

AN ANALYTICAL COMMENTARY ON ACT No. 40 (WELFARE
ORGANISATIONS ACT) OF 1947 AND ITS RELATION TO ACT
No. 79 (NATIONAL WELFARE ACT) OF 1965.

BY

INEZ BARRATT.

SUBMITTED IN PARTIAL FULFILMENT
OF THE REQUIREMENTS FOR THE DEGREE
OF
MASTER OF SOCIAL SCIENCE
IN THE
DEPARTMENT OF SOCIOLOGY
AND IN THE
FACULTY OF SOCIAL SCIENCE
OF
RHODES UNIVERSITY
GRAHAMSTOWN.

GRAHAMSTOWN.

DECEMBER 1967.

P R E F A C E.

This study of Act 40 of 1947, and of its antecedents, has its origin in three factors: in a long-standing interest in social organisation and especially in the inter-actions of past history and present events upon our social thinking and organisation; in my membership of the National Welfare Board from 1947 to 1965 and of the Border Local (Regional) Board from 1951; and to my late husband's encouragement to analyse all my opinions and wherever possible test my conclusions by visits to see in operation those functions in which I was interested.

CONTENTS

	Page
PREFACE	
INTRODUCTION	1
Chapter	
1 BACKGROUND TO THE BILL	2
(a) Immediate Causes of Introduction of Bill	
(b) Less Immediate Causes of Introduction of Bill.	
11 DRAFT BILLS AND THE SELECT COMMITTEE	11
(a) The First Draft Bill	
(b) The Draft Bill of 1945	
(c) The Select Committee	
111 THE TRIPARTITE PARTNERSHIP	30
(a) The Various Types of Boards	
(b) General Principles of Co-ordination Discussed	
(c) Functional Problems of the Boards.	
IV THE FOURTH PARTNER	42
(a) The Role of the Local Authority	
(b) Decline of the Role of the Local Authority	
(c) Re-entry of the Local Authority: the New Investment of Roles.	
V FINANCING OF WELFARE WORK AND THE RECOMMENDATIONS OF THE DU PLESSIS COMMITTEE	62
(a) The General Problem of Financing Voluntary Welfare	
(b) The Du Plessis Committee	
VI PLANNING, CO-OPERATION, CO-ORDINATION	71
VII ACT NO. 40 OF 1947: HOW EFFECTIVE A TOOL ?.....	84
(a) Problems of Definition, Functions and Scope of Act 40	
(b) A Special Provision : Section 8 of Act 40	
(c) Some Effects of an Increase in Professionalism and of Integration of Board and Department	
FIGURES IN CHAPTER VI	
Figure A : Vertical Co-ordination.....	73
B : Co-operation	73
C : Vertical Association.....	75

APPENDICES

A. War Measure No. 48 of 1944 (extracts) 111

B 1. Duties & Functions of the Johannesburg Board of
Charities... 112

B 2. Johannesburg Social Welfare Committee..... 113

C. Select Committee No. 11 of 1945 114

D. Report of the Select Committee 115

E. Members of the National Welfare Organizations
Board, 1947 116

F. Suggested Basis for a 21 member Board 117

G. Certain Government Departments with Welfare Activities..118

H. Division of Responsibility for Health Services.....119

I. Suggested Duties for a Municipal Welfare Department ... 122

J. Functions of the Johannesburg Municipal Social
Welfare Department..... 123

K. Financial Statement for 1949/50 : Johannesburg
Municipal Social Welfare Department..... 124

L. Members of Boards and Commissions Appointed under
Act No.79 of 1965 125

M. Area of Jurisdiction of the Border Local Welfare
Board in 1952 128

BIBLIOGRAPHY 129

Corrigenda

The following typist's errors occur:-

- p. 1, 1.4 it's for its
- p. 4, 1.6 promiting for promoting
- p. 5, 1.17 : for ,
- p. 9, 1. 15 it's for its
- p. 10, 1.11 deaft for draft
- p. 13, 1. 17 deafts for drafts
- p. 18 footnote d for D
- p. 20, 1.18 inteoduction for introduction
- p. 22, footnote Cohan for Cohen
- p. 23, 1.11 'by welfare organizations' for 'by the Minister'
- p. 28, 1.23 complied for compiled
- p. 34, 1.23 statem for state
- p. 34, 1.24 tropartite for tripartite
- p. 35, 1.22 suffered for sufferer
- p. 36, 1.21 struggles for struggled
- p. 37, 1.13 wet for set
- p. 39, 1.3 putposes for purposes
- p. 48, 1. 14 1936-1945 for 1939 - 1945
- p.51, 1. 4 acherents for adherents
- p. 55, 1.1 delete second 'responsible'
- p. 57, 1.14 uaually for usually
- p. 59, 1.7 bracket uncompleted
- p. 59, 1.21 if for of
- p. 59, 1. 27 £ for R
- p. 62, 1.9 gists for gifts
- p. 63, 1.2 'false' omitted before 'impression'
- p. 66, 1. 11 coluntary for voluntary
- p. 69, 1. 15 wuch for such
- p. 78, 1.2 boardly for broadly
- p. 85, 1.5 basis for basic
- 1. 7 effeciently for efficiently
- 1. 22 at was for at war
- p. 86, 1. 5 as for a
- p. 88, 1. 5 as omitted before important
- 1. 9 there for where
- 1. 10 crak,s for cranks
- 1. 20 lumpted for lumped
- p. 91, 1. 14 their for third
- p. 93, 1.7 polulatly for popularly
- 1. 23 fact for face
- p. 108, 1. 25 studies for studied
- p. 109, 1. 13 whole for whose
- p. 110, 1. 2 delete 1 and on line 15 substitute 1 for 2.

INTRODUCTION.

Act No. 40 of 1947, after nineteen years in operation has been superseded by Act No. 79 of 1965.

Here an attempt will be made to establish first those conditions which, in the years preceding 1944, produced a demand, both from the general electorate, from members of the legislature and from those actively concerned with the problems of social welfare in South Africa, that appropriate legislation be promulgated to alleviate the conditions. As Act 40/1947 was drafted in an attempt to remedy antecedent conditions, so it is hoped to show that in its provisions, and their attempted execution by the organs established in terms of the Act, there may be discerned the germs of at least some of the provisions of Act 79/1965.

Effects of past economic depressions as well as a more recent increased awareness of overseas conditions and thinking, coupled with the war-time atmosphere and the start of rapid industrialisation all affected the legislation that was finally passed. The degree of unanimity amongst those who advocated control of Welfare bodies through legislation will be considered, as well as the adequacy of the means available for its enforcement. So, too, will habits of thought and action which both affected interpretation and limited co-operation on several levels, for they also are amongst the factors which, by limiting the Act's effectiveness, strengthened the demand for new legislation. Attention will also be paid to that reaction against things regarded as "foreign" which, always present in South Africa, gathered strength from the 1860's, gained expression in official quarters especially after 1948 and which, together with the policy of separate development, greatly affected activities in terms of Act 40/1947.

CHAPTER IBACKGROUND TO THE BILL.A) IMMEDIATE CAUSES OF INTRODUCTION OF BILL.

The first Bill (No. 58 of 1944), introduced by Mr. Lawrence, then Minister for Social Welfare and Demobilisation, had as object the registration of welfare organisations. Poorly received in the House of Assembly it was withdrawn after the first reading. Its provisions were basically similar to those of the War Measure No. 48 of 1944 and the Regulations for the Control of War Funds¹. Later debate, particularly from the parliamentary opposition when other drafts were considered, referred to the "dictatorial powers" the Bill would have conferred upon the Minister - powers which it is interesting to note were to some considerable degree restored to the Minister in Act 79 of 1965.

As a War Measure No. 48 was published and the House notified, no debate taking place, and it appeared not to have evoked comment in the country apart from approval that control of the spate of war funds had been instituted. But as the Minister's title shows, by 1944 the country was looking forward towards the ending of the war. Plans for the re-absorption of servicemen into civilian life were being canvassed, servicemen themselves were speaking out about their ideas for the coming peace, for "living war memorials", for "a better deal for all South Africans". Their approach was a positive one: controls might be necessary to limit the possibility of abuses but, that done, there must be planning, the promotion of the good rather than the limitation of the unsatisfactory.

Amongst servicemen especially, there was an awareness of the gap between the privileged and the under-privileged, of the burden

¹ S.A. Govt. Gazette Extraordinary. Vol CXXXVI No. 3350
2nd June, 1944, Pretoria.

of ill-health that menaced both public welfare and personal well-being. The importance of food and feeding became very real to men who had experienced prisoner-of-war camp conditions, who had lived off the country after escaping from custody and who, having seen the poverty of Egypt, Ethiopia and North Africa, could look at and recognise similar conditions when they returned home.

So in 1944 the South African National Conference on the Post-War Planning of Social Welfare Work was held in Johannesburg, approximately 1,500 people attending, a fair sprinkling of them in uniform. Experience of rationing schemes had focussed attention upon nutrition, especially that of children. In its first report the Department of Social Welfare had stated

"it is today generally agreed that every child born into the world has an obvious right to be provided with the necessary articles of food". 1.

In 1940 the National Nutrition Council was set up as a statutory body and the National Health Foundation followed, as a voluntary body to raise funds, develop specific projects and to educate the country.

Part, too, of this more positive approach was the Governor-General's National War Fund which both assisted the serviceman to re-adjust to civilian life on leaving the services and also aided him to develop latent potentialities through training or re-training. Dependents also were encouraged to plan ahead and were usually supervised until they achieved their aims. Purely palliative measures were frowned upon and cash grants to pay off debts rarely granted unless genuine rehabilitation could be foreseen as a consequence. Similarly, the government's demobilisation schemes stressed plans to train the serviceman for civil life with prospects for future advancement. 1

1
Writer's personal experience as chairman, vice-chairman or secretary of various local/regional committees established under the schemes mentioned.

As further examples of the spirit of the period immediately succeeding the end of hostilities, one might cite bodies such as the Springbok Legion (before it became a political pressure group) and the National Playing Fields Association with its work especially for providing recreational facilities in African townships and other non-white areas and so promoting healthier living conditions.

Overseas example also had a potent influence. The New Zealand Social Security Schemes (which had begun with the 1898 Old Age Pensions Act), the Australian federal maternity allowance scheme (payable since 1912 and not subject to a means test), and subsequent Federal and State social care measures all influenced South African thought. The British Beveridge Report of 1942 had a still greater impact.

Within South Africa there had been increasing attention directed particularly towards co-ordination and planning, especially in health matters.¹ From the time of the first settlement at the Cape the ordinary citizen had been required to fend for himself unless he were suffering from a major infectious disease. Servants of the Dutch East India Company, both naval and military, were nursed at the Company's hospital. Company's slaves received some attention. At the British Occupation of 1806 the rule was made that only British army personnel should be admitted to the hospital (now taken over from the Dutch authorities). Dr. Samuel Bailey's Somerset Hospital, opened in 1818 at the Cape, was the first public hospital for civilians, and as well as the sick civilian it admitted merchant seamen, lunatics and paupers as the plaque at the New Somerset Hospital which was opened in 1862, records.² Epidemics, however, were treated at public expense,

¹ Though as will be shown later, division of responsibility for health services between several departments continues to operate in South Africa.

² E.H. Burrows, History of Medicine in S. Africa. (Cape Town, A.A. Balkema, 1938.)

medicines being provided where necessary. ¹

During the latter part of the 19th century and the first quarter of the 20th, medical services had improved, though piecemeal, and in most instances they had to be paid for. In 1920 Mr. George Hills, M.P., introduced in the House of Assembly a motion for the appointment of a Select Committee to consider the advisability of a free State Medical Service. Nothing more was heard of this suggestion, however, although most case workers would agree that the expenses of illness are frequently a major cause of a family falling into distress. In 1942 a Women's Conference had recommended free and adequate hospital, medical, maternity and education services for all sections of the community.

When the Gluckman Report ² was published in 1944 it was not surprising that its recommendations were far-reaching. In setting out its plan for a service aimed not merely at ensuring a mere absence of disease but at the conscious cultivation of good health with the maximum degree of physiological and mental efficiency: the Report contained tables giving the inter-relationships between services for the promotion of health and the agencies concerned with their provision and the types of personnel involved. ³ Similarly, the services concerned with the prevention of ill-health and their agencies were listed, as were those concerned with the rehabilitation of the disabled. Three of the four tables clearly demonstrated linkages between what were normally spoken of as health service and services provided by other departments of state, such as Labour, Education, Housing, Agriculture and Social Welfare. Amongst the personnel involved were listed sociologists and social workers as personnel in health services as defined by the commission.

¹ J.S. Marais, The Cape Coloured People. (Johannesburg, University of the Witwatersrand. 1957) Footnote p. 191.

² Report of the National Health Services Commission 1942-44. U.G. 30/1944. Govt. Printer, Pretoria. (Gluckman Report)

³ Op. Cit. Pp 9-10.

Thus when Bill No. 58 of 1944 came to be re-drafted and re-submitted, there were two trends of thought current; that exemplified by the War Measure No. 48 of 1944 with its aim of registration and control, a negative but regulatory concept, and the positive one that looked for knowledge of the

factors which make or mar human health and happiness. Its aim ... economic prosperity, social contentment and creative power.

With the realization that these factors were complexly linked, and over-riding any single government department the Select Committee appointed to deal with the Bill reflects these two approaches.

B) LESS IMMEDIATE CAUSES OF THE INTRODUCTION OF THE BILL.

The pastoral stage in South African history began to draw to its end in the mid-years of the nineteenth century. Excluding the commercial and small-scale industrial development in the Western Cape, dependent largely upon Cape Town's position on east-west shipping routes, the villages and small towns then existing in the rest of the country were essentially market centres with a limited area of influence and offering relatively restricted employment opportunities.

In the half century following upon the British Occupation at the end of the Napoleonic war certain new attitudes are detectable both in government and in the majority of those governed. Several factors led to this. The racial composition of the people was altering. To the older Dutch and German communities was added the British military establishment and British civilians in government service, many of whom, having brought wives and children with them, later took their discharge and settled in the Colony. The British Settlers of 1820 and the German Military Settlers of 1857 with the German Immigrants of 1858 brought further diversification, especially of background and experience.

On the eastern and northern boundaries of the Colony the increasing numbers of Bantu-speaking peoples were restricting

the free-ranging stock-farmer and limiting the prospects of the next generation. The purely itinerant trader was being replaced by men with a settled base which continued to operate at the same time as the owner or some of his family or employees undertook distant trading expeditions. More general changes in the intellectual climate may be ascribed to the increasing circulation of books and periodicals and to the establishment of debating, literary and scientific groups: the gap was widening between the increasing numbers exposed to new ideas and conditions and those whose way of life separated them from the newer trends. These latter belonged to a Church which had been the established form of religion, a State Church controlled from Holland with its ministers paid by the government. A Church, too, which tended towards theocratic control of its members.

In the 1860's the old ways of life of these people, already hampered by pressures upon land, had to meet the turmoil which followed upon the discovery of diamonds and of gold. There were two predominant responses: many joined the diggers and allowed an already low standard of life (especially on the material side) to decline still further until it was barely distinguishable from that of the non-white labourers, while others went to the developing towns. There, because of their lack of formal education and of understanding of English, (the predominant language of commerce and industry), and because of their ignorance of the skills demanded for successful urban life, they were virtually unemployable, except as labourers. As such they came into competition with non-whites who were already plentiful in urban areas. As a result these whites were often in need of relief because employers tended to give such labouring work as was available to the Bantu who were more accustomed to the largely pick and shovel type of work, who were cheaper and whom it was felt were "made" for such work. ¹

¹ The writers of the Carnegie Report, de Kiewiet, Walker and Burrows etc.

South Africa, however, had no poor law in any of the provinces.¹ Following Scriptural precepts the Church at the Cape had cared for the widows² and the orphans and, to a lesser degree, for the sick and those in temporary distress. With the scatter of population there had appeared what Rev. P. du Toit³ calls the family period, that period when both the Church and organs of state were too distant for appeals for help to be made to them with the result that families had to assist their own weaker members. This had been the custom amongst those who were now forsaking a pastoral life for diggings and towns. In areas of closer settlement that period which he calls the Church Welfare Period (between 1815 and 1898) had begun. The Nederduits Gereformeerde Kerk, no longer restricted to Cape Town and its nearer neighbourhood, now provided both poor relief and institutional care for children, for dependent aged men, for the deaf and blind, for the convalescent poor, and at Kakamas a Labour Settlement for families. School hostels, subsidised by the authorities, provided for up to 7,000 children. The calls made upon the N.G. Kerk of the Cape Province to help Church members north of the Orange River, especially after 1902, appears to have fostered the foundation of voluntary bodies to assist in its task. So in 1904 the Afrikaanse Christelike Vroue Vereniging began and was followed by many others.

The custom had early developed of each denomination helping its own members. So long as there was but one recognised church it had assisted all those in need, white and non-white, resident, visitors or even passengers on their way to Batavia.⁴

¹ Union Year Book. 1910-17. p.321.

² Acts VI 1-3.

³ Rev. P. du Toit, 'n Historiese Oorsig van Private en Publieke Welsynswerk in Suid Afrika.

⁴ P.F. Greyling, Die Nederduits Gereformeerde Kerk en Armsorg (Stellenbosch, 1938. Unpublished thesis)

Then, in 1781, the Lutherans were recognised and thereafter had to provide for their own congregations. Later, other denominations were similarly treated, though certain of them relieved the needy, irrespective of religious affiliation. Throughout, the emphasis was upon the relief of poverty, however caused - the service remaining palliative and related to local circumstances.

With the economic near-collapse which followed the 1914-1918 war came demands for assistance which the existing organizations could not satisfy. It had, moreover, become obvious that more than relief was needed and that investigation into the basic causes of the whole problem of white poverty was required. With funds largely provided by the Carnegie Foundation a Commission was appointed and the five volume report appeared in 1932.¹ Its recommendations were of two kinds: first, action to deal with those suffering from want, ignorance, poor health and housing and so forth, that is, immediate amelioration of present conditions. Secondly, they urged action aimed at preventing the re-appearance of similar conditions in the future.² Two of the "measures aiming at future improvements" were the employment of salaried and trained social workers³ and the creation of a state bureau of social welfare.⁴ The duties of such a bureau were listed as:

- (a) co-ordinating all social welfare activities of the different departments of the Union and of the Provinces;
- (b) co-operating with voluntary charitable organizations and the Churches in order to ensure uniformity of

1 Report of the Carnegie Commission on The Poor White Problem in South Africa (Stellenbosch: Pro Ecclesia Drukkery 1932)

2 Carnegie Report I par. 3.

3 Ibid par. 37

4 Ibid par. 124.

- action and to avoid duplication;
- (c) disseminating information (with attention to overseas experience) and giving guidance regarding the best methods of social work so as to assist in realising a constructive policy in respect of charity for the whole Union;
 - (d) co-operating with the Universities so as to further the scientific study and treatment of social problems.

Twelve years later, when a Select Committee was appointed to hear evidence upon a deaft welfare bill, these four points were again canvassed.

CHAPTER II.DRAFT BILLS AND THE SELECT COMMITTEE.A) THE FIRST DRAFT BILL.

The first draft bill, No. 58/1944 was introduced in the House of Assembly by the Minister for Social Welfare and Demobilisation, received a first reading but was not proceeded with in the House. The desirability of some form of Union-wide control of welfare organizations was, however, felt to be desirable.¹ The chief objects of any legislation, it was felt, should be (a) the protection of bona fide organizations against bodies established for some ulterior motive; (b) the protection of the public against bogus collectors; and (c) the prevention of maladministration of welfare organizations financially supported by the State or the public.

These three reasons, mentioned in evidence by the Secretary for Social Welfare (Mr. G.A.C. Kuschke), reflect the current popular view that the need was largely to prevent financial dishonesty or incompetence. The proliferation of war funds had led to War Measure No. 48 of 1944² in terms of which all war funds had to be registered and become subject to certain controls or cease operating. Introduced under the Emergency Regulations, the Measure had not been a subject for debate in the House of Assembly but it appears to have received general support in the country so far as can now be ascertained.³

War Measure No. 48/1944 was not, however, the first controlling legislation. Provincially, control over at least some welfare organizations had been exercised in three of the four provinces -

1 Union of South Africa. Report of the Select Committee on the Subject of the Welfare Organizations Bill, Cape Town 1945, p.2

2 Appendix A. War Measure 48 of 1944.

3 Report of Select Committee, Appendix p. XIV (later referred to as S.C. 11-45)

the Orange Free State alone having no such ordinance. In Natal, Ordinance No. 8 of 1932 prescribed the possession of a certificate of registration issued by the Administrator. In the Cape Province Ordinance No. 4 of 1919¹ provided for the registration of charitable organizations, but only if they desired a subsidy. A charitable body which was not subsidised might function without registration, and without those controls which registration involved. Earlier, by Ordinance 5/1912 (Cape) provision had been made for a medical inspector of hospitals and of charitable institutions. So far as the Union as a whole was concerned there was, we read, "no lack of benevolent organizations in country districts as well as in towns".² No province had a poor law and the state was called upon for aid only in periods of acute depression or under exceptional circumstances. "The greater part of assistance ... is that afforded by various benevolent institutions"³

In the Cape, 1911-1912, pauper relief had amounted to £15,158 (R30,316), and grants to benevolent institutions to £18,813 (R37,626). For 1916-1917 the figures were £20,769 (R41,592) and £24,198 (R48,396) respectively.⁴ Figures for the other provinces showed a similar steady increase also, as well as large numbers of organizations for which some control might be held to be desirable or was already in being. Where, in the Cape, the subsidised organization did not provide accommodation, inspection did not normally take place but control was exercised through the appointment to the management committee of a representative of the Administrator,⁵ or local authority, and by audit. Auditing of accounts is a useful tool to prevent or discover financial dishonesty or carelessness: it does

1 Amended 6/1920; 23/1921; 31/1921; 12/1923.

2 Union Year Book, No. 2. Pretoria, 1910-17. p.321.

3 Ibid.

4 Ibid.

5 Note that the Du Plessis Committee's Recommendations suggested that a ministerial representative should sit on the committee of every registered welfare organization.

nothing to ensure the wise expenditure of funds.

In this respect the Transvaal Ordinance No. 5 of 1926 (amended in 1931 and 1933) differed from that of the Cape. Possession of a certificate of registration was obligatory for all charitable organizations but in addition the Ordinance established a statutory body, the Central Board of Charities, Johannesburg, with wide powers and duties.¹ Later, the appointment of the Board's members passed to the Department of Social Welfare, which had been established as a full department on 1st October 1937, in terms of the Amended Charitable Institutions (Control) Ordinance. Government Notice No. 230 of 1944, for example, lists² the Chief Magistrate, Johannesburg as Chairman, ex officio, with the Director of Social Welfare and the Manager Non-European and Native Affairs Department, Municipality of Johannesburg, together with 24 others, to make up a Board of 28 members. Their term of office was two years. It is against this background of experience that the various drafts of the welfare organizations bill must be set. The different attitudes to control in Cape and Transvaal, as reflected in evidence submitted to the Select Committee, stems from their differing ordinances to a considerable degree.

At first sight it might seem that during the approximately four years from the first draft to the promulgation of Act 40 of 1947 there had been a large measure of agreement. A closer analysis, however, suggests that many bodies given the opportunity to express their views did not do so, that the opinions were disregarded of many who did take the opportunity, and that the public at large displayed slight interest in the discussions and when the bill was finally approved were ignorant of its provisions. Though the

1 Appendix B. Duties and functions of the Johannesburg Board of Charities.

2 Union of South Africa, Government Gazette, Vol. CXXXV, No. 3304, Pretoria, 18 February 1944.

Minister's view, that the subject was a matter deserving of non-party political treatment ¹, appeared to be supported by most, there was both overt and latent opposition to at least some of its provisions. This opposition became more apparent after the change of government in 1948 and received expression in publications such as the Recommendations of the Du Plessis Committee of Enquiry into the Financing of Voluntary Welfare Organizations. ²

The Bill which was finally approved by the House of Assembly in 1947 was the fourth draft. Copies of No. 58/1944, the first draft, after the first reading were sent to the four provincial authorities, the nine principal local authorities and 18 welfare organizations. ³ The provincial authorities expressed no objections, though those of Natal stated that they would wish to retain the control they already exercised. They supported obligatory Union-wide registration, however. Their own Ordinance of 1932, which had been amended in 1944 by Ordinance No. 12, they proposed to retain. (Only on April 1st, 1950 were the provisions of Act 40/1947 applicable to Natal also). The 18 welfare organizations consulted accepted the aims and objects of the bill but four of them objected to the powers which would be conferred upon the Minister. These four were the National Council for the Care of Cripples (with its affiliated regional associations), the National Council of Women (comprising both branches of individual members and affiliated societies), the United Council of Social Agencies which comprised various welfare bodies operating in Durban, and the Oranje Vroue-Vereniging of 63 branches with 2,400 members. The three other provincial Afrikaans women's church bodies (the A.C.V.V., the N.C.V.V. and the S.A.V.F.), together with the

1 Hansard, 31 March 1947.

2 e.g. its expressed attitude to the National Welfare Board itself and to welfare activities of local authorities.

