

THE GROUP AREAS ACT

An Expression of Opinion by William Bond

No. 3

Opinions expressed in signed articles are not official Black Sash views.

So much for the main provisions of the law; now let us see what the Government has done with it.

First they appointed the members of the Group Areas Board under the Chairmanship of Mr. de Vos Hugo, a conscientious, likeable advocate who previously had specialised in Patent Law. His duties have brought him into conflict with the most able Q.C.'s in the country at public hearings and in the course of litigation, and he has not always emerged successfully, as is quite understandable. His most notable fellow member is Mr. J. F. J. van Rensburg, the former Commandant-General of the Ossewa Brandwag.

A small (much too small) staff of Civil Servants was placed at the Board's disposal. There appears to be no statistical staff, no research staff, and no drawing office staff. (One of the most annoying features of attending a Group Areas hearing is trying to co-ordinate the proposals and counter-proposals of various speakers, each of whom uses a different map).

The Minister then issued some general proclamations (e.g. proclaiming controlled and specified areas). Almost immediately thereafter various defects began to appear in the Act, and at every session of Parliament to date some amendments have been introduced. More are promised in the 1957 Session.

In general the administration of the Act has been abominable. In 1954, for instance, a proclamation was issued with the intention of exempting mine employees and farm labourers from obtaining permits in controlled areas. The Government Law Advisers soon after found that the proclamation said the exact opposite, and the Group Areas Board became the laughing stock of the Civil Service. Instead of withdrawing the proclamation and issuing another, the Board tried to save face by amending the Act, quite unnecessarily, in 1955. Thereafter they cheerfully issued a new proclamation.

Unfortunately the new proclamation was stated to take effect on a date three days before the amending Act, in terms of which it was issued, became law. It was therefore ultra vires, and the Civil Service again roared with laughter. The Board has not yet, 18 months later, dared to have a third attempt.

Then there was the case of Bosmot and New Monteleo. The Minister, on the Board's recommendation, lightheartedly proclaimed those town-

ships as Group Areas for ownership and residential occupation by Johannesburg Cape Coloureds. The townships were:—

- (a) Restricted in their title-deeds to industrial purposes, and
- (b) In the Roodepoort-Maraisburg municipality.

It is quite probable that the Board was blissfully unaware of those facts, but it certainly won't admit as much.

All proclamations of Group Areas and the issues of many types of permit require preliminary investigations by the Board, and these normally involve public hearings. The procedure usually goes something like this:—

1. The Nationalist majority on a town council, having heard that the Group Areas Act will "fix the coolies," calls in an advocate to tell them all about it.
2. The advocate having told them that they must find alternative sites for Indians, etc., the amateur planners get busy and select a site that usually is well away from roads and services and consists of bare veld.
3. Proposals are then submitted to the Group Areas Board, which advertises them in newspapers (they need not be advertised in the Government Gazette) circulating in the district. The advertisement does not state the proposals; it simply tells where they can be inspected. Everyone with an interest (which must be a material interest, not a moral one) in the proposals is invited to submit representations within a specified time, which may be as little as 10 days after the advertisement appears.
4. Interested parties then have to move very fast, even if three weeks is allowed (which is about average). Many of them will fail to see the advertisement, and will hear about the proposals days late. (Once the entire mining industry, which is always on the look-out for Group Areas advertisements, did not hear of an important advertisement until a week after it had appeared). They must then inspect the proposals at the local Town Hall or in Pretoria, study them on the ground, and get a legal representative to prepare and submit their case. Is it any wonder that representations and counter-proposals are usually as half-baked as the original proposals, and factual information is hardly ever forthcoming at public hearings?
5. In due course a public hearing is advertised in the press; this advertisement too is often missed.
6. The public hearing assembles, attended by a galaxy of legal talent, representatives of large property owners, masses of Indians, a few

cranks, members of the Special Branch, and a few Nationalist M.P.C.'s and Councillors. Other political parties invariably ignore the hearing. (WHY?) Names and interests are recorded, counsel for the municipality outlines the proposals, and points of law are argued at length. Often the hearing adjourns soon after it starts so as to allow a ruling to be tested in the Supreme Court.

7. A hurried tour of inspection takes place, proposals and counter-proposals are argued at length with rapidly waning public interest, and the hearing either terminates or is adjourned pending the advertising of further proposals. (No proposals can be discussed unless previously advertised).
8. The rest is usually silence. The number of proclamations of Group Areas is insignificant in relation to the number of proposals investigated.

(To be continued)

Cape Western — Visit to the Senate

ON Thursday, 24th July, the afternoon on which the Criminal Courts Bill reached the Senate, sixteen members of the Sash went in twos to interview individual Senators (names drawn rather at random from the Transvaal, Cape and O.F.S.) to ask their co-operation in getting the Bill amended so that (1) it would not give the Minister the right to appoint judges in cases in which he represents the Prosecution; (2) it would not change conditions for the accused who would lose the right they had originally to choose a Judge and Assessors.

Many also made the point that adverse criticism from overseas would be greatly increased as news of these extraordinary powers given to the Minister became common knowledge.

Some Sashers met only the granite featured Yes-men "who vote just as their leaders tell-'em-to," but others had more lively conversations—Senators actually acknowledging a point here and there.

One Senator declared that he could do nothing about it (what is he there spending public money for?) and one made the terrific confession that if he were to try to do anything about it, it was as much as his job was worth.

We hope that this sort of visit will bring home to Legislators that there is an active body of people outside of party politics who are alerted and deeply concerned about these grave questions.

Each Senator concerned has received a letter thanking him for his kind hearing and hoping that there will be further opportunities to discuss matters of importance.

The Black Sash, September, '58

THREADS FROM THE SASH

MEMBERS of the East London Branch are busy collecting money for the Mayor's school feeding fund, and Mrs. Margaret Pollock represents the Branch on the Committee. This campaign to collect money followed from the Provincial Council's refusal to introduce an amended supplementary school feeding scheme.

The first copy of the Border Bulletin is to hand, and we congratulate the editors on their enterprising effort.

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BECAUSE the members of the Northern Transvaal Regional Conference decided that they knew little about the hardships which are the result of our present laws, they have decided to study the Group Areas Act practically. They have asked H. E. Joosur, the author of "Bitterness Towards Indians," to speak to them, and are arranging a visit to the areas in Pretoria that are affected by the Group Areas Proclamations.

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THE article "The Challenge and Our Response," which appeared in the June/July issue, was a condensed version of a lecture given by Professor Monica Wilson. This was one of a group of lectures printed in a booklet issued by the Cape Western Region.

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MRS. FOLEY visited the Witbank Branch in August, and was delighted with their plans for expansion.

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NATAL Coastal Branches have worked out a novel, and very successful, way of holding meetings. Speakers are invited to answer questions at informal tea-parties, to which each member gains admission only by bringing a non-member.

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TEA parties seem to be in vogue in the Sash. Southern Transvaal are organising a series of these to which they are inviting original members, who have since resigned or become inactive. This seems a pleasant and sensible way to go about the work of consolidating the Sash.

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THE meeting on increased African Taxation, which the Southern Transvaal Region had been unable to hold on the Johannesburg City Hall Steps, was held in St. Luke's Hall on 2nd September. The meeting was addressed by Mr. R. Hacking, representing commerce, Dr. Ellen Hellman, past President of the Institute of Race Relations, and Mrs. Mary Walker, on behalf of housewives, Mr. Oliver Tambo, secretary of the A.N.C., represented "the man who must pay."