14 advertises his professional services in a self-laudatory manner, or in a manner which is not true and factual, or in a manner implying that other quantity surveyors would be rendering a lesser service. Provided that in this context a quantity surveyor may—

5 1 14 1 make known his practice, availability and experience by direct approaches to individuals and organisations or by means of any directory, brochure or pamphlet describe his experience and capabilities. Provided further that the information given is in substance factual and dignified in presentation and relevant and not misleading, unfair to others, or discreditable to the profession,

(b) deur regulasie 3 2 1 deur die volgende regulasie te vervang

“3 2.1

Die Registrateur moet die register noukeurig en bygewerk hou en moet die naam van enige bourekenaar of bourekenaar-in-opleiding—

3 2 1 1 - wat oorlede is,

3 2 1 2 wie se registrasie ingevolge artikel 19 (9) of (10) van die Wet gekanselleer is of verval het,

3 2 1 3 wie se naam ingevolge artikel 19 (11) van die Wet uit die register verwyder is,

3 2 1 4 wat ingevolge artikel 24 (1) van die Wet weens onbehoorlike gedrag in sy beroep geskors is, of

3 2 1 5 wat ingevolge artikel 26 (2) van die Wet weens gekenmerkte geestesvermoë in sy beroep geskors is,

daaruit skrap en moet die bevindings van die Raad ten opsigte van onbehoorlike gedrag en die strawwe opgelê daarin opteken en van tyd tot tyd die veranderinge aan die register aanbring waarop die Raad kragtens artikel 7 (1) (i) van die Wet besluit het.”

Wysiging van Hoofstuk 5 van die Regulasies

3 Hoofstuk 5 van die Regulasies word hierby gewysig—

(a) deur regulasie 5 1 12 deur die volgende regulasie te vervang

“5 1 12 of persoonlik of deur bemiddeling van enige ander persoon ongeag of sodanige persoon in sy diens is of nie, aanbied om by wyse van kommissie of andersins vir die verkryging van professionele werk te betaal.”

(b) deur regulasie 5 1 13 te skrap, en

(c) deur regulasie 5 1 14 deur die volgende regulasie te vervang

“5 1 14 sy professionele dienste adverteer op 'n wyse wat sy eie werk prys of op 'n wyse wat nie waar en feitlik is nie of op 'n wyse wat impliseer dat ander bourekennars 'n minderwaardige diens sou lewer. Met dien verstande dat 'n bourekenaar in hierdie verband—

5 1 14 1 sy praktyk, beskikbaarheid en ondervinding bekend mag maak deur individue en organisasies regstreeks te nader of deur middel van enige gids, brochure of pamflet sy ondervinding en bekwaamhede te beskryf. Met dien verstande voorts dat die inligting verskaf in wese feitlik en waardig in aanbieding en toepaslik is op nie misleidend, omgeverdig teenoor andere of tot onteer van die professie is nie,

5 1 14 2 send to the media articles, or be interviewed about his own work or about property development topics of general interest. Provided further that he does not offer or give monetary or other consideration for such publication, broadcast or telecast,

5 1 14 3 exhibit his name outside his office,

5 1 14 4 exhibit his name on the site of buildings in the course of construction alteration or extension for which he is the quantity surveyor, and

5 1 14 5 commission or employ a public relations consultant or any similarly designated person to carry out all or any aspect of his public relations as may be permitted within the context of these regulations.”

5 1 14 5 commission or employ a public relations consultant or any similarly designated person to carry out all or any aspect of his public relations as may be permitted within the context of these regulations.”

5 1 14 5 commission or employ a public relations consultant or any similarly designated person to carry out all or any aspect of his public relations as may be permitted within the context of these regulations.”

5 1 14 5 commission or employ a public relations consultant or any similarly designated person to carry out all or any aspect of his public relations as may be permitted within the context of these regulations.”

Amendment of Chapter 6 of the Regulations

4 Chapter 6 of the Regulations is hereby amended—

(a) by the substitution for regulation 6 6 of the following regulation—

“6 6 If the Council is of the opinion that *prima facie* evidence exists of improper conduct it shall proceed with an enquiry in terms of section 24 of the Act.” and

(b) by the insertion after regulation 6 21 of the following regulation—

“6 21A Any witness, including the defendant, may be re-examined by the party calling him.”

