

a result of the determined effort of the authority responsible for the allocation of funds for Native Housing coupled with the successful efforts with the Department of Native Affairs, the Housing Commission and other bodies to reduce the cost of such housing, this difficulty will also be resolved in the near future.

AGITATORS:

A new Section 29 bis has been inserted in the Natives (Urban Areas) Consolidation Act, 1945, by Act 69 of 1956. If, in the opinion of the urban local authority, the presence of a native in the area under its jurisdiction, is detrimental to the maintenance of peace and order in such area or any part thereof, the urban local authority may order such Native to depart from such area within a specified period and thereafter not to return thereto or be in such area.

In this connection it should be noted that Section 5(1) of the Natives (Prohibition of Interdicts) Act, 1956, prescribes as follows:

"This Act shall apply only in respect of such orders or classes of orders and with effect from such date as may from time to time be specified by the Governor-General by proclamation in the Gazette".

At the time of compilation of this paper such proclamation had not yet been published but it is anticipated that the order referred to in Section 29 bis above, will be included in the last mentioned proclamation when it is issued.

Although the agitator has not been deprived of his right of access to the Court, he will no longer be able to delay his removal for months and years as was possible in the past, and the local authority will be rid of his undesirable presence unless the order is set aside by the Court. Should the Court confirm the order the agitator would in the meantime have been removed and been unable to continue with his malpractices.

NATIVES...../

NATIVES (PROHIBITION OF INTERDICTS) ACT, 1956.

I have already referred to this Act and more in particular to Section 5 (1) in the foregoing paragraph. Section 2 of the Act provides as follows:-

"Whenever any Native is or has at any time prior to the commencement of this Act been required by any order -

- (a) to vacate, to depart or withdraw from or be ejected or removed from, not to return to, not to be in or not to enter any place or area; or
- (b) to be removed from any place or area to any other place or area; or
- (c) to be arrested or detained for the purpose of his removal or ejection from any place or area,

no interdict or other legal process shall issue for the stay or suspension of the execution of such order or the removal of the property of such Native in pursuance of such order, and no appeal against or review proceedings in respect of such order or any conviction or finding upon which such order is based, shall have the effect of staying or suspending the execution of such order or such removal in pursuance thereof".

The provisions of this section are clear and to my mind need no further explanation.

It is not possible to deal with all aspects of the legislation affecting Natives in urban areas in one paper but I think I have said enough to prove that the path of an Administrator of Non-European Affairs is not strewn with roses. Fortunately there are many Local Authorities which have already realised this and have consequently

granted...../

granted their Non-European Affairs Departments an equal status to that of other major departments. The Institute as well as its members is truly indebted to these local authorities. There are however other local authorities who look on their Non-European Affairs Departments as the "Cinderella" Department. I would appeal to these Local Authorities to ensure that justice is done to their Non-European Affairs Departments. The officials burdened with this function have to deal with people who are continually being incited and instigated by agitators to resist the operation of any legislation. The laws are complicated and difficult to apply and for this reason only officials with the best qualifications, training and tact are suitable. Such officials are not readily available where the Departments they have to serve occupy a subordinate status.

Town Hoffman Sq. 2 pm Bus  
 Twenty - Town - 4.15 -  
 200 5.30 - Maplehurst -

operational  
 SAP - depart  
 NADPC + units

12/10/00

- 1 Maintenance of law and order - SAP should be responsible
- 2 Difficulty of administration - power to officials
- 3 Everything put down to agriculture - Embarras
- 4 of Marais & criticism - Melbourne they have old paternal attitude not for brassknuff advice.

Bourgeois

- 1 agree that N. Dev. H/c see protection v low high legal advice
- 2 but awarded v creation - nothing left
- 3 some language skills overvalued
- 4 Do not want creation to be prevented from getting at law courts
- 5 English speak procedure sound
- 6 make legislation does hurt many native people. Must not bluff ourselves
- 7 Poor suggestion re validity of regulations involved - would undermine legal system
- 8 V House re meetings: would lead to abuse could be simplified.

From legal

1. The function of NEAD committee - + Minister + City Council of Victoria's speech

copy →

2. Jobs of SAP - Law courts - depart police in each Province

Comprehensive code - to be drawn up by NAD

Marais

Section 10 shd be applied uniformly  
 Helps domestic servants to greater efficiency  
 S. 22 1881 Act - give power  
 money to approve Administration

Pract

Manifold police - basic principle -  
 conflict of duties - will then not be conflict +  
 SAP + manifold police.  
 SAP should do. Manifold police be purely domestic  
 like watchmen  
 Town appear station - commanders  
 Position of Managers. - no question as to his  
 power over his subordinates  
 But hardly affected person like regulating  
 officer, implies control. - no control  
 Manager can act as an appeal court  
 advance through failed in of no powers.  
 would imply need of broader authority  
 Bill.

Rogers

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