possible to make a clean break with the past. What happened was that after a lot of argument, after a lot of debate, after a lot of talk; negotiations, reference to Select Committees and one thing after another, we reached the final compromise. It is very interesting to note that the Union flag of to-day is actually the proposition that was put up by Natal. [Interjections.]

In the Natal Provincial Council in May 1927 they proposed "that the design of a National Flag acceptable to the Province of Natal is one that includes the Union Jack and the flags of the late South African Republics", and that is what we have to-day. However, there were a large number of South Africans who were completely unhappy with the flag chosen, and I can tell this House that I was one of those. I do not like the design of South Africa's flag; I think it was a wrong choice, a bad choice. I think that in 1927 it was wrong to chose the symbols that we have to-day. Perhaps in 50 years' time our descendants might have been prepared to have a flag embodying the Union Jack and the flags of the republics, but we are still, unfortunately, living too close to history to have them embodied in our flag. When I hear hon. gentlemen in this House asking for assurances that if they agree to the present flag behind the flag of South Africa, will they guarantee it will always be so, then I must say that I am not particularly interested in those guarantees. There are tens of thousands of South Africans who agree with me. Whatever their political views, they do not like the present design of the South African flag; they do not agree with it. I therefore think it is wrong for us to discuss a matter like this without realizing that the question of the design of the flag is also of major importance. I had hoped that we would be able to find a flag with a much simpler design than the one we have, one that would not bear the scars of racial bitterness such as persists in South Africa to-day and have done over the past 50 or more years. I was hoping to a have a complete break from that and, I repeat, there are tens of thousands of South Africans who agree with me.

There is another factor that has to be considered by this House in discussing the question of the flag, and that is that the racial divisions in this country are still too strong for us to have resusciated this matter. Let us look at the composition of this House: We have the Government Party, a party composed entirely of one section of the community, and we have a major Opposition composed almost entirely of the other section of the community . . .

An HON. MEMBER: Rubbish! [Interjections.]

Mr. HEPPLE: But that is quite true . . . [Interjections.]

Mr. SPEAKER: Order, order! Hon. members must give the hon. member an opportunity to make his speech.

Mr. HEPPLE: I am sorry if the hon. gentlemen on this side of the House do not like it if I say that the major Opposition Party is composed almost entirely of members of the other racial group, but that is the fact.

Mrs. S. M. VAN NIEKERK: That is not true.

Mr. HEPPLE: Well, if the arguments of these hon. gentlemen were correct they would be sitting on the Government side. However, I do not want to be involved in this argument; whether the hon. gentlemen like it or not their support is drawn mainly from English-speaking South Africans, and if that were not true the number on the Government side of the House would be 120. It is only because the majority of the English-speaking South Africans will not vote for that party that the position is as it is to-day.

Mrs. S. M. VAN NIEKERK: What about the tens of thousands of Afrikaans-speaking people who vote for this party?

An HON. MEMBER: You have ignored them.

Mr. HEPPLE: No, I have not ignored them . . .

Mr. SPEAKER: Will the hon. member come back to the Bill.

Mr. HEPPLE: Mr. Speaker, this is an inherent part of the Bill, it is the question of the loyalty that the people of this country will give to a Bill which is overwhelmingly supported by one side of the House and received with a certain amount of suspicion from the other side. We cannot ignore the present racial composition of the political parties in this country, that is a very important factor. There is another important factor which we cannot lose sight of, and that is the future role of South Africa in world affairs. Earlier on I mentioned the remarks of the previous speaker in connection with South Africa's association with other countries as being those which are in the best interest of South Africa. We all know, both on the Government side and on this side of the House, that the future of South Africa lies with the Commonwealth. We know that our ties are too deep and strong with the Commonwealth to be broken. But we saw only last week of the dissension in the ranks of the Nationalist Party, and from that dissension we heard of the determination amongst the leadership of the Government Party to break with the Commonwealth. In that atmosphere do they expect hon. gentlemen on this side of the House to run in and support a measure of this kind? The prevailing party division in South Africa

is, to my mind, completely artificial, as it always has been. In most other countries of the world party divisions are economic, but in this country they continue to be on the basis of emotional racialism, and that reveals South Africa's political maturity. We are still politically immature.

Dr. COERTZE: A wrong analysis.

Mr. HEPPLE: It is a wrong analysis to these gentlemen who still like to stump the country appealing to emotions that should have been killed a generation ago.

Dr. COERTZE: The analysis is still wrong.

Mr. HEPPLE: The analysis may be wrong to that hon. gentleman. I repeat that the divisions in this country on these racial lines reveal our political immaturity. It does another thing too, it reveals that in South Africa, because there only one-fifth of the people enfranchised, that the hon. gentlemen on that side of the House completely ignore the status of the non-Whites in an issue of this kind. Do they want a flag that is acceptable only to the White section of this country or do they want a flag acceptable by all the people of this country?

Mr. Speaker, that brings to my mind the thought of the three empires that the Nationalist Party wants to build up. What flag is the empire of the hon. the Minister of Native Affairs going to be loyal to? I say we cannot ignore the non-White people when we discuss the question of the flag, and I want to know what is being done in order to ensure that they will be proud and loyal to the flag that might be accepted by a majority vote in this Parliament—not by all in this Parliament but, perhaps, by a majority vote in this Parliament.

Before I deal with the next aspect let me say I am sorry the hon. the Minister of Transport has gone out of the House. He wanted to know what was my party's position on this issue. Let me say that on the face of it there is no reason to reject this Bill. Perhaps, under other circumstances, the whole House would have supported it but let me say quite clearly that we of the Labour Party do reject this Bill, and we reject it for very good reasons. I have given some of those reasons already, but I would like to give a third reason, and that is that we suspect this Bill. We wonder why the Government has so suddenly shown a desire to give Government time to a private member's Bill? This is the first time since I have been in the House that I have seen the Government so anxious to give a private member some of their time in order to debate a Bill. I begin to wonder what is the motive that prompts the hon. the Prime Minister to do this. Is this debate a prelude to next year's elections? Is this going to be the Government's counter action to the "kafferboetie" propaganda of the United Party? Is this something to distract people's minds from other issues? Is the debate here to-day arranged as a diversion from the problems of the Nationalist Party in the Transvaal Provincial Council? Is this designed to act as a diversion from the very damaging statement made by the Nationalist Party Leader in the Transvaal? I wonder what is the real motive that prompts the Government to give this Bill priority to-day? Of course, it is all part of the game for them to try and foster dissent amongst the parties of the Opposition, to awaken what they believe are sleeping antagonisms. But I think it goes deeper than that. I would say that the hon. the Prime Minister has done a disservice to those who sincerely wanted one flag in this country, by adopting this procedure. He seems to think that he can win by letting the hon. member for Hospital ride his horse, but I would like to remind him that the hon. member for Hospital is a jockey that the public has lost faith in a long time ago. The member for Hospital has ridden under so many colours and in such unpredictable fashion that the public are never sure whether he is riding to win or whether he is riding to make some one else lose. For the sake of hon. members opposite, let me tell them that the hon. member for Hospital (Mr. Barlow) has done so much bumping and boring in the political field, that we are afraid of him. Now, Mr. Speaker, the hon. member for Hospital, I appreciate, would like to have this valedictory success before he disappears from public life, and one might have hoped that he would have had the greatest success with a measure of this kind. But he himself is in large measure to blame if he has not been able to rally the support of this side of the House. He personally is to blame to a large extent, because his methods in dealing with members of this House have for many years been such as not to inspire confidence in him and to encourage them to give him this last piece of glory he seems to be seeking. It is unfortunate that the Government is going to see to it that the issue is decided by a majority vote in this Parliament. That is to be very much regretted because on an issue of this kind it would have been much better if they had gone about it in a different way. It is a matter upon which there was already much general agreement, but these are not the methods to bring to fruition the proposition contained in this Bill. This is not the way to nationhood, through using party political tactics. The Government seems to have forgotten that a flag must have a real and deep meaning to all the people of South Africa. Despite all the protestations from hon. gentlemen on that side of the House about South Africa first and about nationhood and one flag and one anthem, every step they take achieves the reverse and seems to be aimed at sowing division in South Africa. In all the circumstances they can hardly blame us if we refuse to go with them on this occasion, where we would quite easily, on the same proposition, have gone with them on another occasion. We on the Labour Party benches feel that it is a

shame that this Parliament should be keeping itself busy discussing this measure. We feel that there are far more important matters which should be occupying the time of Parliament at present, matters which affect the economic wellbeing of all sections of the population, issues which concern the advancement and progress of South Africa towards nationhood; things which concern not only the White section of the community, or one section of the White community, but which concern every section of the people of South Africa. We believe that the approach to this proposition should have been through a recognition of the aspirations of all sections of the community, and not merely as it seems to us today, merely to gain a petty political triumph for one party alone. We say that the proposition which is before the House to-day, that the Flag Act of 1927 should be amended, is not one which we can support at the present time, and we say that we shall vote against this Bill.

*Mr. LIEBENBERG: In connection with the speech of the hon. member for Rosettenville (Mr. Hepple), I would like to ask the House what its judgment is. For whom did the hon. member speak? He spoke for the United Party and he spoke for the Labour Party. On whose behalf did he really speak? In fact, if one analyses his speech one would ask oneself what he has really said. In my opinion he said nothing. He does not know which side to favour. He just talks for the sake of talking. That is how we have learnt to know him in this House. He talks on any subject, but he cannot honestly talk on behalf of the Labour Party because there is no longer any Labour Party. That party is just an appendage of the United Party and is no Labour Party at all. Nor can one say that he pleaded the case of the White man, because in a matter like this which affects White people he wanted to drag in the Native question. He still speaks to a certain extent with the voice of Moses Kotane. I think the hon. member for Cape Eastern (Mrs. Ballinger) is beginning to feel very unhappy when the members of the Labour Party, so-called, are usurping the position of the Native representatives. But I want to predict that they will not manage it. The Native has just as little confidence in them as the White worker in South Africa.

I rose to make a suggestion to the Government in all humility. As an old schoolmaster I feel that the work we are doing here in making the Opposition realize what we are dealing with is a waste of time. It is a thankless task. I think the only way one can get the Opposition to consider the important problems of South Africa is by giving them an object lesson. I see the Minister of Economic Affairs is nodding his head. He, like me, is an old schoolmaster and he agrees with me. When one finds that one cannot get anyone to grasp something, one must assist them by giving them an object lesson. I would like to suggest for the consideration of the Government that this Bill should be postponed and that we should rather appoint a delegation of Opposition members consisting in the first place—you will see how fitting my choice is—of the Leader of the Opposition, that youthful leader of the Opposition, because we know he has not been in office long, and it is natural that he should find it difficult properly to approach the important problems and to evolve a policy. The second member I would like to appoint on this deputation is the hon. member for Rondebosch (Col. Jordan). He is a man who can think in only one direction and can live only in the past, and it is now time to show him what is actually happening in the world. The third one I would like to appoint to this deputation is the hon. member for Drakensberg (Mrs. S. M. van Niekerk), because of the fact that on her return she can instruct the Black Sash. I think that is a good deputation. Then we must immediately obtain an aircraft from the Minister of Transport and to-night still send those people on the way to Ghana. In Ghana the Union Jack is being struck to-morrow. Ghana will remove the Union Jack to-morrow and substitute its own flag, a black flag with a golden star. What will this deputation learn there? In the first instance they will learn that if a nation is independent it must in the first place retain its self-respect. Its dignity is symbolized in its own flag. That is the first lesson they have to learn. The second thing they have to learn is that the British Government no longer regards the Union Jack as being the flag of Ghana. I am afraid the hon. member for Rondebosch will have a heart attack if he sees that, but it will happen. The third thing they have to learn is that there is such a thing as constitutional revolution. The fault I find with the U.P. is this—and that is why I say it is no use talking; one must give them an object lesson. They must see what is happening in the world. They should go and see there what it means to give expression towards national feelings. They must learn that when a people becomes independent, as we received full sovereignty in 1931 with the Statute of Westminster, then that nation is no longer a colony. It must forget its colonial complex and build a nation. That is what they will have to learn there. I am convinced that if the Government accepts this hint of mine, and when this deputation returns, this Bill will be passed without opposition. There this young Leader of the Opposition and the imperialistic fossils who advise him and the Black Sash will learn a lesson. I think we must now start thinking in that direction. Our great difficulty with the Opposition has always been this. There is a school of thought which refuses to recognize that there has been a change of view on the part of the British Empire. We do not find the word "vergunning" in the English language. One finds it in German and Nederlands, but not in English. The word "vergunning" has never in the past been applied under the old imperialistic regime, but that word has now taken on another meaning. In practice, although the British people have no

to break a Commonwealth link, with a view ultimately to remove South Africa from the Commonwealth altogether, prevents us from voting for the third reading. I believe that the hon. Prime Minister has made a very great blunder indeed in jumping in as quickly as he did the other day to accept the proposition of the second reading of this Bill. Looking upon it from its own interests, looking upon it from the point of view of a proclaimed republican, wishing to convert South Africa, English-speaking and Afrikaans-speaking people to republicanism, I believe that the tactics he adopted must react against him.

Mr. SPEAKER: Order! The hon. member is now irrelevant.

Mr. LAWRENCE: I feel that he has made a blunder, but I go further and say that history will show that the Prime Minister accepted Mr. Barlow's Bill in order to destroy the entrenchment which the hon. member for Hospital said he wanted to have. The hon. member for Hospital said that he wanted the flag to fly for all times. He wanted that entrenchment. History will show, I believe, that the Prime Minister accepted the Bill of the hon. member for Hospital not because they want to enshrine the Union Flag as the flag of South Africa and in the hearts of all the people for all time, or for the foreseeable future at any rate, but in order to pave the way for the destruction of that flag. I do not say that the changing of our arrangement about the flag will necessarily and must always mean that it is a prelude to a republic, but when things are done in the way they have been done by the Government, then I say that there is only one conclusion to be drawn and that is that the Government by a side-door is trying to pave the way to take one step further to break our Commonwealth relations and to lead up to a republic.

Mr. SPEAKER: Order! The hon. member is going too far.

Mr. LAWRENCE: For those reasons, for the reasons given in my amendment, this side of the House will vote accordingly, and I can only conclude by again expressing regret that on a matter of such fundamental, national importance, on a matter where in the past wise statesmanship prevailed, the big battalions are now to be used. It will be a bad day for South Africa in the long run, even though there may be rejoicings among a small coterie in the meanwhile.

Mr. SUTTER: I formally second the amendment.

*The MINISTER OF JUSTICE: The hon. member for Salt River said that he did not ask us to agree. He reminds me of the epitaph "To follow you was my intent, but God alone knows the way you went". I just want to state briefly again what the effect of this measure is, because the hon. member is now trying to get out of the impasse they landed in yesterday. The effect of the third reading of this Bill is to remove the Union Jack from the Houses of Parliament, from the Appeal Court building in Bloemfontein, and from all the buildings in the capital cities in our country. That is all. The National Flag remains there as it has always been. The National Flag will still fly above the Houses of Parliament and above the Supreme Courts and everywhere where we want to hoist the official flag. That is the effect of the third reading of this Bill against which he and his party are going to vote.

In the committee stage the effect of the Bill was precisely the same. There was just one clause which was 100 per cent the same as it still is in this third reading, and it will have the effect that the Union Jack will disappear as a sign or symbol of our association with the Commonwealth. In terms of this clause it will not longer be there. In terms of this clause the Union Jack will no longer fly over the Houses of Parliament or any other building where a flag is officially flown. He and his party voted for that clause. They said they were going to vote for that clause which removes the symbol of the Commonwealth from South Africa, and he and his party in fact voted for that clause. They voted that only the National Flag would fly over Parliament and everywhere else where an official flag is flown in the country. That is the only effect of this measure—the same at the third reading as it was in the committee stage and in the second reading. But now he comes here to-day with an amendment and says they cannot vote for the measure because it does not safeguard the National Flag. Then why did he vote yesterday for that clause which clearly states: The flag of the Union will be the National Flag the design of which is set out in Section 8 of the Act? Yesterday there was certainty in regard to that section. What has now made the difference? The title? They voted against the title; they voted against the short title and the long title—against all the titles. In terms of the clause for which they voted yesterday, no symbol of association with the Commonwealth remained in South Africa. He and his party voted for its removal. Where was the Commonwealth connection yesterday? How must one understand a party and a deputy-leader who act in that way? The leader himself sits here all the time, but does not utter a word. Can he not give a lead? We are surprised at the attitude of the Opposition which calls itself a responsible Opposition, that one day they vote for certain words, to which no change at all has been made in the meantime, and say that the flag is safeguarded and therefore they have no objection to it: they vote for it because they have no objection to the symbol of the Commonwealth being removed. But twenty-four hours later they come and say that the same wording now no longer safeguards the National Flag. Now there is no longer a Commonwealth symbol

and they vote against the Bill. No, I say again: God alone knows the way they went.

Mr. HEPPLE: I made the position of the Labour Party quite clear at the second reading, and I have nothing to add to what I said then except to say that the hon. the Prime Minister and his Government have only themselves to blame for the fact that this House has been unable to arrive at any unanimity on this question. I think the proceedings through the previous stages of this Bill have shown that there is no antagonism to the principle involved, but there were very good reasons why this matter should not have been before this Parliament at this time. The hon. member for Hospital (Mr. Barlow) has said that the members of the Opposition are out of touch with the attitude of the people of this country. Let me say that the hon. member for Hospital is out of touch; the people of this country are more concerned with more burning and more important issues than this emotional question of the flag. The question of the flag is not one that is disturbing the people of South Africa at the present time. There are far more important things than that. For that reason we of the Labour Party are not going to vote for this Bill, and we will vote against it at the third reading.

*Mr. FRONEMAN: In its amendment the Opposition has raised two objections to this Bill. However, before I deal with them, I just want to point out that the Opposition in dealing with this measure has made itself guilty of one somersault after the other. I do not wish to repeat the personal remarks which were made this afternoon, but the hon. member for Salt River (Mr. Lawrence) will forgive me if I give him this name. In the past he was known as Harry the Housebuilder. As a result of these somersaults whereby first he opposed the Bill, then supported the Bill, and now again opposes the Bill, I want to give him the name of Harry the Harlequin.

I want to confine myself to the two points contained in the amendment. In the first place it says that it does not secure the permanence of the National Flag. I just want to say briefly that I think by abolishing the Union Jack we are giving the National Flag that very security because the fact that we had two official flags has always created a double loyalty amongst a section of our population. When we have abolished the one flag and allowed the one flag to remain, the National Flag, that single loyalty and that single flag will have an opportunity to flourish and to grow; and that growth of loyalty towards a single flag is the best security for the future that such a flag can have.