3 Hansard, Vol. 56 col. 3204.

Armsorgkommissie of the D.R. Church supported the Bill's principles.¹ The A.C.V.V. submitted a memorandum to the Select Committee objecting to certain clauses.²

The dissenting bodies suggested that "a form of Advisory Council" be established to advise the Minister on all welfare matters and be responsible for the registration of welfare organizations.³

B) THE DRAFT BILL OF 1945.

A new bill was drafted in 1945 (A.B. 25-45) incorporating this suggestion so that control would pass from the Minister and his Department to a controlling board (clauses 2 and 3). A Registrar of Welfare Organizations was to be appointed (clause 4).⁴ The Board of Control was to be appointed by the Minister from amongst persons nominated by the registered welfare organizations.⁵ This Board of Control was to have the duty of advising the Minister in connection with any matter in the field of social welfare (clause 3(b)), without in any way infringing the rights of individual organizations to consult or advise the Minister upon matters affecting their particular interests. In this way, it was felt, more democratic procedures were to be followed. The necessity for consultation had been one of the topics discussed at the Conference on the Post-War Planning of Social Welfare Work. The suggestion embodied in their recommendations⁶ had been for a board comprising representatives of the major interests in the field of social welfare, that is,

1 Report of Select Committee p. 2.

2 S.C. 11-45 Appendix C.

3 Hansard, Vol. 56 col. 3205.

4 Compare Cl. 3 of War Measure Appendix A.

5 S.C. 11-45 par. 7 and compare Appendix A 2 (3)

6 Report of the S.A. National Conference on the Post-War Planning of Social Work. Govt. Printer, Pretoria 1945-6.

departments of state, local authorities and voluntary agencies, with the Minister of Social Welfare as Chairman. As Minister he was to discuss the departmental plans as well as to receive advice and requests - these latter he was to be expected to receive and act upon, or adduce reasons why compliance was not practicable. The Gilbertian situation of his instructing himself to follow a given course and then explaining to himself why he did not propose to follow his own instructions seems to have escaped notice. At the time of the Conference (1945) the felt need was for getting away from the war-time procedures of government by regulation and providing for the closest possible liason between government and governed. Later developments demonstrated that the danger of alienation of, for example, Minister and National Board was no fancied one. One might instance Canada as a state which provides for a "report back" by the government to certain bodies making suggestions for action.¹ In 1945 the S.A. Conference correctly emphasised the essentiality of mutual consultation and communication - only their solution was maladroit. The new draft Bill (A.B. 25-45) was circulated for comment, as its predecessor had been. Select Committee No. 11 of 1945 was appointed,² reported³ on 7th June, 1945 and presented an amended draft Bill A.B. 68-45 for the consideration of the House.

It may be held that silence means consent and that the Minister's claim that the revised Bill was widely supported was correct. Rather one might associate some of the later difficulties of the National Welfare (Organizations) Board with the poor response to the Minister's request for comments upon the draft circulated during the 1945 parliamentary recess. Of the nine Municipalities consulted only three, that is, one-third, replied.

1 See Annual Reports of the National Council of Women of Canada and Bulletins of the International Council of Women. Appropriate ministers of state meet each year Council's representatives to discuss and report.

2 Appendix C: membership of Select Committee and duties.

3 Appendix D. Report of Select Committee.

These three supported the Bill. Only one-quarter of the organizations consulted replied (20 out of 80). In ecclesiastical circles two major churches, the Anglican and the Roman Catholic, opposed the setting up of a statutory board of control. According to a writer adhering to the strict Calvinist persuasion¹, 'die Calvinis bely dat die staat is om sonde ontwil' and the view is advanced that control by the state is to be opposed. A distinction, for instance, is made between organic and mechanical co-ordination, the 'organiese' being held to relate to the Kingdom of God, and the 'meganiese' to the Kingdom of Anti-Christ.

',Organiese ko-ordinasie ... met 'n gemeenskaplike doelstelling, naamlik die uitbreiding van die koninkryk van God.'²

Whereas

',Meganiese ko-ordinasie' is held to involve a control from outside ... by means of regulation and compulsion, involving 'die negering van alle Skriftuurlik prinsipiële beginsels.'

This is an extreme view but not unrelated to the claim that a client must be treated only by those of his own racial and linguistic group and religious persuasion. Apart from accentuating the existing fissiparous tendencies in South African life, with a resultant proportionate expenditure of money and manpower that becomes increasingly difficult to justify, it is unequally applied. The protagonists do not normally apply, for example, to the smaller minority white groups the standards claimed for the majority white group. It is to this claim that one has to ascribe the vast numbers of denominational groups³ linked with the three Afrikaans churches. In contrast, apart from missionary endeavour amongst non-whites, the churches such as the Church of the Province of South Africa (Anglican) and the

1 M.E. Botha in Die Vraagstuk van Ko-ordinasie, Potchefstroom, 1964. (Unpublished M.A. thesis)

2 Botha. op. cit.

3 See Second Annual Report on the operation and administration of the Act. Pretoria : U.G. 25/1950. p. 2.

Methodist and Presbyterian urge their members to obey the Scriptural admonition to serve their fellow-men by working for such organizations in their local community as their talents fit them.¹ The Afrikaner will rather be expected to respond by working for his denominational organization.

C) THE SELECT COMMITTEE.

The sittings began on Monday April 9th, 1945, hearings terminated on 17th May, 1945 and the Report was signed on June 7th.² The Committee considered written memoranda, oral evidence in amplification of such memoranda and the views of persons appearing before it as representatives of bodies with an interest in the proposed legislation. In all, 20 sittings of the Committee were held, at the last of which it was "resolved: that the Chairman report the amended Bill" (A.B. 68-45). The Committee considered evidence critical of the earlier draft as well as comments upon the 1945 draft. It was in the light of both these that its own draft was drawn up. Mr. Kuschke stated that the three fundamental principles laid down provided that, if the Bill were accepted, no unregistered welfare body might collect or receive funds from public, state or local authority; secondly, that all such societies would be obliged to keep proper books and accounts, open to inspection; and thirdly, that all collections for such registered bodies could be made by authorised persons only. He went on to say

apart from these amendments (chiefly relating to ministerial powers and the establishment of the Board of Control) the present Bill now before the House differs only in minor details from the Bill of last year.

A study of the evidence shows that this view was not

1 Compare dedication of talents cards of the Cathedral of St. Michael & St. George, Grahamstown. Also the Conference "Church and Society in Grahamstown" held August 26-27, 1967, organised by Ministers Fraternal. At this references were made to Matthew xxv. 40 and Ps. 41.

2 Appendix d: Report of Select Committee.

accepted by witnesses, many of whom claimed that the new Bill introduced entirely new principles. It was these new principles which seem to have encouraged some witnesses to press for a still more comprehensive Bill. Certain suggestions, not accepted by the Select Committee for incorporation in their draft A.B. 68-45, finally appeared in Act 79/1965.¹ It is as yet too soon to assess their efficacy in meeting at least some of the admitted defects in the field of social welfare planning and execution in our country.

Oral evidence was presented by 18 persons, only one of whom, Professor O. Wagner who at that time was a professor at Stellenbosch University, appeared in a private capacity.² The other 17 persons between them represented 8 bodies of which 7 were councils having a large membership made up of branches and affiliated societies. The largest was the Johannesburg Social Welfare Board which claimed to represent every one of the 200 welfare agencies functioning in Johannesburg. (In view of the Transvaal Ord. 5/1926 this claim would seem justified). The Cape Coordinating Council had 83 constituent members - not a complete coverage of the welfare field in the area but inclusive, its representatives said, of all but one of the major societies there.³ The Oranje Vroue-Vereniging, which presented written evidence only, had a membership of nearly 2½ thousand spread over 63 branches. Other bodies which submitted their views for consideration, such as the A.C.V.V., the S.A. Vroue-Federasie and the S.A. National Council for Child Welfare, comprised a large membership spread over many societies and committees. Two of these Councils operated in all four provinces. Looked at as a whole, their evidence covered every major clause of the Bill.

1 e.g. on planning. Compare the Act 79/1965: 7(1) (d) providing for a Commission for Welfare Planning, and also Mrs. Hoernlé's plea to the Committee.

2 S.C. 11-45 p. 86 par. 175.

3 S.C. 11-45 p. 44 But R.H. Buchanan stated "there are possibly 150 charitable bodies in the Cape Peninsula" (p. 97). Prof. Wagner on p. 86 is reported as giving "approximately 250".

Comments upon the Bill may be regarded as falling into four chief categories. First are those condemning the Bill root and branch. Such was the Cape Co-ordinating Council of Social Welfare Organizations which "regards the Welfare Organizations Bill as highly dangerous in its present form".¹ Secondly were those who accepted the draft with fairly minor amendments. In the third category falls the evidence of witnesses who made suggestions of a more far-reaching nature, some of which the Committee reflected in its own draft. Finally there were those who pleaded for a widening of the Bill's scope and whose suggestions were not taken up at that time but are reflected, in part, in the latest Act, No. 79/1965.²

Since the Bill, redrafted it is true but still largely following the 1945 version, reached the Statute book one should first consider the pleas for out and out rejection. As put by Adv. D. Buchanan³ these centre upon suspicion of the Bill's intentions: it lacked a preamble stating the reason for its introduction and so was suspect. Registration as such was not objected to, though coercion was disliked.⁴ Control of collections for welfare purposes through local authority bye-laws controlling street collections, for example, were desirable as was auditing of accounts. As the draft bill stipulated, fraud and misuse of trust funds was a criminal offence, as they always had been, and if changes were necessary they should rather be made through amendments to existing criminal law than by fresh legislation. The suggestion was made that supervision of an organization's financial transactions by a competent auditor belonging to a recognised professional association, with a full end-of-year audit would adequately protect the public. The rare fraud that

1 Ibid p. 44 par. 67.

2 S.C. 11-45 p. 29 par. 34, 35. P. 78 par. 8. cf. Act 79/65 Cl. 33

3 Ibid pp. 61-66.

4 Ibid p. 52 par. 80; p. 55 par. 91; p. 73 par. 146.

was undetected represented so small a proportion of total transactions that it might be ignored.

When the National Board found in the first years after 1947 that its major problems in dealing with registered organizations often related to laxity, dilatoriness, and often plain incompetence in financial matters this suggestion concerning audits was adopted and official instructions were issued to all registered societies prescribing the qualifications of auditors in terms of the regulations. The shortage of qualified auditors was met by the proviso that, upon specific application to the Registrar, other suitable persons might be approved to check accounts and draw up balance sheets. Delays in submitting financial reports, though decreasing as time passed, could not be entirely eliminated and still occur. The reasons for delay may be acceptable: unexpectedly heavy audits disrupting the auditor's time-table, illness of staff of auditor or society, change of office-bearers, it being remembered that the treasurer will in most instances be a voluntary worker for a society. A complication is that most firms are expected to do a cost-free audit or to make nominal charges only - pressure is thus difficult to exert by a society that feels beholden should the balance sheets be late. Where the reasons for the delay are suspect, enquiry is still usually tentative at first, from both sides. No one is anxious to impugn the motives of persons working for a charitable body. (That this can be dangerous the experience of the Board and the Border Board with the East London Society for the Deaf amply illustrates, while the rarity of comparable cases shows that the risk of the occasional fraud may be worth running). In 1945 the opinion had wide support, expressed and tacit, that

if the object of the bill is to control all welfare organizations then it seems to us that the effect of the Bill will be to regiment out of existence all acts of human kindness.¹

So the utmost consideration was exercised by Board and Registrar in the first difficult years.

It was advanced that legislation of this kind almost inevitably created criminals from persons of good will (who found it difficult to avoid transgressing some regulation).¹ Accordingly it was bad law, even that it was "fascist in conception ... totally contrary to the democratic principles under which we live".² The linking of registration, which, if voluntary, was acceptable to most witnesses, with control provoked strong opposition. Even though a Registrar or a Control Board existed, ultimately the authority was ministerial for all appointments were his prerogative.

It makes the right of persons to associate for the purposes of dispensing charitable aid dependent upon the State.³

Cohen wrote⁴

A charitable act is essentially a private act ... The private citizen is free to dissipate his resources as he chooses.

When the State contributes to the funds of an organization it should have some form of representation or inspection to see that the government's interests, as acting agent for the whole community, are suitably protected. Where the money is provided by private persons and the work performed by private individuals the State should not have controlling power. "If this Bill is passed, the State will have control over organizations financed by private funds and that ... is an interference with private rights" said Bishop Lavis. Man must have the freedom of making mistakes and the fool must not necessarily be protected from his folly.⁵

The proposed linking of registration with the approval or prescription of methods of administration of registered welfare

1 Especially true of officials of non-European organizations.

2 S.C. 11-45 p. 67.

3 Ibid p. 67.

4 E.W. Cohan, English Social Services (London: G. Allen & Unwin, 1949) p. 134

5 S.C. 11-45 p. 73 par. 143.

organizations by the projected Control Board was rejected by all major witnesses. Several, pointing out that the Minister made the appointments to the Boards considered that Mr. Kuschke's claim that the Minister's and his Department's powers were thereby lessened was not true. The Oranje Vroue-Vereniging stated ¹

we are of the opinion that the Minister is charged with an unduly large degree of discretion and judgement

and suggested a limitation upon this by providing that

the number of members nominated by welfare organizations (in terms of Clause 17 dealing with welfare boards) should be numerically greater than that appointed by welfare organizations. +

But since selection from the lists submitted remained with the Minister even this would be an ineffectual limitation.

There was widespread distrust of the clauses relating to grounds for rejection of an application for registration, especially to the phrase "because registration would not be in the public interest". ² Fears were expressed of political influences associated with changes of government, especially if the official appointed to make inspections of societies' books and papers had a political bias. The representatives of the Algemene Armsorg of the D.R. Church held:

There is also the danger that the Control Board might come under political influence and they have to exercise control over welfare organizations which work in all directions and among all groups of the population. ³

All organizations carrying out bona fide welfare work, or desiring to do so, even should their objects be contentious, ⁴ should be eligible for registration. The four basic functions of the voluntary welfare organization, enumerated by Rev. P. du Toit (of the Algemene Armsorg) were quoted with approval in the House of Assembly by Mr. J.J. Serfontein, who later became Minister of

1 Ibid. Appendix E and cf. p. 63 (i)

2 Ibid. p. 25 par. 20; p. 39 par. 54; p. 47 par. 68.

3 S.C. 11-45 Rev. P. du Toit on p. 83.

4 Ibid p. 77 par. 7 (a)

+ Delete last 3 words and substitute " by the Minister".

Social Welfare and Pensions, himself a member of the Select Committee. These functions were: to experiment, to adapt quickly to change, to develop new forms of welfare work and, finally,

the welfare organizations must often go against fixed ideas and vested interests, through one or more persons with wide vision, and thus become the pioneers of new developments.¹

In 1945 the need for a right of appeal against the Control Board's refusal to register or decision to cancel or amend a registration was emphasised,² and similarly for appeals against Ministerial powers enabling him to decide what bodies should operate and in what manner. In the latter case appeals to the ordinary courts of the land were suggested. The Select Committee's solution was included in Clause 13 of their draft. It provided for an Appeal Committee of three persons, the Chairman to be a magistrate of not less than 10 year's experience as a magistrate, sitting with

two persons with experience in or knowledge of welfare organization who are not members of the board or members of the appellant welfare organization or members of the public service.³

Such provision was retained in Act 79/1965 but not all aggrieved bodies might appeal. By the amendments of Act 40 effected by Act 75 of 1961 provision was made in Sect. 9 (1) (c) for objections to be received by the Board to the granting of an application for registration. Were registration refused by the Board then a notice giving the grounds for such rejection had to be sent to the applicant organization (9 (4)) and the fact of the rejection published in the Government Gazette (9 (5)). This safeguard appears to be reduced, removed by the party now providing the government, members of which had so strongly

1 Hansard No. 56 col. 3219-20 (and S.C. 11-45 p. 76)

2 S.C. 11-45 pp. 13, 17, 25, 26, 64 par. 116 (c), p. 69 par. 123.

3 Gov. Gazette Extraordinary, Vol. CXLVII No. 3784, 25th March, 1947 and Act 40/1947, 13(2)(b).

emphasised (from 1944 to 1947) the importance of limiting ministerial power and political influences. ¹ Act 79/1965 deals differently with this matter, in Sect. 19 (5) (b)

where an objection has been lodged ... the board shall not grant the application without the consent of the Minister.

An objection may be made by a single individual: Sect. 19 (1) (b). As the Act is presently applied no disclosure of the source or content of such objection is made. Further, in Sect. 21 (4) (a) of 79/1965

The Minister after consultation with the board may cancel any certificate of registration granted ... by the board.

The decision remains the Minister's, irrespective of the Board's opinion. Ministerial power is further entrenched by Sect. 25 of Act 79/1965 which provides that there shall be no appeal against the decision of the Minister in terms of 19(5)(b) or 21(4).

Act 40/1947 in Clause 11 (i) provided for the cancellation of registration or amendment of a certificate of registration upon specific grounds, and the Regulations 8 (i) to 8 (4) provided for the hearing of appeals. In this way the view that every bona fide body should be allowed to function was largely met. ² This restrictive section of the latest Act is an almost complete return to the original draft condemned during debate in the House and by witnesses before the Select Committee.

Those witnesses who accepted both registration and the establishment of some board with other duties as well, agreed that co-ercive powers must be excluded. Voluntary organizations are "the people's eyes, ears and conscience". ³ and their access to the Minister must always be safeguarded. ⁴

1 Compare Hansard No. 56 col. 3213 and col. 3219-20 (Serfontein) and also criticism of clauses 3, 9, and 20 of the 1947 bill and see S.C. 11-45 Appendix E.

2 S.C. 11-45 pp. 46, 74, 77, 81 and Appendix B.

3 Mr. G.A.C. Kuschke, Sec. for Social Welfare, quoted by Prof. Batson and Rev. P. du Toit.

4 S.C. 11-45 p. 42-3, and Appendix A.

The projected Control Board's powers should be advisory only, both in relation to the Minister and his Department and also to the registered societies.¹ The problem of a suitably wide constituency for the board was debated in 1945 (and is still not satisfactorily solved). A war-time coalition government introduced the different bills - as has been stated the party then in opposition is that which, now in power, introduced the latest bill, now Act 79 of 1965. The desire to ensure a truly representative board for the whole country was clearly expressed in 1945 by witnesses who belonged to the political party then in power, and was accepted by the Select Committee. The need for representation of the rural areas and also of the predominantly Afrikaans-speaking districts and of the Afrikaans women's organizations was emphasised.² When this point was debated in the House, the Opposition especially stressed bi-lingualism amongst officials. The more fundamental feeling, expressed by the Minister during the Committee Stage (31 March to 3 April) "that there was a need for a national forum where social welfare matters could be discussed by an organization consisting of representatives from different parts of the Union", though somewhat overlaid in debate was accepted on both sides of the House.

In conformity with the views then being actively canvassed in Opposition circles separation along racial lines was discussed.³ The A.C.V.V. stated "separate boards should be established for non-Europeans". The representatives of the Johannesburg Social Welfare Board considered duplication feasible but unnecessary, while in the House the Opposition speaker, W.D. Brink (Christiana) advocated separate boards for white and coloured. That the individual

1 S.C. 11-45 pp. 8, 29, 30, 34, 35, 41, 53, 78, 87.

2 Ibid Appendix F and also pp. 30, 33, 37 and p. 18.

3 Compare G. Cronje, 'In Tuists vir die Nageslag', Johannesburg 1942 and Cronje, Nicol and Groenewald, 'Regverdige Rasse-Apartheid', C.S.V. Stellenbosch, 1945.

should "be treated against his traditional, cultural and religious background" was urged. ¹

This view brings into prominence the question: what constitutes overlapping. The Board's duty was to encourage the voluntary co-ordination of registered welfare organizations having similar or related objects. ² The Select Committee Report has numerous references but the consensus of opinion amongst witnesses was that the degree of overlapping was greatly exaggerated. What was spoken of as overlapping could often be more accurately described as co-operation and supplementation; where it existed a central register of cases would control it. Specialisation and overlapping might be confused. In some instances two bodies might actually be desirable, because perhaps of differences in methods of work, ³ and to refuse registration of a second organization purely on the grounds that one already existed was to create a monopoly in good works. The question remains unresolved - certainly the existence of separate organizations performing identical services amongst the major colour and language groups was not envisaged when the clause was first drafted. A survey of these proliferating parallel societies and an assessment of their achievements and costs per rand per head will soon appear desirable.

Mr. Lawrence, Minister for Social Welfare and Demobilization, piloting the Bill refused to insert a colour bar clause, as requested during the Committee Stage, advancing as reason that such would lead to ill-feeling amongst the minority groups, ⁴ but he went on to say

it is not necessary to provide that this central board shall consist of European members. It will in fact consist of European members.

1 Hansard Ap. 28th 1947, col. 3333.

2 Act 40/1947 3(1)(d)

3 S.C. 11-45 p. 61 par. 116.

4 A difficult expression to explain when numerically it was the whites who formed the minority group.

The subsequent intensification of the policy of separate development has changed the general picture: the debate on overlapping and co-ordination is unresolved and no agreement even upon the meaning of the terms has yet been reached by the Boards.

The undesirability of an ostensibly representative body exercising authority over organizations without representation upon it was agreed upon by most witnesses. The South African National Council for Child Welfare sought to overcome the difficulty by suggesting that the nationally organised welfare bodies submit a panel from which the Minister would appoint to the national/central board and that the Universities conducting courses in social science do the same. The suggested formulae appear in Appendix F. The suggestion was not acted upon though training institutions were included in Clause 15 of the Act 79.

The Bill finally accepted after such discussions in the Select Committee, provided that the first board consist of 24 members appointed from among persons nominated by welfare organizations and local authorities, one-fourth to be trained social workers or persons otherwise qualified in the social sciences, one-fourth to be engaged in voluntary social welfare work in country districts and one-half engaged in such work in the cities. After the establishment of local boards nominations were to be made by them to the Minister from lists similarly compiled. Theoretically the balance between language groups, religious affiliations, cultural backgrounds and specialised knowledge could be maintained, insofar as 24 persons could be held to be sufficient to provide a reasonable country-wide coverage. In practice the distribution between the major groups which became noticeably more unbalanced when the first Board's term of office ended, ¹ has remained less representative than it could, or should, be. On the language side alone a ratio of 20 Afrikaans-speaking members to 4 English-speaking existed at one time. Certain religious

¹ See press reports, e.g. Star, Johannesburg. Nov. 26th, 1952.

groups (and these very active in the field of social welfare) such as the Jewish and Roman Catholic are overlooked, while certain specialist groups are unrepresented. Selection on a functional basis (what was referred to in the Select Committee Report as "interest grouping") might have enabled the Board better to carry out its appointed task. For example, a place for each of the 4 provincial women's organizations of the Afrikaans churches can not be justified functionally - each exists to assist their Churches' family care work. Their members belong to the same Protestant group of churches, they use the same language and have basically the same cultural background and traditions. The appointment of one person to represent their federal board would have seemed a more equitable solution. But this flaw lies not in the Act but in the manner in which its provisions were applied.

Many of the other points made by witnesses had little bearing upon later events and need not be dealt with here. Others, because they became the subject of discussion within and without the boards that were finally established may better be treated in later chapters - they had little or no influence upon the Select Committee's draft nor upon the debate in the House.

Finally, a Bill was approved and promulgated as Act No. 40 of 1947,¹ and members were appointed to the National Welfare Organizations Board for a 2-year term of office as the Act provided.²

1 Government Gazette Extraordinary Vol. CXLIII No. 3834, Cape Town 17th June, 1947.

2 Appendix E. Members of the National Welfare Organizations Board 1947.

CHAPTER III.

THE TRIPARTITE PARTNERSHIP.

A) THE VARIOUS TYPES OF BOARDS.

"The important thing is to know what you are aiming at". This is precisely what had not been achieved in 1947. Phrases had been used without clear definition so that neither objective nor mode of attaining it was fully understood or agreed upon. The term "partnership" proved a stumbling-block (as did "mouthpiece" and "representative" to a lesser degree).