SOUTH AFRICAN POLICE 251

No. R. 2532

5 December 1986

AMENDMENT OF THE REGULATIONS FOR THE SOUTH AFRICAN POLICE

The Minister of Law and Order has, in terms of section 33 of the Police Act, 1958 (Act 7 of 1958), made the regulations contained in the Schedule hereto

SCHEDULE

1 In these regulations “the Regulations” means the regulations promulgated by Government Notice R. 203 of 14 February 1964, as amended by Government Notices R. 389 of 20 March 1964, R. 2022 of 7 October 1977, R. 1231 of 13 June 1980, R. 1316 of 2 July 1982 and R. 2667 of 7 December 1984

2 Regulation 61 of the Regulations is hereby amended by the substitution for the proviso to paragraph (b) of sub-regulation (7) with the following proviso

“Provided that after the accused has been found guilty of such offence the trial officer may, for the purpose of a suitable sentence, direct that the prosecutor address him on the extent of such offence, after which the accused may also address the trial officer in this regard, or that evidence be led to determine the extent of such offence.”

5 1 14 2 artikels aan die nuusmedia mag verskyn of onderhoude mag toestaan oor sy eie werk of ooreenkomstige belangingsverhoudings.

5 1 14 3 sy naam buite sy kantoor mag vertoon,

5 1 14 4 sy naam mag vertoon op die terrein waar geboue in aanbou is of waar verbouings of aanbouings gedoen word en waarvoor hy as bourekenaar aangestel is, en

5 1 14 5 'n skakeladviseur of iemand van 'n soortgelyke beroep mag aansiel of in diens mag neem om enige aspek van sy skakelwerk, wat uit die samehang van hierdie regulasies toelaatbaar is, uit te voer.”

5 1 14 5 'n skakeladviseur of iemand van 'n soortgelyke beroep mag aansiel of in diens mag neem om enige aspek van sy skakelwerk, wat uit die samehang van hierdie regulasies toelaatbaar is, uit te voer.”

5 1 14 5 'n skakeladviseur of iemand van 'n soortgelyke beroep mag aansiel of in diens mag neem om enige aspek van sy skakelwerk, wat uit die samehang van hierdie regulasies toelaatbaar is, uit te voer.”

5 1 14 5 'n skakeladviseur of iemand van 'n soortgelyke beroep mag aansiel of in diens mag neem om enige aspek van sy skakelwerk, wat uit die samehang van hierdie regulasies toelaatbaar is, uit te voer.”

Wysiging van Hoofstuk 6 van die Regulasies

4 Hoofstuk 6 van die Regulasies word hierby gewysig—

(a) deur regulasie 6 6 deur die volgende regulasie te vervang

“6 6 Indien die Raad van mening is dat daar *prima facie*-bewys bestaan van onbehoorlike gedrag, moet hy voortgaan om 'n ondersoek ingevolge artikel 24 van die Wet in te stel.”

(b) deur die invoeging van die volgende regulasie na regulasie 6 21

“6 21A Enge getuie, met inbegrip van die verweerder, kan weer ondervra word deur die party wat hom opgeroep het.”

SUID-AFRIKAANSE POLISIE

No. R. 2532

5 Desember 1986

WYSIGING VAN DIE REGULASIES VIR DIE SUID-AFRIKAANSE POLISIE

Die Minister van Wet en Orde het kragtens artikel 33 van die Polisiewet, 1958 (Wet 7 van 1958), die regulasies verwat in die Bylae hieraan, uitgevaardig

BYLAE

1 In hierdie regulasies beteken “die Regulasies” die regulasies afgekondig by Goewermentskennisgewing R. 203 van 14 Februarie 1964, soos gewysig by Goewermentskennisgewings R. 389 van 20 Maart 1964, R. 2022 van 7 Oktober 1977, R. 1231 van 13 Junie 1980, R. 1316 van 2 Julie 1982 en R. 2667 van 7 Desember 1984

2 Regulasie 61 van die Regulasies word hierby gewysig deur die voorbehoudebeperking van paragraaf (b) van subregulasie (7) deur die volgende voorbehoudebeperking te vervang

“Met dien verstande dat nadat die beskuldigde aan so 'n oortreding skuldig bevind is, die verhooroffisier, vir doeleindes van 'n gepaste vonnis, kan gelas dat die aanklaer hom toespreek aangaande die omvang van die oortreding, waarna die beskuldigde die verhooroffisier ook in dié verband kan toespreek, of dat getuens aangevoer word om die omvang van die oortreding te bepaal.”