I now come to the second point. I wish this afternoon to confine myself to it especially because the effect of this Bill in the first place is the abolition of the Union Jack as the symbol of South Africa's association with the Commonwealth. I want to confine myself mainly to the juridical effect of this measure. Under the existing legislation South Africa has chosen the Union Jack as a symbol of South Africa's association with the Commonwealth without the co-operation and agreement of the other members of the Commonwealth. I want to confine myself mainly to the effect this measure will have on South Africa's relationship with the Commonwealth. The United Party maintains that it values greatly our membership of the Commonwealth and attaches a very high value to it.

*Mr. SPEAKER: Order! The hon. member must not now make a second reading speech.

*Mr. FRONEMAN: I merely want to show what effect this Bill will have on the Union Jack as a symbol of our association with the Commonwealth. I assume that they attach exceptional value to it, because they are now discussing the abolition of that symbol. However, I ask myself whether the Union Jack was in fact ever a symbol of association with the Commonwealth, even though the 1927 Act said it was. In 1927 there was still *de jure* only one State, namely the British Empire. The countries of the British Commonwealth were *de jure*, that is to say legally, subordinate to Great Britain. In 1924, with the Balfour declaration . . .

*Mr. SPEAKER: Order! The hon. member is now going too far. He is now making a speech which he should have made at the second reading.

*Mr. FRONEMAN: Mr. Speaker, the effect of this Bill is the abolition of the Union Jack as a symbol of our association with the Commonwealth. I want to show by referring to history that when the Union Jack was accepted as such in 1927, that association was a *de facto* association, and in 1931 that association was a *de jure* association, which introduced a change . . .

*Mr. SPEAKER: The hon. member should understand that those arguments should have been raised at the second reading. The entire historical background cannot be discussed at the third reading.

*Mr. FRONEMAN: I am merely doing so to show . . .

*Mr. SPEAKER: The hon. member cannot go into such detail.

*Mr. FRONEMAN: I shall then just state that after 1931 our subservience to Great Britain ceased. When our subservience ceased, the symbols of that subservience should also have disappeared. This Bill will do that because it abolishes the symbol of that subservience. That I can surely say. May I point out that membership of the Commonwealth to-day is a legal relationship between the members of the Commonwealth which is

Mr. LOVELL: It is a gift and as such it cannot be recoverable.

The MINISTER OF TRANSPORT: It is recoverable from the levy fund.

Mr. LOVELL: The impression created by this item is that Putco is receiving a recoverable advance of £64,000, and that is untrue, because the Minister has just told us that. The Minister says: I am making no loan to Putco; I am not asking the Committee to approve the loan to Putco; I am asking the Committee to approve a loan to the levy fund, and they in turn will make it a free gift, called a subsidy, to Putco. If that is the true position, this is a false account of what is happening, and for that reason this Committee cannot be asked to vote for it. That is why I must put this to the Minister, that if you account for £64,000 you must either say it is a recoverable loan to the levy fund, or you must say it is a free gift or subsidy to Putco via the levy fund, and please vote for that. But you cannot attempt to conceal the true transaction under words like these, which do not accurately describe the transaction. This is a false description. It is for that reason that we call the Minister to account and tell him that if he asks for the approval of this House he must present it in the correct manner. That is why the hon. member for Rosettenville mentioned the Auditor-General. The Auditor-General will certainly query this matter, and we in this House have a duty to perform before passing a Vote under such a heading.

Mr. LAWRENCE: I wonder whether I could have the attention of the Minister, because there are certain questions I would like to put to him so that we can have clarity on this issue. Do I understand from the Minister that the position is this, that Putco has been paid the ordinary 6d. out of the 2s. 6d. levy, but that as the result of Putco buses running relatively empty for a period of some two months along a certain route the Government has given a subsidy to Putco amounting to £64,000? I think it is important to know that. If we have our facts correct, we can then go on to deal with the question whether it is a loan or a subsidy, but I would like to have clarity on that point. If it had not been for the fact that Putco's buses were running virtually empty on a certain route, would this amount have been paid over?

The MINISTER OF TRANSPORT: Let me explain again what the position is. It is merely that money is being given to Putco, £64,000, but it is recoverable and it is interest-free. Instead of Putco getting the £16,000 a month which it should get out of the levy fund, that £16,000 will be repaid to Treasury until this has been liquidated.

Mr. HEPPLE: How do you become a money-lender?

The MINISTER OF TRANSPORT: What do you mean? I hope that is perfectly clear now. If the hon. member cannot understand it yet, I will have to take a hammer and knock it into his head. It is a recoverable advance, but it is interest-free. In the ordinary course, if this boycott had not taken place, Putco would have received its usual subsidy monthly to the maximum amount. Because they got into financial difficulties as the result of the boycott, they required a very large amount to meet their operational costs. They could consequently not wait to draw the £16,000 every month. They required £80,000 to keep them going. The Government decided to advance £64,000 to Putco which would be recoverable and interest-free. £16,000 was advanced, which was the levy collected for a month. It will be repaid in this way, that Putco, instead of drawing the usual amount of £16,000 a month, that amount will be repaid to Treasury. If Putco requires any further assistance to keep going as a result of the boycott, they will submit statements to the Minister of Transport, who will submit it to the Government and the Government will decide whether they are prepared to give Putco any further financial assistance, but that matter is not under discussion now.

Mr. WATERSON: I am still asking for information. A loan of £64,000 has been made. I understand the terms of the loan are that it will be repaid at the rate of £16,000 a month, but I am under the impression that that £16,000 per month has been accruing to Putco all along from the levy fund.

The MINISTER OF TRANSPORT: They have been receiving it.

Mr. WATERSON: If they have always been receiving it and if in spite of receiving it they have not been paying their way, how on earth are they going to repay £16,000 per month to the Government?

The MINISTER OF TRANSPORT: I have just tried to explain what the position is. Let me explain it again. I have just said that if they require any further financial assistance, that will be considered by the Government. At the moment they receive the £16,000 or whatever the amount is that has to be paid into the Native Services Levy Fund. As a result of the boycott they required an additional amount; they required £80,000. We have decided to advance them £64,000. That money will be repaid by Putco.

Mr. WATERSON: How can they?

The MINISTER OF TRANSPORT: But we are collecting money every month through the Native Services Levy Fund, and the amount of money that is being collected every month will be repaid to the Treasury instead of

being paid over to Putco. Surely that is quite simple.

Mr. WATERSON: But then of course Putco will be broke.

The MINISTER OF TRANSPORT: Putco won't receive any further subsidies, but if the Government decides to make any further donation to Putco, then it will decide to do so.

Mr. HOPEWELL: The hon. the Minister has indicated that instead of £16,000 per month being paid from the Native Services Levy Fund to Putco, it will be paid to the Treasury. I think that is the answer which the Minister gave. £16,000 per month over four months will clear up this £64,000. What I would like the Minister to explain to us is how the Native Services Levy Fund can justify a payment of £16,000 per month when Putco is not giving a transport service.

The MINISTER OF TRANSPORT: But they are going on.

Mr. HOPEWELL: If they have stopped giving transport . . .

The MINISTER OF TRANSPORT: But they are operating 72 routes, and only some of them are being boycotted.

Mr. HOPEWELL: If they are not giving the full service over all the routes, how can the subsidy be justified? Surely when a person gets a subsidy it is not a subsidy irrespective of the services it gives. Surely the payment is related to the service given, and if the service is curtailed then surely there must be a corresponding reduction in the amount of the levy paid over for this transport service.

The MINISTER OF TRANSPORT: In this case there is no reduction.

Mr. HOPEWELL: The service in this particular area has been reduced. Surely there is a case for a reduction of the levy and therefore a reduction of the amount due to Putco for this transport service.

Mr. LOVELL: I am sorry to find that the hon. the Minister instead of elucidating this matter, by his numerous explanations, has only made it more confusing. I will put it very simply and ask the Minister a few simple questions. Is this money being paid to Putco by the Treasury?

The MINISTER OF TRANSPORT: If you do not want to listen and do not want to understand, I am not going to reply again.

Mr. LOVELL: Sir, I have listened very carefully and the Minister must forgive me as I am not as brilliant as he takes me to be. I cannot understand his explanation.

The MINISTER OF TRANSPORT: I will forgive you.

Mr. LOVELL: My difficulty is this: Is this money being paid to Putco?

The MINISTER OF TRANSPORT: Yes.

Mr. LOVELL: How?

The MINISTER OF TRANSPORT: By means of the subsidy which they get from the Native Services Levy Fund, which is now to be repaid to the Treasury.

Mr. LOVELL: So the position is that the subsidy which they get from the Native Services Levy Fund will be used to repay this £64,000? Now I want to know this: If Putco is not operating its buses on certain routes, it won't be making a profit on those routes, nor will it be bearing any expense on those routes.

The MINISTER OF TRANSPORT: I have said that if they require further financial assistance, the Government will consider it.

Mr. LOVELL: I cannot see why they require further financial assistance if they are not operating on all the routes. If the buses are being operated at a loss then one can understand that they need a subsidy, but if the buses are not being operated at all, if the bus drivers are not being paid, if the buses are not being used, if there are no overheads involved and no operational expenses for those routes where there is no transport . . .

The MINISTER OF TRANSPORT: But they are operating 72 routes and they are not all being boycotted.

Mr. LOVELL: Well, let us deal with the other routes. The routes which are not being boycotted, I assume, can carry on on the ordinary basis of subsidy, and if that is so, if this is an additional amount, which is not provided for; if the routes that are being operated do not require any support, what is this extra £64,000 required for, if the buses are not operating? That is the simple difficulty which I have. I cannot understand why the Minister should ask the Committee to advance money to a transport company whose operations on certain routes are dead.

An HON. MEMBER: On its main routes.

Mr. LOVELL: On its main routes it does not need any money. In regard to the other routes they are getting the normal subsidy. That is what I cannot understand. Why does the company require a subsidy from the Treasury if on the routes which are boycotted it has no expenses at all? I would like the Minister to answer that question.

Mr. HEPPLE: What I am concerned about is the point that I raised earlier and that is

that the Minister comes to the House to ask us to vote money under one heading, when in fact the money is going to be used for something quite different. I would like the Minister of Finance to tell us whether the Treasury is satisfied with this allocation under this heading. I am surprised that the Treasury agreed to an item of this kind, because what in fact we have to do now, as has become clear from what the Minister of Transport has said, is to allow the Minister of Transport to become a money-lender in anticipation of becoming a financier of a transport company whose buses are not operating. This has become a very peculiar situation altogether and it seems to me that what the Minister is doing is to advance money to the bus company in anticipation of a subsidy which the Government intends to give them at a later stage. If that is the position, why should we as a Committee be asked to condone an irregularity in the finances of the country? That is in fact what we are being asked to do—to condone an irregularity in this loan vote, and I would like the Minister of Finance to tell us whether the Treasury approves of this.

Vote put and agreed to.

On Loan Vote N.—"Native Affairs", £8,273.

Dr. D. L. SMIT: I would like to ask the Minister further particulars in regard to items 18 and 19, "Vlakfontein" and "Pretoria". In regard to Vlakfontein the hon. the Minister informed us that Vlakfontein was being abolished, and the industrial school is to be carried on at Turfloop. I would like to know what this item of £4,023 is for. With regard to Kameelfontein, I would like to know whether that farm has been bought by the Trust and where it is situated and what these improvements are.

The MINISTER OF NATIVE AFFAIRS: The hon. member is confused as far as the first point is concerned. This item does not refer to the training school for teachers. This concerns the industrial training centre for training building workers, and other artisans. In the course of the construction of this training centre, hard rock has been encountered and an additional amount is required for penetrating the rock and also for linking up with the sewerage system. This expenditure is quite in order. The second case in point is that the Trust has purchased a farm near Hebron, between Hammanskraal and Brits, in a Native reserve area. On that farm there are certain buildings and boreholes which can be utilized for an adjoining school for primary teachers. Therefore these buildings must be paid for out of the Bantu Education Fund.

Vote put and agreed to.

House Resumed:

Estimates of Additional Expenditure from Revenue, Bantu Education and Loan Accounts reported without amendment.

Report considered and Estimates of Additional Expenditure adopted.

The MINISTER OF FINANCE brought up a Bill to give effect to the Estimates of Additional Expenditure adopted by the House.

ADDITIONAL APPROPRIATION BILL

By direction of Mr. Speaker, the Additional Appropriation Bill was read a first time.

Bill read a second time.

House in Committee:

Clauses, Schedule and Title of the Bill put and agreed to.

House Resumed:

Bill reported without amendment.

The MINISTER OF FINANCE: I move—

That the Bill be now read a third time.

More than two members having objected, Bill to be read a third itme on 13 March.

The House adjourned at 6.43 p.m.

WEDNESDAY, 13 MARCH 1957

Mr. SPEAKER took the Chair at 2.20 p.m.

NATAL MINES AMENDMENT BILL

Bill read a first time.

ADDITIONAL APPROPRIATION BILL

First Order read: Third reading.—Additional Appropriation Bill.

Bill read a third time.

ESTIMATES OF EXPENDITURE FROM RAILWAY AND HARBOUR FUND

Second Order read: Adjourned debate on motion for House to go into Committee of Supply on Estimates of Expenditure from Railway and Harbour Fund, to be resumed.

[Debate on motion by the Minister of Transport, upon which an amendment had been moved by Mr. Pocock, adjourned on 11 March, resumed.]

one complaint from a single staff organization in regard to promotions or in regard to the application of bilingualism.

Mr. EATON: As far as the majority of staff associations are concerned, in terms of their own constitution, they are not allowed to make representations in regard to promotions.

The MINISTER OF TRANSPORT: They do not make representation in regard to an individual promotion, but in regard to the policy and the practice they are certainly entitled to make any representations and they would do it. It is quite incorrect to say that the constitution prevents them from making such representations.

Mr. EATON: As far as individuals are concerned.

The MINISTER OF TRANSPORT: I am talking of the policy of bilingualism and about so-called political promotions. The staff associations are the watch dogs of the staff and they would be the first to make representations, and not a single staff organization has made any complaints or made any representations in regard to the general policy of promotions or the application of bilingualism since I became Minister. That is why I don't accept the allegations made by hon. members, such as the hon. member for Umlazi.

Mr. DURRANT: May I, with respect, ask a question?

The MINISTER OF TRANSPORT: Yes, I am much more courteous than you are.

Mr. DURRANT: I would like to ask the hon. Minister whether the same standard of bilingualism applies in tests given to personnel, or whether any difference is made between technical personnel and those who deal with the public outside? Are there two standards?

The MINISTER OF TRANSPORT: No, there are not two standards, but dozens of different standards. The tests must conform to the requirements of the particular post. For instance, you cannot expect a shunter being promoted to foreman-shunter to have to pass the same bilingual tests as an officer who becomes system manager. There is a standard for every position and it depends on what the position is in the Service and the requirements for the particular post determines the nature of the test. There is no uniform examination, it differs from one post to the other. It all depends what the requirements for that particular post are. I am shocked that hon. members could even suggest that English-speaking South Africans are afraid to join the Railway Service because they do not receive a fair deal. I absolutely deny that. I think it is defamatory to make a statement such as that because it is quite untrue. The hon. member for Sunnyside with his years of experience must know that there always will be some dissatisfaction, and that certain individuals are passed over for promotion and that any individual who is passed over is dissatisfied and will ascribe reasons why he has been passed over for promotion. But the hon. member with his experience should not accept those reasons without any absolute proof. I have never claimed that there is no dissatisfaction in the Railways. How is it possible in an organization of 110,000 employees to have no dissatisfaction. Of course there is dissatisfaction among individuals. But what I claim is that on the whole there is more satisfaction among railwaymen to-day than ever in the past. That is in general terms. Of course you find individuals who are dissatisfied. You get an individual who is called upon to do more work than he has done in the past and he is dissatisfied. There are 101 reasons why there might be dissatisfied individuals. I only hope that this will be the last occasion that we have this type of story, namely political promotions, which not one member can substantiate, and that the bilingual test is unfair, which is not the case. Bilingualism is as fair to the English-speaking railwayman as it is to the Afrikaans-speaking railwayman. And the story that the English-speaking railwayman does not get fair treatment is an absolute untruth and I deny it most emphatically.

*The hon. member for Vereeniging (Mr. S. J. M. Steyn) has made an interesting speech. I did not know that he had such a sense of humour and I can sse that he has done a good deal of research, but I think he made his speech 12 months too early. He should have waited until two months before the election because then that speech would have meant a great deal to us and it would most certainly have cost them a few more seats. The hon. member was very proud of the achievements of the United Party in 1933 and I agree with him. The fact that they restored all those wage cuts and brought about better conditions was an excellent achievement. But does he not know that at that time Gen. Hentzog was Prime Minister and that Ben Schoeman was a member of the United Party? But the United Party we have here to-day is no longer the same party. They are still called the United Party but they no longer even resemble the old United Party. The United Party which we have here is entirely different from the United Party which we had from 1933 to 1939.

*Mr. S. J. M. STEYN: Would the Ben Schoeman of to-day do as much as the Ben Schoeman of those days?

*The MINISTER OF TRANSPORT: The Ben Schoeman of to-day is doing much more than the Ben Schoeman of those days. To-day he is trying to reform his misguided former colleagues; we have managed to reform some of them and they have come over to our side. We still have great hopes that the hon. member for Vereeniging may also see the light.

As for the hon. member for Turffontein (Mr. Durrant), he wants to know what my policy is in connection with the employment of non-Europeans. I should like to tell him that as soon as his party reveals some political honesty and observes some political morality in connection with this matter I shall explain it to him and state my policy.

Mr. HEPPLE: May I ask the hon. the Minister a question? Is it his policy to replace the non-Europeans who are at present in the Service when more Europeans become available for employment?

The MINISTER OF TRANSPORT: In those particular posts to which the hon. member refers the non-Europeans are employed on a temporary basis and as long as they are employed on a temporary basis they will be replaced when Europeans are available to take their place.

*The hon. member for Langlaagte (Mr. P. J. Coetzee) had not quite finished the question he wanted to ask me when the debate was adjourned but I know what he wanted to say. It concerns the poor housing facilities in his constituency. He would have liked to ask us to replace those houses with better houses. The policy in connection with housing is that first of all we want to make provision in connection with the serious housing shortage. This must be given priority and when this shortage has been overcome it stands to reason that we shall proceed to improve poor housing conditions. Many members of the staff have very poor housing facilities but they will have to be patient because our first duty is to cope with the shortage.

Motion put and agreed to.

Bill read a third time.

DEFENCE BILL

Second Order read: Report Stage,—Defence Bill.

Amendments considered.

In Clause 33,

Mr. DURRANT: I move as an amendment—

> To add the following proviso at the end of the clause: Provided that the provisions of sub-section (2) of Section 16 and of Sections 17 and 18 shall *mutatis mutandis* apply to the Commandos.