The need for research and for the education of the public had long been recognised in several countries. In England, for example, as far back as 1857 the Association for the Promotion of Social Science was set up, with the aim of collecting facts, diffusing knowledge and stimulating enquiry. Having sections dealing with specific facets it set itself, as a body, to promote appropriate legislation. Descriptive statistics were being collected. With Charles Booth the analytical approach and embryonic scientific method had begun. ¹

Mrs. A.W. Hoernle, ² giving evidence before the Select Committee said

we want a positive survey of the whole field and broad provision to cover it as far as possible under our financial capacity.

The National Council for Social Welfare, whose establishment she recommended, "would be representative of all sections of the community and all centres of knowledge". ³ The same ideas had been put forward by the Carnegie Commission in its Report, referred to earlier. It was also the suggestion of the Algemene Armsorg of the D.R.C., Cape. Rejecting provisions of the Bill that would have

1 Cohen, English Social Services, passim.

2 S.C. 11-45 p. 29 par. 34.

3 Ibid.

given the projected Welfare Board powers to prevent a welfare organization from functioning (Sect. 6 (i)), to control the objects of such bodies (Sect. 11 (2)) and to prescribe their methods of operation (Sect. 3 (b)), because of the danger that experimentation and dynamism would be stifled, monopolies created and obsolete methods perpetuated, the creation of an advisory professional board was asked for.¹ Such a board would advise the Department, other public bodies and voluntary societies. It was to

consist of professionally trained persons with experience of welfare work and representatives of the universities training social workers and of private voluntary organizations.

As the State assumed more and more responsibility for work in the field, the Algemene Armsorg stated, so the importance of pioneering by the voluntary society increased. "If a welfare organization is not experimental, resourceful, adaptable and direction-giving, it has no right of existence".

The suggested advisory professional board "would have to give advice and do research work". Its duty also would be to raise the standard and status of welfare work by educating the public, but no organization as such would need to be represented upon it - the requirement would be for the technical knowledge of the person appointed, and his experience.³

Professor O. Wagner of Stellenbosch University had supported the idea of a board of professional persons only, in addition to a registration control board with powers to compel co-ordination and co-operation, terms which he did not define. Upon the control board persons not professionally trained might sit. To cover the field adequately these were to be selected upon the group principle, ensuring fair representation to English- and Afrikaans-speaking, free of political influences.

1 S.C. 11-45 p. 78 par. 8.

2 Ibid P. 81 par. 158 (Mr. A.A. Stulting)

3 Compare the Commissions under the Act 79/1965.

The draft bills themselves gave varied status to the different boards. The use of the term "local" welfare board and the clause stating that the Minister

may ... establish for any magisterial district or local authority area or for any other defined area a local welfare board consisting of not less than 4 members (Cl. 5 (i))

equate these boards in the public mind with small areas with definable interests and problems. The early drafts actually gave the local boards powers superior to those of the central control board. On 2nd April, 1947 an amendment to Clause 5 had been accepted in the House and the phrase "give advice to the Board" was changed to "consult with the Board" and the Minister spoke to

make quite clear that the relationship between local boards and the main board and the Government Departments is purely advisory and in respect particularly of the local boards that will have no powers either executive or powers of interference with local bodies. ¹

Col. O.L. Shearer stated

it is important to appreciate that the Council will be a democratic body duly elected by those organizations interested in social welfare.

And speaking of its activities

the Council ... will be able to advance ... suggestions which should be embodied in future progressive social legislation. ²

The existence of the Johannesburg, Pretoria and Krugersdorp boards established under the Transvaal Ordinance, and of the co-ordinating boards voluntarily set up in Cape Town, Durban and Bloemfontein confused the picture. Other boards and councils, such as the national councils for Child Welfare, Blind, Deaf, Cripples, the Federale Vroue Raad and the Armsorg Raad, with varying powers over their constituent societies and groups, tended to add further diversification. The feeling in favour of co-operation in the welfare field had also been shown in a projected body to federate existing co-ordinating bodies. Sponsored by the Cape Co-ordinating

1 Hansard Vol. 56 col. 2226 Committee Stage.

2 Ibid col. 3223. Compare the English Assoc. for Promotion of Soc. Sc. which set out "to promote appropriate legislation".

Council, a meeting of 30 representatives had drafted a constitution but the national meeting to adopt this had been deferred because the government had itself introduced draft legislation. ¹ Professor Batson stated

the idea is that such an organization would give more attention to welfare work in country areas ... we have a clear idea of establishing co-ordination in the bigger cities and in the various hamlets and villages and making it really national. ²

The idea of this projected body to federate the existing and varied national councils never quite faded and when the National Welfare Organizations Board appeared to be bogged down by pressure of registrations and routine work the suggestion was again made by persons especially in Johannesburg, led by Mr. D.N. Murray. Their view was that the National Board, ostensibly a representative body in reality spoke for nobody but merely expressed the opinions of 24 individuals.

The real trouble lay in the lack of definition: statements were made, in print and before audiences, by officials, by ministers of state and by private persons all more or less contradictory. Confusion, both in the public mind and in the approach by members of the National Board to their task was inevitable. And it seemed that little attempt was made to reach agreement, on any level.

B) GENERAL PRINCIPLES OF CO-ORDINATION DISCUSSED.

So far as the Department of Social Welfare was concerned it had been given those branches of welfare activity that no one else seemed to want. We read

the co-ordination of the State's efforts through its various departments aiming at social rehabilitation is another function of the Department of Social Welfare, but does not imply the transfer to the Department of Social Welfare of

1 S.C. 11-45 p. 53

2 Ibid p. 54.

any such aspects of constructive social planning as are necessarily associated with the main duties of such a Department. ¹

The Department of Social Welfare began as a section of the Department of Labour. ² At the 1936 Conference on Social Work further developments were promised and the Public Service Commission ordered an inspection of the social welfare activities of various government departments, ³ excluding Railways and Harbours and the Provincial Administrations. The conclusion reached was that

the implications and ramifications of Government social welfare work were too important and too voluminous to be handled successfully as an off-shoot or subordinate function of any Department of State. ⁴

But before the new department could get well established, war broke out. Its aims, expressed in the first report were for

the social adjustment of the individual in the community so as to ensure the realization in every citizen of his fullest potentialities. ⁵

In carrying out these aims it had to reckon with the activities of other departments also, departments which had built up as it were vested interests. Thus, when around 1945, there was talk of the partnership of voluntary society and the state and from 1947 of a tripartite partnership of state, voluntary society and the Welfare Board there arose the immediate problem inherent in the use of the term "the state". The functions of the Department of Social Welfare were contested, for example, by the Department of Labour. The Secretary for Labour, rejecting the view that

Labour's approach is from the side of the skilled, organised artisan with his unions and wage boards; Social Welfare's from the side of the maladjusted and often helpless individual. ⁶

1 Union Year Book. No. 25 p. 197.

2 Arising from the Recommendations of the Carnegie Commission it was established 25 Ap. 1935 by Govt. Notice No. 568.

3 Appendix G.

4 First Report of Dept. of Social Welfare for financial years 1937-9.

5 First Report of the Dept. of Social Welfare, 1937-9.

6 Annual Report of the Secretary for Labour - dated 31 December, 1937.

had opposed the idea of separation of Labour and Social Welfare. The publication "Rehabilitation in South Africa", issued at considerable expense by the Department of Labour clearly demonstrates the cleavage and that "vested interest in good works" that refused funds, for years, to permit Social Welfare to publish its journal also. Treasury considered that Labour had prior claim on the limited available funds and so would not allot money for this purpose to Social Welfare.

The 25th Union Year Book stated that the question to be asked when considering whether a service should fall under the Department of Social Welfare was "is the main emphasis on social rehabilitation or on some other aspect".

The comment used to be made of Railways and Harbours: is the Department's job to lay down lines of communication for the country or lines of personal living for its employees. It has now disbanded its Welfare Section and overlap there is now slight, but the functions of Labour, of Education and of Social Welfare, for example, are not clearly demarcated. In dealing with a handicapped person is, or should be, education, or sheltered employment or pension rights of prime importance, or is adaptation to the community life in all its aspects paramount. That is, should the suffered be the first responsibility of the Department of Education, or Labour, or Social Welfare and Pensions or maybe of Health.

The Post-War Planning of Social Work Conference had foreseen the difficulties that might arise were the suggested advisory and consultative body too narrowly constituted. According to its scheme the Ministers of Health, Education and Labour were to be represented upon it, in addition to representatives of the various national councils of welfare agencies and of the United Executive of Municipal Associations. In addition to "considering and advising upon proposed legislation before it was laid before Parliament" such a group should attempt "to define, from time to time, the relative fields of activities of the various groups of

interests engaged in social welfare work" and give attention to "devising and supervising a system of decentralised administration sufficiently elastic to meet differing local situations". This latter, especially, we are nowhere near attaining.

C) FUNCTIONAL PROBLEMS OF THE BOARDS - NATIONAL AND LOCAL.

When the National Welfare Organizations Board was finally constituted it was against this background of ideas that it had to begin work. Though at first sight the lack of tools for the job seemed the major hindrance, over the years from 1947 to 1965 the crux of the problem of making the Act work lay elsewhere: in the terms of the Act itself and in the various interpretations of them, in the failures in communication, and in problems of an essentially ideological nature.

On the physical side the Board had no suitable premises until shortly before the new Act came into force. Its inaugural meeting on November 13th, 1947, presided over by the late Mr. J.H. Hofmeyer, Acting Minister for Social Welfare, was held in the sombre conference chamber of the Department of Railways in the Union Buildings, Pretoria. Thereafter meetings were held in such various places in Pretoria that Board members required a street map of Pretoria to guide them. The Registrar struggles with insufficient space, inadequate equipment and minimal staff. The Board was not permitted to obtain for itself essentials such as printed forms of application for registration or copies of the regulations framed in terms of the Act for circulation to applicant societies. In fact, the term of office of the first board had nearly elapsed before such were available, but in the meantime their term of office had been extended to 5 years from the original two. The Registrar was an official in the public service and promotion involved transfer, so continuity of service as registrar was precluded. The local boards too suffered from

constant changes of secretary. In one year the Border Board, for example, had three different persons as secretary.

In his inaugural address to the Board, Mr. Hofmeyer had emphasised the importance to the Board's members of contact with the public and advised the holding of meetings in centres other than Pretoria. Closer contacts both with welfare organizations and the general public in the different major centres would enlighten the Board itself, provide opportunities for mutual consultation between Board and organizations and provide the publicity that was so vital. Not only did the Board not meet in other centres but permission was never granted for Local Boards to meet in any centre in their areas other than that in which the regional office of the Department was situated, nor might they set up sub-committees in centres where there was a branch office of the Department.¹

On the whole the various Boards established good relations, on a personal level, with departmental officials with whom they were more closely associated. In some places the co-operation was close and exceedingly cordial. But there were serious hindrances. From the beginning the National Board advocated secretariats for the Local Boards appointed by each of them. This was not permitted, with the result that persons not suited for the work were often seconded by the Department because they were the only persons available in a time of staff shortage. Being in the clerical grade, usually, many had neither the qualifications nor the experience necessary for the work (however willing they might have been), and the burden carried by the Chairmen was often heavy. Supervision of their work was essential, although attempts to assume authority properly the Chairman's and the Board's were rare. Their other duties as departmental officials took most of their time and that some Boards achieved much and others little may be related directly to three factors: secretarial services, size of Board, and homogeneity of the area served.

¹ See Minutes of the Border Board and Ninth Annual Report 1960-1. To date (1967) this permission has not been granted.

Mr. Hofmeyer spoke of the National Board as "a link between the voluntary organizations and the Department of Social Welfare."¹ The Union Year Book stated that the Act No. 40 of 1947 was primarily to

provide the necessary machinery to enable the Minister of Social Welfare to consult registered welfare organizations in connection with any matter in the field of social welfare²

Yet members of the Board were informed that they were appointed in their personal capacities. No provision was made, for example, for any report back to those bodies which had nominated them - a process that would in any case have been impossible for persons who were perhaps nominated by upwards of a dozen or so individual societies and two or three national councils. And the right of direct access by organizations to the Minister had been expressly reserved to them in any case. No machinery existed or was contemplated for the Board to ascertain and present the views of registered welfare organizations. At one stage the official ruling was given that the canvassing of opinions was not the function of the Board. Though this was later softened, and a meeting of Board members and representatives of certain national councils was held no satisfactory scheme for consultation was worked out. Later, through the Regional Boards, information was sought upon certain specific subjects but the response from these Boards was so slight that nothing effective was attained.

These Boards, poorly equipped to conduct any such enquiry in any case could do so only by circularisation. No check upon accuracy was possible, the information supplied was likely to be obtained from too small a sample (for many societies would fail to reply), and such information as was obtained had then to be processed - usually by an over-busy Chairman.

¹ Hansard, during Report Stage.

² Union Year Book. No. 24 for 1948, p. 191.

One can only regard as wishful thinking the statement that

The Board (i.e. National Welfare Board) serves two important purposes viz. to promote the hearty and effective co-operation between voluntary organizations on the one hand and the State on the other; to bring about such mutual co-operation amongst voluntary agencies, and the co-ordination of their efforts, in order to avoid overlapping or duplication of work. ¹

The Second Report of the Department of Social Welfare called the National Board "the parliament of voluntary organizations", a democratic body "serving equally the entire country and each separate welfare organization". ²

As little in tune with the facts was the description of the Local Boards. The section is given in full because it pinpoints the cleavage between Boards and Department in their relations with one another. (Some local boards did try to tackle their work in accordance with the underlying principle). The paragraph is No. 5 on page 31 of the Report.

The Local Boards ... will be able to do much good work for placing the financing of welfare work in S. Africa on an efficient and scientific basis. The most effective and logical way by which this can be achieved is by means of a uniform system of records, statistics and accounting which will have to be devised and adopted by these bodies as a first step in the direction of the collective planning and financing of welfare work.

It had even been said that the local boards "should provide additional opportunities for the employment of social workers". ³

Set this alongside the conditions governing the operations of the local boards; the secretariat was a departmental official, the boards had no funds and it was ruled that they might not accept any were any proffered. (But the constitutions of the first boards provided for a treasurer !). The frequency of meetings was laid down by the Minister (four times a year for larger and twice for smaller boards). An area such as that of the Border Board comprised

1 Union Year Book, No. 24, 1948. p. 191.

2 on page 29 of the Second Report.

3 Van Schalkwijk Report. U.G. 13/1950.

61 magisterial districts covering an area stated to be 45,698 square miles and with over 400 societies (or foci of welfare activity) operating within it. In addition to Afrikaans-speaking and English-speaking whites it contained groups of Coloureds in each language group and a very large Bantu-speaking population belonging to different tribal groups, several of which were mutually antagonistic. Physically the terrain was varied and mountainous, with rivers liable to flood. Roads were chiefly gravel, and often of poor standard. Communications were poor. Economically there was little uniformity. It was, moreover, an area unknown to the majority of members serving on the National Board - even many officials of the Department knew little of its needs, and very few had any intimate knowledge of it. The Department's First Report, discussing the importance of co-ordination and correlation of charitable and rehabilitative efforts by both state and private bodies stated (page 5) that such

postulate complete familiarity with the subject matter of the activities ... There must also be knowledge of the locality and its peculiar economic and other problems; and above all there must be sympathetic understanding of the voluntary agencies concerned.¹

The Border Board had a membership of 9, together with three officials representing the departments of Social Welfare, Health and Justice and all resident in East London,² and a representative of the East London municipality. Only in 1960, at the urgent request of the Border Board itself was the Bantu Affairs Commissioner appointed to it - that is, from May 1952 in its dealings with societies active amongst or run by the major population group of its area the Board had had no official amongst its members with special knowledge of or responsibility for that group. Under such conditions partnership was impossible, doubly so when the National Board increasingly seemed desirous of restricting the

1 First Report of the Dept. of Social Welfare for 1937-39.

2 The representatives of the Dept. of Health put their first-hand and detailed knowledge of the area at the Board's disposal, and assisted most generously with investigations.

independent activities of the local boards, especially by endeavouring to canalise all outside contacts through the National Board. Had the Registrar's office been able to handle the resultant correspondence (to mention but one facet) only restricted harm might have been done to the local boards' public image. As it was, so inordinate were the delays that boards and the organizations which they attempted to assist became more estranged and resignations from the local boards, quite naturally, took place. ¹

In some areas the failure of the partnership idea was less severe. Where it was relatively successful, especially upon a local level, it stemmed from factors not inherent in the system set up by the Act but from other causes. ²

1 Compare, for example, resignations from the Border Board, August 1956.

2 See footnote on activities of W. Province Board in Chapter 7 following.

CHAPTER IV.

THE FOURTH PARTNER.

A) THE ROLE OF THE LOCAL AUTHORITY.

In any survey of welfare activities the place of the local authority (with any of the meanings given in Act 79/1945 Cl. 1 (vi)) must be considered. Possibly more than any other organ sharing in welfare work its status has varied; at one time praised for its work, at another disparaged, and at present used by higher authority as agent with little or no freedom of decision or power to initiate discussion.

In one way or another local authorities have played a part from the earliest days of their existence here. Chiefly concerned with providing those environmental services such as water supply, street paving and lighting, markets, housing and the like, the elected representatives of the ratepayers also assisted the townsfolk and villagers by voting grants to societies working for the poor, by administering grants made by superior organs of government, or by direct organization of welfare services and encouragement or actual employment of the personnel to run them. So, shortly after the second British Occupation, we find district surgeons contracting to the landdrost; ¹ during severe epidemics additional relief, other than free medicines, was directed through this channel to the needy.

In the Cape poor relief, once the duty of the elders and deacons of the church, was gradually supervised from outside. ² Later, funds from government sources were in certain places administered by the local authority, either directly or by some

¹ E.H. Burrows, History of Medicine in South Africa.

² e.g. in 1674 Commissioner Sieur Albert van Breugel attended a meeting and reported upon investments (Leibbrandt, Precis of Archives of Cape of Good Hope Journal)

organization functioning on their behalf. Under the Cape Ordinance No. 4 of 1919 certain registered bodies received grants-in-aid, as did approved hospitals. In this latter case the subvention took the form of payment of 1/3 of any deficit on the previously approved estimates of income and expenditure. The approval was granted by the provincial authority (with consultation) and the deficits met by the two local authorities (i.e. town and divisional councils) and the province. A right of inspection was vested in all three, exercised on behalf of the province by the inspectorate of hospitals,¹ in addition to the representatives of each of the three authorities sitting on the board of control of the hospital. Members of this board, in pairs, undertook regular inspections of buildings and were available to receive and investigate complaints, in this way perpetuating a system, (which still holds), set up by Simon van der Stel in 1697.² Today, though the province assumes full financial responsibility the seats on the hospital boards for provincial hospitals still remain for the representatives of the local authorities amongst others.

The poor relief system based upon the parish, (of which the classic example is the British) was not found in South Africa. A system inextricably linked with rigid residential qualifications would have been inappropriate in a country the size and type of South Africa.³ In the absence of statutory local authorities on the parish level the voluntary bodies provided relief, and other services, and laid down their own rules and could restrict assistance to persons in defined categories. Assistance from

1 In terms of Ord. 5/1912.

2 Leibbrandt, Precis of Archives : letters despatched 1696-1708 page 44 ... "to make proper provision for the good care of the sick ... henceforth the Governor and members of the Council (with their wives as outside matrons) visit the hospital weekly, ..."

3 Though residential qualifications apply in certain instances as a legal basis for receiving assistance.

official sources may also be subject to restrictive provisos. So treatment of certain classes of sick may be handled on provincial or local or central government levels, with claims and counter-claims for housing and treatment of T.B. sufferers for example, or of indigents in a general hospital. Relief of the indigent in terms of the various poor relief ¹ memoranda issued from time to time is, and has been usually granted purely on a basis of need, as assessed according to the prescribed formulae, by the person responsible at any one time for its distribution.

But as municipal government developed, especially during and after the 60's of the previous century, in certain areas a tendency for the local authority to provide both public and social services ² became apparent. Accepting that social service

is a differential service in that it is normally directed to a restricted group ... having ... the aim of correcting social disequilibriums between individuals or groups or classes,

it is clear that today many activities of local authorities may be so classified.

The Transvaal Ordinance for the controlling of charitable bodies had tended to bring into prominence the whole question of social and charitable work, especially on the Rand. In 1932 the Administrator had been requested by the Mayor of Johannesburg and a spokesman for the Johannesburg Board of Charities to appoint a Committee of Enquiry. One of its recommendations (published in 1934) was

that charitable work in a community such as Johannesburg should centre more closely round municipal activities as was the case in all large towns overseas. ³

In 1938 the Chief Magistrate, ex officio Chairman of the Board of Charities, asked the Mayor to call a meeting of repre-

1 Since Sept. 1957 referred to as "public assistance".

2 As defined by Professor James Irving, and quoted in Cohen, English Social Services.

3 Annual Report of Director of Social Welfare, City of Johannesburg Social Welfare Dept., period 21 Nov. 1939 - 30 June, 1940.

representatives of certain important bodies to consider possible further action. Employers of labour were the Transvaal Chambers of Mines and of Industries while the Trades and Labour Council spoke more for the employees. The central government was represented by the Union Department of Social Welfare, then a year old. Charitable organizations were covered by the statutory Board of Charities, and the Social Studies Department of the University of the Witwatersrand had both practical knowledge as well as a more academic interest. The Rand Central School Board functioned in every ward of the city, while the Johannesburg Hospital Board, especially through its district nursing services and its records of indigent and under-privileged in-patients, provided valuable supplementary information.

Representing the ratepayers as a whole was the City Council of Johannesburg. The matter was fully considered by a special committee appointed to make recommendations and finally, in November 1939 the City Council decided

- a) to establish a Municipal Social Welfare Department, and
- b) to set up a Social Welfare Council for Johannesburg.

Among the members of the Joint Committee which had advocated this action were Councillor T.P. Gray, Member of the Provincial Council, the Rev. P.S.Z. Coetzee, representing the Charitable Associations of the Dutch Reformed Church, Professor J.L. Gray of the University of the Witwatersrand and the Chairman of the Johannesburg Social Welfare Committee.¹

The Department's functions were to be wide-ranging: advisory to the City Council, promotional of additional services, regulatory under the Children's Act, informatory both to the needy and to those desirous of helping them. What later became one of its

¹ A Committee comprising 2 representatives of each local registered charitable organization. It was this body which grouped functionally to appoint nominees for special purposes. See Appendix B2.

more important functions, the Central Register (or Social Service Exchange), was added in July 1941, with a 100% subsidy from the Union Department of Social Welfare. ¹ The effectiveness of the Register was considerable because membership was obligatory for all bodies seeking either a grant-in-aid for charitable purposes or permission to raise funds by street collections. ² That it was successful in reducing overlap, and in assisting rehabilitation by hindering a scramble for cases by societies at the same time as it discouraged the applicant who makes the rounds of charitable bodies in the hopes of getting something from each, seems to have been accepted. Figures suggest that it was well-used, and in 1939/40 23 organizations reported cases, new to them, totalling 3,375 of which 1,702 were identified by the Register as being already on the books of another organization.

Amended information was received concerning 1,431 cases. ³ Ten years later 12,658 enquiries were received and over 40% of the cases reported were found to be known to other bodies. Over fifty agencies were participating and the Register contained more than 50,000 case names. ⁴

The establishment of municipal welfare departments, or at least the extended undertaking of welfare services by local authorities had been recommended by various commissions and committees of enquiry. The Cape Flats Committee ⁵ recommended in paragraph 647 that the central government should assist, financially, local authorities to establish and maintain community centres and declared (pap. 672)

that the time has arrived for the City Council of Cape Town to establish within its administration a Social Welfare

-
- 1 Second Report, Johannesburg Social Welfare Department, p. 3.
 - 2 In 1939/40 51 organizations raised £29,819. 5.10½ (1st Report)
In 1944/5 105 collections raised £77,511.15.7 (2nd Report)
 - 3 First Report of the Director of the Johannesburg Social Welfare Dept.
 - 4 11th Report. (op. cit)
 - 5 Report of Committee of Enquiry appointed to enquire into conditions existing on the Cape Flats. U.G. 18/1943.

Department, preferably as a separate department ... under the direction of a fully-qualified and experienced social welfare officer. (page 48).

The duties of such a proposed municipal department are listed in the Appendix I to this study. A comparison with the list of activities of the Johannesburg Social Welfare Department given in the Director's 11th Annual Report shows that by 1950 this municipality covered all the points mentioned and included certain other services as well.¹ From this list it would seem that the Director of the Department was justified in claiming

emphasis is placed on the rehabilitative and preventive aspects ... while the Department continues to carry out palliative functions as are essential.²

The Social and Economic Planning Council in its Report No. 8 of September, 1945, on Local Government Functions and Finances, approved the development of local authority social services, while the Sonnenburg enquiry into Feeding Services, the Lansdown Commission on Penal and Prison Reform³ and the Smit Inter-departmental Committee on Health, Social and Economic Conditions of Rural Africans, all advocated municipal welfare activity.