Latin ruling blocks four graduates

N/MS/286 (248)

Pietermaritzburg Bureau

FOUR Natal University LL-B graduates who applied for admission as attorneys in terms of the Admissions of Advocates Act did not have adequate Latin qualifications in the light of a recent Appellate Division ruling, a majority of two judges ruled in the Supreme Court here yesterday.

The decision is a blow to hundreds of candidate attorneys in Natal who do not meet the Latin requirements and who will have to pass additional Latin courses at university. Some will have to complete an additional year of articles.

The Appellate Division found in September this year that the Latin Intensive course at the University of Cape Town, which is said to be similar to Latin 1B in Natal, did not meet the requirements of the Act since it was not a post-matriculation course.

Mr Justice Shearer and Mr Justice Nienaber found as a result in separate reserved judgments yesterday that four Natal University graduates, Dyananda Naidoo, Mark Russel Harris, Nomalungela Patricia

Makhaye and Mark William Lynn, were not entitled to be admitted as attorneys in terms of the Admission of Advocate's Act with a Latin 1B qualification.

Mr Justice Diddcott disagreed with their decisions and gave a dissenting judgment that they should be entitled to admission.

He found the Latin 1B course was 'a notch above' Latin Intensive.

'The distance that Latin 1B goes beyond matriculation Latin, though far from vast, looks to me like a real, rather than an apparent one, like a substantial rather than a negligible one. It is real and substantial enough to satisfy me, at all events, in the absence of signposts planted by the Appellate Division which point further,' he said.

Mr Justice Nienaber said in his view there were 'no absurdities or anomalies in the scheme of the Act'.

'The hardships, such as they are, are produced not by the Act itself but by the attempt on the part of some universities, a misguided attempt as it now transpires, to manipulate its provisions,' he said.

Activists take lecturer to task

By HENRY LUDSKI

A SENIOR lecturer at the University of Cape Town has decided to accept a prestige Fullbright Fellowship in spite of pressure from student activists who want him to turn it down in support of an academic boycott.

Dr Mandla Tshabalala, who was elected a Fullbright Distinguished Fellow last month, will spend a month in the United States visiting several academic centres.

He said this week that

after a month of deliberation and debate colleagues and students in the Azanian People's Organisation (Azapo) at UCT had given him "the green light" to accept the scholarship.

However, Dr Tshabalala said, members of the Azanian Students' Association (Azaso) had asked him to show unqualified support for the academic boycott and to reconsider his decision.

The lecturer said he was in favour of a "selective" academic boycott, believing that the doors should not be completely closed to overseas countries.

These countries had a role to play in changing South Africa, he said.

Dr Tshabalala was selected by the American Association for Higher Education and the Board of Foreign Scholarships as a Fullbright 40th Anniversary Distinguished Fellow.

Sunday Times
MAGAZINE

**BRUCE
AND
CYNDI**



DPSC challenges Govt on detention of older kids

By KIN BENTLEY

THE Detainees Parents' Support Committee (DPSC) today challenged the Government to say how many children in the "major target group" ages of 16 to 18 were in detention.

The Commissioner of Police, General J P Coetzee, said last night that 256 children aged 15 and younger were being detained in terms of the emergency regulations.

He gave the breakdown as Aged 11 — 1, aged 12 — 6, aged 13 — 21, aged 14 — 88, aged 15 — 140.

According to standing instructions, the next-of-kin of persons detained must be advised immediately of such detentions.

"Some children supplied the security forces with incorrect names and addresses, which made it difficult for security forces to notify the next-of-kin."

Parents who were unable to trace their children's whereabouts, but believed the children had been detained, were requested to contact the police.

Dr Max Coleman, a DPSC spokesman, said in Johannesburg today the DPSC estimated that 4 000 people aged 18 and under were in detention, while the Black Sash calculated that 1 800 children aged 17 and under were being detained.

"We stand by our figure of 4 000 and challenge the Minister to produce figures for this group," he said.