This issue of the standing of the Commandos was debated at some considerable length during the second reading and again in the Committee Stage, and I am moving this amendment to Clause 33 in order to reiterate the standpoint of this side of the House in regard to the whole question of the training, officering and the establishment of the commando system of defence training in our country. I do not wish to record in detail the arguments that have already been used in regard to this matter. This Clause 33 is the key-clause in regard to the whole Chapter in respect of the Commandos, and I have felt that in moving this amendment it would afford the hon. Minister in the interim a further oportunity of having consultation with the staff and weigh the arguments that have been put by us in respect to this very important issue. I briefly want to clarify the amendment to the hon. Minister, because I feel that the hon. the Minister has perhaps not himself a full appreciation of the significance of the amendment as it stands to-day. The amendment is a proviso to the general provision which seeks to establish the organization and the command of the Commandos, and the proviso that is added here says that that should be done under certain conditions in respect to the general organization and the prescription of such organization by the Minister. The first proviso that we ask is the same as the one outlined in sub-section (92) of Clause 16, which then would read as follows—

> Subject to the general provisions, the Commandos shall as far as may be expedient be organized in such armed services, arms, corps, formations and units as may be determined by the Minister.

For the life of me I can't see what objection the Minister can have to retaining a permissive power to form the Commandos as such into arms and formations and different units. The general provision goes on to say " but nothing in this or any other section of the Act shall be deemed to preclude the training of any member of the Commandos in any depot or establishment which is not a unit of that force. . . ." The point is quite simple that in laying down it seeks to lay no difficulty in the path of the Minister to describe the organization of the Commandos and to say that any particular Commando, for example, shall for a certain period be a unit of the Active Citizen Force to receive the necessary training. I am sure that the hon. Minister has no objection to having a permissive power to do this. That is the first provision of the amendment.

The second provision of the amendment asks that Clause 17 shall *mutatis mutandis* in general apply to the organization of the Commandos. Clause 17 is the clause which deals with the appointments of officers to the Citizen Force, and that lays down certain principals under which those officers should be appointed. Hence, if the hon. the Minister accepts my amendment the appointment of officers to the Commandos would read this way—

which included most of his land as well as that of his father and a certain friend Stranach. The report says—

> Representations made in respect of this area came from Mr. F. G. le Roux on behalf of his father, the owner of a portion of Klipriviersoog No. 47 west of Nancefield, for the establishment of a squatters camp controlled by Mr. le Roux on his land and on 500 morgen of adjoining land belonging to Mr. Stranach. The Mentz Committee rejected this proposal and commented as follows on the proposal.

In other words, Mr. le Roux was prepared to say that that land could become a Native area, but on condition that they would remain the owners of the farm, and they wanted the right to establish a squatters camp there which would eventually house 10,000 Natives. Of course, that was entirely against our policy and no one would accept it. We also did not accept it. However, I go a little further and I deal with the property owners. They submitted a very well prepared memorandum a week before we sat in Johannesburg. In this memorandum they said this—

> We recommend that all the Natives in this area should be placed to the north of the Potchefstroom-Johannesburg road.

That is what we have done. Later on we again received a memorandum from the property owners of Nancefield. In that memorandum they say this—

> The abovementioned Committee has in the past actively tried to peg the non-White areas of Klipriviersoog, Race Course Township, Kliptown and Klipspruit, in order to prevent expansion there.

In other words they did not want the non-Whites there to expand any further. The Committee urged a "Squatters Act" and that was introduced in 1946. However, they went further and said—

> We ask as a temporary measure of a more urgent nature that all Native residential areas, as well as those of the Coloureds south of the Potchefstroom road, should immediately be pegged.

In other words they should not expand any further. They then say—

> We are thinking especially of Albertynsville, Klipriviersoog, to the South of the Potchefstroom road, Klipspruit and the western boundary of Nancefield township.

These are the property owners, the interested parties. However, they again made further representations, and there they said this—

> It is essential to safeguard at all costs the Nancefield town area as a White area. At the moment arrangements are being made to electrify Nancefield at a cost of some thousands of pounds.

That is entirely in accordance with the policy being followed under the Mentz report, namely, that Nancefield should remain a White area. However, the United Party is now asking us to make it a Native area. Unfortunately the hon. member for Vereeniging is not here. As usual they have run away after making an attack. However, I have here a map and it indicates the position clearly. The railway line from Potchefstroom to Johannesburg runs there, and here one sees Pimville to the south of the railway line, to which the hon. member for Vereeniging also referred. There lies the famous Nancefield. Nancefield becomes White; Pimville must disappear. In other words this Government is making this entire area White. The United Party now says: no, we want it mixed—north of the railway line, south of the railway line, and everywhere. Is that planning? For that reason I say that all they want is everything to be coffee coloured. We now come to the areas known as Klipriviersoog, Racecourse, Albertynsville, all here along the line. I am sorry the hon. member for Vereeniging is not here because he complained yesterday about Albertynsville. It should now also become White. Can anyone with an atom of sense or feeling—I think you know that place, Mr. Speaker, because one goes past it when one goes to the Rand—say that that area, that squatters camp south of the line should be White? We say, no, it is going. The interested bodies there asked us please to move and we did. I just want to say that there were 1,346 Native families at this same Albertynsville and there are now still 140. We hope to have removed that 140 by the end of June, and that area will then at least be White. We have made tremendous progress since we took over control of squatting. 4,549 families representing 12,574 should have already been moved from the area south of the Johannesburg-Potchefstroom line. And this area includes the entire Nancefield. Of all those thousands only 917 families still remain in that entire area, and at the tempo we are now progressing and with the preparations now being made, those 917 Native families will be removed this year. As far as we are concerned the area will then be White. Do hon. members opposite really want to tell me that, before they made this attack, they read the report and the evidence? No, this was nothing but an act of despair—descend on every piece of bait like hungry vultures to try and gain votes. That area supports the Nationalist Party solidly. They can do just what they like. They will not harm in the least the position of the Minister of Transport in his constituency. What we are in fact going to do is to make Nancefield and

that entire area White. Before the next election Nancefield will say thank you to us for doing what they asked. I have not the least doubt that the Minister of Transport will not be harmed, but that he will return with a greatly increased majority, just as we will all return with increased majorities.

I want to conclude and I want to tell the United Party this. The time has come for them, if they still wish to achieve anything, to stand and fight. They should say what they want to do. Mr. Speaker, we only have to say Hendrik Verwoerd in this Chamber, and there is not a United Party member left in the Chamber. They suffer from an obsession; they suffer from a Verwoerd complex. After all he is only a human being. I just went to tell them that as long as they continue like this, they only make him stronger and stronger, and they only give us fresh courage to strengthen him, and the weaker they will become, and the smaller will be their numbers in this House after next year's elections.

Mr. HEPPLE: My time is very limited so it will be quite impossible for me to deal with the Budget in the fashion in which I should have liked to. I shall therefore confine myself to one aspect of it, the aspect which, I think, is of greatest importance. I would like to begin by saying that my first reaction to the Budget was that those who are mainly concerned in and affected by that Budget, the people who produce the wealth of the country by their labours, have been treated in a very shabby manner, if I may say so. I refer particularly to the lowest income group of South Africa, amongst whom, of course, are the majority of our non-European people. The size of our national Budget is considerable, and it is growing because of the increasing use which we make of non-European labour. I wonder what sort of Budget this would be if we did not have 300,000 Africans toiling in the mines for 3s. to 5s. a day? I wonder what this Budget would look like if the farmers did not have this large reservoir of cheap Black labour, however much they complain about it? I wonder whether South Africa would have seen such vast industrial development over the last ten to 15 years if we had not had this reservoir of cheap Black labour to draw upon to man these industries? As speaker after speaker has pointed out, the Government is against the policy of large-scale immigration, so we did not have the immigrants to man the factories, and we are very fortunate therefore in having the non-Whites to draw upon for our industrial development.

Mr. Speaker, I wonder what this Budget would have looked like if the Nationalist Party had already succeeded in implementing its mythical policy of apartheid? I wonder what would have happened to this Budget and to our whole economy if the hon. the Minister of Native Affairs had already effected his separate development plan to any large degree? I think that this Budget alone reveals the humbug of the so-called policy of apartheid. The hon. member for Durban (Musgrave) (Mr. T. O. Williams) was quite correct this afternoon when he described this so-called policy of apartheid as being something quite mythical. It really means a policy of dragooned and disciplined non-White labour. It may be disguised by any of the fine euphemisms of high sounding names that people in this House may like to chose, but it is nothing but a policy of dragooned and disciplined Black labour. The wealth of a country is built not only upon the capital invested in that country and in machines and material. It comes mainly from the sweat and the labour of the people, and it does not take any concern of whether the skin of the labourer is White or not White; it is only concerned with the productivity of that labour. It is in the light of that that I would like to look at this Budget, and when one looks at it like that, one understands why every debate in this House inevitably ends up in a discussion on the policy of apartheid. It should be obvious to us why every debate and every discussion in this House inevitably lands upon the Department of Native Affairs, and it should be obvious why the Minister of Native Affairs must be answerable for almost every portfolio and every activity in this country.

It is for that reason that I say that we must examine the gifts and the sacrifices of this Budget in relation to the people mostly affected by it. I say, too, that the discussion in the debate over the last few days shows that what is really taking place in South Africa may be an ideological struggle on the surface, but that the real struggle is for the control of the wealth of the country, for the wealth and the control of human labour that is available in South Africa. No matter what is said here in the debate, the fate of South Africa lies with the non-White labour force that we use to produce the wealth of this country. The hon. member for Kimberley (City) (Mr. Oppenheimer) said in his speech at Oxford, which was quoted by the hon. member for Newcastle (Mr. Maree) the other day, that we must plan the future of South Africa along the lines of a multi-racial society and take into consideration the fact that we are a multi-racial society. This is something that I think members of both major parties should reflect upon very seriously indeed, because it is only those who look upon the racial composition of South Africa in a realistic fashion and who understand that we have to plan our future on the basis of a multi-racial society with justice to all sections of the community, who can really plan for the future and bring wealth, peace and prosperity to all of us. Hon. members on the Government side of the House, and particularly the hon. member for Alberton (Mr. M. Viljoen), like to side-track all discussions in debates of this kind by quoting globular sums of what is spent on pensions, increased wages and such like matters. Of course, he

ignores the main factor as it is seen by the man in the street. The man in the street is not very interested in these globular sums. He is concerned with his slice of the cake, with what he gets out of this globular sum, and in so far as the majority of the workers are concerned they feel they are getting very little indeed.

This brings me to the main point with which I want to deal, and that is the question of the cost of living. The question of the cost of living is one that seriously affects every wage and salary earner in this country, and it affects every pensioner whose pension is fixed on the basis of a pound that was worth very much more than it is to-day. The hon. the Minister of Finance said that our pound is to-day worth only 9s. 8d. I think a lot of workers in South Africa would feel very happy if they could buy 9s. 8d. worth of goods with our £. In comparison with the pre-war £ they feel they cannot buy much more than 6s. 8d. worth of goods. There are three important aspects of the cost of living which have to be considered very seriously. The first is that the Government has completely failed to halt the rise in the cost of living. Every month the retail price index goes steadily higher. It is a continual process of a rising cost of living, and the hon. the Minister of Finance talks airily about preventing inflation. His predecessors have talked in the same way. His two predecessors talked year after year about guarding against the evils of inflation, and demands were made upon the workers of South Africa not to ask for higher cost-of-living allowances, not to ask for higher wages, because if they got those things it would inevitably lead to inflation.

The second thing that one must take into consideration is that statutory cost-of-living allowances are less than half of what they should be. The third important point is that cost-of-living allowances have been pegged since March 1953, while the retail price index has gone up a further 20 points. The effect of that is that wages and salaries and pensions have been cut by 10 per cent since 1953.

In 1948, when this party came into power, they boasted of what they were going to do in order to protect the public against the continual rise in the cost of living. The retail price index at that time was 147.8. In February 1957 the index had risen to 208.5, which is a rise of 41 per cent since these hon. gentlemen got into power. Whatever excuses they may want to make about it, whatever reasons they may want to advance for the position, I do not want to argue about at this stage. I merely want to point out that the retail price index shows a rise in living costs of 41 per cent. The hon. the Minister of External Affairs who, last year, was Minister of Finance, said it was not the high cost of living, it was the cost of high living. Well, as far as I can see it seems to me to be the high cost of having a party like this in power. What has happened to cost-of-living allowances? Have they gone up 41 per cent? Have they gone up to an extent commensurate with the rise in cost of living? No, Sir, nothing like it. To-day the statutory cost-of-living allowance granted to the majority of the workers is only 42 per cent of what it should be if the £ is to be restored to its pre-war level. The majority of White workers in South Africa—and all African workers—have their cost-of-living allowances fixed under War Measure No. 43 of 1942, and these cost-of-living allowances are shamefully below the level they should be. I would like to quote a few examples to this House. Workers earning a weekly wage of 30s. are receiving, under the pegged cost-of-living allowances, an amount of 13s. 9d. But if they were given a cost-of-living allowance that would restore the £ to its pre-war level they should be getting 32s. 6d.; in other words, they are being defrauded of 18s. 9d. every week in their cost-of-living allowance. In other words they are being defrauded of 58 per cent of the allowance due to them. That is why you have bus boycotts and labour unrest; that is why there is such a large degree of discontent, especially amongst the non-European people. They are only getting 42 per cent of the allowance they should get. A worker earning a basic wage of £5 a week is paid £2 8s. a week cost-of-living allowance. He should, in fact, be getting £5 8s. 3d. His cost-of-living allowance should be greater than his basic wage, because the retail price index shows a rise of over 100 per cent. It is a rise of 108.5 per cent, and because the rise in the cost of living has more than doubled, it is obvious that the cost-of-living allowance should be more than double the basic wage.

Mr. VAN DEN HEEVER: What was that worker's wage in 1938?

Mr. HEPPLE: Yes, I will come to that point. There is another aspect of the matter; let us assume that the Government is satisfied with this state of affairs, even though the workers are not. The pegging of the cost-of-living allowances in March 1953 has resulted in a further deterioration of the position. Workers over the last four years have been defrauded of 10 per cent of their earnings; they have been denied what they should have received if the cost-of-living allowances were increased as the price index rises. I want to know from the hon. the Minister of Finance and from the hon. the Minister of Economic Affairs and from the hon. the Minister of Labour—and I see they are all in the House now—why does the Government persistently refuse to increase statutory cost-of-living allowances? Why is it that they are in such a hurry to look after the rich farmers who, as the Minister of Finance said, are afraid to die because of the big death duties they would have to pay? Why were they in such a hurry to give those farmers a donation of a £1,000,000? Why is it that they will not increase the cost-of-living allowances?

The hon. member for Pretoria (Central) (Mr. van den Heever) raises a shoddy argument about workers' wages in 1938. I want to answer him and to tell him that for the vast majority of the lowest paid workers there has been no increase in basic wages since 1938 because this Government has continually hidden behind the excuse that statutory cost-of-living allowances have been granted to these workers. I gave the example in the House the other day to the hon. the Minister of Transport. I pointed out that under Wage Determination 105 of 1942 the wages of unskilled workers on the Witwatersrand were fixed at 27s. per week, and it is 27s. to-day. That affects the vast majority of the workers on the Witwatersrand, and here sits the hon. the Minister of Labour applauding that silly interjection by the member for Pretoria (Central) and saying: "Wages have gone up." Which wages have gone up?

The MINISTER OF JUSTICE: Yours have.

Mr. HEPPLE: Yes, the Minister's wages have gone up and members' wages have gone up. Mr. Speaker, it goes further than that. The Government is now arguing that nobody in this world is entitled, throughout their whole lifetime, to increase their standard of living. Their argument is that once a man reaches an adult's income, however low that may be, he has no right to claim, throughout his whole existence, anything more than that. In other words, the Government does not believe that the standard of living of South Africans should improve.

Dr. CAREL DE WET: But it is improving.

Mr. HEPPLE: It is not. The hon. member has not been listening to what I have been saying. I have given the House the facts. As far as the mass of workers are concerned their standard of living is worsening by the day. I know what worries the hon. gentleman opposite. The trouble with these hon. members is that most of the people who are suffering are not White, so it does not worry them . . .

Dr. CAREL DE WET: Are you fighting for them?

Mr. HEPPLE: Of course I am, and you should be fighting for them too, and if you are not fighting for a decent living wage for these people just because they are not White you ought to be ashamed of yourself.

This brings me back to my original argument, and that is that the wealth of the nation comes from the people who put the sweat of their brow into the production of that wealth, and that we White people have a high standard of living because the large majority of the people of this country have a low standard of living. It may be argued that to increase the cost-of-living allowances, for which I am pleading here, would cause inflation, but I do not know of any factor that is causing greater inflation in South Africa to-day than these wild, reckless experiments in apartheid by the Government. The Government's policy of experimenting and trying to apply this dream and humbug of apartheid runs into tens of millions of pounds every year. We cannot really estimate what it is costing the country. Therefore I hope we will not get the argument that increases in cost-of-living allowances will create inflation. I say that the gambles of the Government in their policies of prejudice are costing much more than increases in cost-of-living allowances would do. I would like to remind hon. gentlemen opposite that even though greater concessions have been given to White workers than to non-White workers, there is a rising wave of discontent amongst the White workers too; they are getting a little bit fed up with Nationalist cries that they have to make sacrifices for apartheid. I have shown this afternoon that in cost-of-living allowances the White workers are already making a sacrifice, they are already making a vast financial sacrifice for apartheid in pegged cost-of-living allowances which are only 42 per cent of what they should be. The hon. member for Vereeniging (Mr. S. J. M. Steyn) yesterday referred to a telegram which had been sent to the hon. the Minister of Finance by the Trade Union Congress at present being held in Johannesburg, asking for relief along these lines. I have received a similar telegram and I think we should put on record what these organized White workers unanimously decided the day before yesterday. This is what they asked the hon. the Minister of Finance to do. The South African Trade Union Council, at its third annual conference held in Johannesburg this week passed the following resolutions—

(i) Conference notes that, even using the unsatisfactory basis of the Retail Price Index for assessing changes in the cost of living, since 1938 living costs have more than doubled.

Conference, therefore, calls upon the Government to take the following immediate action—

(a) to increase the allowances payable in terms of War Measure 43 of 1942 so as to meet in full the more than 100 per cent increase in living costs referred to by the index numbers;

(b) to "unpeg" the cost-of-living allowance of Civil Servants and Railway workers, and to grant them similar relief;

(c) to increase the payments to pensioners so as to fully meet the increased cost of living and to remove the Means Test for old age pensions.

(ii) Conference calls upon the Government to legislate for the consolidation of all cost-of-living allowances, as so increased, with basic wages.

(iii) That in the meantime cost-of-living allowances be adjusted in accordance with every fluctuation of five points in the index numbers.

(iv) Furthermore, since workers have always had to bear a proportion of the rise in the cost of living, the Government is urged to take immediate and effective action to prevent a further deterioration and, if possible, to reduce the cost of living.

