

Briefing

'Welfare' Act

On July 3th, 1977, three draft bills were published in the Government Gazette - bills which, if enacted, increase the already totalitarian state control of most aspects of legal activity in South Africa. The bills are entitled

- 1). The Social Workers and Associated Professions Act;
- 2). The National Welfare Act;
- 3). The Fundraising Act.

However, the names of the proposed laws give little indication of the vastness of their scope, and their import to groups wishing to affect dynamics within the country. Admittedly, the impact of the bills will be more limited than initially expected, given the October 19th banning of almost every legal and viable black organisation. It is interesting to note that almost every one of the organisations declared unlawful would have been seriously affected, if not crippled, by at least one of the bills.

Nonetheless, there remain certain groups which will have their projects and activities curtailed or even prohibited if the bills become law. Some of the material presented in WIP 1 showed that at least one fraction of the power bloc of the South African state was organising for a 'total war' strategy, and that this strategy logically led to a specific form of dictatorship. The October 19th bannings suggest that that fraction has triumphed over the representatives of the other strategy structurally possible for the state to pursue - the 'verligte' alternative which might have culminated in a state form approximating more closely the Western bourgeois democratic state.

In the light of the triumph of the 'total warfare' strategy, it seems likely that these bills will become law - and accordingly a summary of their provisions is set out below.

1). Social Workers and Associated Professions Act:

This bill sets out to

"provide for the establishment of a Council for social workers and associated workers and to define its functions; to regulate the registration of social workers and associated workers."

However, the definition of social work contained in the bill is so wide as to bear almost no resemblance to the activities normally associated with that profession. Social work, in this bill, means

"any professional act, activity or method directed at diagnosing, eliminating, preventing or treating social malfunctioning in man, or at promoting social stability in man, and includes the rendering of any material assistance with a view thereto."

In other words, the bill is so wide as to relate, most probably, to people

doing certain forms of research work at Universities and elsewhere, people involved in educational work, community development programmes, development projects and Legal Aid Bureaus. It is possible that people involved in certain forms of trade union work, including the running of complaints and advice bureaus and educational courses run for workers, may fall within the parameters of the definition of social work.

Having established this wide definition, the bill then goes on to prohibit any person from practicing the profession of 'social work' (as defined above) directly or indirectly, unless registered in terms of the proposed Act.

Registration is at the discretion of the Council, or committee of the Council, appointed by the Minister of Social Welfare and Pensions, in terms of the Act.

The broad definition would certainly have covered individuals employed by BCP, Zimele Trust and a number of the other organisations banned on October 19th. It may strike at the very basis of individuals work in trade unions, and could include research into the almost unlimited number of areas of South African society which relate to 'social malfunctioning' and instability, eg. migrant labour systems, labour legislation and 'industrial relations,' strikes, Bantu Education, poverty, crime, etc.

A fine of R200 must be paid to the Council if it is satisfied that a person has professionally undertaken activities falling within the definition without being registered by the Council. (For those caught up in the ideology of the 'rule of law' in bourgeois society, it can be noted that the Council's opinion is final, and the court's jurisdiction is excluded. However, this is a limited quantitative factor, not a qualitative dynamic of the bill).

2). National Welfare Act:

The purpose of this Act is stated as

"to provide for the establishment of a South African Welfare Advisory Council, Regional Welfare Boards and certain committees.....and to provide for the registration of organizations rendering social welfare services and of branches thereof and for the investigation of activities of welfare organizations....."

The important definitions in this bill are

Organization: any body, group or association of persons, an institution, federation, society, or movement, incorporated or unincorporated and whether or not it has been established or registered in accordance with any law.

Thus the bill applies to any and every group involved with 'Social Welfare Services'. The definition of social welfare services is again all-encompassing, and refers to

organised activities, measures or programmes, directed at the relief of social distress, the prevention and combating of social decline, with the improvement or promotion of the social functioning of persons, families or groups of persons.