In 1947 Mr. Lawrence, Minister of Social Welfare and Demobilization said that the City Council of Johannesburg

"have a welfare department ... doing excellent work". He went on,

stating that the Department of Social Welfare

had hoped that the City of Cape Town would follow suit and establish its own municipal welfare department ... We also made approaches ... suggesting that East London should also establish a welfare department.⁴

No other municipality did, in fact, set up its own separate department: all, to a greater or lesser degree undertook welfare services but each particular type of service fell under a specific

1 Appendix J. Work of Johannesburg Social Welfare Dept.

2 Report for 1950, p. 5 of the Director of the Johannesburg Social Welfare Dept.

3 Commission on Penal and Prison Reform (Lansdown) U.G. No. 47 of 1947.

4 Hansard during debate on Bill. Vol. 56 col. 2059.

municipal department such as health, native locations, coloured townships, and was controlled by it, subject to certain general decisions taken by the full council and within the bounds of funds voted.

B) DECLINE OF THE ROLE OF THE LOCAL AUTHORITY.

The question arises: why, if there was widespread support for the idea of local authorities functioning in the welfare field in the 1930's and 1940's was there a tinge of defensiveness in the Director's Report to the City Council of Johannesburg in 1949-50?

It has been said that its very success was the cause of its ultimate downfall. There is some truth in this but not all the truth. The Department began almost contemporaneously with the outbreak of the 1936-1945 war. It had been preceded by careful preparation. All the registered charitable bodies had been consulted and were kept fully informed as the scheme progressed. It had the backing of a powerful city council and the active support of the Provincial Administration and of the statutory Board of Charities. Moreover, several of the proposed functions were already being carried out by departments of the city administration. The Department thus had, as it were, a flying start. The State Department of Social Welfare had "had to break new ground in building up a service", according to Mr. P.E. Bosman in the 1957-1959 Report of the Department of Social Welfare and Pensions. At least in its early years, the Johannesburg department had no real rivals whereas the State department had to face at least some opposition from existing departments with vested interests in welfare services and it was also handicapped by official policy which refrained from any clear demarcation of areas of responsibility of various state departments. The Municipal Department, in addition to its specific functions, was empowered to act in relation to

(p) any other matters which the Department, subject to the approval of the Council, considers fall within the sphere of its operations.

In terms of this clause the Department did, in fact, expand its activities very considerably.¹ Its staff increases alone indicate the expansion: 9 members in 1939, and in 1949 a total of 161 European employees (83 permanent, 59 temporary, 19 casual) and 127 Non-European employees.

The first full year of operation was 1940/41, during which total recorded expenditure amounted to £102,574. The largest disbursement was £95,794 in grants-in-aid. By 1949/50 the total expenditure was £568,280 and income £303,333. Nine services were subsidised by the Union Government, and from five contributions from beneficiaries, sales of goods produced and membership fees brought some income.² Total population of the city at this time was 778,144, made up of 336,292 Europeans, 25,600 Coloureds, 16,202 Asiatics, 400,050 Africans, the Department being concerned with the provision of some social welfare services to each racial group.

When the Municipal Department began there was little of the xenophobic distaste for activities which appeared to reflect closely overseas customs - or, at least, little expression of such a feeling. That most of the ideas associated with the social welfare activities of local authorities were drawn from the practices of Great Britain, the U.S.A. and the Scandinavian countries in particular evoked little comment. It may be that the necessary involvement of the Johannesburg Department with activities associated with the war effort (such as regulation of street collections

1 It should be noted that its activities as reported by its Director related principally to services for Europeans. Certain research projects included all races, as did pauper burials, Central Register, Poor Relief etc. There was a Municipal department for Non-European & Native Affairs which worked in close association with the Director's Office.

2 See Appendix K. Financial Statement for year 1949/50.

for war funds, provision of amenities for servicemen on leave and for their families) tended to polarise certain dissenting groups in opposition. ¹ Three more important reasons may be seen in the very magnitude of the municipal activities, in their ever-increasing scope (and possibly the apparently pervasive influence of the Director) and most important of all, in the increasing influence of those who advocated an essentially sectarian treatment of citizens in need of social services. By 1951, instead of a Minister of Social Welfare stating, as had occurred in 1947, that it had been hoped that Cape Town and East London would establish municipal welfare departments, we find the then Minister appointing a Committee to enquire into

the role to be played, if at all, by local authorities in a properly co-ordinated social welfare programme.

A municipality levies rates upon persons of varying cultural, national, occupational and linguistic affiliations, and upon persons belonging to differing religious groups or to no religious group. It has certain responsibilities in relation to all who reside within its boundaries, be they ratepayers or not. Any services which it renders must be given without reference to particular affiliations. ² Its actions, therefore, cannot be in complete conformity with the views of several groups in South Africa, especially when it departs from the most limited of its public functions. The extreme Calvinist may object that such services can only be provided if additional taxation by way of rate or levy is paid by all its citizens, with the result that less money will be available to be given by "believers" for works of charity within their own denomination. Thus they will be inclined to deprecate, or oppose, such municipal services. More extreme still is the view

1 War Funds in Johannesburg raised a total of £6,764,338 from 1939 to 1944. In 1943/4 War Funds raised £29,992 and other bodies £43,990. The 1942/3 totals were £38,119 and £36,307 respectively from street collections.

2 Recent political developments would appear to oppose this view and suggest a return to a previously rejected approach and a system of official differentiation imposed from above.

of groups such as Jehovah's Witnesses, who are unwilling to assist any of the bodies that govern, in any way whatsoever. Though willing to enjoy the fruits of enlightened local or central government they refuse to permit their adherents to contribute except where legal enactments enforce some payment or service. And voluntary charitable work for the general good is taboo.¹ Such groups and others like them will not support municipal welfare activities or approve of any but the bare public services that are of immediate personal benefit to themselves.

The view put by Mr. Sullivan, a member of the Select Committee² that welfare work should be regarded as an essential part of institutional religion and other bodies similarly situated

(the last phrase very unclear) was carried further by those who hold that all persons must be treated against their traditional, historical, cultural, racial, linguistic and religious backgrounds. Pressed to its logical conclusion it means, of course, that neither the State's officials or employees of a local authority (not indeed of any society or hospital that does not conform in every particular to the qualifications listed) are truly competent to render services of a personal nature to one in need of such a service. Especially if one considers that between 40% and 50% of hospital beds are said to be occupied by patients requiring some form of psychological treatment it is obvious that the view is strictly untenable, or at least quite impracticable. This, however, does not seem to influence its supporters in any material degree. The impossibility of applying this standard has not prevented policy-framers from accepting it as the "traditional" South African viewpoint, thus ignoring, for example, those large, long-established religious groups which

¹ Compare the extremist Plymouth Bretheren of Swanage, England who excommunicated a member who acted as treasurer for the local Lifeboat Association dedicated to saving life at sea. Also the Reading University student who lost his church membership for helping a foreign student there (Both in 1965)

² S.C. 11-45. p. 82 par. 159.



do not subscribe to this opinion.

The unwillingness of many influential Afrikaans-speaking persons to see the development of a South Africanism that were an amalgam of the qualities of the predominant white groups resulted in the formation of purely Afrikaans counterparts of existing bodies of all sorts - from those for first-aid for the injured and for drivers of motor cars, for care of the aged or social dancing or dramatics. The emphasis upon the family as a unit, seeking its religious exercise, its relaxation, its education, its economic advancement solely amongst those with which it had the closest similarities made this section of the population inevitably oppose many of the activities of a municipal social welfare department which, by very definition, had to be inclusive while their philosophy was an exclusive one. So, to give just one example - children's play centres and young people's clubs, with the case work that often accompanied them, because they were inclusive cut across the beliefs of the exclusive group. All the municipal services of a family welfare nature were naturally only acceptable with the deepest reservations. As soon as an organization more in line with Afrikaner thinking was established the withdrawal of adherents (and often of those whom it was felt should be adherents) was the aim. And obviously rates paid by all citizens might not equitably be devoted to the small group that was left. ¹

But the major reason for the elimination of the Johannesburg Social Welfare Department is a direct result of its successful advocacy of the idea of legislation to control welfare organizations and of the setting up of boards on a local level. A comparison of the Act 40 of 1947 and of the schedule of functions of the Municipal Department shows large areas of overlap. The Department had

¹ This argument is not, however, universally applied here. And grants in aid may legitimately be paid to sectional groups at times.

scrutinised financial statements - a duty laid upon the Registrar in Regulations 10(f) and on the Board in Sect. 16 of the Act. It had recommended emergency collections - covered by Sect. 8 of the Act. It had scrutinised new constitutions, encouraged co-operation to remove overlap. It had tendered advice, through the City Council, to official bodies. Examples could be multiplied. Acting as it did (or endeavoured to) its continued existence would have rendered the Southern Transvaal Board otiose. In fact until Local Boards were set up it had acted as such a board, though with far wider interests and with real responsibilities which the Board set up under Act 40 never had.

A contributory cause for its elimination was the growth of resources available to the Union Department of Social Welfare and its decision to take over certain functions such as the Central Registers and to run them as departmental functions instead of services run by other bodies with a 100% subsidy, and to administer public assistance through its own offices - all were factors lessening the need for a municipally provided service. The claim that the Johannesburg Department, by its policy of linking all relief services including public assistance with case work, and by augmenting the state scale of relief from its own resources was thereby more effective,¹ and more economical, was never convincingly refuted. Whereas the State relies on the doctrine of less eligibility the Johannesburg policy was based on the view that assistance adequate for the conditions of each individual case, given initially for short periods and accompanied by as intensive social case work as resources permitted, was alone scientific and likely to be successfully rehabilitative. Its social workers were trained to regard prevention of dependency as their aim - amelioration a second best. "It is the responsibility of

1 cf. Mrs. Hoernlé in S.C. 11-45 par. 27 on state grants.

the assessor to satisfy himself that every possible rehabilitative channel has been explored, before assistance is authorised".¹

There appeared, therefore, to be divergencies in the financial basis of the State compared with the local authority scale of benefit, and in the definition of eligibility, and of the objects the social welfare, centering chiefly on the question of amelioration or rehabilitation. Such differences, some of great magnitude, were enough to induce serious tensions between the policies pursued by State and Local Authority.

The criterion applied was not 'is the service rendered by the Johannesburg Social Welfare Department efficient' but 'does the work of this Department impinge upon the activities of the State and of certain private welfare bodies'. The conclusion reached was that it did - and so its continued existence was ruled out.

It is to be regretted that its example in some fields, especially in children's play centres, park supervision, general advisory services for the ordinary citizen, the interest grouping of local organizations, assistance of a technical kind to newer or struggling societies has not been more widely followed. It could be suggested that a spirit of adventurousness has passed from the welfare scene - that a fear of making mistakes, of pioneering and experimentation, even the very right to pioneer has been lessened if not totally removed and for this Act 40 must in part be responsible. Its successor, Act 79 of 1965 may yet prove to be even more inhibiting in that the assessment of the possible value of a projected service lies with a small group (which forms the Welfare Board) or may be restricted to one

¹ Report of the Johannesburg S.W. Dept. 1947, page 12. Also instructions given to University students doing vacation training in the Municipal S.W. Dept.

individual, the responsible Minister responsible. This is an ironical thought when one remembers that the germ of both lay in the Transvaal Ordinance from which the Johannesburg Department had arisen.

C) RE-ENTRY OF THE LOCAL AUTHORITY : THE NEW INVESTMENT OF ROLES.

That all local authorities in South Africa were or are necessarily competent to undertake extensive social services involving the employment of social workers is fallacious. That all are even conversant with such needs in their own areas is doubtful, and experience of the operations of Act 40 of 1947 has shown that the powers which the Act conferred on town councils ¹ were frequently exercised by one official acting alone because there was no other person or group or committee available to act with him. The local authority representative serving on the Local (Regional) Boards ² might be a business man with no contact with or knowledge of welfare organizations operating in that area. He might even be too busy to attend meetings. ³ The elimination of the local authorities from the list of nominating bodies etc. in the Act 79 might, on the face of it, seem fully justified.

However, it would appear arguable that today, on the contrary, local authorities may actually deserve special attention since it would seem clear that the United Municipal Executive is not a body suited to resolve certain pressing questions.

The author of the Du Plessis Report on the enquiry into the financing of voluntary welfare organizations, while advocating the removal of the local authority from the field of social welfare also had pressed the view that the non-whites, and most especially the Bantu should not be handled by the 'white' societies. In works

1 In terms of e.g. Clause 2 (2)(a) and 9 (3) of Act 40/1947.

2 Ibid Clause 5 (2)(b)

3 See Border Board's Annual Reports for 1954, 1956, 1959, 1960 and 1961.

already referred to in Chapter 2 the repatriation of Asiatics and the territorial and complete organisational separation of whites from Bantu and Coloured was urged, with the setting up of racially distinct welfare organizations for serving each group.

As a policy of territorial separation has become official, with an almost complete veto upon inter-racial groupings except in the master-servant superior-inferior context there has appeared an hiatus in the social welfare field in many areas. Any detailed examination would be out of place here, but, very briefly, what has resulted is the re-involvement of the local authority in the so-called white areas, (as distinct from the 'homelands'), in the field of social welfare. And as a result there has been a considerable degree of partially concealed financial support of services for the Bantu especially from the side of the white ratepayer,¹ while at the same time little or no power of decision in these areas of activity is exercisable by the representatives of the white (or any other) ratepayers.

The chief difference is that whereas broadly speaking in the period up to about 1954, the white-controlled local authority provided such social welfare services as it elected to provide (subject to provisions of the Ordinances applicable to the respective provinces), it now has increasingly to act as a constrained agent for specific departments of the central government. Failure to act may result in penal clauses being applied to a defaulting authority. This may even result in the service being carried out by another body and the charge levied against the authority which was ruled responsible for the provision of the service but failed to do so.

1 The proportionally small non-white ratepayer group produces rates that are fully absorbed in services to its own group in these areas and are, in fact, totally inadequate to meet them.

As has been noted,¹ social welfare activities in South Africa have always been carried out by several departments of state. Sometimes the services have been limited to a group, as when the Railways and Harbours provided for its permanent employees medical and hospital benefits, subsidised housing through rent rebates and home-ownership schemes, and, by the free pass system, an appreciating asset lasting for the beneficiaries lifetime and paid for by the rest of the users of the railways, because the Department, as a trading concern, has to offset losses on one service by increased charges on another.

At other times services have been removed from one department to another already in existence.² Or the setting up of a new department has involved transfers.³ Responsibility for a given service is usually nowadays decided upon considerations of policy, rather than of function, with a resultant tendency towards quadruplication of services.

The policy of separate development has thus brought the local authorities once more into the field of social welfare and services which they may not provide for their white rate-payers they are usually obliged to provide for the non-whites, and especially in the Eastern Province for Bantu. They use for the purpose, in part only, funds claimed from the Department of Bantu Administration or the Department of Health. Earnings from enforced trading activities, as in liquor, and if the area is classifiable as "depressed" or "backward" or "under-developed", from funds taken from the general rates fund provided almost entirely by white ratepayers, have to meet the rest of the costs.

Of its free will a local authority in the Cape may make grants

1 In chapter 3 and Appendix G.

2 e.g. Services for the Bantu transferred April 1st, 1960 from Social Welfare Dept. to Bantu Administration & Development.

3 Dept. of Immigration taking over services previously rendered by Dept. of Social Welfare.

to welfare bodies serving any racial group up to an amount of $2\frac{1}{2}\%$ of the rates, subject to the Administrator's approval. In this respect it performs no direct welfare services but assists local organizations to do so.

As agent for the Department of Health the local authority is expected to provide polyclinic services, ¹ the bulk of the patients in the Eastern Province small towns being T.B. sufferers or contacts. Only a rare patient will be white. (The various vaccination and immunisation services are not here being specifically treated - they are available for all races). A refund of $\frac{7}{8}$ of the expenses may be claimed, excluding the salary of medical staff. The number of part-time medical staffs is to be partially explained by this small refund : only $\frac{1}{3}$ of the medical salary is refunded.

By law the Bantu must be provided with opportunities to buy liquor. Profits are divided, ² 80% going to the central government, that is, to the Department of Bantu Administration and Development, and is expended in what are known as the Bantu Homelands, and so are not expended in the area within which the profits were made nor for the benefit of the purchasers of such liquor nor of their families. ³ The Council retains 20% of the profits. This amount of 20% is again divided so that $\frac{2}{3}$ must be used to offset losses on housing schemes, for the reduction of rentals and to meet capital expenses on housing schemes. The $\frac{1}{3}$ balance of the 20% is available for the promotion of social welfare or the provision of recreational amenities previously approved, in writing, by the Minister of Bantu Administration and Development. Approval

- 1 Where a mission hospital provides such services it, being classifiable as a charitable organization in terms of Act 40 and Act 79 may "collect" as well as receive refunds.
- 2 Grahamstown 1966: total profit R19,560. Paid to government R15,648. Available for amenities in Bantu village R3,912. Grocott's Mail 8th September, 1967.
- 3 A reason given overseas to justify taxation through excise duties.

will be granted, for example, for payments to offset, in part, losses on the health services.

On the salary of European Social Workers a 75% subsidy is paid by the Department of Social Welfare and Pensions on a satisfactory salary scale. For Bantu Social Workers the approved scale is so low that it is usual for a considerably higher scale to be offered if suitable personnel are to be obtained. It should be noted that the Bantu Social Worker has often to work without the support of the colleagues and committees which assist his white counterpart and that he has to carry a greater burden for this reason). But though the Bantu Social Worker may receive a higher salary than the prescribed one, the 50% subsidy payable by the Department of Bantu Development is calculated upon the official scale, although the enhanced salary has been approved. The result is that subsidy received is likely to equal 1/6 or 1/8 of the actual salary paid. ¹ Refunds payable on the salaries of Bantu Health Inspectors are 1/3 of approved scale, for Bantu Health Visitors 1/3 if normal Visitor's work is done but 7/8 if work is amongst T.B. sufferers and contacts.

If liquor sales are large the overheads are proportionately less and profits may be sufficient to meet many if the more pressing welfare needs. In smaller centres, and more especially in areas where the wage structure is low and unemployment and under-employment considerable with the result that the full cost of services cannot be levied on the Bantu, the losses on the essential services must be met by the white ratepayer. Thus Grahamstown, for example, must show a loss of around £20,000 p.a. Its Bantu are too poor to meet full rent charges, the water rate must be

1 Grahamstown 1967. Salary paid R960. Subsidy received R140. The improved scale announced at meeting of the Border Board on Nov. 2nd 1967, by Mr. H. Harhoff of the Department's King William's Town office will be for senior departmental staff apparently.

reduced, ¹ and losses on the T.B. services must be met from the rates. In all, the Bantu Revenue Account shows a 50% deficit - on paper 25% is met by ratepayers, the other 25% being concealed but met by them nonetheless. ²

Were the profits from liquor sales all available for local use they might go a considerable way to offset the ill-effects of under-employment, low wages, unemployment and money mis-spent on liquor. As it is, the local authority finds itself in the position of a collecting agent for another, of seeing locally produced funds spent in distant places and of being itself unable to provide that range of welfare services that the condition of the local Bantu make so urgently necessary. Having no available funds because of its peculiar position as the most highly de-rated community in the country,³ it cannot employ qualified supervisors to train voluntary workers, were any local Bantu able to give their services on any appreciable scale. The separation of races prevents existing voluntary white groups from operating as they did in the past amongst the local Bantu and as a result opportunities for learning through supervised activity and observation become less as the need for it becomes greater. ⁴

1 15c per 1,000 gallons in locations, 50c per 1,000 gallons in white areas.

2 Figures provided by Municipal officials, Sept. 1967.

3 Grahamstown rating position.

15th Nov. 1967.

Total property valuation	R20,679,618
Rated property	" R11,100,930
De-rated "	" R 9,578,688

Percentage of de-rated property approximately 46%

Comparative figures for Uitenhage (figures from E.P. Herald Oct. 2nd 1967).

Total property valuation	R27,020,381
De-rated property	" R 7,973,480

4 But compare the evaluation of Coloured welfare organizations in the W. Cape by Gertrud Heydorn in Social Work/Maatskaplike Werk Vol. 3 No. 4, October 1967. Very few considered even moderately efficient although the standard of development of this community is held to be higher and opportunities for observation greater.

Any person carefully reading Act 40 or Act 79, however, would be able to observe the clear-cut roles, legally and administratively, of the State Department and of the Voluntary Organizations, and their roles in the social Welfare system in South Africa. What would not be so apparent is the large range of social welfare activities of local authorities, as shown above, nor the complex ramifications involving all races, most of it being connected to the two Acts by tenuous threads. The Acts have not succeeded in co-ordinating the various activities, and some of these are amongst the most important.

As fourth partner in the field of social welfare the local authority may not opt out but neither may it sleep.

CHAPTER V.

FINANCING OF WELFARE WORK AND THE RECOMMENDATIONS
OF THE DU PLESSIS COMMITTEE.A) THE GENERAL PROBLEM OF FINANCING VOLUNTARY WELFARE.

In the 1940's an impression existed overseas that South Africa was a very wealthy country with some social problems connected with organization and with racial relationships but without any particular problems in financing its selected welfare activities. The writer recalls addressing a large audience at Birmingham University early in 1947. Even the economists and political scientists there seemed unwilling to accept that there really had been "two meagre and stunted centuries"¹ already passed and that the apparently unlimited flow of money and gifts in kind to war-time charities would not be available in the same measure for peace-time welfare work in South Africa after the war was over.

In fact, there never seems to have been sufficient. "You have sent us a money order for an amount to be paid to the poor here", wrote the Zeeland Chamber to van Riebeeck on November 6th, 1656.² And the letter goes on :

but as the sum has been collected at the Cape we have resolved to order you to make no collections for the poor of this country. What you collect you are to keep there for such poor as may in course of time be found in your own midst.³

As will be recalled, it was not long before collections were being made in Batavia to relieve the poor at the Cape, though these were admittedly for the French Settlers.⁴ In the following century, in 1717, the Council at the Cape reported that "only thirty families were wealthy" and that the rest were "mortgaged up to

1 de Kiewiet, The Imperial Factor in South Africa.

2 Leibbrandt, Archives. No. 127 p. 300.

3 Compare the appeal of Dr. Donnolly of the National Health Foundation that foodstuffs and funds be not sent overseas after the end of the 1939-45 war, because of the local need.

4 In 1689, in response to an appeal by S. v.d. Stel.

the eyes" to the Orphan Chamber, the Poor Fund and their richer neighbours. In the nineteenth century an impression might have been given by Shepstone's comment ¹

the native population of Natal contribute to the revenue annually a sum equal, at least, to that necessary to maintain the whole fixed establishment of the Colony for the government of the whites as well as themselves. ²

The truth is that during the first three hundred years there had been a fairly low subsistence economy with brief periods of greater prosperity for a few, chiefly resident in Cape Town itself. The greater wealth of the more recent years was either insufficient to provide for the increasing demands of the social welfare organizations, or, as some held, just as the "meagre and stunted centuries" affected South African political thinking and action as de Kiewiet stated, so also their effects were to be seen in the financial problems of welfare societies. Such people believed that the money was there and that the problem lay in tapping it.

From the beginning the National Welfare (Organizations) Board had been made aware of the financial difficulties of many of the societies that were applying for registration. The Act 40/1947 itself owed its existence on the Statute Book to a general desire that some control be exercised over welfare bodies, especially financial control, and registration was linked with "the control of the collection of contributions towards the Funds" of such charitable bodies. Read with the regulations framed under it, one sees the emphasis of the Act as upon the side of control, that is, of the prevention, detection and punishment of financial irregularities. Control of collections and scrutiny to ensure

1 Quoted in de Kiewiet, The Imperial Factor in South Africa.

2 Shepstone explained this as due to the incidence of taxation, not to the wealth of the taxed community: e.g. duty on native hoes 1/- each while "agricultural implements" (used by white farmers) came into the country free of duty.

that funds raised were expended in accordance with each society's constitution were prime objects.

Pressure upon the societies' resources came from two sides at the end of the war. First was the increase in the case loads due to the demand for welfare services of all kinds which came from the ex-servicemen and their families. Secondly, there was what one may call a greater civilian demand. This came both from clients and from the societies' own personnel. During the war years nearly all expansion plans had been shelved - neither funds nor personnel nor public interest were available. With the end of the war these plans, and newer ones, began to receive attention. Contact with persons of a wider experience, especially evacuees from the east coming to reside even temporarily in South Africa was stimulating. Many of them had travelled widely, many were interested in social problems. And as has already been pointed out, the experiences of hundreds of South Africans whose war duties had taken them to new places and exposed them to new ideas were resulting in new demands being made upon the existing services in South Africa.