That is the voice of the largest federation of organized workers in South Africa, and shows their attitude to the question of cost-of-living allowances at the present time. I hope that the hon. the Minister of Finance and the other members of the Cabinet will recognize the warning signals that are contained in resolutions of this kind. This is a warning in advance that we can expect labour troubles in the future unless something is done. Workers do not wildly rush into taking strike action or other extreme action, and here they are giving warning to the Government in advance that they are not satisfied with the present state of affairs, and the Government should take full note of what is being said.

I want to emphasize, also, that complaints are being heard in a greater degree from non-European workers, those who do not belong to registered trade unions, those who are prevented under the Native Labour Settlement of Disputes Act from striking for better conditions. Their voice is being heard, and they are demanding a minimum basic wage of £1 a day. Those demands will increase as the cost of living goes up, while the Government refuses to take appropriate action and to give increased cost-of-living allowances.

Mr. Speaker, the Government can prattle as much as it likes about the building of the apartheid future, about separate development and about all the other airy nothings which are really designed as propaganda for the hustings, but unless they take steps to meet the economic demands of people who are struggling against inflation—and which the Government seems incapable of arresting—there is going to be labour unrest in this country. The Government should take full note of this fact. I appeal to the Government to-day, not to let this matter deteriorate but to give more attention to the question of the economic welfare of the workers of this country and to cease devoting so much of its time to trying to experiment with a stupid unworkable policy such as that of apartheid.

*The MINISTER OF LABOUR: The hon. member who has just sat down created the impression here that the Government does absolutely nothing to improve the wages of the lower-paid workers. The hon. member wanted to create the impression that the lower-paid workers, who to a large extent are Natives, but amongst whom there are also unskilled White workers, do not receive the attention of the Government, and in addition, that the higher-paid workers who earn more are given consideration in the first place. This general tendency is a new horse which has been saddled not only by those hon. members but also by the United Party, who pretend that a new direction has been adopted by the Nationalist Party and that these people receive unfair treatment. This horse has already been floundered in an attempt to find a slogan for the next election. That attempt has been made before with very little success, and it will be used with much less success in the next election.

I have facts here, and facts speak louder than that hon. member spoke in this House with his great flood of words. I have here the wage increases which were granted last year, in 1956, as the result of the wage determinations by the Wage Board and increases in wages as the result of Industrial Council agreements, particularly in so far as the lower-paid workers, and especially the Natives, are concerned. The first is the metal containers and associated products industry. In Johannesburg the wage of the unskilled workers was £2 0s. 9d. a week. In 1956 it was increased to £2 11s. 9d. a week, an increase of 27 per cent.

*Mr. HEPPLE: How many workers does that affect?

*The MINISTER OF LABOUR: The hon. member should just make a few little calculations and work out how many workers it affects. That was the wage increase in that industry in Johannesburg. For the rural areas it was £1 14s. a week, and in 1956 it was increased by the Wage Board to £2 3s. 9d. a week, an increase of 28 per cent. The commercial distributive trade is another example. The previous wage was £1 18s. a week and the present one is £2 9s. 3d., an increase of 29 per cent. For the commercial distributive trade in Upington it was £1 10s. 9d., and now it is £2 3s. 9d., an increase of 42 per cent. I want to mention the following figures in regard to the Industrial Council agreements. There I want to mention only a few examples, such as the laundry industry in Durban. There it was £1 18s. and now it is £2 3s. 9d., an increase of 15 per cent. Then there is the electro technical industry in Natal, an increase from £2 2s. 6d. to £2 11s. 3d., 20 per cent. The tearoom trade in Pretoria was £1 10s. 9d. and is now £1 15s. 6d., an increase of 15 per cent. The wages in the printing industry in the Union was £1 18s. a week and it is now £3 13s., an increase of 29 per cent. The wages for the engineering industry in the Union was £2 2s. 6d. and is now £2 11s. 3d., a 20 per cent increase. The motor industry in the Northern Cape was £2 1s. 3d. and is now £2 11s. 9d., an increase of 25 per cent. The hon. member knows that the Wage Act was recently amended, and that with the amendment of the Wage Act I and others on this side announced that there were delays in the activities of the Wage Board. With the co-operation of the whole House we amended

the Wage Act. Immediately before the Wage Act was amended I gave instructions to my Department to give me all the existing wage determinations, with the dates and the years when they were applied . . . [Interjections.] I received all the figures, and not only that one. I have now given instructions for the various divisions of the Wage Board to get to work and to scrutinize the wage determinations as fast as possible and to make recommendations to me as soon as possible. Therefore from my side I have done everything humanly possible to review these determinations. There are still determinations in existence dating from 1942 and there is one in the meat industry in Durban dating from 1938. I want to give the House the assurance that everything humanly possible is being done, but now the hon. member makes a mistake and brings the House under the wrong impression. Wage determinations and industrial agreements lay down minimum wages, and if he investigates what is happening in industry he will soon find that the employers do not pay minimum wages, but that the majority of workers receive wages above the minimum. If these wage determinations, particularly in regard to the outcry that was raised in regard to the boycotters who are alleged to be suffering under the economic pressure, are investigated, I am not so sure that if the Wage Board has to make a new determination in those industries there will be an increase. Therefore I want to give the assurance to that hon. member who wants to create the impression that there is oppression that it is not only Natives who fall in those categories, but also Whites; and as this party has proved that it is the protector of the White worker, their interests are very carefully watched.

Mr. LOVELL: I would like to ask the Minister why he has delayed unpegging the cost-of-living allowances which were pegged in 1953?

*The MINISTER OF LABOUR: The cost-of-living allowances which were pegged in 1953 have nothing at all to do with this matter. It has nothing to do with the basic wages of these people. It is an entirely different matter and the Government will in due course, when it considers the time has arrived, give attention to those cost-of-living allowances which were pegged in 1953.

Mr. COPE: I am glad to see the Minister of Native Affairs in the House and I hope he will come into this debate before it concludes. The debate is now drawing near its close and I have been waiting for some pronouncement from the other side of the House in connection with what I regard as perhaps the most serious aspect of Native affairs before the country to-day. No speaker so far has dealt adequately with the situation of the urban Native. No speaker has dealt with its increasing complexity—the very serious position that is building up in and around our major cities —and I hope that the Minister of Native Affairs will say something on this subject. I say that what is happening to-day is a simmering cauldron which is boiling up on the fringes of our major towns. What are the main factors of this situation?

The main factors are, first of all, the marked influx into the towns from the reserves and the other rural areas, and I shall say something about that in a moment. Then you have the slum conditions, which are not showing any distinct sign of growing less, despite the enormous amount of building that is going on. The fact is that the increase in population in the towns is absorbing just about all the house building that is going on, and some of the major slums that are a disgrace to any civilized community continue to exist. Then you have the growing and difficult transport problem. Then you have the low wage structure and the increasing cost of living, and I want to say something specifically about that, too. Then we have a crime situation which beggars anything else in the world, a situation which you could not find in the worst days of Chicago. That is what you have in the Native areas of Johannesburg. Then, perhaps in some ways most dangerous of all, there is the serious lack of machinery for consultation between the authorities, other interested people and the non-European people. Finally, there is the smouldering resentment and the growth of anti-White feeling which holds very serious dangers for South Africa, and particularly for the urban community.

Now I want to deal specifically with the influx into the towns and the cost of living and the wage structure of our Native community. I wonder how many hon. members have taken the trouble to analyse the latest figures that are available from the Bureau of Census and Statistics. If they do so and they look at the position in the 13 major towns, they will see an extraordinarily eloquent situation reflected in those figures. They will see that during the period 1951 to 1956, in the last five years only, the Native population of the 13 major towns in the country has increased by 25 per cent. They will see that the rest of the Native population, throughout the rest of the country, has increased by only five per cent. The increase over the whole of the Union over that period is 8.4 per cent. What does that show? It shows the existence and the enormous growth in the towns of the Native population, and the shifting of this Native population from the rural areas to the towns. Why is that trend taking place, and why is that flow going on? It is for several reasons. The first is that the Native reserves, no matter what paper plans there are, simply cannot hold their natural increase. Nor can the farming areas hold their natural increase. Secondly, it is obvious that industrial development must attract Natives to come to the towns. These two factors are inevitably pulling like a magnet, and it is an irresistible magnet which nothing can stop.

to be placed in the hands of the sub-Department of Coloured Affairs and for the expansion of that sub-Department to a full Department.

Mr. LOVELL: Will that cost any less?

*Mr. P. W. BOTHA: No, it will not cost any less, but it will reduce the burden on the Province and avoid the evil of the Central Government having to subsidize a Province while it has no control over the expenditure of the funds.

Mr. HEPPLE: What about the Indians in Natal?

*Mr. P. W. BOTHA: I am now speaking on behalf of the Cape. Let me say at once that what I am saying this afternoon is not merely my personal opinion, but what I am saying this afternoon—and I say this with the greatest emphasis—reflects in my opinion the views of the overwhelming majority of the White people in the Cape, so much so that at the last Congress of the Nationalist Party in the Cape they passed a unanimous resolution without a single dissentient vote, that the Government be requested to take this step. That is to-day the expressed wish of the majority of the White population in the Cape. What is more, it has also been accepted by the representatives of the Nationalist Party in the Cape Provincial Council by way of a motion. Mr. Speaker, I know you will not allow me to discuss the merits of Coloured education. That is also not relevant at the moment. However, in order to avoid misunderstanding, I just want to say that the accusation can be made that we are only urging this taking over and control of Coloured education because we only look at this matter from the financial aspect. To avoid unnecessary criticism, I just want to say that people who have investigated this matter thoroughly have come to the conclusion that that is not the only reason, but that, if we are really concerned about Coloured education, there are many good reasons why the Department of Coloured Affairs should also control Coloured education. I am therefore adopting this attitude to-day not merely from the financial angle, but because I personally am well disposed towards the Coloureds. I do not have the least intention of placing the Coloured in a worse position than he is to-day, but I believe that by better control of Coloured education we can do something concrete for the Coloureds and can help to improve the relations between the White and the Coloured.

However, I want to conclude by saying that, in pleading for the Central Government to take over full financial responsibility and control, I want to issue a warning, and that is that if things continue as they are to-day, there will be a reaction amongst the White population in the Cape against Coloured education because we already have the position that White education in the Cape is suffering because we cannot carry these burdens. I make this statement deliberately. Secondly I want to say that if a change is not made, the entire Provincial system as far as the Cape is concerned will come into dispute. I cannot speak for other people; I can only speak for myself when I say that I am not much enamoured of the Provincial system. I personally think it is a monstrosity. I think there are many other ways of exercising administrative control over certain areas of the country, control which will be much more efficient than that of the provincial system. However, while we have the system, we should bear in mind the fact that these burdens which we as a Province cannot carry are eventually going to result in a revolt against this system. Apart from the ordinary investigation which must take place in order to regulate properly the financial relations between the Provinces, I therefore hope the Government will accept it as a matter of policy and will take steps to relieve the Cape of this burden and to make the people of South Africa as a whole responsible for the Coloured population, thereby establishing a new basis in that sphere as well, a basis which South Africa has needed for a long time past.

Mr. HEPPLE: This Bill reminds us once again of the unhappy plight of the Provincial Councils. We have heard a speaker from the Province of Natal, and we have just heard from the hon. member for George (Mr. P. W. Botha) some of the problems of the Cape. I think they know very little about the problems of the Transvalers. I can see immediately that the effect of this Bill is going to be increased taxation for the people of the Transvaal. The problem that always faces the provinces is that their scope of taxation is extremely limited, and in struggling to raise sufficient funds within that limited scope, they often do things which tend to make the Provincial Council system unpopular. Sir, I do not agree with the hon. member for George, who says that he is not wedded to the provincial system; that he has not got a great deal of affection for it. I think that the Bill before us shows that the time is long overdue, not for an investigation into the financial relations between the provinces and the Government, but into the whole provincial system. It needs to be investigated in relation to the vast progress of South Africa since the provincial system was first devised. As an ex-member of the Transvaal Provincial Council, I can say that the feeling of the ordinary Provincial Councillor is that he is a frustrated puppet of the Government. They have not got the powers that they would really like, and yet there is the problem that if they were given greater powers, they might cut across the authority of the Central Government. We had that illustrated here to-day by the proposal put up by the hon. member for George. He has suggested that Coloured education in the Cape should be taken away from the Provincial Council of the Cape and placed in the

hands of the Central Government. I wonder whether he has stopped to consider the effect of his suggestion upon the Coloured populations of the other provinces? Surely he does not want a separate educational system to apply to the Coloureds of the Cape.

Mr. P. W. BOTHA: I never said so.

Mr. HEPPLE: It will set up enormous problems for other provinces who have a minority of Coloured people.

Mr. VAN DEN HEEVER: He meant it to apply to all the provinces.

Mr. HEPPLE: Sir, I do not want to get into an argument with the hon. member. I am quite sure that he has a case that he would like to put up, but I hope he will support me in pressing the Government for a thorough investigation into the whole provincial system. In three years' time we shall be faced again with this problem in spite of any commission or committee which may investigate the question of financial relations. The whole question of provincial authority is one that should have been re-examined a long time ago. As for back as 1944 the excuse given by the previous Government was that there was a war on, and while they agreed that such an investigation should take place, they said that that was not the right time. Well, 1944 is a long way behind us, and I think the longer we let this question deteriorate the worse it is going to become. As far as this Bill is concerned, we are all in the same position in this House. The Government has had consultations with the Administrators and the Executive Committees and they have come to an agreement. Nobody is entirely happy about that agreement, but all of us have to accept it, and for that reason we, too, will not oppose this measure. I do hope, however, that the Minister will consider this proposal that I have put forward this afternoon that early steps should be taken for a thorough inquiry into the whole provincial system, in order to make the Provincial Councils more effective organs of government and in order to give the provinces themselves some reward for the efforts that they are making in the matters falling under their jurisdiction.

*Mr. J. W. DU PLESSIS: I do not want to go into the question of the existence and functions of the provincial system. Personally, I would be very sorry if we had to consider the abolition of the provincial system. I feel that they are doing very good work. If we had to abolish the provincial system, something would certainly have to replace it, and I am by no means satisfied that any other system would work as effectively as the present provincial system.

But I would like to say a few words about the Free State. We have heard about the attitude of Natal and the problems of the Cape. I think the problems of the Free State are possibly even more difficult than those of the other provinces. Firstly, development in the Free State through the years has been chiefly in the field of agriculture, and revenue from taxation sources has been very low in that province. Great expenditure has had to be incurred by that province in providing services as a result of the development of the gold mines and as a result of industrial development during the past 10 or 12 years. But we obtain little revenue from the gold mines and other companies, with the result that the Free State is unable to provide those services. In the last Additional Appropriation introduced in the Provincial Council, the Free State has budgeted for a fairly large deficit and the Free State will find itself in that position from year to year. We are grateful, therefore, that the hon. the Minister is now providing for additional concessions to the Free State, but even these additional amounts will not help the province to solve its problems. In spite of this fairly big concession, the Free State remains in financial difficulties. We have this problem that the extensive services which have to be provided for the gold fields and newly developed areas must be provided at the expense of other parts of the province. In the past the Free State was known as the province with possibly the best roads in the Union. But now we hear over and over again that the Free State roads, with the exception of the national roads, are possibly the worst in the Union at present. The reason for this must be sought in a shortage of funds. The system of subsidies is so designed that the greater the income of a province, the more they receive by way of contribution from the State. Where a province has a small income, it receives very little assistance from the State. I think that of the £50,000,000 provided this year, the Free State will receive £7,000,000, and under present-day circumstances they cannot keep pace with the existing development. I am only sorry that in his discussions, presumably with the Administrator, the hon. the Minister chose the year 1955-6 as the new basis for the next three years. Again the Free State finds itself in an unfavourable position in relation to the other provinces. During the past few years the Free State has had to curb its expenditure and has had to cut expenses so as to avoid an enormous deficit. On this basis the Free State is in effect being penalized because of an economy campaign. I feel that the Free State is going to find itself in even greater financial difficulties within the next few years. The inhabitants of the Free State are surely entitled to the same benefits from the Treasury as the citizens of the other provinces. I can see no reason why one province should have free hospitalization and free education, while another province has to pay. Citizens in every province of this country have the same rights. They pay the same taxes, and I think provision should be made for this differentiation to be eliminated in the future. It is not reasonable or just that the inhabitants of the Free State should receive fewer benefits for the taxes they pay than the inhabitants of the other provinces. I mention these points

speaking and English-speaking churches. I cannot help but raise my voice against it. I say I am not only a churchgoer, but a practising Christian. I fight for the honour of that religion which I am called upon to protect as a Christian. I shall do so whether I have to fight against an English minister or any other minister. I do not want to make comparisons, but I want to give the English churches a plan. However, I first want to give it to the Opposition. I want to tell the Opposition: You told us with regard to the Group Areas Act that you stood for social apartheid. Deny it! The Opposition says it stands for social apartheid. That is their policy. I want to put the matter in this way: Social apartheid is not something which only affects residential areas. Traditionally it goes further in South Africa. We also have it in our relations with the non-Whites. I now come to the hon. member for Parktown (Mr. Cope), who quoted a statement by Ds. du Plessis. But he has now run away. That is what hon. members opposite do. They speak and then they run away. They do not want to take their medicine. I think the hon. member made a remark about Ds. du Plessis. He supposedly said we should meet in conference halls, etc. Does the amendment prohibit that? No, our mission churches also hold synodal conferences. The other day they elected a Native in the Cape to the Synod of the Mission Church. What is our policy? Our policy in the first instance is to give them their own churches and their own ministers and everything else. During the transition period until that mission church is strong enough to look after itself, there are still Whites who carry out those services. Until then ring sittings and synodal meetings are held together. The Minister gives his permission for that. Does the hon. member really maintain that under this legislation they cannot do that?

*The MINISTER OF NATIVE AFFAIRS: They do not even need permission.

*Mr. LIEBENBERG: Precisely. Now I say: Why should this House again deceive the Church by making untrue statements. Why? Why are they deceiving their own Church?

I want to mention a second point. I have mentioned the case of the Native who entered a church on a Sunday morning. I am sorry to say this, but he should just try to do that with us. Let the Native editor enter our Church on a Sunday morning. We shall ask the minister to have a hymn sung, and then . . . He is not coming to seek religion, but to annoy us. He is looking for trouble. I say that we thank the Minister for helping us by this legislation to put those troublemakers in their place. However, I want to mention a second instance. The hon. member gave us to understand that it is not true that there are ministers in the White areas who deliberately look for trouble by bringing Natives into White areas and holding church services for the Natives there. I want to give the example of Welkom, as reported in the newspapers, according to which an English minister went so far as to bring the Natives into the White area in order to hold a church service. The people there then said that should be stopped. A meeting was held and the magistrate was called in. The people said that those who were doing that should be punished. The minister, ds. Badenhorst, then said: "Wait a moment. There is legislation before Parliament which will stop this disturbance. Do we want it or do we not?" Is that true or is it not true? It appeared in the *Cape Argus*.