This seems so wide as to relate to any form of organisation involved with the needs, material or non-material, of any group or community. The general outline of the bill is that

- (a). every organisation involved in performing 'welfare services' (as defined above) must be registered;
- (b). registration is granted or refused at the discretion of the regional council, a body appointed by the Minister of Social Welfare and Pensions;
- (c). these regional boards have very wide powers of investigation into organisations, and control over them - control which is ultimately in the hands of the Minister;
- (d). every branch of every 'welfare' organisation must be registered. A welfare organisation must register in every region in which it operates, or wishes to operate;
- (e). a branch may not operate outside of its area;
- (f). registered organisations must submit a report of activities and financial statements to the Council;
- (g). The Council may, at any time, withdraw registration.

The effect of the Act is that each regional welfare board (appointed by the Minister) will have the power to determine the existing or future 'welfare needs' of the inhabitants of a region or area, and can decide what welfare programmes are needed and should be permitted to operate.

Thus, the Council can decide who shall be allowed to operate and in what manner, simply by determining what facilities should be provided and by granting or refusing registration.

One could very possibly see, for example, a registered welfare board deciding that the Bantu Affairs Administration-run Aid Centres provide adequate service to workers suffering under influx control, and that therefore the Black Sash Advice Office should not be permitted to exist. Again, one could see the Council permitting one trade union (perhaps a TUCSA-run parallel union) to operate, but refusing permission to an independent union, or favouring a Bureau of Literacy programme, but not registering another group.

The definitions are so wide as to effect certain activities of trade unions, community and rural development programmes, environmental projects, churches, etc.

Finally, section 21 of the bill contains certain provisions which indicate the real purpose of the proposed legislation, and give some indication of how it would be implemented. It allows for the Minister to appoint an investigating officer to investigate any aspect of any 'welfare organisation', and in carrying out such an investigation, the officer may keep any record or document required by him.

3). Fundraising Act:

This bill follows the patterns of control set up by the other two. Its stated

purpose is, inter alia, to provide for the control and collection of contributions from the public.

The term 'contribution' is not defined, but 'collect' is given a very wide and extended meaning, viz. soliciting, accepting, collecting or obtaining from the public in any manner whatsoever, any money or goods, on the understanding that the goods or money collected are to be used directly or indirectly to promote any object relating to the rendering of material assistance to any other person.

No person may 'collect' without registration to do so, granted or refused on the discretion of a Director appointed by the Minister. The Director can decide who can collect and for what purpose he/she can collect, and also withdraw this permission and force an organisation to devote its funds to a purpose never contemplated by the fundraising organisation. (The jurisdiction of the courts is again excluded).

'Organisation' is as usual defined widely, and includes

"any body, group or association of persons, an institution, federation, society, movement, trust or fund, incorporated or unincorporated, and whether or not it has been established or registered in accordance with any law."

The definition is not restricted to 'welfare' organisations, and one may be safe in presuming that any organisation which the Minister finds disagrees effectively or radically with government policy, will find itself with no means of generating South-African derived finance.

Unsolicited donations must be returned to the donors and if this is impractical, the Minister may determine what is to be done with the contribution.

The Minister may, if he claims it is in the public interest, prohibit the collection of contributions from the public for any purpose whatsoever.

The Director, or Inspectors appointed in terms of the Act may, without any authorisation or warrant, enter any premises and search for money, records or documents. These may be removed, and explanations demanded. Persons may be interrogated under oath.

The whole tenor of this section is to give authoritarian and almost unlimited powers to the Director and Inspectors appointed, and bear a close resemblance to the powers and duties of a liquidator of organisations declared unlawful under the Internal Security Act.

Clearly, should these bills become law, either in present or marginally amended form, they extend massively the powers of another apparatus of the State to investigate, control or render impotent almost any organisation working in South Africa.

The three bills, read together, starkly show the direction of South African society to come - complete control of any group likely to oppose, or even offer an alternative to, current policy directions. The message is, as it is in other dominant trends and developments, clear. Total war strategy, not only on the borders, but within the country; war against the majority of people in South Africa.