It soon became evident that voluntary societies were collecting funds inadequate for their purposes and that their requests for grants and subsidies were in excess of the resources which the government either had or was prepared to make available. It was necessary to know more about the financing of voluntary welfare organizations and if possible to reach some conclusions about the degree of state aid that might be desirable and necessary.

B) THE DU PLESSIS COMMITTEE.

The Government Gazette Notice No. 759 dated 24 August, 1951 published the terms of reference of a Committee to make the enquiry. Having stated that he was satisfied that both private initiative and the state plays its peculiar role in the field of welfare work, and that they should be regarded as partners in the

field if the best work is to be done, the Minister ¹ continued by declaring that the successful continuance of voluntary organizations depended upon the provision of adequate funds. Accordingly

I hereby appoint a Committee ...

(a) to enquire into and report ... on

(i) the financing of voluntary welfare organizations with special reference to their methods of collecting funds ...

(iii) the role to be played, if at all, by local authorities in a properly co-ordinated social welfare programme, and

(c) to draft legislation applicable to the Union as a whole ... which would determine the financial relations between the Department of Social Welfare and voluntary organizations.

The Committee was appointed in 1951, its Report dated August 1953. Because, it was said, of its inordinate length (but it may also be because of some of its recommendations), the Minister decided that it should not be published in full but that an extract, in roneod form and in limited numbers, should appear. It is dated 1954/5, and titled "Recommendations of the Committee of Enquiry into the Financing of Voluntary Welfare Organizations". ²

Clause (a) (iii) of its terms of reference may have suggested to the Committee that the position of the local authority had been prejudged - the wording, not 'what role is to be played' but 'the role to be played, if at all', makes it likely. There was no surprise at the Committee's recommendation that local authorities should not undertake welfare work through their own employees but should support welfare organizations. Suggested methods included the provision of social centres, with free or cheap services of water and electricity, to be available free to

¹ The late Dr. K. Bremer, minister 13 February, 1951 to 18 July, 1953.

² The writer read a copy of the full report but cannot rely upon memory after a lapse of 14 years: reference will be to the Recommendations only, as published.

welfare bodies, the provision of halls, parks and sports grounds, and grants-in-aid to societies. The proper function of the local authority was seen to lie not in the actual provision of welfare services but in facilitating their provision by registered welfare societies. One has seen in the previous chapter how today this is applied only as it related to white citizens - for the non-white, and more especially for the Bantu, the actual provision of welfare services may be demanded of the local authority by government departments.

The du Plessis Committee had the duty of investigating the methods by which voluntary societies collected their funds and also the financial relations between the societies and the Department of Social Welfare, that is, their duty was broadly to study and to make suggestions upon the state and the private sector as sources of supply. It found itself unable to draft the "legislation applicable to the Union as a whole", or a formula to replace Ordinance 4 of 1919. It suggested two principles by which to decide whether a service should be state-run or run by a society registerable in terms of Act 40 of 1947. The first principle was the already widely accepted one that where such a service flowed from statutory provisions restrictive of an individual's freedom, such as custodial care in a work colony or prison, the State should be the organ responsible for providing appropriate welfare services as well as custody. For other services the Committee applied a purely monetary yardstick; if the service required (or received) a state subsidy exceeding 75% then the service should be provided by the State.¹

In considering the relative duties of State and voluntary body the Committee only grudgingly admitted a place in the welfare pattern to any societies other than the family agency which, in its approach to clients, emphasised a religious and cultural

1 This is not generally applied. A service provided by a voluntary agency, with a 75% or 90% subsidy may still be appreciably cheaper to the State than a purely state-run service, and may be preferable on other grounds also.

attitude. The Committee left out of account changing patterns of behaviour in all groups, it omitted the 'minority' groups and it ignored the fact that only one major branch of the Christian Church in South Africa establishes any large-scale welfare services on a purely sectional basis. For those not members of an institutionalised religious group its recommendations had nothing to offer. Insofar as they affected the subject being investigated by the Committee their Recommendations would only lead to the available cake being cut into more, and smaller, segments.

On the question of methods of fund raising the Committee took evidence. The impression left on at least one witness who appeared before it was that on this, as on several other points, opinions had already been formed to a great extent, if not entirely, before the evidence was heard. Before the Committee had begun its sittings other groups had been studying methods of fund-raising.¹ It was agreed that inadequate funds were being raised from the public (hence the appointment of the Committee). In par. 701 (h) of its Recommendations it accepted the view that public enlightenment was essential upon welfare work and also upon the need for greater support of fund-raising efforts if better services were to be provided. In par. 702 it listed methods already tried, and found wanting, and then having rejected certain methods used successfully in certain other countries overseas, methods advocated by some witnesses as at least deserving of trial since they were applied in countries some of them even smaller than South Africa, the Committee concluded

that the methods of fund-raising which may be expected to yield most in this country are already employed
(par. 704b)

1 For most of the life of the National Board, from 1947 to 1965 this matter received attention. Most Local (Regional) Boards considered the problem from time to time also while annual conferences of major Councils frequently discussed fund-raising.

The rejected suggestions were:

- (a) the sale of welfare stamps
- (b) exemption from income tax on gifts for social welfare work
- (c) a state lottery
- (d) the levying of a special welfare tax or taxes
- (e) the levying of fees for specific services rendered by welfare organizations.

It may be noted that (a) and (b) were repeatedly urged upon the authorities by the Welfare Board set up in terms of Act 40 and that a Sub-committee of the Board had interviews with the Department of Posts and Telegraphs and of Finance to press the Board's views on more than one occasion. Any observant traveller in countries where one or other of these fund-raising methods are followed ¹ is unlikely to be impressed by the Committee's rejection of the ideas without trial. Now that the period of withdrawal from mention of overseas experience is rapidly passing ² certain of these schemes may be reconsidered.

For the purposes of this study, however, the most interesting section of the du Plessis Committee's Recommendations relates to its interpretation and treatment of Clause (b) of its terms of reference. This runs as follows:

- (b) specific services ... with special reference to the functions of national, local, general and specialised organizations.
(my underlining)

Surprisingly the Committee applied 'national' and 'local' to the Boards established in terms of Act 40. It should perhaps be mentioned that National Welfare Board member(s) were not given a seat on the Committee and that certain of the Committee

1 e.g. Netherlands, Switzerland, New Zealand, U.S.A.

2 cf. Report of Dept. of Social Welfare & Pensions, 1959-62 pp. 34, 53-4, and 55.

were believed to be strongly critical of the Act and the organs it established. This departure from its terms of reference appeared at the time to be unnoticed - a possible further indication of the confused thinking of the time? Or it could be that the fact that the full Report had not been printed was held to lessen the value of its work and accordingly that the point was best left unremarked. A careful reading of the Minister's instructions must show that his intention was for an enquiry into welfare bodies organised nationally, such as the S.A. National Councils for Child Welfare, for Mental Hygiene, for the Blind or the Deaf; secondly into those organised locally, autonomous groups either with or without affiliations or sub-committees; and finally into the two classifications, general and specialised. That is, to enquire into bodies working with a specific group such as spastics or released prisoners, and those undertaking work of a more general nature, such as family care organisations or societies for group recreational work.

Instead, considerable time was spent in canvassing the views (tacit or openly expressed) of members of the Committee on different bodies altogether - bodies neither undertaking welfare work nor raising nor expending funds - upon welfare boards that were not welfare organizations and as such falling outside the Committee's purview as subjects for investigation and report.

The Committee did, however, make the useful suggestion that the National Welfare Organizations Board's duties be "enlarged" (paragraphs 1823 (aa) (1)-(v) and 1823 (bb) (IV), thus supporting the opinions at that time held by members of the Board itself, and of many persons outside it. The additional duties were:

- to advise the Minister in regard to
- (i) the undertaking of research which is considered essential to the planning of social work;
- (ii) the rendering of financial assistance for research purposes;

- (iii) the publication of the results of research;
- (iv) the rendering of financial assistance for the publication of the results of research;
- (v) the planning of social welfare work,
and
- (bb) to regulate the registration of social workers.

The first 5 points were already covered in the general terms of the Board's duties Sect. 3 (1) (b) : "to advise the Minister ... in connection with any matter in the field of social welfare" but the separate listing of some of the more important topics that might engage its attention was useful and it was wise to call attention to the need for research as a basis for planning.

This section of the du Plessis Committee's Recommendations is in part reflected in sections of Act 79 of 1965, especially in the establishment of the Commissions and for provisions for the registration and regulation of qualified social workers. ¹

The du Plessis Committee's Recommendations may thus be held to have had comparatively little effect upon policies relating to its own specific terms of reference (with one exception) but to have had formative effects upon the Act 79 of 1965, largely as a result of its going beyond its terms of reference.

The exception was the attention devoted to the idea of developing for each separate 'division' of our people a separate welfare service, based upon those linguistic, religious and especially racial considerations to which reference has previously been made.

¹ Act 79 of 1965 Sections 4(1), 7(1) and 33 to 38.

CHAPTER VI.

PLANNING, CO-OPERATION, CO-ORDINATION.

In the decade preceding the outbreak of war in 1939 these three terms became increasingly used in discussions of welfare activities in South Africa. In official statements and publications attempts were made to reflect the whole rather than parts. So the 18th Union Year Book (1937) collected together in one chapter, for the first time, information concerning social conditions,¹ and listed the four major divisions viz, Union Government, the Provincial Administrations, the Churches and the private charitable societies under which social work activities might be grouped. Approximately 1,000 private agencies were then estimated to be at work, the majority of which were said to fear appeals for co-ordination because of a possible loss of individual identity.

The establishment of the Department of Social Welfare was the culmination of a movement towards the nationalisation and co-ordination of welfare work in the Union.²

In 1934 the Volkskongres³ had formulated a scheme for 'co-ordinated private and state effort' while the recommendations of the Carnegie Commission (of 1932)⁴ were for action aimed at preventing those conditions which had made the enquiry into poor white-ism necessary, including the "scientific study of social problems upon which social planning depended".

Over the term 'planning' there appeared no confusion and at first the use of co-operation and co-ordination seemed to create no difficulty. The Carnegie Report refers to co-ordinating all

1 In Chapter V.

2 19th Union Year Book. (1938)

3 Held at Kimberley.

4 Listed in Ch. I.

the social welfare activities of the different departments of the Union Government and of the Provinces as being the first duty of a state bureau of social welfare, while such a bureau's relationships with voluntary charitable organizations and the Universities was referred to as co-operating. Co-operation was usually taken to be a relationship between two or more organizations, frequently operating in proximity to one another, either entered into voluntarily or as a result of a measure of compulsion such as that making such a relationship a prerequisite for the claiming of some state grant, or of recognition conferring some status. But it needed not necessarily to have direct bearing upon the welfare activity carried out by each separate body. Each might agree to exchange information about activities or plans without in any way modifying or contemplating the modification of those activities. On the other hand two bodies might co-operate by pooling resources to tackle a project too large for either alone, or to make joint representations to higher authority upon a matter of common interest.

Co-ordination usually implied a relationship which might impinge to a lesser or greater degree upon the autonomy of the bodies concerned in that their actions were to be no longer regarded purely as given facts but were to be placed in a position relative to actions or decisions of other bodies and affected by them. Again, this relationship might be voluntary or constrained.

Act 40/1947 in Clause 3 (1) (d) stated that it was the duty of the Board to

Promote and encourage voluntary co-ordination of registered welfare organizations having similar or related objects.

That is, in deciding for or against registration of an applicant society no attention had to be paid to possible co-ordination (a position later changed as will appear), but the question of

co-ordination had to be considered after registration had been effected. In their own areas the Local (Regional) Boards had similar duties.

But well before the establishment of the welfare boards set up in terms of the Act, co-operation and co-ordination was found amongst the voluntary societies as action taken of their own volition.

Such was the voluntary vertical co-ordination with a functional basis found in bodies such as the South African National Council for Child Welfare, the pattern being

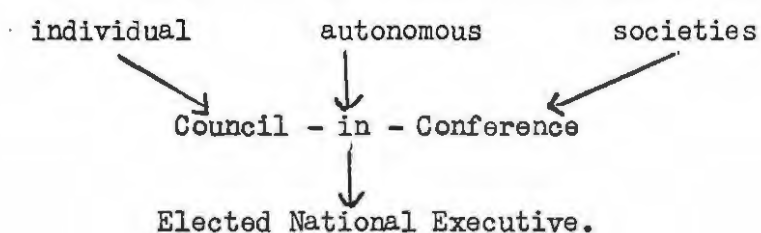


Figure A.

The autonomous societies function freely within their own areas but accept certain majority decisions taken by Council-in-Conference upon matters of general policy, and in the S.A. National Council for Child Welfare context agree to subject themselves to certain supervisory visits from the Council's specialist staff. The Council, through its headquarters, exercises certain powers over individual societies such as the right and duty of recommending to the government the conferring upon specific approved societies the status of Approved Agency in terms of the Children's Act.

This same Council may be used to illustrate the principle of co-operation.

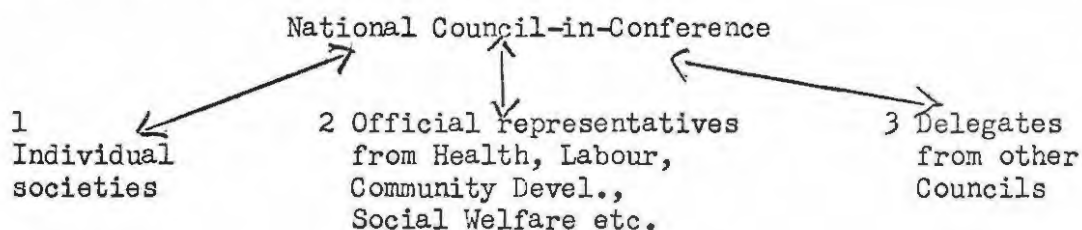


Figure B.

In Figure A all the units are functionally related, for all are working solely in the field of child welfare. In Figure B the link between group (1) is functional, whereas groups (2) and (3) are linked by a common interest in child welfare which may be only a small part of their total interest activity. In group (3) the interest may even be peripheral as that, for example, of the Association of Business and Professional Women's might be in connection with the provision of creches for the young children of working mothers. Other Councils may co-operate because, though their total field is wider, it contains a continuing element of common ground. Such would be National Councils for Mental Hygiene or the Blind. In each case the relationship is essentially voluntarily assumed.

Should, however, there exist a subsidy formula linked with membership of a given council then the association becomes only semi-voluntary. In Figure A a society may elect not to continue to be associated with other societies but, having failed to fulfil one of the terms upon which subsidy is allocated through withdrawing from the association of similar societies, it loses its right to apply for subsidy. It will not, however, become thus automatically debarred from continued activity in the field of child welfare. It might continue operations as an entity with no links with the other groups, or it might apply to the National Welfare Board, in terms of Sect. 12 of the Act, for the recognition of an amended constitution in which, possibly, work for the welfare of children was an incidental instead of a cardinal aim. And the reverse process might also take place if a society with quite general aims accustomed to attend the conferences decided to define them more narrowly and proposed to restrict its work to children. The co-operation may also be a two-way process for the Council-in-Conference may decide to establish lines of communication between conferences for the purpose of attaining some object agreed upon by delegates.

The linking of membership of a nationally organised group with subsidy on trained workers' salaries has served to pinpoint the difficulties inherent in such a process for it has been found that not every organization operating with qualified social workers (and requiring to do so if satisfactory results are to be obtained) necessarily qualifies for membership of an existing national council. This is another unsolved problem. A decision of several such bodies to unite so as to qualify for consideration for subsidy purposes as well as to attempt to solve common problems, was officially ruled not to be a national organization in terms of the subsidy regulation.

A slightly different form of vertical association, combining both the autonomous societies and the non-autonomous branches is exemplified by the National Council for the Care of Cripples in South Africa which imposes association on a provincial or regional basis between the society or branch and the National Executive.

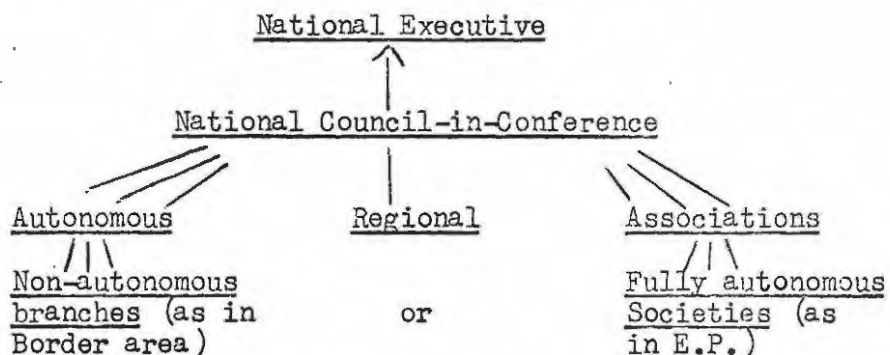


Figure C.

In terms of the Transvaal Ordinance for the Control of Charitable Institutions the Central Board of Charities was to secure co-operation and co-ordination in public assistance and to co-ordinate activities of charitable institutions to prevent overlapping. ¹ Supporting this Board in its work was the Social

¹ Appendix B1, B2.

Welfare Committee which advised the Board 'as to methods of co-ordination of work of all existing charitable institutions'. To this duty was added that of advising on 'widening and extending their incidence'. According to the evidence submitted by Mrs. A.W. Hoernlé to the Select Committee the emphasis was upon encouraging and assisting the charitable bodies rather than upon hampering and restricting their activities. By instituting what was called "interest groups" ¹ amongst the 200 social welfare bodies then operating in 1945, groups which each nominated a representative to sit on the executive of that board, a degree of co-operation was begun which tended towards co-ordination.

These Transvaal activities took place within the framework of legal provisions, however, and no close counterpart existed in the other provinces. The Union Year Book for 1937 in Chapter V mentioned the Community Chests of Cape Town and Durban as existing co-ordinating bodies. Both were voluntary groupings and neither had anything like a complete 'coverage' of societies in their areas. Once a society was accepted as a member (and for so long as it retained membership) it transferred to the Chest its right to raise money independently from the public - any fund-raising by an individual society for its own purposes could only take place if agreed to by the full chest membership. Functionally, each society continued to act as an independent entity. A body not accepted for membership of the Chest continued with independent fund-raising. This holds true of the Port Elizabeth Chest also. Other voluntary associations of organizations in 1945 were the Cape Co-ordinating Council in the Peninsula, again without full coverage of societies active in the region, and in Natal there was the United Council of Social Agencies in Durban. Both appear to have made use of the interest

1 S.C. 11-45. par. 41 page 30

grouping but they had no statutory functions. Neither had similar group in Bloemfontein.

If one considers co-ordination in relation to rural areas or small towns the situation is entirely different. A survey of welfare activities in the Border area undertaken in 1955/6 by the Vice-Chairman of the area's Welfare Board¹ was discussed in the Fifth Annual Report dated December 1956. It disclosed a total of approximately 400 organizations functioning there of which 349 were in some way co-ordinated, either because they were local branches acting as agents for a central body (either provincially organised or national in scope), or because they were independent units federated through a national council, or were in some way controlled or supervised by a department of state which was subsidising them. As examples one might take the Xalanga district and Cala village where the B.E.S.L. (as it was then called) operated under the Welfare Organization number W.O. 233, which was the number of the Johannesburg headquarters, and at the other end of the region Adelaide's Women's Auxiliary of the B.E.S.L. also operated with the same number W.O. 233 being controlled by the Johannesburg headquarters as well. In Grahamstown both the South African Library for the Blind (W.O. 126) and the Civilian Blind Society (W.O. 128) were local autonomous societies linked with the S.A. National Council for the Blind in a federal relationship. And though the Library functioned locally it had also a national status since it was the only library for the blind - and being the only such library in Southern Africa it had a extra-national connotation in addition. Children's institutions such as the Piet Retief Orphanage at Somerset East, the Children's home at King William's Town and the Izele Orphanage were

¹ Mr. D.G. Bettison (now Professor of Sociology, Simon Frazer University, Vancouver, Canada).

subsidised and inspected by the Department of Social Welfare. These 349 bodies thus functioned boardly according to policies laid down by their national, or provincial councils, or by a state department. In the three centres East London, Grahams-town and King William's Town were found over half of the approximately 50 completely unattached bodies, the rest being scattered over the area. Regarded functionally, overlap was shown to exist to some degree in East London only - that is in 1955.

One is therefore faced with the question: how is co-ordination to be defined? This the National Welfare Board attempted to discover by asking each of the then 8 regional boards to define what they understood by the word co-ordination. Their answers disclosed too little agreement for an acceptable definition to be adopted and when the Act 40/1947 was finally superseded by Act 79/1965 no solution had been reached. So far as registration is concerned the elimination of duplication (or overlap) has been taken to be synonymous or nearly so, with co-ordination, presumably on the grounds that if one refuses registration in terms of 9 (3) (iv) of Act 40 as amended by Act 75 of 1961 (or of 19 (4) (iv) of Act 79 of 1965) and prevents a second society from becoming registered with substantially the same objects and area of operation of an already functioning society one has canalised local interest in the objects of such a society and by preventing 'overlap' has permitted co-ordination.

It would, however, appear clear that co-ordination is a positive concept that is most probably to be attained as a result of continuing exchange of information and ideas leading to decisions jointly reached by the participants. As has been pointed out earlier the increasing fissiparousness which results in four or five or more organizations

operating in relatively close proximity to one another, with basically the same objects and only a differing clientele to distinguish them, seriously lessens the validity of co-ordination and co-operation as concepts of importance in the field of social welfare in our country. The fact that more than one department of state may be active in the same section of the field, such as children's institutions or old age homes is yet another example of the difficulties associated with the division of our peoples into separate "nations".

The Act 40/1947 dealt with organizations rather than with welfare activities. As amended by Act 75/1961 this was changed somewhat in that an additional reason for rejecting an application for registration was inserted in 9 (3) (iv) already referred to. The existence of an organization regarded by the Board as functioning effectively precluded a second body from being registered if its aims and objects were substantially the same. But overlap may exist even if there be no actual duplication of societies if there is a duplication of services. The Select Committee¹ favoured Central Registers which all registered organizations should be obliged to use, and at regular intervals it seems there are departmental statements concerning their imperativeness if waste is to be avoided and quarrels over cases and confusion amongst rehabilitative measures eliminated. Yet in practise two facts limit their value: only in large centres are they found, and where they do exist government departments do not use them to register their cases. Thus, no matter how meticulous the voluntary bodies may be in supplying and requesting data the service is defective because complete and accurate information cannot be given about cases

1 S.C. 11-45 p. 28.

that are for instance in receipt of state aid, unless the information has been supplied by the individual beneficiary himself.

If lack of co-operation and co-ordination may result from a partial use being made of a tool intended to foster it there is also the same lack in fields where the causative factor is to be found in legislation itself. In terms of Act 40/1947, Section I, the Definitions, it is said that the term includes

and association of persons ... or any institution ... the objects of which include the provision of all or any of the material requirements of indigent persons but does not include any institution maintained and controlled by a hospital Board.

In this context 'hospital board' means a board established by statute, that is, by an act of parliament or ordinance of a provincial council. Possibly in no other field does division of responsibility for services between the central and provincial governments complicate matters more than in the field of health. The area of the Border Board's jurisdiction exemplifies the resulting confusion in an acute form. For many reasons, partly historical, partly economic, partly ethnographical the area, especially before the excision of the Transkeian Territories from the Board's area of operation, had an unusually large number of mission hospitals, clinic out-stations and 15 B and 15 A Clinics.¹ Several hospitals with their associated other activities had developed out of Sir George Grey's policy for controlling the Xhosa tribes through education and conversion, to achieve which he had called together members of several denominations and offered financial inducements. Anglicans decided upon establishing

¹ In terms of Act 57 of 1935.

stations at Nxaruni (St. Luke's), at Grahamstown (St. Phillip's), Tsolo (St. Mark's), and Keiskama Hoek (St. Matthew's). At this latter Grey offered to build dormitories for the girls whose parents sent them to school and so was set up the first Bantu Girls' Hostel in the Cape Colony. For these students a dispensary was required and this developed into the Hospital of the Divine Compassion, well-known today as a training hospital for Bantu nurses. Outside King William's Town the Methodists established Mt. Coke. In the town itself Dr. John Patrick Fitz-Gerald, called from New Zealand by Grey who had known his work amongst the then recently defeated Maoris, opened the first civil hospital in British Kaffraria.¹ As the British had penetrated towards the Natal border the chain of mission hospitals and their out-stations had spread all over the eastern areas. By 1956 the position of the sick poor clamantly demanded attention. The writer, at the request of a registered society (Plumstead Clinic, W.O. 1763, controlled by the Methodist Mission at Tsomo), investigated and reported on the position. A copy of the brief memorandum appears in the Appendix H. The memorandum was presented to the National Welfare Board and accepted as a document for record.