*An HON. MEMBER: Is there a church for the Natives?

*Mr. LIEBENBERG: I do not know whether there is an English church for them, but we have churches for them. Since my hon. friend has said that, I want to point out to him that the Cape by the close of the mission year had collected £200,000 for mission work—more than £400,000 together with South West Africa. The Transvaal figure for last year was £500,000. I do not know what the Free State figure was. That is what the Afrikaners have collected in two provinces—nearly a million pounds. If the English-speaking people who advocate this type of thing, Ambrose Reeves and those people, really wish to spread the Gospel amongst the Natives, why do they not persuade their congregation to contribute and to build a church for these people? The member asks me whether there is a church. They should have seen to it that there was a church.

*The MINISTER OF NATIVE AFFAIRS: There is an Anglican church in the Welkom location.

*Mr. LIEBENBERG: There is a church. That makes the position still worse. I want to mention a final example. It is the example of Rev. Huddleston. When we wanted to take the Native out of his misery, his drunkenness and murder, and place him in a decent clean home, what happened? A tremendous fuss was made and even the outside world sent reporters. They were made to feel fools because the Natives sang. While this great agitation was taking place, the Natives themselves came to say thank-you for what had been done for them. Where can one teach religion better in the first instance than in a clean location—something those people opposed? The cleaner the surroundings, the better one can reach the soul. Did one of the church leaders who are organizing this agitation repudiate that disgraceful book by Father Huddleston when they saw what happened there? No, they did not do so. No, Mr. Speaker, I am very sorry that I have to say that we are conquering the last fort of racial hatred, racial hatred which in South Africa is disguised under the cloak of religion. It does not benefit the country and it is not to the credit of the country. It is time that Christianity, English-speaking Christianity, raised its voice against these distortions.

HEPPLE

NATIVE LAWS AMDT. (Second Reading)

I want to thank the Minister very much. The hon. member for Green Point made a strong personal attack on him. He even referred to the Minister's racial ancestry. He said here: Look, I have inherited the great tradition of our people from hundreds of years pack. He is a Van der Byl. I assume he is a Hollander. The Minister is also a Hollander. He has been in this country longer than the Minister. I just want to say this: I hope the Minister will remain for ever in the nation from which he comes and in the church to which he belongs, and his children also, and that he will not depart from the traditions of the Afrikaner, like the man who has attacked him. I am very grateful to the Minister for helping us in this matter. We had also begun to feel unhappy about the position. We really thought we would have the co-operation of the English churches, and I say this with sorrow in my heart: I am so sorry that I must speak here to-night in the realization that the White Christian does not want to show the non-White Christian that he should be law-abiding, and that he should accept with gratitude what is being done for his elevation and his guidance towards that Christian community which we will all have spiritually.

Mr. HEPPLE: The hon. member who has just sat down has spoken most movingly, but obviously he has forgotten that it was the hon. the Minister of Native Affairs who started this thing and not the Churches. The hon. member allowed his emotions to carry him so far away that he completely forgot the background to the Bill which is at present before the House, and I would like, with your permission, to bring the attention of the House back to the Bill.

This Bill is another instalment by the hon. the Minister of Native Affairs in his attempts to apply the Nationalist Party policy of apartheid. It follows the usual pattern of curbing the freedom of the people and of endowing the Minister of Native Affairs with further dictatorial powers. I think this Bill illustrates better than anything else the length to which the Government will go in order to apply this policy of baasskap apartheid. I think it is no exaggeration to say that the phantasies of the past are becoming the cruel realities of to-day with most frightful results. This policy, being a policy of intolerance, inevitably had to catch up with the churches. Not even the churches could escape this grasping hand of intolerance wielded by the Minister of Native Affairs. Let me say that apart from the contentious Clause 29 which deals with churches and similar institutions, this Bill contains so many other bad features that even if it did not have Clause 29 we would have opposed it just as vehemently as we are opposing it now.

Mr. J. E. POTGIETER: Do you allow Natives in your synagogue?

Mr. HEPPLE: May I with your permission, Mr. Speaker, say that I have no synagogue. . . .

An HON. MEMBER: Have you a church?

Mr. HEPPLE: Yes, I have a church and I am just as good a Christian as any one of you. But I do not, like some members, parade my religion in this House. [Interjections.] If these hon. gentlemen would have a little more respect for the religious beliefs of other people and not endeavour to pry into their religious beliefs in an effort to condemn other people's attitude towards their vicious Native policy, perhaps they would introduce a few less Bills of the type which they do introduce into this House.

The hon. the Minister, in his concluding remark when introducing this Bill, told the whole story behind it. He exposed the hollowness of his protestations of innocence. He pretended that the churches had done something heinous, that the churches had not paid him the necessary courtesy. The Minister is a politician. By fortuitious circumstances he is Minister of Native Affairs; he did not even arrive in that position as the result of a democratic vote from the people of the country, yet he has the impudence to attack the churches and expect the churches to allow him to introduce all kind of measures while they sit meekly by until the Minister has decided that it is the right moment for him to give his interpretation. Let me inform the Minister that once a Bill is made public it is for the public to react to it. That is part of our democratic system in South Africa, and it is the democratic right of all the people to react immediately even if they do hurt the Minister's feelings—and as a politician the Minister must expect his feelings to be hurt.

When introducing this measure the Minister concluded by saying—

> It is only right to provide this protection in spheres other than those considered necessary 20 years ago for the urban community which is threatened by Whites who try to misuse their chances in order to try to establish a mixed society, or their desire for agitation.

In other words, by that very statement the Minister admits that the Government is endeavouring to legislate against the natural development of society in this country. He is endeavouring to legislate against the natural progress and development of people of this country. Whether the Government likes it or not there is a growing tendency for people to come to respect the non-European people and to admit their right to enter the sphere of western democracy. Despite its success at the polls, the Government is obviously losing this battle of forced separation of the races, because the people, willy-nilly, just like the Government, are following the path of integration. Every day we see more and more

evidence that, despite the mass of laws that are being passed by this Parliament, in all spheres of activity the races are coming closer together. That may seem repugnant to hon. members opposite but the facts are there, and those facts are defeating them.

The Government is endeavouring to prevent that natural progress because that progress is breaking down the barriers of yesterday, the barriers towards building a multi-racial society throughout the whole of this country. The Government must pin its faith in laws like this, and these laws inevitably, because they run against the stream, must not only further restrict the meagre rights of the African people but also inevitably strike at the freedom of the White people. They are cutting away the democratic rights of the White people as well. In addition to that they are breaking down the pillars of democracy. In South Africa the pillars of democracy have always had a lot of cracks in them, but now they are beginning to tumble under this type of legislation. So the Government, in struggling on with this policy is hurtling the country towards a dictatorship.

This Bill is not only dangerous because it goes against the stream of natural development and of modern thought, but it is also dangerous because it interferes with the ordinary rights of all sections of the community. More than that, it cuts off the African from progressive modern thought, from the beneficial associations of White civilization. It is leading to a state of affairs where it will be quite impossible for Whites and non-Whites to meet in order that the Whites may impart the benefits of modern democratic thought to the non-Whites. The only contact between the Whites and the non-Whites will be through official channels—or through the police, as an hon. member here interjects. In this fashion the Government is isolating the Africans from civilizing contacts and from democratic associations and practices. In every sphere of activity the urbanized African will watch civilization through his window and yet be unable to participate in it at any stage whatever. He will always be held subject to the whims and the fancies of the Nationalist Government. This will prevent the Africans access to healthy democratic trade unionism which is one of the bulwarks of modern democratic society; it will cut off the normal contacts in the religious sphere and it will also prevent the highly beneficial political contact that the White can afford to the non-Europeans. In addition, it will also prevent social contact, which is of equal importance. In brief, this Bill is a plan to frustrate the development of a modern democratic multi-racial society in South Africa and it is an attempt to put an iron curtain between the civilized Whites and the rising civilizing process amongst the African people.

I wonder if the Government has contemplated the effect of this Bill? When I say that I hope that the Government has contemplated the effect of this Bill read in association with all the other apartheid measures, because this is only a part of the usual pattern of their legislation. The Government is building a mountain of animosity and resentment against the White people. These gentlemen who pretend that they are striving to preserve White civilization in South Africa are, in fact, doing just the reverse; they are building up the very forces which will destroy White civilization in South Africa, because they are provoking the non-European to detest everything that the White man stands for.

When I say that this Bill is a wide invasion of existing rights I ask hon. members of this House to look at it in the context of the whole of the Native (Urban Areas) Act and in the context of other Native laws.

I would like, first of all, to deal with Clause 29, the most contentious clause of this Bill, and in dealing with that clause I would like to say that it is not the only bad clause in this Bill. I will deal with it first because it is the one that has drawn the greatest attention and it is one that seems to have disturbed the hon. member for Lydenburg (Mr. Liebenberg) most. Clause 29 replaces Section 9 (7) of the Native (Urban Areas) Act. The Minister, because of the first criticism of the original clause, now proposes to put in a very long amendment which disects the original short clause he proposed, and distinguishes between the churches and other institutions. The change that the Minister will bring about by the proposed amendment which has been published, is very interesting. The Minister said in this House—

> In the main, therefore, Section 29 (c) means that the section in the 1945 Act is retained unaltered for churches.

But the Minister is quite wrong. The proposed sub-sections 7 (a) and 7 (b) which deal specifically with churches entirely change the intention of the old Act. In Section 9 (7) and in 9 (6) (a) the old Act very specifically used the words "mainly for Natives" or "mainly for the benefit of Natives". It referred to churches and institutions that were "mainly for Natives or mainly for the benefit of Natives". In other words it referred to institutions that were predominantly for Natives.

The MINISTER OF NATIVE AFFAIRS: So does 9 (c).

Mr. HEPPLE: No, the hon. the Minister has changed that. He now refers to churches "to which a Native is admitted", or "one which is attended by a Native". In other words the Minister has completely reversed the process. The original Act referred to churches which were predominantly for Natives, now the Minister has made it apply to churches which are predominantly for Whites.

The MINISTER OF NATIVE AFFAIRS: I said (c) remains the same and (d) adds the other portion.

Mr. HEPPLE: It makes no difference. It does not in any way change my argument that the Minister's Bill now before the House, and the long amendment which will go before the Committee will have the effect of applying the Urban Areas Act not to predominantly Native Churches but to predominantly White Churches. In other words it can mean that a church which admits a minority of Natives to worship will fall under the proscription of the Miinster under this Bill, and that did not apply in the past.

There is another point: The proposed amendment strikes at all churches and institutions which have legally opened their doors to Africans in the distant past, but more particularly to those which have legally opened their doors to all races since 1937. It has been quite competent for them to open their doors to Africans since 1937, and they have done so, and as the country has developed and the church congregations have become larger, greater numbers of Africans have naturally attended these churches. Whatever the Minister and his colleagues may say, he is definitely interfering with the natural association and free right of worship of the people. This is an invasion in the religious liberties of the people, and the Minister cannot argue it away. In his proviso the Minister says—

> The Minister shall have due regard to the availability of facilities for such services within a Native residential area.

This seems to be a very generous proviso, on the face of it, but in actual fact it is practically worthless. Let me give an illustration of what may happen in Johannesburg. A large number of the major churches are in the centre of Johannesburg. Does this then mean that if there is a church of that particular faith in Orlando the Minister will rule that Africans attending the White Church in the centre of Johannesburg can no longer do so but must go to Orlando? Even if they come from Alexandra Township or the Eastern Native Township of Johannesburg, or if they are domestic servants, accommodated in White residences in Johannesburg? This is a very important point because, let me remind the Minister, in Johannesburg it can mean that instead of it taking an African as at the present time a quarter of an hour to reach his church, he may have to spend two hours in travelling, changing from one type of transport to another to get to an African township. Then he will have further delays in getting a permit to enter that location in order to attend worship. This is a very important consideration which we shall argue at greater length in the Committee stage.

The new sub-sections (c) and 7 (d) which the Minister will propose deal with the general prohibition. I want to deal specifically with sub-clause 7 (c) which gives the hon. the Minister power to act without the concurrence of the local authorities where, in his opinion, any club, hospital or institution, tec., is conducted " in a manner prejudicial to the public interest ". I think the phrase " public interest " should be defined, because it is going to be " in the opinion of the Minister " and in the opinion of the Minister " public interest " can be anything. From my experience of the Minister and his party " public interest " has become the Nationalist Party interest, and I think that when we get to the Committee stage we should insist that the Minister gives us a clearer definition of that phrase.

This clause contains so many restraints that the sum effect may be a complete ban upon the Natives attending schools, clubs, meetings of lectures or any institutions or any associations of that kind in the urban areas, because the secret power in this kind of legislation is its intimidation against the average citizen. The average citizen does not want to fall foul of the law and whenever there is a threat of action or of coming into the public eye or of criticism because of laws of this kind, people are frightened away, and I say we must not ignore the factor of the secret intimidation contained in this legislation.

In this clause the Minister has inserted another proviso which seems to be, again, a very generous one, and one which apparently safeguards against any excesses on the part of the Minister himself. That proviso is to the effect that no such notice of prohibition shall be issued without the concurrence of the local authority. I think the Minister himself gave the answer to that when he was speaking in this regard, when he said that each local authority cannot be allowed to interpret their own Native policy, they must be subject to the central authority. He said—

> It is obvious we cannot have twenty or thirty or forty different forms of Native administration, of Native policy by making local authorities completely responsible for their handling of Native affairs in their respective areas. It is therefore obvious that the local authority system is a means of executive organization to apply the policy of the country in regard to Native affairs. There should be no illusions about that. There can be no local authority which assumes to itself the right of applying a policy of integration if the policy of the country is apartheid.

That is the Minister's answer to his own proviso. What will he do if a local authority refuses to conform to this clause, if a local authority refuses the Minister power to ban the Africans going to White churches? The Minister will apply all kinds of pressure gainst the local authority. He has already declared that he and not the local authority is the boss. He has already declared that it is the policy of the Nationalist Party and not the local

authority that is going to rule the day, so that this proviso is therefore completely worthless.

The next part of this particular clause with which I wish to deal is, to my mind, the most evil in the whole Bill because it gives the Minister power to prohibit meetings and gatherings and to prohibit people from attending meetings and gatherings. It empowers the Minister to ban all meetings attended by Natives in the urban areas outside locations or Native areas, whether those meetings be in the open or indoors; whether they be in offices or shops or private residences or wherever they be. The Minister also has the power to prohibit any person holding or arranging such meetings. It is quite obvious to me that this is intended to apply to political organizations, to trade unions, to social and other gatherings. As the Minister himself has said, this is his weapon to prevent people with progressive and liberal opinions from exerting their influences upon the African people.

Mr. STANFORD: He said it was to apply to the Liberal Party.

Mr. HEPPLE: The hon. member for Transkei (Mr. Stanford) says the Minister said he intends this to apply to the Liberal Party. Of course it is going to apply to the Liberal Party; it is going to apply to the Congress of Democrats; it is going to apply to trade unions under White guidance and leadership; it is going to apply to the Institute of Race Relations. It is going to apply to all organizations where White and non-White meet to consider the common problems of South Africa. This particular measure is going to place arbitary powers in the hands of the Minister and make it possible for him to prevent trade unions developing amongst the African people. This is going to make it possible for the Minister to proscribe the Liberal Party and prevent it from exerting its democratic right of propagating its policies in South Africa—and all this in the name of apartheid! The Minister says his intention is to combat the activities of those who defy the policy of apartheid and cause mixed conditions in various spheres of social life. Somewhere else the Minister said—

> The effect of apartheid does not necessitate the abandonment of human decency.

Of course the Minister was talking about the taking of a Black casualty into a White hospital, but let me turn these words back to the Minister in relation to other associations of people. Throughout the civilized world the majority of people believe that it is below human decency to treat Africans in the manner in which so many White people are treating them in South Africa to-day. They believe that it is beneath human decency to refuse to associate with Africans and to treat them as chattels. So the Minister must understand that the words he uses here in one context have a completely different meaning to civilized people here and in other parts of the world.

I want to sum up Clause 29 by saying that the old Section 9 (7) did not seek to forbid the association of the different races. In saying this I am not defending the old Native Urban Areas Act, but I am pointing out the fact that that Act did not forbid the association of different races. The old Urban Areas Act did not attempt a complete severance of contact and association between the races. It did not attempt to prevent inter-racial communication and contact. It accepted the fact that there was a beneficial influence which could be exerted by the Whites on the non-Whites, but with this Bill the Minister is seeking to break off all those contacts and to drop his iron curtain.

I want to deal now with Clause 29 (d), which amends the same Section 9 of the Urban Areas Act. Clause 29 (d) firstly prohibits any Native from entering any building or land in a White area without permission, and it extends the provisions of the Illegal Squatting Act. Now the effect of this must obviously be to impose new hardships upon the Africans in their ordinary activities. The ordinary African in the urban areas who during his waking hours is occupied amongst the Whites finds many occasions, not only in the course of his employment, on which he wishes to visit buildings or land or premises, and he will be prevented, and it will be almost impossible for him to visit friends or relatives and to conduct the normal communications of family life. If I have a servant who lives with me in a block of flats, on the roof, and he has a brother who wishes to visit him, his brother will find all kinds of difficulties in his way before he can pay such a visit.

The MINISTER OF NATIVE AFFAIRS: He only needs consent.