Commenting on the confirmation that 256 children under 16 were in detention, he said "If only one child of that age was in detention we would be appalled. They don't have the opportunity to defend themselves in a court of law and, if it was thought they had conducted a misdemeanour, they should be released in the care of their parents and charged before a children's court."

It was only due to "intense pressure" that the State had released the figures — something it had declined to do earlier because it was "not in the public interest."

The Minister of Law and Order, Mr Adrian

Vlok, said today: "I am concerned that children are being detained, but I assure you no child will be held in detention for longer than is necessary."

"I am saddened that children are being manipulated by callous individuals and radical organisations who wish to make the country ungovernable through brutal methods."

The Black Sash, "horrified" by the official disclosure that 256 children between 11 and 15 years were being held under emergency regulations, today challenged the Government to release figures for children aged 16 and 17 in detention.

"The Commissioner of Police is aware that Black Sash estimates of 1 800 children in detention is for children aged 17 and under," Mrs Ethel Walt, Transvaal regional chairman of the Black Sash, said in Johannesburg today.

"We are concerned that he does not appear to know that, in terms of South African legislation, children are those under the age of 18."

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At dawn, among the lettuce leaves, the singing counsel

ONE of the country's best-known political advocates rises at dawn to tend his lettuces, brings home-grown salads to court for his colleagues and sings Greek folk songs to his clients.

But this generous side to George Bizos is unknown to hundreds of state witnesses who have been subjected to his rigorous cross-examination during the 30 years he has fought political cases.

To chart the career of the 58-year-old lawyer is to track some of the major events in South Africa's recent history.

He represented Sophiatown priest Trevor Huddleston in the Fifties, African National Congress leader Nelson Mandela in the Sixties, and now is senior counsel in the ongoing Delmas treason trial.

Bizos once again came into the public eye this week, with the publication of the findings of an independent commission, which he headed, into unrest at the University of the Witwatersrand. Less widely reported was his appointment to the Botswana judiciary.

And although he turned down Weekly Mail's request for an interview, citing the South African Bar Council's prohibition on lawyers publicising themselves or their colleagues, fellow lawyers were willing to speak at length about the man who arrived in Johannesburg at the age of 13, unable to speak a word of English.

Bizos — the eldest in a family of three sons and a daughter — grew up in Koroni, a village in south-west Greece where his farmer-father was mayor. His childhood on the Greek islands was cut short when World War Two broke out and he and his father left their Nazi-occupied homeland in a small boat.

Bizos's colleagues said his eventful sea journey included being picked up by Lord Louis Mountbatten's flotilla and travelling to Egypt. In August 1941 he and his father sailed into Durban on board the Ile de France troop ship.

After the war Bizos and his father were joined by the rest of the family in Johannesburg, where they ran a small corner cafe.

A Johannesburg attorney said Bizos might have remained a shopkeeper had a Jewish teacher not spotted the alert boy and induced his father to send him to school. She also gave him extra lessons, helping him with his studies in a language he could barely speak.

While many of Bizos's future legal colleagues were attending private schools, he matriculated from the lower-middle class Athlone Boys' School. After school he enrolled at Wits where he did a Bachelor of Arts and Bachelor of Law degree.