As is clearly shown the problem lay in the division of authority and of responsibility for health services - it affected and still affects, all races but the Bantu, being usually indigent or nearly so, suffers most. It was found that a woman in advanced labour might attend a clinic (registered under Act 40) or a mission hospital (also registered under Act 40). She might be examined by the visiting district surgeon (an official paid by the Department of Health) who might require to order for

¹ From Dr. A.W. Burton, Sparks from a Border Anvil, Provincial Publishing Company, King William's Town. Grey was Governor of New Zealand 1845-54. Fitz-Gerald in practice in Wellington.

her an ambulance - normally authorised by the Magistrate who is Civil Commissioner and Native Commissioner all in one. The ambulance service is provided by the local authority. The hospital to which the ambulance took the patient might be a provincial hospital at which she might be treated by a medical officer employed by the Province, or by an honorary staff member. On discharge the whole confusing process goes into reverse! And should the baby have arrived precipitately at the very first clinic that place immediately becomes a 'hospital' and falls under a different control. The nurse, however, would remain an employee of the Department of Health or else a subsidised employee of the registered welfare body.

The area of the Border Board presented this problem in an acute form, as the Memorandum shows. When written, all Boards had been requested by the Minister to give special consideration to the question of co-operation and co-ordination.¹ Since this date there have been some changes - new hospitals, such as the N.G. Kerk Mission Hospital at Peddie, several clinics and district nursing services closed down, such as those at Steynsburg, Venterstad, Burghersdorp for instance. Some new clinics have begun, such as that at Makana's Kop at Grahamstown. But the position today is substantially the same. A patient may fall under any of three distinct organs of government and be passed back and forth between them. The only difference seems to be the superficial one that whereas in 1956 there were 59 (57 actually functioning) registered clinics in the area, the number today is considerably less though the need for such health services is as great as before.

The Eastern Province Herald of 4 February and 4th October 1967 refer to the continuing frustrations in this field.

1 17th Meeting of the National Board. 26th October, 1954.

In February the Minister of Health, Dr. Hertzog, referred to "this delicate matter", stating that "attempts ... to achieve greater and better co-ordination in health services" had not had much success. "It was a human failing ... to cling to positions of power".

In October the retiring Medical Officer of Health for Port Elizabeth referred to the divisions of health responsibilities and functions among state, province and local authority which led to complicated and frustrating procedures. Dr. Lewis has gone to Kokstad to become Medical Superintendent of the Usher Memorial Hospital where he may have fresh experiences of these frustrations since some of his hospitals' patients will be citizens of the Transkei and this area has its own Minister of Health.

CHAPTER VII.ACT 40 OF 1947 : HOW EFFECTIVE A TOOL.A) PROBLEMS OF DEFINITION, FUNCTIONS AND SCOPE OF ACT 40.

If one tries to assess the effectiveness of any tool one must ask: tool for what purposes? From the moment of its promulgation until its replacement by the present one Act No. 40 of 1947 was adversely criticised. Much criticism was unjustifiable for it complained that the Act did not provide things which it was not designed to perform. On this score the critics might rather have taken their stand by claiming that the objects of the Act were unworthy of legislation and that, in any case, these objects were not likely to be attained by such means - a viewpoint expressed by the more extreme of the witnesses before the Select Committee, as has been shown.¹ The various bills' limited scope had been referred to by witnesses before the Committee.² But, having accepted that the Select Committee's Bill did not meet the more wide-ranging ideas of witnesses such as Mrs. Hoernlé, Mr. Stulting or the Rev. P. du Toit amongst others, one can still consider the value of the Bill that was finally passed.

It is described as an Act

to provide for the registration of certain welfare organizations, for the control of the collection of contributions towards the funds of such organizations and of certain institutions; and for matters incidental thereto.

That is, its sole stated purpose was to register some societies and control their fund-raising. The societies were to have welfare aims. No similar word preceded "institutions" but as the Short Title stated "this Act shall be called the Welfare Organizations Act, 1947" it was clearly intended to apply to 'welfare'

1 See comments in Ch. 2

2 Ibid.

or 'charitable' institutions and clauses in the Act make this clear. The phrase "and for matters incidental thereto" suggests that any object other than that of registration and fund-raising control was ancillary and only relevant if necessary for the attainment of the Act's basic objects.

So it would seem, at first sight, that the fundamental question must be: how efficiently was this duty of registration and control performed. But one has to go further than this because, though suggested neither by full nor short title the Act's intention does in fact go beyond these two objects in certain of its provisions.¹ These other intentions must also be examined, and from this discussion one is led to Act 79 of 1965. Any full assessment of this latter is not, at this stage, possible; having come into effect in mid-1966 the new machinery has barely come into operation.² Nevertheless a prognosis of some aspects may fairly be attempted.

The Definitions set the tone of the Act 40/1947. The types of organization to be covered by it were two: the war fund and the welfare organization. The listing of objects which characterised a war fund were unambiguous and was taken over into Act 79/1965 with one change. Act 40 Sect. I (a) refers to members or ex-members of the forces "of any government at war ..." One may suppose that recent experiences of break-away states, governments-in-exile etc. suggested that for government the substitution of country posed fewer problems. Act 79/1965 Clause I (xvii) has "members ... of the forces ... of a country at war ..."

"Welfare Organization" is defined in seven clauses and includes both a body established to render a service as well as

1 e.g. 3 (1) (b); 5 (4) (a).

2 By 1967.

one whose aim is restricted to collecting contributions for a war fund (clause e) or for one of the objects listed in the other five clauses (g).

These two clauses (e) and (g) were strictly unnecessary because in terms of Sect. 19 (1) as registered organization may authorise an individual or a group of persons to collect funds on its behalf by the issue of a certificate of authority to do so.¹ Although the National Board, from 1947 to 1965, had ample evidence of the undesirability of giving recognition to purely fund-raising groups (and, in fact, refused registration to certain groups which it classified as 'closed' groups, that is, groups which raised funds but did not make appeals to a wide public), nevertheless these two clauses re-appear in Act 79/1965 as clauses (f) and (h).

It appears accepted that canvassing for contributions within a family group, for example, is permissible without registration or authority. What is not always apparent is that almost invariably remoter familial ties are involved, and friends of such, and what may be more serious, their children. Probably relatively few of the efforts of these child collectors receive publicity, though illustrated news items appear in the press at frequent intervals. An awareness of the needs of others and a willingness to try and alleviate them are commendable but the possible dangers to the children may outweigh the gains, apart from the fact that such activities transgress provisions of the Children's Act quite often. But with the accepted meaning of 'the public' it is not easy to prevent the collection that is on the border-line between legality and illegality.

1 See also Regulations II (3). And provision was made for a temporary group to collect even were it possible that a registrable society might later require to be established (Sect. 8 of 40/47 and Sect. 18 of 79/65) though this interpretation of Sect. 8 was always a subject of discussion and was probably incorrect. This point will be dealt with later.

Only one type of body would be much affected were Clauses (e) and (g) of the Act 40/1947 and the appropriate clauses in the newer Act deleted. This is that organization which provides a service for which it receives payment which it, in turn, distributes amongst registered welfare organizations. In South Africa this type seems to have been essentially a result of war conditions and has largely disappeared. Those few which still exist would be able to continue operations under letters of authority from the bodies which its committee might decide, from time to time, to assist.

A type society exists in Grahamstown.¹ As the clauses now stand they lead, from time to time, to malpractice and encourage bogus collectors who proffer worthless articles to be "sold" for some good cause. The item is really a cloak to cover an appeal for funds and these 'sales' are or may be, merely a disguised solicitation for money for personal gain and in essence a form of begging.

The definition of 'collect' contains a clause which would appear to be largely ignored, except insofar as it may be related to clinics which normally offer a service for which at least a minimum charge is made.²

The clause runs:

whether or not such collection, acceptance or solicitation involves or envisages the receipt, by the contributor, of any material or other return or advantage as a consideration for the money or goods contributed.
(my underlining)

Traditionally, services seem to have been available in South Africa without any reciprocal duty laid upon the recipient apart

1 The Albany Anti-Waste Organization W.O. 2110, which now only collects, and sells to lower-income groups, at low prices, surplus and obsolete goods. Profits are distributed to local W.O.s. Formerly it also converted domestic waste into food at its extensive piggeries, thereby producing needed food during the war, and at the same time money for welfare purposes.

2 Excluding free services such as vaccination provided in accordance with Dept. of Health Regulations.

from a certain degree of moral pressure upon him to use the service to his advantage. One organization may lay down conditions, such as regular attendance of children at school or babies at a clinic, but the idea that welfare services in the widest sense may be important for persons well able (and willing) to pay for such as they are for the indigent is largely foreign to our thinking. Yet it is well-known for example, that a child may be sick or may die of mal-nutrition in a home in which money is quite plentiful but there the parents may be ignorant of dietetics or allergies,¹ or are craks or do not seek timely advice. Since the 1939-1945 war, Health Visitors are more plentiful but where they do not exist one finds the belief current that the local Child Welfare Society is there to give advice to the poor only. The linking of indigency and poverty and welfare services in South Africa has had deleterious effects ever since 1674 when it was complained that parentless children of good family had "an odious name" when they reached years of discretion because they had been supported and educated by the Diaconate although they might have actually been heirs of good estates, because all the wards' possessions had been lumped together and the children, ostensibly supported by alms. The complaint was then that the wealthier carried the 'stigma' of poverty, undeservedly. In our day, to accept a service from a welfare body may be considered either improper if one has material resources (and may cost the organization its registration certificate if too many well-to-do were to do so), or that it must inevitably carry a stigma for the recipient, just as it did in the seventeenth century.²

1 Two such cases known, in a small town, to the writer resulted in one child's death and the serious, prolonged illness of a second.

2 See Leibbrandt, Precis of Archives: 1671-1676, p. 216. It is notable that in South Africa services of a broadly welfare type tend not to be given 'as of right' to citizens, as is the custom in most developed countries overseas. This clearly has its effect upon recipients, probably deleterious for deserving and undeserving alike. It may lead to a system of 'patronage' and even an extension of the 'jobs for pals' attitude into fields where nothing but bad can result.

This attitude of mind deprives many of services from which they might benefit, and may also have ill-effects upon the beneficiaries. It tends to influence the more sensitive to refrain from seeking assistance or advice, or if they are obliged to do so their unease makes rehabilitation more difficult. Especially in the treatment of the aged is this sensitivity a very serious factor, responsible for delays in seeking medical treatment, in failure to obtain advice on pension rights or to seek temporary financial aid. The result is often semi-starvation and all its sequelae. Act 40/1947 over-emphasised the provision of material relief. It is as yet too soon to say whether Act 79/1965 will be applied in such a way that a more modern attitude develops amongst the general public. ¹

It has been said that the current interpretation of the clause defining "collect" is incorrect and that we should infer from it that the establishment of benefits such as that of "founder's kin" (well-known in European practice) is what is referred to and that such benefits are to be regarded as neither included nor precluded. ² That a donor himself may be, or may not be, regarded as in any way a beneficiary - that is, that conditions attached to a gift are irrelevant. (The only vital fact is whether or not the purpose for which the gift is made is classifiable as a charitable purpose). If this be so, then the customary means test applied almost throughout the welfare field has not been justifiable. In terms of Act 40/1947 a society has been eligible for registration if it provided services for those in need - and 'in need' implied 'of material assistance'. The definitions of a welfare organization (a), (b)(ii) and (d) were over-emphasised at the expense of (b)(i) - family welfare -

1 A promising development is shown in the field of study and treatment of alcoholism, and in the work of S.A.N. Council on Alcoholism, A.A. and the Alano Clubs.

2 There appears to be no change in the new Act.

while the setting out of (c) as "the prevention of indigency and social maladjustment" suggested that the two were so linked that social maladjustment did not receive consideration as a social phenomenon that occurs irrespective of financial status.

As applied, the clauses resulted either in the better-to-do being deprived of welfare services provided by some registered societies or in the de-registration, or risk of it, of organizations whose clientele included more than a very small percentage of paying cases. It also had the effect of preventing the registration of new societies which as pioneers could not afford to exclude clients who would gladly pay for services. By stifling such bodies experimentation and possible valuable new services were eliminated. Had the term 'deprived' been used in the Act and Regulations such need not have occurred.

The new Act is so phrased that a change is possible. Admittedly three hundred years of thinking along different lines will require considerable education of the public but the possibilities are there. ¹ "Welfare Organization" is defined as an association for (a) "the carrying on of social work by individual treatment, group work or community organization" Clause (d) links "social distress" with indigency and Clauses (b) and (c) will depend upon the degree of enlightenment of the Board and departmental officials. There is a danger that "families in distress and in need of assistance" may be interpreted, for example, to exclude the wealthy couple to whom a mongol child or one with serious physical deformity is born. "Social distress and indigency" (clause d) are to be prevented, not just relieved, so again the purely material criterion for eligibility is omitted. And the provision for Commissions for Social Work and for Family

¹ The attitudes of the members of the Commission for Registration may prove a key point. If there is a carry-over from the ideas current amongst members of the old Welfare Board the hope of greater flexibility may prove vain.

Life and for Welfare Planning strongly suggests a complete change of emphasis is intended. Experience alone can prove the correctness of the assumption. Some grounds for optimism may be seen in paragraphs in the Departmental Report for 1952 - 1959.¹ The new Secretary, Mr. P.E. Bosman on page 7 set out the views and aims of the new department:

- (a) the study and treatment of social conditions which contribute or may contribute to the inability of individuals or families to take or maintain their place in society.
- (b) the treatment of socially maladjusted or poorly adjusted individuals or families with a view to their social adjustment to normal activity.

Only in their place comes

- (c) the provision of material assistance and care ... to those who for some reason, are not able immediately, or, without such assistance may never be able to provide for their own social security with their own means.

And in attempting this the Department, it was stated, aimed at the co-ordination of all "upliftment" activities, particularly those of the State, while the changed tone is set by the statement²

the most important and most positive welfare services are those which aimed in the first place at the prevention of social maladjustment and in the second at the rehabilitation of social failures.

The close association of methods of fund-raising, type of beneficiary and eligibility for registration in the Act 40 led to variations in treatment of applicant societies. It is not clear yet whether the new Act removes this source of ambiguity. As type one may consider groups associated with hospitals, with the generalised aims of assisting patients, or, more rarely, staff. Some groups have been exempt from registration on several grounds - such as, that the finances are controlled by a

1 The first Report of the combined departments of Social Welfare and Pensions, set up on the 21st birthday of the Dept. of S. Welfare, Oct. 1st, 1958. U.G. 57/1959.

2 Ibid p. 9.

statutory hospital board (Definitions) itself exempt, or that its appeals to the public are made with the authority of such an exempt board. Or it may be ruled that its membership is so regulated that it comprises a closed group and though possibly large this still does not constitute "the public".¹

It might seem that the difference between the registered and the unregistered group depends to a considerable degree upon the societies' own views of their activities and the Board's interpretations of each individual group's exposition of its status. Both groups may collect from their own members, both may make appeals for gifts in money and kind and services to a wider public, both may render personal services in a face-to-face situation.² Part at least of their value lies in the fostering of a sense of local community responsibility for the sick (increasingly endangered by increasing state medical services) and for a "healthier attitude to disease", the attitude which the Peckham Experiment tried to foster and which is presently successfully attained in Australia in the Royal Children's Hospital at Melbourne. As such they are valuable adjuncts in the attack upon situations which may lead to social and mental maladjustments as well as forming a sort of auxiliary group to the medical bodies and an aid to successful nursing.

The relatively large number of bodies functioning during the war years 1939-45 and restricting their activities almost exclusively to fund-raising was sufficient justification for providing in Act 40/1947 for their registration. Similar provision in Act 79/1965 is less easily justified. The National

-
- 1 The Port Elizabeth Hospital Board of Aid has both these characteristics.
 - 2 In the E. Province there are e.g. Women's Board of Aid, Frontier Hospital, Queenstown & P. Elizabeth Board of Aid (not registered). The Friends of Komani Hospital is W.O. 2380, the Women's Committee of Grey's Hospital, King William's Town is W.O. 1612, and the Frere Hospital Benevolent Society has applied for registration.

Welfare Board's policy of suggesting to them de-registration and the continuation of their fund-raising under letters of authority to collect issued by their selected registered organization reduced their number very considerably over the years 1947 to 1965. Many ceased to operate because their objects had been attained or their aims were no longer relevant. There is however, an increasing number of organizations which are popularly classified 'service groups'. These pose an, as yet, unresolved problem. Three specific questions arise: to what extent are they welfare organizations registerable under the Act: does the formulation of generalised welfare objectives comply with the requirements of Regulations 2 (4) under Act 40/1947 (or of 19 (2) (a), or 19 (4) (v) of Act 79/1965 and its Regulations; and, in the light of Act 79/1965 7(d), is their existence as independent groups to be recommended. May they function as groups with general welfare aims if they are not registered, should registration be denied, if they were to claim that these aims were incidental.

Four of these groups will be considered here. No attempt will be made to assess their total impact on the Republic as a whole (that would be a subject for separate research), but from examples culled from Eastern Cape experiences some of the results of their activities will be illustrated and discussed.

The most recently formed, the Rotors groups, are at present few in number. Their members are young: University students, bank clerks, junior officials, young teachers etc., and so far the groups appear to concentrate first upon cultivating bonds of friendship between members and only then offering assistance to registered welfare organizations. In Grahamstown, for example, Brookshaw Home for the Aged (W.O. 2501) and Bethlehem Home (W.O. 2564), a children's institution have benefitted from the Rotor's physical labours in a fact-to-face situation. The Rotors themselves have, as it were, formed a youth club and have included

social service amongst its activities. Registration is not their aim (at least, not at present) and their activities have tended to mobilise fresh forces behind existing registered welfare bodies. This is not to say that the appearance of this group upon the scene does not merit a questioning scrutiny - only that at present it exerts no deleterious pressures. Were it a larger movement the position might alter, and if it retained its members for many years rather than providing for them a relatively brief initiation into community service a different assessment might be justifiable.

The three adult groups do, however, pose questions: Rotary, Round Table and the more recently introduced Lions International. In terms of Act 40/1947 they may often legitimately claim registration for their welfare activities, though Regulation 2(4) may be only partially carried out if registration is sought.

This reads:

the constitution of a welfare organization shall in addition to the requirements of section sixteen of the Act (relating to conditions for management) set out

- (a) the name of the welfare organization;
- (b) the objects ...
- (c) the area ... in which the welfare organization proposes to render its services.

Yet for the balanced development of welfare services in the Republic it were probably better that they should not be registered as continuing entities with welfare aims. When the first Act was passed it is doubtful whether the inclusion of these "Service Clubs" was even considered. Rotary was not widespread in the pre-war years. Round Table is essentially a post-war movement in South Africa and Lions International was introduced into the country by Councillor R. de Lange of East London in the 1950s - not it would seem because there was a recognised need for such an organization but because, having met overseas certain members of the organization he had decided that he would like to establish a group in East London and if possible in

other centres in South Africa. The movement has since spread to the other provinces.

Round Table differs from the other two in that it forms its own Welfare department (as distinct from its other activities) and it is this that is registered. In many towns in South Africa Round Tables seem to emphasise the provision of healthy occupations for family groups, their own and those of non-members. Where funds are raised as a result of these leisure-time activities it is usually incidental-fund-raising not having been the chief object. But, like other groups, they may choose to embark on fund-raising and this will usually be for already registered welfare bodies, or it may at times be for projects of their own sponsoring. Or they may offer personal service to existing organizations, retaining as they do it, their identity as a group.

The character of the separate Tables naturally varies from centre to centre, depending upon the temperaments and gifts of the more dominant members of each, but it is probably fair to say that less emphasis is laid upon prestige projects than upon general service combined with fellowship between members. This service may be continuing, or be non-recurrent to meet some particular need or emergency.

The Lions International, being a relatively new group, had only begun to attain some prominence in the latter years of the currency of Act 40. It has usually reflected certain of the qualities of Rotary and each group would appear to reflect characteristics of the prime movers in each centre. In that it places less emphasis upon the prestige associated with membership, and with success in certain professions, it tends to attract into its fold a less socially sophisticated group and to bring a diversification of approach.

Rotary is the longest established group. Even if it is

not now true to say that it "exists to make capitalism respectable in the eyes of labour", partly because of its methods of election to membership it can never escape from the search for personal prestige. It is said that in the U.S.A. ¹ it is the rule that projects undertaken shall be part of a three-year programme, thus ensuring that the credit for a successful scheme (or the discredit for a 'flop') is given to three presidents and not to one. This rule is not strictly followed in the Republic - in fact local Rotarians claimed not to have heard of such an idea. The result is that not only does the organization as such tend to seek prestige but there is a temptation for successive presidents to initiate schemes that may be associated with an individual's term of office. The result may well be that a project is inaugurated which the local community resources are insufficient to keep running in subsequent years. And Rotary (with some outstanding exceptions) ² tends to say "we have got this thing started and now it's over to you" where "you" means somebody else. The local community may have been well aware of the desirability of such a project, and also aware that its inauguration was premature. The result is either that the scheme 'folds up', or existing societies suffer because funds are diverted from them to the new activity and already scarce voluntary workers are drawn away to man it. The planned development of welfare services may be disrupted. In smaller centres an even more crippling effect may be that the inevitable reduction in available voluntary workers for other societies (because all 'service' groups involve members' wives), results in some established societies closing down. When one considers the relatively ephemeral interest that may be shown in successive

1 where it originated when the capital versus labour struggle was first starting.

2 e.g. the continuing interest of the Grahamstown Rotarians in the Brookshaw Home scheme which they initiated. (W.O. 2501)

projects ¹ it is clear that clauses which permit bodies to operate with, as aim, mere generalised "good Works", instead of a clearly formulated intention limited to specific objectives is, in the present state of development at least, probably unjustifiable. It is likely to foster sloppy thinking and impulsive, even sentimental responses. ²

B) A SPECIAL PROVISION - SECTION 8 OF ACT 40/1947.

In addition to those organizations established to meet a continuing need, and conforming to the requirements of Section 16 and Regulations 2 (4), the Act provided also for the satisfaction of temporary needs and emergencies by authorising the issue of a "temporary authority to collect contributions". This authority is distinct from the certificate of authority to collect referred to in Section 19 (1) and Regulation 13 which may be issued by a registered society to persons collecting on their behalf and which constitutes proof of the society's authorisation. The need for such a temporary provision is obvious: sudden disaster may require an immediate community response, and then conditions may be speedily alleviated and the need for any continuing assistance disappear.

The original Section 8 provided that a magistrate, after consultation with the chairman of the local board might authorise any person or group of persons, or any welfare organization which had not been registered under Section nine, to collect funds for objects such as were listed in the definitions, provided that he was satisfied that the circumstances giving rise

1 e.g. a tree-planting scheme along a national road, with no follow-up for watering or weeding with a resultant loss of the trees. Or a garden-lay-out plan at a hospital for the chronic sick in a section of the grounds invisible to patients and visitors and not used by staff.

2 But note that Rotary, Johannesburg, in 1940/41 requested information about existing recreational facilities and needs of the Director of the Municipal Social Welfare Dept. See 2nd Annual Report of the Director of that Department, p. 4.

to the proposed collections were merely transitory and that the delay likely to be involved in obtaining registration as a welfare organization was likely to lead to the frustration of the objects in view.

Section 8 (3) reads

the magistrate shall forthwith notify the board of any permit issued by him under 8 (1).

The section bristled with difficulties. A society might not function without being registered (Sect. 6 (1)) in terms of Sect. 9 in respect of the particular object in furtherance of which it is being conducted. Yet the Clause 8 (1) (b) would permit a body whose registration was pending to be authorised to collect for a period of 90 days renewable for a second 90 days (Cl. 8 (2) (b)), funds for an urgent cause of a purely transitory nature. That is, the object of such a collection should not be one of the objects for which the applicant society was seeking registration. It would, in fact, be illegal for such an object to be included.