Mr. HEPPLE: Yes, but whose consent? I live on the sixth floor of a block of flats. Before he can reach me he has to communicate either with the caretaker or some other person. Before he can have access to me to visit my servant, his brother who works for me he must get other permission. I am giving a common example. I wonder whether the Minister has ever spoken to any unfortunate urban African who has to go to a location superintendent to get a permit to visit his family in a different township? Often the superintendent is busy and there is a long queue, or for some other reason he is held up, sometimes for as long as an hour in the short period he has available on a Sunday to visit his relatives. It is in the practical application of a clause of this kind that the greatest cruelty and injustice is perpetrated. I only wish the Minister would devote some of his free time to go and talk to some of these Africans in order to see the cruelties of the laws that he so amiably passes. Even the most innocent African, if he runs up against an unsympathetic caretaker or employer, can fall foul of this law and become a transgressor, and what happens to him then? He imme-

diately falls foul not only of a prosecution under this Bill, but he is placed in further jeopardy under Section 10 of this Act. If he is a loyal member of his trade union and the Minister has under Clause 29 of this Bill made it impossible for him to attend a meeting of that trade union, and he has still attended that meeting, he may be liable to a fine of £10 or two months' imprisonment under Clause 29, and he forfeits all rights to remain in the urban area; and the Minister can send him out of the urban area, and as I will show under a subsequent clause, can even banish him to some foreign part, or to the farms. An African attempting to visit my servant may expose himself to a penalty of £10 or two months, and then he can fall foul of Section 10 of the Act and be sent out of the urban area. He loses all the rights he possessed before because under Clause 30 (a) of the Bill an African, even if he was born in the urban areas, forfeits all right to remain there because he has not retained a completely unblemished record. He can never return to that area again. The same of course applies to Africans under Clause 30 (b) of the Bill, because that clause imposes upon Africans now the necessity to maintain a clean and unblemished record throughout their whole lifetime, and not for the previous period of ten or 15 years. Right until the day they die they must not transgress the law in any way whatever. And when I talk about transgressing the law I do not mean that they must not commit crimes; I mean that they must not offend against the multiplicity of apartheid laws that have been passed under this Minister. In other words, every movement of theirs must be carefully watched and guarded, and I say that their whole condition of life becomes that of a complete concentration camp. The hon. member for Cape Eastern (Mrs. Ballinger) was quite right when she said that the Minister is creating a vast army of rootless proletarians. The Minister is doing just that. These poor unfortunate individuals are denied the right of free association in trade unions, the right to strike for their rights, the right freely to visit their friends and relations. So I can go on enumerating a long list of rights they are denied. How can such people never fall foul of the law? They will constantly do so.

I go on to Clause 34, which deals with the removal of Natives from the urban areas. Previously a Native who was illegally in an urban area could be removed and sent to his last place of residence. Now the Minister is introducing a very significant change to the existing Section 14 of the Urban Areas Act. The Minister now adds to the words " to his home or last place or residence" the words "or to any other place indicated by the Secretary for Native Affairs within a scheduled Native area or a released area under the Native Trust and Land Act ". This means that the Secretary for Native Affairs can indicate not that the Native should be sent back to his home or last place of residence, but that he can be sent to some rural area to work on a farm, or he can be sent to one of these mysterious places of which we hear so much, Frenchdale or Riemvasmaak. In other words, he can be banished. That is what it amounts to. A Native who innocently comes into the urban area to take up work and is found to be there illegally will no longer be sent back to his home from which he innocently came. By the edict of the Secretary for Native Affairs, he can be sent to one of those distant places to which Africans are banished.

I now come to Clause 39 (a) of the Bill, which amends Section 23 of the Act. It authorizes the registering officer to refuse to register contracts of service for such classes of work as may be determined by the Minister from time to time. Now the Minister has had this particular proposal before the House before, and this is really an intensification of the existing harsh provision. I once again want to say that in the Committee stage we will oppose this provision very strenuously, because this provision is such that it lends to the regimentation and the direction of labour, something to which we are strongly opposed.

Then there is Clause 39 (b). Previously it was applied to secure the removal of Africans from a proclaimed area. Approval had to be obtained from a magistrate following upon a conviction under Section 14, but now a conviction will no longer be necessary. This new clause gives the registering officer the power to remove him right away, even before an African has been convicted. I notice that the explanatory memorandum very sweetly says that this will reduce the large number of convictions which took place in the past. No, Sir, it means something quite different. It means that even if the registering officer is wrong the poor unfortunate African has no legal redress, because he is now being found guilty by the registering officer, and he can be dealt with as I have indicated previously and be banished to one of these remote areas.

Mr. Speaker, my time is up and I want to conclude by saying that the whole Bill is obnoxious, and we find that this Bill is so bad that we are very pleased indeed that the hon. member for East London (City) has moved that it be read this day six months. We are very happy that he has done so. If he had not done so, we would have. We will support that amendment and oppose these clauses, particularly those to which I have referred in my speech, in the Committee stage.

*Dr. JONKER: There is no doubt that Clause 29 of this Bill covers ground which should only be trodden with the greatest care. It covers the ground where the authority of the church and the authority of the State meet each other. As far as I am concerned, I want to state very clearly that I always want to adhere to the principle of the complete autonomy of the church in respect of the content of its religion, in respect of its dogma and the method of worship and the faith it wants to practice. If I had the least doubt—I do not even say certainty, but the least doubt—that this clause

HEPPLE

NATIVE LAWS AMDT. BILL

ference with universities, that it is prohibited to teach certain things at those universities, that university colleges will be university colleges only in name, etc., etc. He simply gave free rein to his powers of imagination. He has not even seen the Bill yet. I can just tell him that his guesses are completely taken out of the air, that they have no substance and that they are only guesses. That is a great pity, because he no longer sits there as an ordinary private member, but as the Leader of the Opposition, the leader of a party which hopes to be the alternative Government in future. Therefore we expect more responsibility from him. I could still have understood it if the hon. member for Benoni (Mr. Lovell) spoke as wildly as he spoke, and to a certain extent also the hon. member for Cape Eastern (Mrs. Ballinger). It is of course quite clear from their arguments that they want to have a socially integrating revolution in South Africa. They blame the hon. the Prime Minister for having during the weekend pointed to certain aspects of the autonomy of universities. I am very glad that he did so. Because in the final result our universities are evolved by the people and for the people and must be of service to the people, and as soon as those institutions which are established to comply with the needs of the people follow a direction of degeneration, and as the hon. the Prime Minister correctly pointed out, contain the inherent danger that our whole social and political structure is at stake and can be destroyed, they no longer fulfill the object for which they were established, and then they abuse the autonomy of which they are so jealous. But the whole of this Bill has nothing to do with that aspect of the matter. I mention it only in passing. The Bill, as I said on the first occasion, only envisages the establishment of their own university institutions for the non-White community where they can receive university training of a standard equal to that of the existing universities. But as the hon. member over there stated, from the very nature of the matter they must also start at the beginning and there must be gradual planning. We want to do nobody an injustice. The students to-day studying at mixed universities will be allowed to complete their courses, and gradually the new students will be enrolled in the new institutions we are going to establish, and there they will have the same privileges and the same facilities which can be enjoyed at any university. For that reason I want to say nothing further except to thank you, Mr. Speaker, for your patience.

Question put: That all the words after "That", proposed to be omitted, stand part of the motion.

Upon which the House divided:

AYES—75: Abraham, J. H.; Barlow, A. G.; Basson, J. D. du P.; Bezuidenhout, J. T.; Botha, M. C.; Botha, P. W.; Coertze, L. I.; Coetzee, P. J.; Conradie, D. G.; de Kock, J. A.; de Villiers, C. V.; de Wet, C.; Deysel, A. J. B.; Diederichs, N.; du Pisanie, J.; du Plessis, H. R. H.; du Plessis, J. W. J. C.; du Plessis, J. H. O.; du Plessis, P. J. C.; du Plessis, P. W.; Erasmus, F. C.; Erasmus, H. S.; Eyssen, S. H.; Faurie, W. H.; Fouché, J. H.; Fouché, J. J.; Frates, T. J.; Froneman, G. F. v. L.; Greybe, J. H.; Haak, J. F. W.; Hertzog, A.; Hugo, P. J.; Jonker, A. H.; Keyter, H. C. A.; Klopper, H. J.; Knobel, G. J.; le Riche, R.; Loubser, S. M.; Louw, E. H.; Luttig, H. G.; Luttig, P. J. H.; Malan, A. I.; Martins, H. E.; Mentz, F. E.; Mostert, D. J. J.; Nel, J. A. F.; Nel, M. D. C. de W.; Pelser, P. C.; Sauer, P. O.; Schoeman, B. J.; Scholtz, D. J.; Schoonbee, J. F.; Serfontein, J. J.; Steyn, J. H.; Strydom, J. G.; van den Berg, G. P.; van den Berg, M. J.; van den Heever, D. J. G.; van der Merwe, J. A.; van der Vyver, I. W. J.; van der Walt, B. J.; van Niekerk, A. J.; van Rensburg, M. C. G. J.; Venter, M. J. de la R.; Viljoen, J. H.; Viljoen, M.; Visse, J. H.; Visser, J. H.; von Moltke, J. v. S.; Vorster, B. J.; Vosloo, A. H.; Waring, F. W.; Webster, A.

Tellers: P. M. K. le Roux and W. A. Maree.

NOES—45: Abbott, C. B. M.; Ballinger, V. M. L.; Bowker, T. B.; Butcher, R. R.; Cope, J. P.; Davidoff, H.; de Beer, Z. J.; de Kock, H. C.; Durrant, R. B.; du Toit, R. J.; Fourie, I. S.; Frielinghaus, H. O.; Gluckman, H.; Graaff, de V.; Hayward, G. N.; Henwood, B. H.; Hepple, A.; Higgerty, J. W.; Kentridge, M.; Lawrence, H. G.; Lewis, J.; Lovell, L.; McMillan, N. D.; Malcomess, H. F. T.; Moore, P. A.; Russell, J. H.; Shearer, O. L.; Shearer, V. L.; Smit, D. L.; Solomon, B.; Solomon, V. G. F.; Stanford, W. P.; Starke, C. G.; Steenkamp, L. S.; Steyn, S. J. M.; Steytler, J. v. A.; Suzman, H.; Swart, R. A. F.; Trollip, A. E.; van der Byl, P.; van Niekerk, S. M.; Waterson, S. F.; Whiteley, L.

Tellers: A. Hopewell and T. G. Hughes.

Question affirmed and the amendments dropped.

Original motion accordingly agreed to.

The MINISTER OF EDUCATION, ARTS AND SCIENCE thereupon brought up the Separate University Education Bill [A.B. 58—'57] and moved, seconded by Mr. P. M. K. le Roux:

That the Bill be now read a first time,

Upon which the House divided:

AYES—75: Abraham, J. H.; Barlow, A. G.; Basson, J. D. du P.; Bezuidenhout, J. T.; Botha, M. C.; Botha, P. W.; Coertze, L. I.;

Coetzee, P. J.; Conradie, D. G.; de Kock, J. A.; de Villiers, C. V.; de Wet, C.; Deysel, A. J. B.; Diederichs, N.; du Pisanie, J.; du Plessis, H. R. H.; du Plessis, J. W. J. C.; du Plessis, J. H. O.; du Plessis, P. J. C.; du Plessis, P. W.; Erasmus, F. C.; Erasmus, H. S.; Eyssen, S. H.; Faurie, W. H.; Fouché, J. H.; Fouché, J. J.; Frates, T. J.; Froneman, G. F. v. L.; Greybe, J. H.; Haak, J. F. W.; Hertzog, A.; Hugo, P. J.; Jonker, A. H.; Keyter, H. C. A.; Klopper, H. J.; Knobel, G. J.; le Riche, R.; Loubser, S. M.; Louw, E. H.; Luttig, H. G.; Luttig, P. J. H.; Malan, A. I.; Martins, H. E.; Mentz, F. E.; Mostert, D. J. J.; Nel, J. A. F.; Nel, M. D. C. de W.; Pelser, P. C.; Sauer, P. O.; Schoeman, B. J.; Scholtz, D. J.; Schoonbee, J. F.; Serfontein, J. J.; Steyn, J. H.; Strydom, J. G.; van den Berg, G. P.; van den Berg, M. J.; van den Heever, D. J. G.; van der Merwe, J. A.; van der Vyver, I. W. J.; van der Walt, B. J.; van Niekerk, A. J.; van Rensburg, M. C. G. J.; Venter, M. J. de la R.; Viljoen, J. H.; Viljoen, M.; Visse, J. H.; Visser, J. H.; von Moltke, J. v. S.; Vorster, B. J.; Vosloo, A. H.; Waring, F. W.; Webster, A.

Tellers: P. M. K. le Roux and W. A. Maree.

NOES—45: Abbott, C. B. M.; Ballinger, V. M. L.; Bowker, T. B.; Butcher, R. R.; Cope, J. P.; Davidoff, H.; de Beer, Z. J.; de Kock, H. C.; Durrant, R. B.; du Toit, R. J.; Fourie, I. S.; Frielinghaus, H. O.; Gluckman, H.; Graaff, de V.; Hayward, G. N.; Henwood, B. H.; Hepple, A.; Higgerty, J. W.; Kentridge, M.; Lawrence, H. G.; Lewis, J.; Lovell, L.; McMillan, N. D.; Malcomess, H. F. T.; Moore, P. A.; Russell, J. H.; Shearer, O. L.; Shearer, V. L.; Smit, D. L.; Solomon, B.; Solomon, V. G. F.; Stanford, W. P.; Starke, C .G.; Steenkamp, L. S.; Steyn, S. J. M.; Steytler, J. v. A.; Suzman, H.; Swart, R. A. F.; Trollip, A. E.; van der Byl, P.; van Niekerk, S. M.; Waterson, S. F.; Whiteley, L.

Tellers: A. Hopewell and T. G. Hughes.

Motion accordingly agreed to.

Bill read a first time.

Bill to be read a second time on 25 April.

NATIVE LAWS AMENDMENT BILL

First Order read: House to go into Committee on Native Laws Amendment Bill.

House in Committee:

On Clause 1,

Mr. HEPPLE: Mr. Chairman, I move the following amendment—

In line 10, to omit " or any dependant of his "; and to omit all the words after " minerals ", in line 55, to the end of the definition of machinery.

The purpose of my first amendment, to omit in line 10 the words " or any dependent of his " should be obvious. Entrenched in the present Act is a principle that a single member of an African family can pledge the services of any member of his family, and that principle is one to which we must take exception. For that reason I ask for the deletion of those words in the proposed addition to the definition of " advance ". The definition of advance in the existing Act reads as follows—

> Advance shall include any sum of money in cash or any substitute therefore in any form whatsoever supplied to a Native upon the condition that he shall repay or make good the same by his labour or out of the wages to be received by him under a contracted service with any employer.

The hon. the Minister proposes to add at the end of that—

> or upon the condition expressed or implied that he or any dependent of his shall enter in or continue in any employment.

While it may be in order for a man to receive an advance in the pledge of his own labours, we think it is absolutely wrong and immoral for him to receive payment in advance for pledging the services of his children or his spouse or any member of his family. For that reason I ask for the deletion of these words. The principle that the hon. the Minister is introducing into this legislation is that a member of an African family can sell members of his family as chattels and get a cash advance for it. For that reason I move that those words be deleted.

My second amendment to this clause is to omit in line 55 the words which appear at the end of sub-section (d) of this clause. The words I want omitted are as follows—

> But shall not include any engine or boiler or appliance or combination of appliances which is used or intended to be used for private domestic purposes or in any farming operations, including the processing of any farming product conducted by a *bona fide* farmer other than a company or other corporate body.

The purpose of this amendment is to remove the new principle that the Minister is introducing whereby farming operations are excluded. The present Act excludes domestic servants, but the Minister now proposes to take that further and to exclude farming operations except those done on a group basis. In the explanatory memorandum the following is said—

—424 S

> The definitions of "machinery", "mine" and "mineral" are brought into line with similar definitions in the Mines and Works Act, 1956. Under the definition of "machinery" the present exceptions in connection with machinery used for domestic purposes are retained and a further exception is added to exclude farming operations. The additional exception will avoid farms being classified as "works" and the Natives employed thereon as "Native labourers".

This explanatory note is not entirely correct because all Natives fall within the scope of this Act merely upon a proclamation by the Minister. In previous amendments to this Act the Minister has taken to himself the power to include every single Native in South Africa, and I therefore see no reason why their employers should not likewise be brought under the obligations of this Act in respect of their Native employees.

Under Section 23 of the existing Act there is very clear reference to farmers. I would like to read paragraph (d) *ter* of Section 23 which refers to the power of the Governor-General to make regulations "not inconsistent with this Act as to all or any of the following matters", and one of the matters set out is—

> the formation for the purpose of the recruitment of Natives by employers of Natives in farming, agriculture, horticulture or irrigation . . .

In other words the Act already provides that farming is covered in many aspects by this particular law. For some reason which I cannot fathom the hon. the Minister wants to exclude individual farmers from the operation of this Act unless they are combined together as an organization. The reference in Section 23 of the existing Act is to "the formation for the purpose of recruitment of Natives by employers of Natives in farming, agriculture, horticulture or irrigation", and that distinctly provides that farming operations are included under this measure. Therefore the statement in the explanatory memorandum that its purpose is to avoid farms being classified as "works" is not very clear to me. I hope the hon. the Minister will explain to this House what the real intention of this amendment is. As far as I read it it is in conflict with the existing Act, but if it is not in conflict with the existing Act I think it is absolutely essential that every employer should be subject to the same obligations and responsibilities under this legislation as are their employees. For that reason I move these two amendments.

Mrs. BALLINGER: Mr. Chairman, I wish to support the amendment moved by the hon. member for Rosettenville (Mr. Hepple). I wish, in fact, to support the general sense of both amendments, but I would like particularly to support what he has had to say in regard to the first amendment. I agree wholeheartedly with him that the establishment of a principle under which a man may commit his dependents to work in payment of any advance is an extension of the control of the man over the labour of his family which, I think, is most reprehensible at this stage of our industrial development. It is bad enough to have that sort of control in our other laws of this country, and I certainly do not think this is the sort of legislation we should be putting on the Statute Book now.

In regard to his second amendment, I was going to propose simply to delete sub-clause (d), but I am satisfied to accept the amendment of the hon. member for Rosettenville. My own desire was to leave the situation as it is, that is, to leave the definition of machinery to remain as it is. I do not know, any more than the hon. member for Rosettenville does, all the implications of this clause in view of the complications of the terms under which we frame this sort of legislation. However my suspicion is that it is another effort to prevent the industrializing character of farming from being recognized in our industrial laws. More and more our farming industry is becoming industrialized, becoming mechanized, and my contention is that we are long past the time when the farming industry in that sense, ought to be brought under more modern laws than it is. I feel that farming operations, particularly when they involve the use of machinery, should come under the control of modern wage regulating machinery so as to establish efficient modern conditions of farming operations. I base my claim that we should do this on the fact that the farmer has nothing to lose in that regard. On the contrary it might assist him to overcome his difficulty in getting farm labour, a difficulty which he faces continually from year to year as the reports of the Department of Native Affairs show in their annual review of the situation. I feel that if these farming operations involving machinery were, to begin with, brought under control of modern wage regulating machinery, we would be taking a step in the right direction. And it is because I am afraid the hon. the Minister's intention in this regard is to be sure that they are kept out of the operation of that sort of machinery that I very strongly support the proposition implicit in the hon. member's amendment, that we maintain the existing position and do not amend it in this way.

Mrs. SUZMAN: I would like to move that—

> To omit paragraph (6).

This clause is the one which greatly enlarges the scope of the definition of authorized officers under the existing Act, and although the explanatory memorandum on this Bill states quite simply that—

> The definition of "authorized officer" is amended for the sake of uniformity.

It will be seen that the changes that are to be implemented if this sub-clause (b) is left in the Bill, will very considerably increase the number of persons who fall under the definition of authorized officer. In other words, it is more than just uniformity which is aimed at by this clause, it is a considerable increase in the number of people who may be deemed authorized officers.