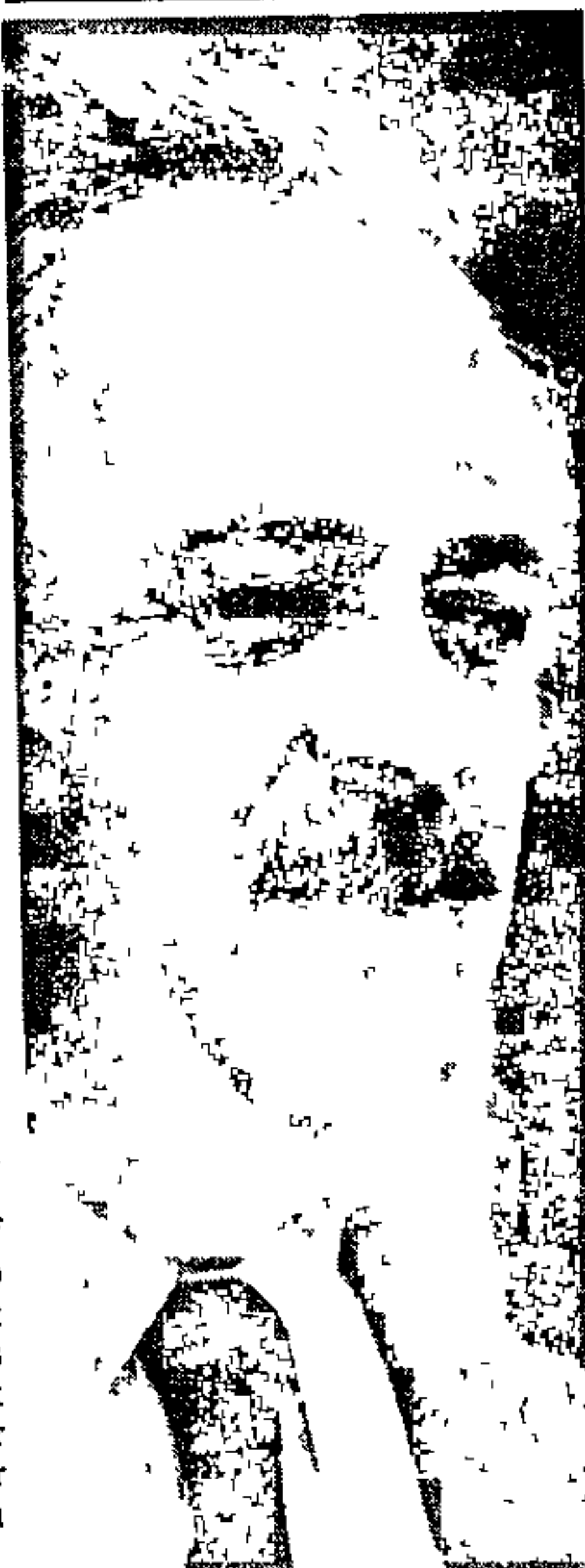
A senior advocate who attended Wits at the same time said Bizos was prominent in student affairs and the National Union of South African Students and was a member of the Wits Students Representative Council.

"He always held his views very strongly and fiercely — almost passionately," the advocate said.

Bizos's work as a political lawyer began almost immediately he was admitted to the Johannesburg Bar in 1954.

One of his first cases involved

For a change this week, advocate George Bizos was doing the judging, not the cross-examining when he presented a strongly-worded report on the causes of campus violence. JO-ANN BEKKER profiles one of the Bar's most colourful figures.



George Bizos — astonishing courtroom stamina

defending the women of Zeerust, who were protesting the extension of the pass laws to women. He acted for teachers who opposed the introduction of Bantu Education and for Sophiatown priest Trevor Huddleston, who set up independent schools in opposition to the government's new scheme.

Bizos also defended the Sekhukuni (now Lebowa) tribal authorities who were deposed after they rebelled against the new Bantu Authorities.

One of the landmarks in his career was his role as junior counsel in the Rivonia treason trial of Nelson Mandela and other top African National Congress leaders. Since then, lawyers said, Bizos had been Mandela's chief legal confidant and has acted for Winnie Mandela on many occasions.

Other prominent political figures whom Bizos has represented either as senior or junior counsel include the families of Steve Biko and Neil Aggett, who died in detention, South West African People's Organisation leader Hermann Toivo ja Toivo, and white treason trialists Barbara Hogan and Rob Adam.

He is presently a senior counsel in the treason trial arising out of the 1984 Vaal uprising. Delmas treason trial and has been travelling the 70 km between Johannesburg and the East

Rand town of Delmas for the entire year.

"George has been in court virtually every day throughout the trial," a Johannesburg advocate said. "To find senior counsel prepared to devote that amount of time and energy is rare."

"His stamina is renowned," another colleague remarked. "He just gets stronger as the court battle goes on."

Bizos is also noted for his skill as a cross-examiner, facilitated by what is described as his "remarkable memory." He often questions policemen in Afrikaans, which he speaks with a heavy Greek accent.

"He uses a standard technique in cross-examination — he leads witnesses down the garden path — he just does it better than anyone else," an attorney explained.

"George has a feeling for which questions to ask, he just seems to understand how people work," a senior advocate added.

Bizos's colleagues point out that besides his high-profile cases, he has represented hundreds of ordinary black people in remote areas.