Then there was the question of consultation and notification. Although full discussions on this section were held with the Department of Justice, and circulars explaining the procedure to be followed were sent out by the Minister of Justice (through the Secretary for Justice) to all magistrates, the clauses were widely misapplied, or ignored. There seem to have been two reasons for this: ignorance of the Act's provisions and intentions, and refusal to comply with them and with the Department of Justice's instructions. Many magistrates either wilfully failed to consult, or attempt to consult the chairmen of the local boards. For some, of course, consultation was virtually impossible except by letter, and in areas such as parts of the Border and the Northern Cape the resultant delay might be considerable and serious for the applicant group. Some magistrates behaved as if to inform a chairman of his intention to

act, or even of the fact that he had already acted, was equivalent to consulting. A personal opinion rather than the facts of the case might decide the issue, or prevent any real discussion of the merits of the application. Many magistrates failed to notify the Board of permits issued by them. Permits were issued without the requisite consultation and to totally inappropriate groups and the chairmen could not prevent this in any case because the decision lay with the magistrates. ¹ This is not to claim that there were not many magistrates, overburdened with multifarious duties, who did not apply the Act meticulously. ²

The criteria laid down were specific: the transitoriness of the circumstances, the likelihood of frustration if delays occurred, and consonance with one or more of the objects listed in the definitions. All these three criteria had to be applicable. This meant that a group which envisaged the setting up of a permanent organization for the particular objective under consideration was not covered by Section 8. However, the inadequacy of the National Board's resources and the infrequency with which it, and some of the local boards were permitted to meet so prolonged the time required before registration might be effected in terms of Section 9, that societies often claimed that the delay threatened to frustrate attainment of their objects. An aged, wealthy sponsor might withdraw support, favourable opportunities for fund-raising be missed. A period of 18 months frequently elapsed between receipt of application and the approval of the application because local authority, local board and national board all had to consider the matter. And so the National Board began to apply the Section 8 to applications

1 The Hungry Tigers were a case in point - and they were not an animal welfare group!

2 The writer must record unfailing co-operation and help from magistrates in the ten years from 1951 during which she was Chairman of the Border Board.

received in accordance with Section 9 (under which applications for a regular continuing body were made). So an irregularity was committed to alleviate the hardship which delays caused.

One attempt was made to improve Sect. 8 when Sect. 6 of Act 75/1961 substituted "an officer in the public service designated by the minister" for "a magistrate". Consultation with the regional chairman (if readily available) remained. Various safeguards to prevent irregularities were also added - but the three criteria, to be concurrently present, were left unaltered. However, the clause continued to be applied to societies applying for registration for non-transitory purposes.

Act 79/1965 (Sect. 18) repeats "circumstances ... are merely of a transitory nature and that the delay ..." and it seems that this clause may continue to be applied, irregularly, as if and were read as or. Time alone will show.

Substitution of the "officer designated" who is in practice the Senior Welfare Officer of the region, at least ensured that the purposes for which collections are made are legitimate welfare objects. Even should the investigations have to be made by a non-professional officer in charge of a branch office, this is likely to be true because he is only acting on behalf of his senior who takes the ultimate responsibility and can be expected to exercise caution.

Nonetheless an amendment to the section in the new act seems called for, or a stop be made to the practice of applying it to minimise shortcomings of the organs responsible for its administration.¹

1 This is not to imply that the fault lay with the Board. It is to be attributed to the conditions under which all boards had to operate.

The Act "to provide for the registration of certain welfare organizations" and "for the control of the collection of contributions" towards their funds established a board for the purpose, named at first the National Welfare Organizations Board, later changed to National Welfare Board.¹ References to the composition of this Board have already been made in Chapter 2. In an attempt to ensure a balance between urban and rural workers (and so, knowledge of conditions) and the professional worker and the academics, a fixed ratio was laid down in Section 2. No balance between language groups or specialities was specified. As a study of the names and affiliations of members of the successive national boards would demonstrate no true balance was even attained and the imbalance became more marked as time went on. If regard be had to major centres of population, these were appropriately represented, but the Act applied to the country as a whole and the lack of first-hand knowledge of any really wide territorial area on the part of many members was noticeable. Especially pronounced was ignorance of the major predominantly Bantu areas - a factor which over the years, eroded confidence in the Board in a sizeable section of the country. As has been pointed out already, the idea was propagated, officially, that the Board was a body representing the field of voluntary welfare activity. Expectations were aroused that could not be fulfilled, although, in spite of inadequate resources and the handicap of infrequent meetings the Board did in fact manage to perform its prime duty of registration. Sheer pressure of numbers of applicant societies hampered it in endeavouring to carry out its second duty

3 (1) (b)

to advise the Minister, registered welfare organizations and regional welfare boards in connection with any matter in the field of social welfare, or arising out of the administration or operation of this Act

at least during the first years.

1 Act 75/1961 Sect. 2 (a)

A comparison of Act 40/1947 Sect. 2 & 3 with Act 79/1965 Sect. 2, 4, 7, and 9 shows that there has been a basic alteration in approach - in certain respects the latest Act reflects opinions expressed in evidence submitted to the Select Committee but not adopted by it. In other respects, as has been pointed out, there has been a return, especially insofar as ministerial powers are concerned, to the rejected earlier draft preceding Act 40. One may ask, why has there been this change.

In spite of some extravagant claims made for Act 40 it was, at best, a compromise. At the time it could not have been anything else. Registration was acceptable to almost every organization that functioned bona fide. Interference, control, possible loss of the individual society's autonomy, access to the Department as well as possible limitations of the citizens right to select his beneficiary were feared. So was the likelihood of restrictions flowing from the exercise of ministerial powers. So the Act was in a sense the lowest common factor of agreement. With the 1960 and 1961 amendments ¹ it provided adequately for the carrying out of its functions of registration and of control of collections. That the actual execution of these tasks was often imperfect was not the result of deficiencies inherent in the Act itself but of the inadequacies of the resources made available to the boards and also of the ministerial decision concerning frequency of meetings of both National Board and Regional Boards and of the size of the areas served by such Regional Boards. It was almost certain that when first approved in the House it was expected that the latter would be more numerous. ²

1 No. 33/1960; No. 75/1961.

2 Sect. 5 (1) the minister may establish ... for any magisterial district ...

Properly planned such smaller divisions need not have been costly, even if the secretariat had remained a departmental appointment, something which the National Board had deplored and tried to prevent. The potential increase in efficiency, in effectiveness, and in the resultant goodwill and co-operation on the part of the societies might have been immeasurable. Related, for example, to the Border area, instead of 61 magisterial districts falling under one office there might have been boards centred at Queenstown, King William's Town and Grahamstown, (all sub-offices of the department), and at East London which was the region's head office. There, at appropriate intervals, group meetings taking the form of day conferences for the discussion of common problems might have been held. All this was possible in terms of the Act and so far as the Border region was concerned it was the solution its members requested to be allowed to try out. As has been shown, permission was refused. That certain meetings have been arranged in some at least of these centres and not under the Board's auspices has done nothing to enhance its standing, rather the reverse. The type of Conference which is likely to be arranged in terms of the new Act will most likely be more expensive, and not being so soundly based on continuing local activity may be regarded either as something imposed from outside or as possibly impinging upon legitimate local preserves. That there is some provision for conferences is, of course, a gain. Sect. 12 (2) reads

a regional welfare board may with the approval of the Secretary (that is, for Social Welfare) arrange discussions and conferences in connection with matters falling within its functions.

For most of the period 1947 to 1965 the National Board tended to function uneasily suspended between organizations (which had made the nominations from which the Board had been formed by ministerial appointment) and the Minister and his departmental officials, the precise relationship with whom were not defined.

As individuals, members held office at the Minister's pleasure, as was clearly stated in letters of appointment after the first five years had passed. Corporately the members had certain duties vis a vis the Minister - to advise him (3 (1) (b)), to report to him (3 (1) (e)), to be consulted concerning the establishment of regional boards 5 (1) and the disposal of funds illegally collected (22 (1)), and concerning the regulations required for the carrying out of the provisions of the Act (25).

The unamended Act reflected the view that the National Board should be as free of ministerial control as possible once the Minister had made the appointments, and in this way the views of persons such as the Rev. P. du Toit, Mr. A.A. Stulting, Adv. Buchanan were met concerning possible political influences. With the amending legislation of 1961 the ministerial powers were increased. Temporary authority to collect contributions shall be granted

8 (2) (a) "subject to the directions of the Minister", and such

a permit shall, subject to the maximum period permissible, i.e. 90 days plus an additional 90 days

be of force during the pleasure of the Minister and the Minister may at any time on any ground direct the officer ... to cancel such an authority.
(8 (7) (a))

Against such a cancellation there is no appeal (8 (7) (b)). As has been noted, in the Republic the citizen has tended not to be able to claim as of right services and grants: such are more normally allowed by ministerial or other discretion. (It would seem a far cry back to the times of the early republics when the performance of certain military or quasi-military services conferred rights to land grants - at times even though no actual service had been performed, merely that it was supposed to be performed).

With Act 79/1965 has come an intensification of this trend towards increasing ministerial prerogative.

C) SOME EFFECTS OF AN INCREASE IN PROFESSIONALISATION AND OF INTEGRATION OF BOARD AND DEPARTMENT.

This chapter began with the question: how effective a tool was Act 40/1947. Since the Act has been superseded by Act 79 with its many striking differences in approach the conclusion might well be: Act 40 was a failure and had to be scrapped. Though this is a partial truth it is still not a fair assessment.

As has been pointed out, Act 40 was a compromise. In 1947 it was possible to obtain majority agreement to registration, but the inevitable reaction against war-time restrictions rejected planning and controls in all but carefully prescribed fields and the fewer the better. The very fact that there was such wide disparity between official estimates of the numbers of registerable bodies and actual registrations may be claimed as demonstrating that the Board's activities as a registering body were necessary in that the true facts regarding welfare activities became known and, as a result, what was to be one of the main functions of Act 79, that is welfare planning, became possible. Of course this is not strictly true. Admittedly the estimated figure of well over 5,000 was shown to be incorrect and the numbers registered were finally around $2\frac{1}{2}$ thousand. But it was not until the approximately 5,000 applications that were received by the end of 1948 had been scrutinised that a more accurate figure might be reached. Then it is true that one person, a Registrar, could have eventually processed all the material and achieved the same result. It must be remembered that the actual number of registered organizations may give a misleading impression because Sect. 17 which provides for non-autonomous branches of a registered organization may serve to conceal rather than expose, the extent of welfare activity. A survey of the Border area some years ago disclosed far more foci of activity than registrations had even remotely suggested. In this respect the new Act appears to contribute nothing.

That the Board's machinery for carrying out their duties was inadequate is not a fault of the Act but may be attributed to many factors - such as Treasury restrictions on money voted, to fears lest the Boards might develop independently of departmental policies and controls which was probably the chief reason for the refusal to allow Local (Regional) Boards to appoint their own secretariats or receive or administer any funds or issue statements without the National Board's consent.¹ This latter ruling (where it was obeyed) did much to sap initiative and delay, if not prevent the Local (Regional) Boards from assuming the position they had been expected to assume. But the fault lay not in the Act as such, for Sect. 5 (4) (a) prescribed it as a duty of the regional boards

to consult with the board or any Department of State or local authority, on its own initiative ... relative to any matter in the field of social welfare or arising out of the administration of this Act.

(my underlining)

This duty was but spasmodically carried out. It is likely that had the clause been more generally carried out an amendment might have been called for earlier than 1965 limiting the regional boards' authority. From 1947 there had been a gradually increasing confidence in their status amongst officials of the department. The link with the Department of Pensions greatly strengthened their authority and a reassessment of the Department's functions and importance took place. It will be recalled that at the Select Committee hearings appeals had been made for a comprehensive planning of the whole field of social work, with financial resources as the only limiting factor.² The desirability of a board of professionally trained persons, appointed for their experience and technical knowledge alone and not for any specific welfare

1 To this fear may probably be ascribed the early disapproval of the pioneering work of the Western Cape Board under Dr. Erika Theron's inspiring leadership. Now, of course, all Boards are expected to follow it!

2 by Mrs. A.W. Hoernlé.

affiliations was advanced.¹ The Universities, as the training centres from which the professional workers came, needed to be represented also. Controlling functions were felt to belong to the Department, advisory functions to the Board. Professor Wagner's view concerning compulsory co-ordination and co-operation was taken over as regards new applications for registration in that the existence of another body with substantially the same objects and area of operation constituted grounds for the refusal of an application. (Act 40 : 9 (3) (b) (iv) and Act 79: 19 (4) (b) (iv)) - so it became a case of co-operate or cease to claim a separate existence, and if you do co-operate of course you cease to exist anyway.

But the basic change, associated with political changes, lay in the adoption of a plan for the country based on diversity and conformity: diversity in that many groupings differentiated by what has in South African nomenclature become known as "national" differences, and conformity in that within this framework it is assumed that uniformity is both desirable and attainable.² The mobilisation of the citizens in support of official policy became an objective in itself. Act 40 stated that the boards were to advise but made no real provision for channels of communication. When the prime purpose, registration, had been largely achieved, then steps were required to facilitate the carrying out of the second duty, that of advising. The Department in the meantime had increased in stature - its authority was accepted by other state departments. Increased confidence in itself made it less tentative. An earlier attitude that verged upon suspicion of the boards³ was replaced by genuine official co-operation.

1 by e.g. Prof. O. Wagner and by Mr. A.A. Stulting.

2 Compare views put forward in works by Prof. G. Cronje, in the du Plessis Committee Report as well as in statements by Cabinet ministers from 1948 onwards, etc.

3 This "suspicion" did not apply to relations of the Board or of members of it and the senior officials as persons, but concerned only relations of Board qua board and the department. Personal relations were cordial.

The boards might not be able to achieve much but at least they were given some opportunities to try, instead of being virtually shut out from knowledge of departmental plans etc. The earlier view that a group of 24 persons, however knowledgeable they might be, drawn from various parts of the country and meeting twice a year, was fitted to serve useful planning and advisory duties, was rejected. (It had probably always been rejected by the thoughtful student of affairs - but such a person's views rarely are given credence officially). Increasingly, weight was given to changed conditions and changes in outlook amongst both the general public and the organizations themselves. The result was a decision to retain the registering functions of Act 40 but to entrust them to a smaller group. The reduced volume of work and the bulk of decided applications providing precedents made this both desirable and feasible. A closer linking of the officials, the training institutions and the qualified practitioners became the aim, while the experienced voluntary worker, though still eligible for appointment was seen as playing a minor role. A division of duties of the Board resulted in the establishment of Commissions (in terms of Sect. 7 of Act 79). These were for welfare organizations (with duties of registration, amendment and cancellation), for social work, for family life and for welfare planning. The family life commission may be regarded as a continuation of the work of recent enquiries and commissions which studies the family as a functioning unit in life in the 20th century. In part it is a reflection of the Definition (b) in Act 40. That for social work follows logically upon the recognition of the profession of social work and all that that implies. Welfare planning is a self-explanatory term.

The appointment by the Minister of the respective chairmen and of an official of the Department both to the National Board and to each of the Commissions provides for close linking with

the Department and for the reciprocal exchange of views and of information, on a confidential level. The Department, through its membership of the Commissions, is integrally involved. No longer is the Board advising from outside the Department, having to seek audience with the Minister through the Secretary for Social Welfare, or having to request that it be given in sight into departmental plans or prior access to draft legislation - as happened in the early days of the Board and might have happened again. Its representations will still pass through the Secretary to the Minister one supposes, but they will be based upon joint discussions between the departmental members and the others. Board and Department have become partners whereas before they were two separate entities whose orbits impinged. To some extent we are back at the recommendations of the Post-War Planning of Social Work Conference: the Board and the Department of Social Welfare are joined: only those other departments which also work in the social welfare field are still outside.

All this is in keeping with a steady increase in control and direction of public and especially of private lives. A gain in efficiency may result - or, on the contrary the effects of Parkinson's Law, might eventually prove stultifying.

On the debit side is the inevitable erosion of freedom of action by voluntary body and private citizen. A small group appointed by the Minister now decides whether an organization, is fulfilling a useful purpose efficiently; and the Minister decides whether it is in the public interest for it to exist. We move steadily from the belief that

the initiative of persons who are actively to carry out social work, should be free and judging of their work should be left undisturbed in the hands of the supporting public.¹

¹ Memorandum of Algemene Armsorg of the D.R.C. of Cape in S.C. 11-45 p. 75.

We can no longer expect to see "voluntary welfare organizations ... go against fixed ideas and vested interests" ¹ as the late Minister for Social Welfare and Pensions said was desirable when he quoted from a memorandum presented to the Select Committee. If a body were to do so it seems unlikely that they would long remain registered. The plea "no registration should be refused on the grounds of legal but contentious objects" is in danger of being forgotten. In 1945 or 1949 it might have been remembered - the chances under Act 79 are slim.

Act 40 of 1947 prepared the way for Act 79 which it would seem will be a potent organ for the carrying out of the philosophy which developed and was formulated in the years from around 1924 until the mid 1950s. It is largely to the return of a more outward-looking tendency - as expressed in the 1962-1964 Report of the Department ² which

makes use of the Republic's missions abroad ...
in order to learn from experience gained overseas

that one may trust if one is not to need to say, with the science fiction character, "I find it easier to remember the future".

To say that Act 40 of 1947 failed is less than the truth; judged as an Act of limited scope it achieved such of its objectives as it was able to with the resources at its disposal. At the time of its substitution in 1965 it had outlived its usefulness and changed opinions sought expression through more diversified tools. Time alone will show whether we are now entering upon a period of decline of the voluntary society and its eventual take-over by the professional worker, either state official or largely state-controlled employee of a body whose freedom of decision is restricted and from which policy-making and even experimentation has been almost completely removed.

1 Report No. R.P. 32/1964. p. 68.

APPENDIX A.

Extracts from WAR MEASURE of 1944 (G ov. Gazette dated 2nd June, 1944).

2. (1) ...a provisional War Funds Board ... which shall consist of nine members ... One of the members shall be designated as Chairman by the Minister.
- (3) On the expiration of the period of six months, the Minister shall appoint a permanent Board which shall consist of nine members appointed by the Minister from among persons nominated by registered War Funds. One of the members shall be designated as Chairman by the Minister.
- (5) The Board shall meet at such times and places as the Chairman may direct.
3. (1) The Minister shall appoint an officer of the public service as Registrar of War Funds.... who shall be secretary of the Board.
4. The duties of the Board shall be ...
 - (a) to regulate and control the registration of War Funds;
 - (b) to cancel or amend the registration of War Funds;
 - (c) to approve or to prescribe methods for the administration of War Funds;
 - (d) to deal with any matter relating to the raising of contributions for War Funds and to the attainment of the aims and objects of these regulations;
 - (e) to promote the co-ordination of War Funds having similar or related objects;
 - (f) to establish, where necessary, local advisory Committees whose area of jurisdiction, powers and functions shall be prescribed by the Board.
5. (4) The Board may
 - (b) reject the application on the ground —
 - (i) that the War Fund is not established or is not being carried on in good faith; or
 - (ii) that the War Fund is not being or is not likely to be properly administrated; or
 - (iii) that remuneration or reward which is excessive ... has been retained or received out of the contributions; or
 - (iv) that the administrative costs ... are excessive...; or
 - (v) that the purpose.... is adequately served by a registered War Fund and that it is for that reason undesirable in the public interest that another War Fund ... be registered;
 - (vi) reject the application on any other ground it may deem sufficient.
7. Any Branch of a registered War Fund which is not subject to the control and direction ... of such War Fund shall be deemed... to be a separate War Fund.
10. (i) (a) The Board may cancel the registration ... on any of the following grounds:-
 - (i) that the War Fund has not been or is not being carried on in good faith;
 - (iii) that there is no necessity for the continued existence of the War Fund.
10. (2) Any person may appeal to the Minister against the decision of the Board... The decision of the Minister shall be final.

Appendix B.1.

Central Board of Charities, Johannesburg

established in terms of Ord. 5/1926 as amended 1931 and 1933.

Reference: Official Year Book No. 18 of 1937, ch. 5, page 219.

Duties and functions of the Johannesburg Board of Charities included:

- (a) directing, stimulating and controlling social, philanthropic and charitable effort, and securing co-operation and co-ordination in public assistance;
- (b) co-ordinating the activities of charitable institutions to prevent overlapping;
- (c) establishing an exchange of information between such institutions and combating mendicancy;
- (d) advising the Administrator regarding the administration of the Ordinance and the making of grants-in-aid to institutions within its area;
- (e) keeping a register of all charitable institutions situated within its area.

The Official Year Book No. 21 of 1940 adds to the above list (on page 197)

In carrying out its duties, the Board has powers of enforcing the giving of information, inspecting the premises owned or occupied by institutions, and of requiring bodies to make use of prescribed forms; it may also prohibit or grant certificates for appeals to the public for funds, and may from time to time make regulations in regard to matters falling within its mandate.

(At this time there were also Boards of Charities at Pretoria and Krugersdorp, i.e. the west, central and eastern Rand areas were served by Boards under the Ordinance).

Appendix B.2.

Social Welfare Committee.

To assist the Johannesburg Board of Charities there was established a SOCIAL WELFARE COMMITTEE comprising representatives (TWO) elected by each charitable organization in possession of a certificate issued under Ordinance 5/1926, as amended, with the duty

to advise the Board as to the methods of co-ordination of work of existing charitable institutions and for widening and extending their incidence

(from Official Year Book No. 20, 1929, p. 200.)

The personnel of the Board of Charities in 1944 listed in Government Notice No. 230, dated 18th February show a diversification of interest in that members between them represented official interests, academic and local government interests, both language groups, and a first-hand knowledge of both general and specialised charitable and institutional bodies.

the list:-

The Chief Magistrate, Johannesburg, ex officio Chairman, and
 Director of Social Welfare, Municipality Johannesburg,
 Senior Welfare Officer, Johannesburg;
 Manager, Non-European and Native Affairs Dept., Municipality,
 Johannesburg

Rev. A. W. Blaxall, Rev. P.S.Z. Coetzee, Mrs. E. E. Crocker, Mr. J. Davidson, Rev. H. J. de Vos, Rev. T. C. Esterhuizen, Councillor Mr. James Gray, Professor J. L. Gray, Mrs. R.F.A. Hoernlé, Councillor Mr. A. S. Holland, Councillor Mr. M. Jamieson, Mr. C. H. Leake, Councillor Mr. L. Leveson, Rev. John Mullineaux, Mrs. W.C.H. Niesewand, Mr. D. Rheinallt-Jones, Councillor W. C. Riley, Colonel M. C. Rowland, Dr. Noel V. Storr, Dr. Dexter Taylor, Mr. D. J. Terburgh, Mr. M. C. van Schoor, Mr. H. van den Dool, Rev. J. B. Webb.

APPENDIX C.The Select Committee.

Order and Announcements of the House, 29th March, 1945.

ORDERED that the Subject of the Welfare Organizations Bill (A.B. 25-'45) be referred to a Select Committee for enquiry and report, the Committee to have power to take evidence and call for papers and to have leave to bring up an amended Bill.

The members appointed on 4th April, 1945 were

Mr. F. B. Allen,		constituency Roodeport, who became Chairman
Mr. R. M. Christopher	"	East London North
Mr. J. H. Conradie	"	Gordonia
Mr. F. T. Howarth	"	Rosettenville
Mr. E. P. Pieterse	"	Pretoria (North Central)
Mr. J. H. Russell	"	Woodstock
Mr. J. J. Serfontein	"	Boshof
Col. O. L. Shearer	"	Pietermaritzburg City
Mr. J. G. Sullivan	"	Durban (Berea)
Mr. A. T. Wanless	"	Durban Umbilo.

Appointed on 20th April, 1945:-

Mr. D. P. Moltano member for Cape Western.

(elected 26 October, 1942 under the provisions of the Representation of Natives Act - No. 12 of 1936)

APPENDIX D.Report of the Select Committee.

Your Committee, having considered the subject of the Welfare Organizations Bill (A.B. 25-'45), referred to it, and having taken evidence thereon.... begs to report as follows:-

(1) In terms of its order of reference your Committee submits an amended Welfare Organizations Bill (A.B. 68-'45), which it recommends to the consideration of the House.

(2) The original Bill did not apply to the Province of Natal. Your Committee is of the opinion that it will be in the best interests of social welfare from a national point of view if the contemplated legislation were applied to the whole of the Union. It has accordingly made provision in Clause 27 of the amended Bill so as to admit of the Province of Natal being included if and when it so desires.

(3) Your Committee desires to draw attention to the fact that the provisions of the Bill do not apply in respect of any organizations whose sole object is the collection of contributions towards war funds (see Clause 26). The position of these war fund organizations is at present governed by War Measures No. 48 of 1944, and your Committee, after consideration, desires to emphasise that as soon as it is found practicable to repeal the said War Measure, amending legislation should be introduced with a view to bringing all war fund organizations under the provisions of the contemplated Act.

