

# Black magistrates 'in white areas soon'

*Daily Rand Mail, 7 November 1980*

By MARIKA SBOROS

THERE would soon be black magistrates in white areas because of the critical shortage of prosecutors, a senior State Prosecutor told the Hoexter Commission yesterday.

Mr A de Vries told the commission that magistrates were drawn from the ranks of prosecutors and, as increasing use would have to be made of black magistrates, these people would be have to be used in white areas.

"We are going to have to accept blacks as magistrates in white areas," he said.

Mr De Vries told the commission — which, under the chairmanship of Mr Justice G Hoexter, is inquiring into the structure and functioning of courts — that there was a critical shortage of prosecutors because of poor salaries, lack of professional status and poor long-term planning.

Mr De Vries said that in Soweto translator-clerks who were studying law were now acting as prosecutors, but were not being paid extra.

He said his department should have a complement of 107 prosecutors but had only 85. In the past 34 months, 94 prosecutors had resigned.

From July, 1974 to 1976, 53% of prosecutors resigned — 37% over the issue of pay.

Of 73 prosecutors he had surveyed in the Regional Courts, 51% had less than two years' experience in courts which had the jurisdiction to hand down sentences of up to 10 years.

Earlier, Mr Justice J D A Melamet, of the Transvaal Division of the Supreme Court, told the commission he was against the proliferation of courts.

Intermediate courts were a retrogressive step which created "uncertainty and suspicion in the minds of the public", Mr Justice Melamet said.

Dr J Raubenheimer, a Vereeniging attorney, said the Supreme Court handed down only 10% to 15% of judicial decisions.

This meant a lot of judicial decisions were handed down by the executive — the function of which was administrative, not judicial.

He said the first thing that should be done was to take away all judicial functions from the executive and place them under the judiciary where they belonged.

He criticised administrative courts — courts which judged cases between the executive and a private person — because they specifically excluded legal representation. These courts should be modelled on a court of law, Dr Raubenheimer said.

There were many cases heard in the Supreme Court which could be heard in an intermediate court — which would save costs.

Mr T Freysen, a Klerksdorp attorney, told the commission he disagreed that intermediate courts should be separate from the State. He said he would rather see Regional Courts with civil jurisdiction side by side with the usual Regional Courts.

The Government should provide training facilities for magistrates and clerks of the court in civil matters, Mr Freysen said.

Mr Howard Ferreira, director of the Johannesburg Child Welfare Society, told the commission that there was an urgent need for a family court.

The family court should be either under the auspices of the Supreme Court or an intermediate court "with the proviso that whatever the level, it is an improvement on existing levels", Mr Ferreira said.

He said the reason for having different courts to hear cases between black people on indigenous or common law was to lower costs.

In the children's courts there was a problem with the wide variation in the calibre of the presiding commissioners, Mr Ferreira said.

# Black jobless total drops — Govt

*Daily Rand Mail, 7 November 1980*

By STEVEN FRIEDMAN  
Labour Reporter

BLACK unemployment stabilised at around 8,6% in the three months ending in August, according to figures released by the Department of Statistics yesterday.

However, the department's figures are highly controversial and have been challenged in the past by experts on the unemployment issue.

According to the department's figures, black unemployment dropped slightly from 8,8% in May to 8,6% in August. According to the figures, black unemployment stood at 478 000 at the end of that period.

The figures do, however, show a considerably higher figure for unemployment among black women. This was running at 14,9% in August. In May it was even higher — 15,3%.

Unemployment among men was much lower — about 6% in August, according to the Department.

The department's figures are the only official statistics released on black unemployment. They have been strongly criticised in the past and many economists put the actual black unemployment figure much higher than the department.

The Minister of Manpower Utilisation, Mr Fanie Botha, has estimated this year that there are more than 1-million unemployed blacks. Some researchers have suggested that up to 25% of the potential black working population is jobless.

Experts have criticised the department's method of calculating unemployment in which anyone who has worked for at least five hours in the week in which the survey is taken is considered to be employed.

Critics believe this is an unrealistic standard.

The department, however, insists that its methods are in keeping with international standards for calculating unemployment.