"George practises law like he lives his life, very passionately," a senior counsel who has known him for 30 years said. "He gives of himself completely, he is totally committed to his work. He is very painstaking, he is so thorough, he's actually tedious."

Silver-haired and portly, Bizos is described by friends as compassionate, engaging and a wonderful story teller, his stories emphasised by his expressive face and mannerisms. He once broke a cufflink when he brought his fist down on the table to emphasise a point during a dinner party.

Another anecdote told about Bizos is of the time he was rocking back on his chair, in his usual habit, when the chair legs broke. He landed on the floor without spilling a drop from his wine glass.

Bizos, according to friends, is also a devoted family man. He married Arathe Daflos in the same year he was called to the Bar. They have three sons, two are qualified doctors and one an industrial engineer.

Much of his energy is also devoted to the Greek community. He was one of the initiators of the non-racial Greek Saheti School in Johannesburg and is chairman of the school board.

Bizos — an ardent student of Greek language, literature and politics — still has close ties with Greece, where his mother lives. For many years he was prevented from visiting his homeland because the government refused him a passport.

George Bizos's personal politics are most vocally expressed in his human rights work. He is a member of the board of the Centre for Applied Legal Studies at Wits University and on the national council of Lawyers for Human Rights.

On ethical points he is fond of quoting Greek philosophers. An essay by him published in a Johannesburg newspaper a year ago is as apt today.

"Others say that there are forces wanting to make the country ungovernable and the (Emergency) measures are therefore necessary," he wrote.

"To them Aristotle has given the answer: 'Inequality in goods and honours leads to seditions'."

YEAR IN REVIEW

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The state's attorneys redo their homework

Following the Supreme Court knockdowns of several Emergency curbs, the state's men have gone back to the drawing board. CARMEL RICKARD reports

WHATEVER else you may want to say about them, those who draft South Africa's security laws have worked hard and learned a lot this year.

With the re-imposition of a State of Emergency in June, the courts took on a new significance. Test cases were fought in Supreme Court divisions all over the country, some of them had the effect of modifying certain aspects of the curbs.

However, when the new restrictions were introduced last week, it was clear the drafters had been doing their homework.

They seem to have studied closely the judgements in those cases which successfully challenged aspects of the Emergency, the new regulations take into account the judges' criticism of the wording in the initial regulations, and the rules are reworded accordingly.

This makes the situation far more difficult for lawyers wanting to test the new rules in the courts.

A similar situation arose earlier in the year with an Appellate Division decision in the Hurley case. In terms of the judgement, the police could be called on to spell out their "reasons for believing" it necessary to hold a detainee under section 29 of the Internal Security Act.

This judgement won important ground for detainees held under this section, which allows for indefinite detention for the purposes of interrogation.

But on the very day the decision was announced, the state law drafters once again showed they could learn fast, and new legislation was introduced with different wording to "plug the gap" which the case had exposed.

The Hurley judgement seemed, at the time, to confirm a trend by some judges towards favouring individual rights over the interests of the executive, when the language of the original legislation gave them the right to choose between the two.

But it has become clear during the months since then that this "trend" is not yet secure, that the courts, in the words of security law expert Professor Tony Mathews, are still giving "mixed judgements".

He gives the example of the Appellate Division judgement, delivered only a few months ago, in the case of the Control Magistrate of Durban versus Azapo (the Azanian

The lawyers fight on: more and more challenges to the emergency

Legal challenges to the latest Press restrictions are under way. The first — brought by the *Weekly Mail* — was dismissed as not urgent last week by the Rand Supreme Court. This week another Johannesburg newspaper, *Sowetan*, went to court. And already this year the courts have heard a number of challenges — on a variety of grounds — to the emergency regulations. Jenni Tennant looks at some of them.

Countrywide challenges to the emergency regulations were heard in the Supreme Courts after the declaration of the state of emergency on June 12. The cases ranged from testing the new regulations to applications for the release of those detained. These are just a few of those court cases.

MAWU'S APPLICATION

One of the most ambitious was the June application brought by the Metal and Allied Workers' Union to the Durban Supreme Court for an order declaring the state of emergency null and void.

Although the validity of the state of emergency was upheld, six of the clauses or portions of the clauses in the regulations were declared invalid because they were either too vague or because the State President had acted beyond his authority.