(4) Your Committee has also considered the question of the qualification in both official languages of public servants to be appointed in terms of this Bill. While recognising that appointments in the Public Service are governed by the provisions of Act No. 27 of 1923, your Committee nevertheless considers that in appointing officers to positions provided for in this Bill it is important that regard shall be had to their proficiency in the use of both official languages being such as will, in the opinion of the Minister, render them capable of performing efficiently the duties attaching to the positions.

F. B. Allen
Chairman.

APPENDIX E.

Members of the National Welfare Organizations Board
1947.

Extract from page 1 of the First Annual Report of the Board for the year ended 31st October, 1946, U. G. 11/49.

(The Board comprised 24 members)

- (a) One-fourth of the total number of members comprises trained social workers, and persons qualified in the social sciences...
- | | |
|---------------------------|--------------|
| Prof. S. Pauw, | Pretoria |
| Prof. O. Wagner, | Stellenbosch |
| Prof. E. Batson, | Cape Town |
| Miss S. M. van den Burgh, | Johannesburg |
| Dr. Erika Theron, | Stellenbosch |
- +
- (b) One-fourth comprises persons engaged in voluntary social welfare work in the country districts...
- | | |
|----------------------|-------------------------------------|
| Mrs. W. Roos, | Ermelo |
| Mrs. I. G. Horak | (with headquarters in Pretoria) |
| Mrs. M. C. Krone, | Worcester |
| Miss L. M. Mackenzie | (with headquarters in Johannesburg) |
| Mrs. V. E. Viljoen, | Harrismith |
| Mrs. A. J. Barratt, | Grahamstown. |
- (c) Half of the number comprises persons engaged in social welfare work in the cities....
- | | |
|---------------------------|----------------|
| Mr. C. W. Kops, | Johannesburg |
| Rev. P. du Toit, | Cape Town |
| Mr. D. N. Murray, | Johannesburg |
| Rev. A. W. Blaxall, | Johannesburg |
| Rev. J. B. Webb, | Johannesburg |
| Rev. T. McGrath, | Johannesburg |
| Mrs. A. W. Hoernlé, | Johannesburg |
| Mrs. A. L. Geyer, | Cape Town |
| Mrs. H. Cohen, | Johannesburg |
| Dr. F. A. Donnolly, | Johannesburg |
| Mrs. P. A. van der Merwe, | Port Elizabeth |
| Rev. H. S. Theron, | Bloemfontein. |
- Mr. V. M. Pienaar, a member of the staff of the Department.....
Registrar.

+ Miss H. Lambrechts, Cape Town.

APPENDIX F.

Suggested basis for a 21 member board made by the South African National Council for Child Welfare.

- (1) One person from each of the following National Welfare Organizations engaged in social work, selected from a panel submitted by each of the national welfare organizations.

Algemene Armsorgraad van Suid Afrika

Federale Vroue Raad

National Association of Boys' and Girls' Clubs

National Council for the Care of Cripples

South African National Council for the Blind

South African National Council for Child Welfare

South African National Council for the Deaf

South African National Council for Mental Hygiene

United Executive of Municipal Associations.

An alternative list included the Social Services Association of South Africa, and included

persons appointed by the Minister to represent organizations and institutions engaged in social work, but not nationally organised (including local welfare boards)

Yet another suggestion gave the list as above and added

one person from a panel submitted by each of the Universities conducting courses in social science.

These suggestions were put forward by the S.A. National Council for Child Welfare as an amendment to Clause 2 (4) of the draft Bill.

APPENDIX G.

Certain departments, which in 1937 were undertaking welfare activities. (Source : 18th Union Year Book).

13 departments of the Union Government were involved in addition to the 4 Provincial administrations (and an estimated 1,000 voluntary bodies.)

Government departments were :-

<u>Education,</u>	with duties including institutions for dependent children, and subsidisation of such, probation services, etc.
<u>Labour & Social Welfare,</u>	unemployment benefits (Act 25/1937), Factories Act, works colonies, housing work, etc.
<u>Public Health,</u>	general social Hygiene.
<u>Native Affairs,</u>	chiefly through the Native Affairs Commission.
<u>Treasury,</u>	oversight over Commissioner of Pensions, etc.
<u>Justice,</u>	for e.g. administration of parts of Children's Act.
<u>Defence,</u>	Special Service Battalion (for unemployed youths 17 to 22 years).
<u>Mines,</u>	general supervisory services and for mines from which it drew a direct share of profits, the provision of its share of all benefit schemes for workers, e.g.
<u>Railways,</u>	pensions, subsidised housing, free passes, medical services, and direct personal services, etc.
<u>Lands,</u>	especially for Land Settlement Schemes, advances to settlers.
<u>Irrigation,</u>	advisory services, and also boring for water for hospitals, schools, etc.
<u>Agriculture,</u>	food services such as State-aided Milk and Butter schemes, provision of agricultural schools with bursaries and reduced fees. (Full fees with boarding included were only £36 p.a.)
<u>Interior,</u>	social hygiene, mental hospitals, etc.

APPENDIX H.

Memorandum written by the present writer for presentation to the National Welfare Organizations, Oct. 9th, 1956.

Certain problems arising from the division of authority for Health Services between the Provincial and Central Government and Local Authorities.

The Border Local Welfare Board has been asked to consider one of the problems of the registered clinic subsidised by the Union Department of Health. It is suggested that this matter receive the attention of the National Welfare Organizations Board.

To take as an example the case of an African woman reaching a clinic in advanced stages of labour, and requiring assistance.

To transport the patient to hospital the local authority must be called upon.

On arrival at hospital (Provincial, or provincially subsidised) the patient becomes the responsibility of the provincial authority.

On discharge, attendance as an out-patient at the clinic brings her under the Union Health Department.

The clinic, however well equipped, cannot legally confine the woman on its premises because if it did so it would become a "hospital" (and so a matter of provincial concern) whereas the clinic nurse is subsidised by the Department of Health.

In the more developed areas this will be an infrequent difficulty and in the less developed it is not very frequent but when it does occur the situation resulting requires earnest consideration. Of the 54 magisterial districts now included in the curtailed area of the Border Local Welfare Board there are nineteen which have no hospital facilities and here the problem can be a very real one. Clinics may be as much as 40 miles away from the nearest hospital.

Any tendency to set up "little hospitals" throughout the Ciskei and Transkei would be undesirable, but where the District Surgeon is willing to supervise and if necessary assist, and where clinic buildings are suitable, it would seem that some amendment of the regulations might safely be permitted.

The existing hospital facilities are reflected in the following tables, based on the latest available report of the Director of Hospital Services, Cape Province (1952) :-

- A. Provincial Hospitals (with rated and actual beddage)
- B. Provincially-aided hospitals (rated and actual beddage)
- C. A and B classified into magisterial districts.
- D. Magisterial districts without hospitals.

TABLE A. PROVINCIAL HOSPITALS.

	<u>Rated beddage.</u>	<u>Actual beddage.</u>		
		<u>Eur.</u>	<u>N-E.</u>	<u>Total.</u>
Alice	10	10	-	10
Aliwal North	53	26	45	71
Bedford	24	16	16	32
Butterworth	32	12	44	56
Cathcart	25	16	11	27
East London	408	271	229	500
Fort Beaufort	26	25	27	52
Grahamstown	86	51	80	131
Kingwilliamstown	116	49	73	122
Lovedale (Victoria)	118	-	180	180
(McVicar)	95	-	80	80
Mount Fletcher	24	3	27	30
Queenstown	135	69	102	171
Somerset East	39	25	24	49
Umtata (Sir H. Elliott)	176	31	146	177
(Infect.disease)	54	5	49	54
TOTALS:	Rated 1413	Actual 609	1133	1742

TABLE B. PROVINCIALY-AIDED PRIVATE HOSPITALS & INSTITUTIONS.

<u>Hospital.</u>	<u>Magisterial Dis-</u> <u>trict.</u>	<u>Rating</u>	<u>Actual</u>	<u>Race</u>
* All Saints	Engcobo	27	60	N.E. only
Beulah	Barkly East	9	8	E. & N.E.
Cala	Xalanga	32	52	E. & N.E.
Dordrecht	Wodehouse	18	19	E. only
Elliot	Elliot	7	7	E. only
Glen Grey	Glen Grey	126	204	E. & N.E.
Holy Cross	Lusikisiki	42	100	N.E. (now in Natal L.W.B. area)
Indwe	Indwe	11	22	E
Isilimela	Port St. Johns	21	18	N.E.
Komgha	Komgha	5	4	E.
Lady Grey	Lady Grey	4	4	E.
Maclear	Maclear	4	4	E.
Martjie Venter	Tarkastad	23	20	E. & N.E.
Middledrift	Middledrift	11	11	N.E.
Molteno	Molteno	6	10	E.
Mount Coke	K.W. Town	58	92	N.E.
Nessie Knight	Qumbu	62	120	N.E.
Steynsburg	Steynsburg	8	8	E.
St. Barnabus	Ngqeleni	21	53	N.E.
St. Francis	Aliwal North	12	23	N.E.
St. Lucy	Tsolo	45	75	N.E. & 1E
St. Matthew	Keiskamahoeck	33	72	N.E.
Stutterheim	Stutterheim	7	7	E.
Umlamli	Herschel	51	115	N.E. & 2 E
TOTALS.	Rated	644	1118 (actual).	

* 1967 Rating 160 Actual 200.

TABLE C. MAGISTERIAL DISTRICTS WITH HOSPITAL FACILITIES.

<u>Provincial Hospitals.</u>	<u>Aided Hospitals/Institutions.</u>
Albany	Aliwal North
Alice	Barkley East
" Lovedale (2)	Elliot
Aliwal North	Engcobo
Bedford	Glen Grey
Butterworth	Herschel
Cathcart	Indwe
East London	Keiskamahoeck
Fort Beaufort	Kingwilliamstown (Mt. Coke)
King William's Town	Komgha
Mount Fletcher	Lady Grey
Queenstown	Lusikisiki (now Natal L.W.B.)
Somerset East	Maclear
Umtata	Middledrift
	Molteno
	Ngqueleni
	Port St. Johns
	Qumbu
	Steynsburg
	Stutterheim
	Tarkastad
	Tsolo
	Wodehouse
	Xalanga (Cala)

TABLE D. MAGISTERIAL DISTRICTS WITHOUT HOSPITAL FACILITIES.

Adelaide	Maraisburg
Albert	Ngamakwe
Alexandria	Peddie
Bathurst	Sterkstroom
Elliotdale	St. Marks
Idutya	Stockenstroom
Kentani	Tsomo
Libode	Venterstad
	Whittlesea
	Willowvale

Inez Barratt

Oct. 9th 1956.

APPENDIX I.

Suggested duties for a proposed municipal social welfare department for Cape Town.

An abstract from U.G. No. 18 - 1943, p. 48 (Britten Committee of Enquiry)

General functions:

- (a) to provide local government machinery of co-ordination to ensure that the joint efforts of various welfare agencies are directed towards a common goal, under the guidance of and in conformity with the general policy of the City Council and the Government ;
- (b) to provide an efficient instrument for bringing the work of various semi-public and private welfare agencies into direct relation with the Union Department of Social Welfare ...
- (c) to broaden, develop and regulate the social services performed directly by the City Council for the benefit of its inhabitants including the control of grants-in-aid by the Council to voluntary agencies.

(par. 672)

A list of special functions arising from the exercise of the above general functions included : promotion and extension of social services by private agencies (and their take-over if necessary), administration of housing schemes, conducting of socio-economic surveys, conducting or assisting with a bureau for the professional guidance of welfare agencies, collaborating with the Government in schemes for distribution of foodstuffs and for consumer education, administration of hospital social (almonry) services, provision of recreational and cultural services, and community centres, control of street collections, administration of welfare services for the Council's employees.

APPENDIX J.

Functions of the Johannesburg Social Welfare Department taken from 11th Report of the Director, 1950.

(A) Functions as laid down in 1939.

Regulation of street collections
 Administration of grants-in-aid.
 Provision of clubs, recreation and community centres.
 Welfare of Council employees.
 Regulation of street trading by children.
 Assistance for unemployed in regard to work and equipment for work.
 Provision of a central bureau of enquiry for the needy and others.
 Pauper burials.
 Distribution of surplus agricultural produce to the needy.
 Provision of literature and advice on home economics.
 Scientific study and treatment of social questions.
 Administrative work of the Johannesburg Social Welfare Board.

(B) Services added between 1939 and 1949.

Distribution of Public Assistance.
 Undertaking of Family Welfare Work.
 Provision of Sheltered Employment.
 Care of the Aged.
 Care of the handicapped and disabled.
 Distribution of low-cost foodstuffs.
 Operation of co-operative vegetable clubs.
 Running of children's centres.
 Provision of welfare supervision in public parks.
 Operation of youth services.
 Establishment of Community Social Centres.
 Operation of a Central Register and other forms of co-ordination.
 Filling of welfare gaps, in the welfare services in the City.
 Rendering of technical and other assistance to welfare organizations
 in their work.

APPENDIX K.City of Johannesburg Social Welfare Department:
statement of income and expenditure for 1949/50.

Figures taken from Director's Report for 1949/50, pages 43 & 44.

	<u>Expenditure</u>	<u>Income</u>	
Central Register	£ 1,221	£ 1,221	X
Grants-in-aid	125,928	-	
Public Assistance	21,893	15,167	X
Family Welfare & Co-ordinating services	9,378	1,931	X
Sheltered Employment	91,205	62,537	Y
Care of the Aged	7,306	2,384	X
Hostels for the Handicapped	2,539	1,279	
Food Distribution Services	202,263	198,679	
Communal Restuarant	3,276	2,057	X
Children's Services:			
a) Play Centres	23,039	-	
b) Welfare Supervision (Parks)	9,988	-	
Youth Services	18,784	2,519	
Social & Community Centres	14,159	2,198	X
General Welfare, Research	8,190	2,048	X
General Expend., incl. capital charges	29,081	11,313	X
	<hr/>	<hr/>	
<u>TOTALS</u>	£ <u>568,248</u>	£ <u>303,333</u>	

X - services subsidised by the Union Department of Social Welfare
 Y - " " " " National Board for Sheltered Employ-
 ment.

Income from sales formed approximately £33,000 of this total.

APPENDIX L.

Members of the National Welfare Board, the Commissions and Regional Welfare Boards appointed in terms of the new Act No. 79 of 1965.

(took office in 1966)

A. National Welfare Board:

Dr. H.J. Piek (Chairman)	Dr. W.L.D.M. Venter, L.V.
Prof. J.E. Pieterse	Prof. J. de W. Keyter
Mev. A.E. Viljoen	Mrs. I.E. Gericke
Dr. L.L.N. Botha	Mr. C.W. Kops
Prof. dr. E. Theron	Mnr. G.J. van Zyl
Mrs. H.E. Stent	Mev. J.M. Raath
Mev. F.H. la Grange	Prof. G. Cronjé
	Mnr. A.J. Auret

B. Commissions:(a) Welfare Organizations:

Mr. C.W. Kops (Chairman)
Mev. A.E. Viljoen
Mnr. D.F. Eloff
Ds. P. Cronjé
Mev. A.J. Ackermann
Dr. H.J. Piek
Mnr. A.J. Auret

(b) Welfare Planning:

Prof. dr. E. Theron (Chairman)
Prof. G. Cronjé
Mnr. T.J. Stander
Mev. F.H. la Grange
Dr. R. McLachlan, L.V.
Dr. H.J. Piek
Mnr. A.T. Winckler

(c) Family Life:

Mnr. G.J. van Zyl (Chairman)
Dr. J.D.G. van der Merwe
Mev. J.M. Raath
Mrs. I.E. Gericke
Dr. P.W. Venter
Dr. H.J. Piek
Dr. J.A. Grobler

(d) Social Work:

Prof. J.E. Pieterse (Chairman)
Dr. J.F.J. Hattingh
Mev. E.M. Dowling
Dr. H.C. Lambrechts
Mnr. J.J. Hanekom
Dr. H.J. Piek
Mnr. A.J. Auret

C. Regional Welfare Boards:(a) Northern Transvaal:

Mev. A.J. Ackermann	Mev. D.M. Smit
Ds. G.J. Davidtsz	Mnr. A.J. Pienaar
Mev. M. du Rand	Mnr. J.S. Theron
Mev. H.W. Forster	Mej. S.E. van Niekerk
Mrs. N. Ginsberg	Prof. I.J.J. van Rooyen
Ds. J.R. Lückhoff	Mr. S.K. Wentworth
Prof. J.E. Pieterse	Mnr. J.J. Venter
Mev. J.M. Raath	Dr. J.F.J. Hattingh

(b) Southern Transvaal:

Ds. L.P. Spies	Mnr. P.S. Oelrich
Mev. A. Gericke	Prof. J.P. van der Walt
Mr. H.H. Ferreira	Mrs. M. Uys
Mrs. A.M. Ramsbottom	Mev. M.J. Ras
Mev. A.E. Viljoen	Mnr. T.J. Stander
Mr. S.P. Watson	Mev. J.H. Steyn
Mnr. E.F. Louw	Mnr. C.J. Lubbe
Dr. T.R. Seawright	Ds. J.D. Griesel

(c) Germiston and East Rand:

Dr. L.L.N. Botha	Mev. V. Bekker
Mnr. J.W.R. Hartman	Mnr. H. Boneschans
Mev. A.M. le Roux	Dr. C.A. Erasmus
Mnr. R. Potgieter	Mev. R.F. Jacobs
Dr. P.M.J. Wassenaar	Mev. S.C.M. von Wielligh
Mev. V. van Riet	Mnr. J.J. Koen

(d) Orange Free State:

Ds. J.L. Pretorius	Mnr. D.K. Meyer
Mnr. G.E. Mouton	Mev. H.J.L. Cloete
Mev. T. Flemming	Mrs. J.N. Webber
Mev. M.M. van der Merwe	Mev. M.S.C.W. van Huyssteen
Mev. A.W. v.d. Berg	Mev. E.S.L. Bell
Prof. J. de W. Keyter	Ds. M.M. van Rooyen
Mnr. J.L. Olivier	

(e) Northern Cape:

Dr. L.L.J. Visser	Dr. W.L.D.M. Venter, L.V.
Mev. M.M.M. Rousseau	Mnr. D.J. du Toit
Mev. M. van Zyl	Mnr. J.W. Roux
Mr. V.B. Pearce	Mrs. C.G. Kiddie
Mev. C.S. Slabbert	Mnr. J.B. Brink

(f) Western Cape:

Ds. P. du Toit	Dr. W.J.B. Slater
Mnr. J.J. Hanekom	Mej. G.C.E. Heydorn
Miss M.D. Boshoff	Mr. C.J. Rietstein
Mev. J.H. Alheit	Prof. J.B. du Toit
Mnr. G.J. van Zyl	Mrs. J. Reynolds
Dr. H.C. Lambrechts	Mev. M.E.L. Andrag
Mev. C.M. Rens	Mev. J.C. Potgieter
Mr. R.W.A. Yeld	Prof. dr. E. Theron

(g) Eastern Cape:

Mev. A.C.D. van Zyl
 Dr. P.J. du Plessis
 Mev. G.J. Joubert
 Mev. J.W. Loots
 Mrs. G.M. Snare

Mrs. H.A. Stent
 Dr. W.W. Anderson
 Mev. B.J. Schoeman
 Dr. B.F.J. Laubscher
 Mev. J.E. v. S. Vermaak

(h) Border:

Mnr. M.H. Vorster
 Dr. P.P.A. Kotzé
 Mev. L.S. Erasmus
 Mrs. M.S. Fuller
 Mrs. G.S. Forbes

Mrs. M.E. Hechter
 Mrs. D. Sunn
 Mnr. A.H. Prinsloo
 Mev. F.H. la Grange
 Mrs. I. Barratt

(i) Natal:

Mev. M.E. Smuts
 Ds. P. Cronjé
 Mev. M.L. Geldenhuys
 Ds. G.P.C. Carinus
 Prof. G.K. Engelbrecht
 Prof. A.P. du Plessis
 Miss L.M. Slater

Mrs. J.R. Terry
 Mev. H.J. Steenkamp
 Mrs. W.V. Swift
 Dr. F.W.P. Cluver
 Mrs. I.E. Gericke
 Mr. H.J.W. Rocher
 Mev. H.M. Stander

APPENDIX M.

Area of jurisdiction of the Border Local Welfare Board
when first established in 1952.

Adelaide	Indwe	Pearston
Albert	Keiskamahock	Peddie
Albany	Kentani	Port St. Johns
Alexandria	King Williams Town	Queenstown
Aliwal North	Komgha	Qumbu
Barkly East	Lady Grey	St. Marks
Bathurst	Libode	Somerset East
Bedford	Lusikisiki	Sterkstroom
Bizana	Maclear	Steynsburg
Butterworth	Matatiele	Stockenstroom
Cathcart	Middledrift	Stutterheim
East London	Molteno	Tabankulu
Elliot	Mt. Ayliff	Tarka
Elliotdale	Mt. Currie	Tsolo
Engcobo	Mt. Fletcher	Tsomo
Flagstaff	Mt. Frere	Umtata
Fort Beaufort	Mqanduli	Umzimkulu
Glen Grey	Nqamakwe	Venterstad
Herschel		Victoria East
Idutywa		Willowvale
		Woodhouse
		Xalanga

BIBLIOGRAPHY.GENERAL.

Apart from works listed by name I have drawn upon material read since 1932 when I first became interested in the question of social organization. This material includes miscellaneous government publications such as Union Year Books, Hansard, Government Gazettes, the reports of many government departments especially Health, Labour and Social Welfare, and reports and recommendations of commissions and enquiries both of the central and provincial governments. Annual surveys of the S.A. Institute of Race Relations provided many references. Volumes published by the Van Riebeeck Society, many private diaries, reports of voluntary charitable organizations and press items suggested ideas that might be followed up.

SPECIFIC.

There is little directly relating to the topic that has been discussed. The following have relevant sections:

- Bond, John They Were South Africans (Cape: O.U.P., 1965)
- Botha, M.E. Vragstuk van Ko-ordinasie. (Potchefstroom, 1964. Unpublished thesis)
- W.B. B(oyce) Memoir of the Rev. W. Shaw (London: Wesleyan Conference Office, 1874)
- Burrows, E.H. History of Medicine in South Africa (Cape Town: A.A. Balkema, 1938)
- Burton, A.W. Sparks from a Border Anvil (Provincial Publishing Coy., King William's Town - no date)
- Cohen, E.W. English Social Services (London: Allen & Unwin, 1949)
- de Kiewiet, C.W. Economic History of South Africa (London: O.U.P. 1960)
- - Imperial Factor in South Africa (Cambridge: C.U. P., 1937)
- Greyling, P.F. Die Nederduits Gereformeerde Kerk en Armsorg (Stellenbosch, 1938. Unpublished thesis)
- Leibbrandt Precipis of Archives of the Cape of Good Hope.

- Marais, J.S. The Cape Coloured People (Johannesburg, Witwatersrand University Press, 1957)
- Walker, E.A. History of Southern Africa (London: Longmans, 3rd edit. 1957)
- Winkler, A.T. Tendense in Suid Afrikaanse Volkswelsyn Beleid 1910 - 1966 (University of South Africa - unpublished thesis, 1967). Parts of Chapters 16 and 23 refer to Acts No. 40 and No. 79 respectively.
- Writings of G. Cronje, especially 'n Tuiste vir die Nageslag (Johannesburg, 1942) and Cronje, Nicol and Groenewald, Regverdige Rasse-Apartheid (C.S.V., Stellenbosch, 1945)

GOVERNMENT PUBLICATIONS REFERRED TO IN TEXT.

Government Gazettes dated 18 Feb. 1944, June 2, 1944, 25 March 1947, 17 June 1947.

Report of the South African National Conference on the Post-War Planning of Social Welfare Work. Government Printer, Pretoria, 1945-6.

Annual Reports of the Operations of the Act 40 of 1947, Govt. Printer, Pretoria.

Annual Reports of the Local (Regional) Boards established in terms of Act 40 of 1947.

Report of Committee of enquiry ... into conditions existing in Cape Flats U.G. 18/1943.

Report of enquiry into training and employment of social workers U.G. 13/1950.

Report of Commission on Penal and Prison Reform U.G. 47 of 1947.

Recommendations of the du Plessis committee of enquiry into the financing of coluntary welfare organizations (roneod format)

Report of National Health Services Commission. U.G. 30/1944.

Report of the Carnegie Commission on the Poor White Problem in South Africa. (Stellenbosch: Pro Ecclesia Drukkery, 1932)

Report of the Select Committee on the Subject of the Welfare Organizations Bill, Cape Town, 1945.

MUNICIPAL PUBLICATIONS.

Annual Reports of the City of Johannesburg Social Welfare Department, Nos. 1 to 11. (usually referred to as Director's Reports)