This clause has to be read in conjunction with a further clause which comes later in this Bill, that is Clause 23, which, in turn, I am going to ask to be amended. Both of these clauses, in turn, are affected by Clause 50, and there is an amendment standing in the name of the hon. member for Jeppe (Mrs. Bertha Solomon) which affects Clause 50. All of these tie up together with the description of what is an authorized officer under this Bill, and that, in turn, affects the production of documents which may be demanded by such authorized officer. The original Bill as regards the Native Labour Act, already went pretty far in its definition of authorized officer; the existing Act lays down that—

> "authorized officer" shall mean a magistrate, a justice of the peace, a European member of the police, an attesting officer, an officer designated to register contracts of service in terms of any regulations made under Section 23, or any other person may be authorized by the Minister . . .

to demand the production of documents under this Act or the regulation. That is a very considerable scope as it stands, and I cannot see why it is necessary for the Minister so greatly to widen the definition of authorized officers as to include a large number of other people who are not included in the original definition. My complaint about his widening of the definition is not simply a complaint about the language of the clause, but its very definite effects on the people who are now going to be asked to produce documents by an ever increasing number of officers under this Bill. Already we know that the Native population in terms of the Native Regulations Act and in terms of the existing Urban Areas Act, is constantly harassed by people who are entitled to demand the production of different documents. As I have mentioned before, there are already a large number of people who can make these demands; and now a further class of people is being introduced to make the same demands. The result of a demand for the production of documents, and the penalties which can be inflicted if the documents are not produced have resulted, as I pointed out in an earlier stage of this debate, in an ever increasing number of people being gaoled in South Africa for petty offences. The last report of the Department of the Police showed that over 400,000 Natives had been sent for trial on petty offences under the production of documents law in this country, which means an enormous number of people gaoled, coming into contact with hardened criminals and themselves bearing the stamp of having gone to gaol.

I ask the hon. the Minister not to enlarge the scope of this clause. It is already quite wide enough as has been shown by the ever increasing number of arrests for these so-called statutory offences of the pass laws.

Dr. D. L. SMIT: The hon. member for Houghton (Mrs. Suzman) has stated the reasons for this amendment very clearly, and there is really very little I can add. But I do wish to support the amendment that she has moved. This new definition of authorized officer multiplies the number of officials who may demand passes or other documents from Natives by over 100 per cent. Under the old definition contained in the Native Labour Regulation Act there are only six classes of officers who can demand the production of documents. The number under this amendment has now been increased to 14 classes of Government and municipal officials and others, as well as a large number of Railway Policemen who have nothing whatever to do with Native administration. This means that a whole army of people will have the right to harass Natives in the towns at every street corner, and there will be, as has been pointed out by the hon. member for Houghton, a large increase in the number of Natives who will be sent to gaol for contravening Clause 50 of this Bill.

During the second-reading debate I referred to the lack of discretion often exercised by members of the Police Force in locking up Natives who may have left their reference books in their rooms. The irritation caused to respectable Natives by being pulled up by irresponsible officials in the streets is very great indeed. I wish to cite the case of the Paramount Chief of Zululand in this connection. Hon. members will remember that the Paramount Chief and his entourage were arrested in the streets of Durban for being without curfew permits, and they suffered the indignity of being taken to the police station. After that a near relative of the Paramount Chief, his aunt, who happened to be in Johannesburg was similarly treated. One wonders what is going to happen next.

By increasing the number of officials who have the right to make these demands you are increasing the tension that already exists. The inclusion of these railway policemen is, I think, a very unfortunate step, and it certainly is not likely to popularize railway transport, and that at a time when the Railways are trying to induce as many people as possible to travel by train. The network of these regulations is altogether too wide already and the position will only be aggravated by the Minister's amendment.

Mr. DAVIDOFF: I, too, would like to support the amendments moved both by the hon. member for Rosettenville (Mr. Hepple) and the hon. member for Houghton (Mrs. Suzman). May I, in the first place, deal with

this power by special appointment, and instead of doing it that way, we wish to give these powers automatically. Under both the Urban Areas Act and the Labour Regulation Act these people have to be specially appointed. Take the non-European Affairs officials of the urban authorities. Hundreds of them are continually given these powers by special appointment. Instead of doing all that routine work they can just as well be granted these powers automatically. By means of this clause, very few new people are added who would demand documents from Natives.

Mrs. SUZMAN: What about the Railways and Harbours police?

The MINISTER OF NATIVE AFFAIRS: They get these powers by special appointment to-day. The argument used by the hon. member for East London (City) (Dr. D. L. Smit) is that these powers can lead to misuse very often, and he quoted the cases of Cyprian and his aunt. In those cases, however, the police demanded the documents. Under the old Act they could also demand documents, and therefore these are not examples of any new dangers being introduced now. For this reason I do not see why the amendment should be accepted because it would just mean continuing to give all these people, by special appointment, the same powers that will now be granted automatically.

Mr. HUGHES: Is a railway policeman specially appointed?

The MINISTER OF NATIVE AFFAIRS: Not necessarily all of them, but that special appointment would be asked for those who come into contact with Natives, and it would be automatically granted. As a matter of fact, to get the work done which is being done we can never refuse to grant an application for a special appointment, because a good case is always made out for it. That is why under Clause 23, in the explanatory memorandum, I summarize the various types of persons who are usually given these powers.

MR. HEPPLE: I have listened carefully to the Minister's explanation in reply to my first amendment in regard to the deletion in line 10 of the words "or any dependant of his". What the Minister has said confirms the suggestion I made when I first spoke on this amendment. When I moved my amendment I suggested that the effect of excluding farms and farmers from the application of this Act simply had the effect of exonerating them from their obligations to their Native farm employees, who are in any case under very strict control.

The MINISTER OF NATIVE AFFAIRS: They deal with them strictly, but well.

Mr. HEPPLE: I do not want to argue that point. I am not allowed to do so under the Rules, although I would very much like to do so. But let me come back to the point. The Minister quoted, as the reason for excluding farms, that it would make it very difficult and it would make it necessary for every farmer to provide a compound manager and to provide proper housing, etc. That is the point I made when I moved this amendment. I suspected, on my reading of the clause then, that that might be the effect of that exclusion, and the Minister has confirmed it. Let me refer the Minister to Section 23 of the Native Labour Regulation Act and draw his attention to the very items to which the Minister has referred. Sec. 23 (j) says that the Minister can make regulations under this Act "for the proper housing, feeding and treatment of Native labourers, the housing of the families of such labourers, the care of the sick and the injured and the inspection of premises in which Native labour is housed, and also for the regulation of married quarters and compounds, the right of entering into and residence in such compounds and the rules to be observed therein for the maintenance of good order, discipline and health". This Act very carefully defines a compound and the regulations applying to a compound, and the difficulties the Minister suggested are all swept away because he has not given any good reason why farms should be excluded. What is significant is that the Minister made no reference to the final point in this clause before the Committee which refers, in my second amendment, to the question of farming. Where it refers to farming operations it says: "including the processing of any farming products conducted by a *bona fide* farmer". We know, as the Minister so correctly observes, that to-day farming is not what it was in the past, and that a large number of our farms have become mechanized and employ large numbers of labourers, who are employed not in their old capacity as tillers of the soil but in capacities where they handle machinery and where they are conducting modern farming operations, which should not be ignored in our modern legislation. What the Minister is doing by this proposal in the Bill before the committee is to assume that because a farmer has a canning plant or a plant to process the products on his farm, he is still an old-fashioned farmer to be treated like he was in the old days of the wooden plough. That is of course nonsense. When there is mechanization on a farm where tractors are used and manufacturing machinery is used and a large number of Natives are employed in those capacities, it is more than necessary that all the protection of this Act should be extended to such workers. The Minister, I think, defeated his own argument by the very quotation he made to this Committee. I think in the light of the Minister's argument he should accept both my amendments, because he has himself shattered all objection to them. With reference to the first one, about dependants, in line 10, I ask for the omission of the words "or any dependants of his", because that is tantamount to the selling of members of a family as chattels. Of course as applied in the old days of simple farming methods, they were treated as a family unit living on the farm, but even that

is passing away to-day, and it seems even more evil in these modern days than it was then. I am sure the Minister is treading on very weak ground when he attempts to argue that the fact that no one has tried to remove this provision from the existing Act in the past shows that it was a good provision which should remain. I cannot understand that argument at all, because by saying that the Minister throws an obligation on every member of this House and especially on the Opposition to ferret through all the old laws of the land to seek out all the things they think should be changed, and introduce private Bills and motions. But it is the Government which has the opportunity to change these things, and not the Opposition.

The MINISTER OF NATIVE AFFAIRS: I was talking about the time when the previous Government was in power.

Mr. HEPPLE: Let me tell the Minister that in the Native Labour Regulation Act, in the Mines and Works Act, and in the Urban Areas Act there are a lot of bad entrenchments, and I am sure that the parties who were responsible for those entrenchments are heartily ashamed of them to-day. The Minister should not try to defend his own position by arguing that these entrenchments in the old Acts are good, because most of them were very bad. The principles which were applicable in 1911 when the Native Labour Regulation Act was passed applied to a different form of society from what we have to-day, and that is what I am trying to get the Minister to understand. The type of African in employment even in the urban areas in those days was the tribal Native, but to-day it is different. That is the basis of our objection to so many of these things. The influence of these urban Natives upon their rural brothers is becoming so great that even the farm labourer to-day is becoming a vastly different proposition from what his predecessor was. It is in the light of those facts that we appeal to the Minister to approach the existing legislation, and why I have moved my amendment. The Minister, far from convincing me that my amendments are not good ones, has on the contrary convinced me that they are very good amendments, and I hope the Minister will think again and accept them.

Mr. LAWRENCE: I want to join issue with the Minister on his contention that this proposed amendment in para. (b) will provide for only an apparent extension of the number of authorized officers. In my view there will not merely be an apparent extension but a very real extension. It is of course true, as the Minister has pointed out, that under the powers conferred upon him or the urban authorities by virtue of the Native Regulation of Labour Act and the Urban Areas Act *ad hoc* appointments can be made from time to time, and no doubt such appointments are made in respect, e.g. of some members of the Railway Police or other officials, but they are *ad hoc* appointments. In other words, although some members of the various new categories included in (b) may be authorized to act as authorized officers from time to time, not all the members in those categories have those powers. So that there is, by virtue of this new clause, as amended, a very real extension of the number of persons in those categories who may exercise the powers conferred. The point that was made by the hon. member for East London (City) and the hon. member for Houghton was this, that at a later stage in this Bill, when we come to deal with Clause 50, we find there that any Native who fails upon demand to produce a pass and certain other documents to an authorized officer commits an offence. A very heavy onus indeed is placed upon the urban Native by virtue of this proposal in Clause 50. That being so, it seems to me that those who are permitted to act as authorized officers, that the number should be limited so as to avoid abuse of the powers given to them, because there is no doubt that there is abuse of power from time to time. There are irresponsible subordinates who want to chuck their weight about and demand this and that from persons whom they think cannot look after themselves. I do not make that charge against everyone, but one knows that these things happen. Some of these instances have come to me in my own experience of Natives in the urban areas. That being so, it seems to me that the Minister should heed the plea that has been made against the extension of these authorized officers. The Acts, as far as one knows, have been carried out fittingly and adequately without the need for this drastic extension of the number of authorized officers. I hope the Minister, on reflection, will agree that this plea is one which should be heeded and that he will agree to the dropping of the proposed amendment to the section.

Mr. MALCOMESS: I should also like to add my voice to that of the hon. member for Salt River (Mr. Lawrence) with regard to paragraph (b). The Minister said that this was only an apparent extension, but the purpose of the hon. members for Houghton and East London (City) in supporting this amendment was to try and limit the number of people who could demand these documents from Natives, the feeling being that the Natives are being harassed. In his reply the Minister actually gave point to what the hon. members had said, because he himself admitted that there are hundreds of people who receive special appointments as authorized officers. If there are hundreds of people added already to the list of people who are authorized officers, does that not lend point to the argument that there are too many people who can, if they so wish, harass the Native with these requests? What we really require is not an increase in the number of people who can demand these documents, but to limit it to those who really come into contact with

Mr. DAVIDOFF: I am just drawing the Minister's attention to this point from a purely legal point of view. May this not be vague and may this not cause a lot of embarrassment because the explanatory memorandum says that both officials are now clothed with criminal jurisdiction? The thought just occurred to me that either the explanation is wrong or that the clause may be wrong in that you may be attempting to clothe the Native commissioner with criminal jurisdiction over a European who may be charged under the Act. I would like to hear the Minister's view on that.

The MINISTER OF NATIVE AFFAIRS: I understand from the legal advisers that this is perfectly in order and that it does not vest special powers in the Native commissioner.

Clause put and agreed to.

On Clause 17.

Mr. COPE: I wish to move the following amendments—

> In line 16, page 10, after "the", where it occurs for the second time, to insert "sitting and"; in line 24, after "Director" to insert "after consultation with the local authority concerned"; to omit all the words after "area" in line 46, to the end of the proposed new proviso; and in line 59, to omit "Natives or employers" and to substitute "employment or industry".

I might say that as far as the first amendment is concerned, the effect of this clause is to pin down the procedure in regard to obtaining permission for the siting of compounds, etc. The general effect of this clause is, as I say, to pin down procedure and it is supported in principle by this side of the House, and I hope the authorities concerned. The present situation is becoming almost chaotic. You have quite a large number of authorities involved when permission is sought for the siting of compounds, married quarters, and so forth, and in practice there is a tendency rather to throw the ball between one body and another. You get involved in this procedure the local Native commissioner, the chief Native commissioner, the public health authorities, the Director of Native Labour, the Mines Department, the Group Areas Board, the Natural Resources Development Council and the local authorities. In order to speed up the procedure, it seems reasonable that the authorities who should deal with the matter are the Director of Native Labour and the local authority.

As the clause reads at the moment, the local authority is not included. So I am moving that after the word "director" in line 24, the words should be inserted "after consultation with the local authority concerned". I feel the hon. Minister should meet us in this regard. The local authorities are very important bodies who are vitally concerned in the whole situation and the exclusion of the local authorities is not wise. In line 16, higher up, I suggest that the words "siting and" should be inserted. As the clause reads at the moment it is not quite clear that it is this problem of siting that is being dealt with, and I suggest that the insertion of these words would be helpful in making the clause very much clearer than it is now. It is this question of siting that is causing most of the trouble. The Minister himself is somewhat reluctant to take the responsibility for siting, and as the position is one body seems to wait for the other. I feel that the words "siting and" should be included there, and then also the words "after consultation with the local authority concerned".

Then further down in paragraph (i), line 46, I wish to move that the words "unless such Native was originally permitted to be in such area for a specific period" should be deleted. It seems that to retain these words would make this clause unnecessarily harsh. It can happen that a Native whose entry-period into an urban area has been restricted, and who has come in and found work in an industry and is proving an excellent employee, doing extremely well—who in other words has made a niche for himself in that industry, performing a useful service—because his original time was restricted, if these words were retained, might have difficulty in coming back. It seems to me that these words might well be left out. The clause would then be less restrictive and a Native who has fitted into certain employment very well, will then not be unduly penalized. Therefore I want to ask that these words should be delected.

Finally, we come to line 59 which says "different regulations may be made in respect of different classes of Natives or employers". My amendment wants to delete the words "Natives or employers" and to substitute "employment or industry". The reason for that is that it seems that by retaining the words "Natives or employers", as at present, there is some obscurity in regard to the exact meaning of this provision. The object of this clause is not entirely clear. For instance, as it stands now, is it intended that different regulations could be framed for different ethnic groups? The White Paper says that the object is to make it possible to make different regulations for different classes of Natives or employers. So the whole thing is not quite clear, and what I am asking is that the differentiation be placed on "employment" rather than "employees" and on "industry" rather than employers. I feel that these amendments would make the purpose of the clause considerably clearer. It will be seen that the alterations that I seek are not controversial, with the possible exception of the one in line 46, where there may be a difference of opinion. I feel that all these amendments are merely matters affecting draughtmanship and that the amendments would clarify the whole position and facilitate the whole working of this Clause 17. I hope

the hon. Minister will see fit to accept these amendments.

Mr. HEPPLE: I move as a further amendment—

To omit paragraphs (i) and (l).

This means that I am going somewhat further than the hon. member who has just sat down. I feel that the proposals in the Bill before the House bring about a radical change in the existing position, a change to which we cannot subscribe. Paragraph (i) provides for "the substitution for the proviso to paragraph (o) of sub-section (1) of the following proviso . . .". Then follows a long proviso that goes further than the existing proviso in Section 23 of the Act. The existing proviso reads—

> Provided that a Native who has furnished satisfactory proof that he is re-entering the service of his previous employer, shall not be prohibited or prevented by any regulation from doing so.

Now the clause before the House makes a material change in that. As the clause stands at the present time, if a Native can provide satisfactory proof that he is returning to his previous employer, he has an unfettered right to return. But now the proposal before this Committee places three new limitations upon that right to return. The first is that it makes it necessary that he shall not have been away for a period longer than 12 months. In other words there is a time limit upon his absence from the area. The second is that it restricts his re-employment not only to the same employer, but to the same class of work that he was doing before he left. The third limitation upon his return is that it is conditional upon him having possessed the right originally to have been in that particular area. Now as far as the first two innovations are concerned, I think my objections must be supported by any reasonable member of this House, because first of all, it is not always reasonable to expect a Native employee to have been away merely for a period of 12 months. Sir, there can be no objection to the existing provision whereunder he could have been away for a longer period than 12 months and still have had a reasonable right to return to his employer. There may have been all sorts of family circumstances, or financial circumstances that have kept him away from his employer for a longer period than 12 months, and those cases should not have been so numerous as to provoke the Minister now to introduce this limitation of 12 months. The Minister has not given us any valid reason why he has had to place this limitation. Are there tens of thousands of Africans trying to return to their previous employers who have been away longer than 12 months? Or is this merely being introduced because an official has on one or two occasions been irritated by the fact that Africans were applying to return to their employers after having been away for a longer period? It seems to me that this is merely an administrative change that has no real justification.

The second limitation to which I object is that this restricts the re-employment of an African returning to his previous employer to the same class of work that he was doing previously. This will virtually eliminate all Africans who are trying to return to their previous employer. If the hon. Minister understands the position in any mine, or works, or industry, or manufacturing concern, he will know that when an African is away on leave from his employment, he is replaced in that occupation; but if he has a good record with his employer, the employer is anxious to take him back in the same class of work where he was originally. It may mean that when that African returns to that employer, the employer says "Well, I can't take you back into the factory where you have been working, but I will let you act as a delivery boy in another section of the business until I can give you something better". Or it may mean that when that African went on his long-leave, away from his employer, he did so on the understanding that he would return to a higher position with his previous employer. I can give the Minister innumerable examples of why this provision is a very bad one. It stands in the way of normal practices in industry and commerce, it stands in the way of the normal advancement of Africans, and also stands in the way of proper relationship between an established business and an employee with long years of service. I wonder why this has been introduced into this particular measure? It has certainly been introduced by somebody who has no comprehension whatsoever as to the relationship between an average employer and a long-service employee. I can only see misery and suffering for employees if this provision is strictly applied.