The judges found that the State President had acted beyond his power in denying emergency detainees access to lawyers.

The union had argued that because the emergency regulations had not been placed before the three houses of Parliament within 14 days of the proclamation they were of no force or effect since June 26, and the continued detention of people was unlawful.

DETAINEE'S APPLICATION

On July 6 the Rand Supreme Court ordered the release of World-wide Television News soundman Mr Theophilus Mashiyani after his arrest and detention under the emergency regulations were declared unlawful. He was arrested on June 15 at a University of the Witwatersrand residence and the period of his detention was extended on June 22.

Mr Justice R.J. Goldstone ruled the arrest was unlawful as the arresting officer had not formed a bona fide opinion that it was necessary to do so in terms of the emergency regulations.

UDF CHALLENGE

A full Bench of the Rand Supreme Court in July declared invalid an order made by the Divisional Commissioner of Police (Soweto) prohibiting meetings of 26 organisations in specific areas.

The police order and two of the emergency regulations were challenged by the United Democratic Front, which asked for an order declaring emergency regulations 7 and 11 invalid and the police order prohibiting the meetings invalid.

A phrase in regulation 7, which stated that the commissioner or anyone authorised by him could make certain orders, was deleted by the court. The phrase "or any person authorised thereto by him" was deleted and the ban on meetings was not valid because it depended on this phrase.

(Later the State President delegated powers to the divisional commissioners.)

OPPOSITE JUDGMENTS

In Natal confusion arose from two opposite judgments made within days of each other from the two divisions — Durban and Maritzburg.

On August 11 the Durban Supreme Court ordered the release of the United Democratic Front's Natal publicity secretary, Mr Solomon Lechesa Tsenoli, after it found that his arrest and detention were unlawful.

The court found that the State President had acted beyond his authority in terms of the Public Safety Act and that clauses 3(1) and 3(3) of the emergency regulations were invalid.

Four days later the Maritzburg Supreme Court reversed this decision, and found the regulations to be valid and that the Durban judges had incorrectly interpreted an emergency regulation.

The Appeal Court subsequently confirmed the validity of the two clauses.

NEWSPAPERS' CHALLENGE

The challenge by the English language newspapers, Natal Newspapers (Pty) Ltd, Natal Witness (Pty) Ltd, the Argus Printing and Publishing Company Ltd and South African Associated Newspapers Ltd, against six of the emergency regulations was heard by a full Bench of the Natal Supreme Court.

During the hearing it was conceded that two regulations concerning news reports about police conduct and the presence of journalists in townships and unrest areas were not binding because they had not been properly promulgated.

delighted at the prize as they will be able to visit their niece, who lives in Portugal.

Tvl lawyers give R10 000 to Legal Aid (248)

The Transvaal Law Society — representing all Transvaal lawyers — has given R10 000 to the Johannesburg Legal Aid Bureau which relies entirely on contributions

The bureau, which is struggling for funds, will now be able to cover 10 percent of its annual services, said director Ms Pauline Lipson

This is the third successive annual lump sum donated by the Law Society, whose members also provide free legal services to people living below the breadline

WILL HELP PREVENT INJUSTICES

The R10 000 will help the Legal Aid Bureau pay its rental and salaries bill and "will contribute in the service of preventing and solving injustices which often befall the poorer sector of Johannesburg's cosmopolitan population", according to a statement by the Law Society

With donations from organisations such as the Law Society, the Anglo American Chairman's

Fund, the Johannesburg Bar and several mining houses, the Legal Aid Bureau gives legal advice or help in pursuing or defending cases in court to underprivileged people who pass a means test, the statement added

"But lawyers and members of the Bar play an even more important role in providing free legal aid for those who cannot afford it than is reflected by cash donations," Ms Lipson said

"Without this sort of financial and practical help from lawyers the Legal Aid Bureau would cease to exist"

Civil disputes comprised about 90 percent of the legal problems brought to the bureau. They were almost entirely concerned with divorces, compensation claims for injury and pensions, "masters and servants" disputes and many consumer-related issues

In the first six months of this year, Ms Lipson said, attorneys gave free services to Legal Aid Bureau clients in 415 civil court hearings

per the cooked chicken 250 ml chopped celery

some pudding mixed with the sher-
Loulouise Laurence, C
to publish