The third point, which may be more debateable, but upon which I hold very strong views, is that the return of an African is now limited to the fact that he now had a right to be in that area previously. The hon. Minister knows very well that there are a number of Africans who have previously lived in these restricted areas previously, in urban areas, and have by the length of period they have been there, although not quite in conformity with the Act, been entitled to be there. You may have only rare occasions of such Natives. Why introduce this into legislation? Why can't this be dealt with merely on the merits of the case? Let us assume that a number of Africans who are returning to an employer are proved not to have the original right to be in the area—the very fact that they have been in the area and have been away and are returning, should be sufficient evidence of their worthiness to come back if their employer is willing to accept them. The very fact that the employer is willing to accept a returning African back into his employment, shows that he must have been of good character and good behaviour

The MINISTER OF NATIVE AFFAIRS: Nobody says that he cannot return.

Mr. HEPPLE: But he cannot, according to your provision here.

The MINISTER OF NATIVE AFFAIRS: Not automatically. He has to follow the ordinary procedure, but this will count in his favour.

Mr. HEPPLE: But what does your proviso say? It says—

> Provided that no regulation made under this paragraph shall have the effect of preventing a Native from re-entering any prescribed area after an absence therefrom . . . unless such Native was originally permitted to be in such area for a specific period.

The MINISTER OF NATIVE AFFAIRS: He gets the concession to enter automatically, and the other must follow the ordinary procedure.

Mr. HEPPLE: I don't understand it like that, because it says "unless such Native was originally permitted to be in such area". Therefore the regulation must prohibit him from coming in.

The MINISTER OF NATIVE AFFAIRS: No, it prevents him from coming in automatically.

Mr. HEPPLE: I am sorry but I don't read it like that. However, if the hon. Minister assures me that he is not entirely excluded, then I will not press that point.

The MINISTER OF NATIVE AFFAIRS: That is the position.

Mr. HEPPLE: Then I won't press that point, but my other objections to this clause, I think, are very important.

Now I have also moved that paragraph (1) be omitted from this clause. It provides—

> by the insertion after sub-section (2) of the following paragraph:
>
> > Different regulations may be made in respect of different classes of Natives or employers.

The hon. member for Parktown (Mr. Cope) has mentioned his objection to that, and I think this falls into the same category as my previous objection with reference to classes of work. Now there is reference to "classes of Natives or employers". I think these terms are so vague that they must be defined in the Act, so that the people concerned will understand what it means. [Time limit.]

Dr. D. L. SMIT: I wish to support the amendment moved by the hon. member for Parktown (Mr. Cope). His first amendment to paragraph (f) is to give the Director control over the siting of compounds and other facilities provided for Natives, which I submit is an administrative improvement and clarifies the position. The second point is very important and that is where Native compounds or other facilities are to be established within an urban area, the local authority concerned should be consulted before approval is granted by the Director of Native Labour. It may well be that the site on which the compound is to be erected, is in an area where its establishment may be most undesirable from the town planning point of view, and the interests of the local authority may be involved. In regard to his amendment in paragraph (i), the counter part of that is to be found in Clause 30 (d) which deals with urban areas. I shall devote my argument to both those provisions. As I say, the concluding proviso which deprives a Native who was originally permitted to be in an urban area, even for a specific period of his right to return within 12 months to his previous employment, is wrong in principle. It not only deprives the Native of a privilege that was granted to him under a recent Act of Parliament that was introduced by the present Minister of Native Affairs, but it deprives his employer of the services of a man who may have been trained in his ways and gained some skill in a particular occupation. It is a practice that encourages good relationship between master and servant. Last November, Sir, I visited the Sasol coal mine in the Free State and I found that most of the skilled work underground, all the manipulation of the electrical machinery used in the removal of coal and placing it in the conveyer-belts was done by Natives, under the supervision of a White man. These Natives are highly skilled. I was told that it took some months to train a Native to do that work. In cases like that, Sir, we should encourage the Native who goes away to his home in the Transkei or somewhere else for a period, to return to the same employment. He should not be required to seek a permit from the registering officer. Also I submit, Sir, it is most undesirable that we should give a Native a special privilege one year and take it away the next year. Such legislation introduces a state of uncertainty that is bad for our administration and creates a bad impression on the mind of the Native. I support the amendments.

Mrs. BALLINGER: I presume that the answer of the hon. the Minister to the case that the hon. member for Rosettenville (Mr. Hepple) made is that the clause that he is introducing here is going to bring the Native Labour Regulation Act into line with the Urban Areas Act. I understand that that will be the case. All I can say is that this offers merely opportunity to say how opposed we are to the type of regulation which the

hon. Minister introduced originally into the Urban Areas Act. But in so far as this proposition which is enshrined in the first half of this paragraph was a concession to the extreme restrictions that the Minister was imposing in that Act, I was inclined to ban it. I must say that for myself I would have preferred to be able to maintain the position which the hon. member for Rosettenville has read out from the Native Labour Regulation Act which says that "provided a Native who has furnished satisfactory proof that he is re-entering the service of his previous employer, he shall not be prohibited or prevented by any regulation from doing so". I am not very hopeful, however, of the hon. Minister accepting that in view of all the circumstances. So, Sir, I shall confine myself to expressing my extreme dissatisfaction with the addendum which the hon. Minister is making in the terms of this sub-clause and which he is repeating later on in the Urban Areas section of this Bill, that is the limitation which he imposes upon Natives returning to their employment within 12 months. I cannot see why the hon. Minister has seen fit to water down this sufficiently meagre concession that he made in the Urban Areas Act. He already lays down that a man can only come back, without having to go through all the formalities in order to get a new permit, if he comes back within 12 months, and if he comes back to the same employer, and if he comes back to the same type of employment. And now the Minister has found it necessary to deprive that section of the people even of those privileges, that is people who have originally been brought in for a specific period. But if a man brings an employee in for a specific period, why must that employer seek a permit to bring him in again for a specific period if he himself is employing him and employing him on the same sort of work? It all seems to be an unnecessary aggravation of the great difficulties which the Africans find in getting into the towns to find the work which they need to do and which employers are only to anxious to give them to do. I cannot see why the hon. Minister has gone out of his way to add this further restriction. I suppose the hon. Minister will explain to us what is really involved. I can't myself believe that it involves so many cases that it is worth his while adding this extra prick to all the other pricks to which these people are subjected.

*Dr. COERTZE: I want to confine myself to the amendment of the hon. member for Parktown (Mr. Cope). In regard to the amendments moved by the hon. member for Rosettenville (Mr. Hepple), it is quite clear that he does not really understand the matter. I would advise him to get legal opinion and have his facts straight before talking on that subject. But in regard to the amendment of the hon. member for Parktown, I hope the Minister will not accept it. This particular clause empowers the Governor-General to frame regulations in regard to certain subjects. Now the hon. member wants the Governor-General to frame regulations in regard to the sites of compounds. It is impossible to frame a regulation for that. All that can be done is that in the particulars envisaged in the regulations it can be said that it should be on a site approved of by the Minister, and that power he already has because the clause reads as follows, namely that regulations may be framed dealing with the control, with the establishment of compounds, housing of families, hospitals, cemeteries or other facilities for Natives, the method and form of asking for the establishment thereof and the details to be given in every application. Those details, including the siting, can be mentioned in the regulations framed. It is quite unnecessary here. All he can expect is that the Minister will give the assurance that he will not approve of a site which is not fit for human occupation, or other conditions, and then I still think it would be ridiculous, because the terrain itself is so important that it cannot be omitted. One cannot frame regulations in regard to a terrain. One can prescribe conditions under which certain things can be done, but one cannot regulate a terrain. Then I still do not appreciate—I suppose it is my fault—the reference to "after consultation with the local authority". The regulations are made by the Governor-General. Now I would like to know from the hon. member: Does he now want these regulations to be passed after consultation with the local authority? Or does he want the refusal or consent envisaged here to take place in consultation with the local authority? The duty to govern the country rests in the first instance on the Minister, and when he considers that something should be done he has to do it. He may of course get advice previously and ask people's opinion, but he is not compelled to consult those people. It may be a good thing that a local authority should not even have jurisdiction about this matter.

In regard to the hon. member's other argument in connection with line 63, where he wants to delete "Natives or employers" and have regulations framed in regard to "work or industries", I must say that the reasons he gives do not impress me very much. In addition, it is very difficult to make a regulation for "work". One just cannot do so. One may frame a regulation as to how work should be done, or under what circumstances work should be performed, but then one is not making a regulation for work, but for the employer or the employee. I think this is a very happy way of putting it, as it is here, and I think what the hon. member suggests would be a very unhappy way of putting it. In addition I may say that I see no reason to describe these regulations, as the Minister has it here, as "very obscure", as the hon. member says. Hon. members understand quite well what the intention is. I think it is only the hon. member for Parktown who does not understand it. The reason why he does not

understand it is that he would not like a regulation to be passed for particular or specific Natives. I do not think that this is what is envisaged here. Regulations are not passed for types of people, but for types of employers. I think that is all the Minister envisages. At least, that is how I understand the Bill.

Col. McMILLAN: Mr. Chairman, with reference to Clause 17 (f) and what it is intended to insert in this clause, I am rather worried about one point, a point which has worried me for years. It says—

> The control of the establishment of compounds, married quarters, hospitals and cemeteries . . .

I would like to ask the hon. the Minister what his knowledge is and what he has been told about cemeteries for Natives, not only in the towns but chiefly in the rural areas? I can tell him most definitely that in the rural areas there is very great difficulty encountered by Natives of obtaining places in which to bury their relatives. Local authorities and health committees just do not have the grounds. Here the hon. the Minister is taking control of the establishment of cemeteries, but there are a large number of places in Natal where there are no places in which Natives can be officially buried, and they are buried unofficially. They die, which is quite natural —and I know that Natives are buried where they should not be buried. I would like to know from the hon. the Minister if he can give me some light on this subject, because naturally relatives of a deceased Native like to see that the final rites are properly carried out. A large number of these Natives are Christianized and they would like to give their relatives a decent funeral, but they are being told by local authorities or health committees to take the deceased by bus or motor car ten or 15 miles away, at colossal expense, to some authorized cemetery. I am now talking about the small places where there are, to the best of my knowledge, no facilities whereby a Native can bury his relative in a proper manner.

Mr. HEPPLE: The hon. member for Standerton (Dr. Coertze) says I should have got legal advice before I spoke on this clause. I hope he is not suggesting I get his advice, because I think the hon. member has shown that his advice has misled the Government so often that I do not want him to start misleading the Opposition. However, one thing is quite clear: If the hon. member for Standerton disagrees with me, I must be right.

I would like to read the existing proviso to the hon. member for Standerton. The proviso to paragraph (o) of the existing Act reads this way—

> Provided that a Native who has furnished satisfactory proof that he is re-entering the service of his previous employer shall not be prohibited or prevented by any regulation . . . from doing so.

The Minister proposes to change that to read—

> Provided that no regulation made under this paragraph shall have the effect of preventing a Native from re-entering any prescribed area after an absence therefrom of not more than 12 months for the purpose of taking up employment with the employer by whom, and in the class of work, in which such Native was last employed before leaving such area, unless such Native was permitted to be in such area for a specific period.

I want to ask the hon. member for Standerton whether the new proviso does not contain the following modification . . .

Dr. COERTZE: More favourable to you.

Mr. HEPPLE: Now the hon. member for Standerton is shifting his ground, he says it is more favourable. The hon. member must admit that I was quite correct. I said it made three alterations: First of all it introduces the reservation that such an African shall not have been away from the perscribed area for a period of longer than 12 months. The old proviso did not contain that. That is the sort of legal advice I do not want. The next point I made—and I want to ask the hon. member for Standerton this: Does he admit that the new proviso insists that the African returning for employment shall return to the same class of work which he left? That was not in the old proviso. The hon. member for Standerton is two down and one to go.

On the last point on which I did have some doubt, and on which I said to the hon. the Minister I was unsure and that probably I would be wrong, after listening to the hon. member for Standerton on that point I am convinced I was right. Now it seems to me to be quite clear that this clause says that the African cannot return to an employer in a labour district if his right to be there has originally been limited to a specific period. Is that not correct? If the African had been in that labour district for a limited period previously, once that has expired he has no automatic right of return there.

The MINISTER OF NATIVE AFFAIRS: No automatic right.

Mr. HEPPLE: That is the point I am making.

The MINISTER OF NATIVE AFFAIRS: But my point was that he can, through the ordinary procedure, obtain the right to come back.

Mr. HEPPLE: When the hon. the Minister says "the ordinary procedure" let me explain that the ordinary procedure is that the African must make a new application as a new person. That is quite a different proposition from being a person who previously had a right. He has to be reborn.

Mr. Chairman, it turns out after all that in my layman's ignorance I knew more than this legal luminary from Standerton. I think it is going to be useful to the Committee if we listen more to the layman and less to hon. gentlemen like the member for Standerton. I am more correct after all than I originally thought I was.

The new proviso therefore places these three new restrictions upon the right of entry into a labour district, and in view of that I think we must understand how to approach this clause. I would therefore appeal to the hon. member for Parktown (Mr. Cope) to drop his small modification of this amendment and to support my proposal that we reject the whole paragraph. I hope the hon. gentlemen of the United Party will support me in this because now it has emerged that the whole proviso is completely wrong: that the existing proviso was sufficient for the needs of law and we do not need modifications such as brought in by the new proviso.

Mr. MALCOMESS: I wish to support the hon. member for Parktown (Mr. Cope) in his amendment to paragraph (f). The first portion is to add the words "and siting", and in this regard it has been common practice that in the proposed erection of any buildings for Natives in locations and so on, the hon. the Minister has always had a say in the siting of such buildings. Therefore I am sure he will look upon this as a logical extention of this particular clause, to add those words "siting and".

However, what worries me more than that aspect is what almost amounts to an ignoring of local authorities. I am rather jealous of the position of local authorities, and I feel that in this clause one has something—which we also find later in Clauses 37 and 38—which is dangerous, an inclination to ignore the wishes and the feelings of the local authorities. The director is not an employee of the local authority, he is in the Minister's Department . . .

The MINISTER OF NATIVE AFFAIRS: You are arguing on a wrong premise, if you do not mind my saying so.

Mr. MALCOMESS: Well, may I just complete my argument and the Minister can then put me right. I want to argue on the question of the words "after consultation with the local authority". In the establishment of Native quarters, of compounds, of hospitals and cemeteries—in fact all the things that are mentioned in paragraph (f)—you can have a clash with what the local authorities think is best in their Native areas. They may have prepared town planning for this particular area, and surely it is quite sufficient if, when once an area has been agreed to between the local authority and the Minister or his Department as to what shall constitute a location or a Native township in that urban area, then surely it is sufficient to leave the siting and the establishment of such buildings in that area to the local authority concerned. I am afraid that here one sees a tendency which will lead to centralization; to a taking away from local authorities their discretion. And, after all, the local authorities must have a greater knowledge of conditions in their own areas than any official possibly stationed in Pretoria. That being the case, in the interest of our system of local government, surely such local authorities in their own areas should be consulted before anything is done by way of the establishment of hospitals or other buildings in the Native area of that local authority.

I do appeal to the hon. the Minister not to go ahead with what may be an ignoring—although an unintentional ignoring—of the wishes and the knowledge of the local authority. It is not too much to ask that those words "in consultation with" the local authority be added to this clause.

*The MINISTER OF NATIVE AFFAIRS: I think it will be better if I intervene now because it will prevent unnecessary misunderstanding. In regard to the first portion of the amendment moved by the hon. member for Parktown (Mr. Cope), the position is that the regulations framed for the establishment of the various institutions according to the law advisers automatically provide for the siting. That is included in the establishment and control. But I am not unwilling to accept the first portion of his amendment, even though it is only a repetition of what is already contained in the Act. I am therefore willing to accept his amendment where he asks that the words "siting and" should be inserted after the word "the", but not because the principle has not already been included. The hon member for Standerton (Dr. Coertze) was quite correct in saying that this point is already covered in the clause. Perhaps it will, however, comfort hon. members a little and make the position a little clearer to them if I insert those words and for that reason I will do so.

In regard to the second point, I cannot accept that. The hon. member's suggestion that the words "after consultation with the local authority concerned" should be added cannot be accepted for two reasons. The first is that this clause refers to more than these various institutions in an urban area or local authority area. It could refer to a compound or hospital or cemetery right outside the urban area and then there is no local authority to consult. Because this clause therefore applies to things other than these various kinds of institutions inside the area of the local authority, I cannot insert this provision in regard

Mr. COPE: Mr. Chairman, I would like to thank the hon. the Minister for his courteous reply, and I am glad he has accepted the words "and siting". He is quite correct, this was moved purely for the sake of clarity, and it is certainly true that siting is implicit in the paragraph anyhow.

On this question of consultation with local authorities, the Minister's argument is that he cannot accept the amendment which I proposed because of the wide application of this clause. I assume that he has in mind a case such as that at Pongola where there was a question of a compound and apparently there is no local authority there that could be consulted. And no doubt there may be other cases of a similar type that he had in mind. But I think the Minister will admit that the major trouble has occurred in the Free State gold fields. There has been a lot of difficulty there in regard to delays and so on in getting sites for compounds. In fact most of the difficulties occurred in those areas, and I think there have been difficulties on the Rand too. However, with respect, I do not think that the mere fact that this has such wide application takes away the necessity for consulting a local authority where a local authority exists, and my suggestion is that if the Minister does not like my amendment, as I have worded it, would he not perhaps add the words "where such local authority exists"? In other words, where there is a local authority which should be consulted, then it can be consulted, and where there is not one, such as in the case of Pongola, obviously it cannot be consulted.

I also want to say a word in regard to paragraph (i). After listening to the hon. member for Standerton (Dr. Coertze) in reply to the hon. member for Rosettenville (Mr. Hepple), I feel that the member for Rosettenville is correct, and we on this side feel that he has considerable validity for his arguments. I am, therefore, prepared to drop my amendment and to support his. I feel he is on sound ground and the clause had more in it than appeared at first examination. The hon. member has convinced me that the inclusion of the words "twelve months" and "class of work" are more restrictive in effect than the original clause. Therefore we on this side of the House propose now to support the hon. member for Rosettenville in the case that he has put up in regard to this clause, and in these circumstances my amendment obviously falls away as it is insignificant. With the permission of the Committee I wish to withdraw my amendment.

Amendment proposed by Mr. Cope in lines 46 to 48 withdrawn, with leave of the Committee.

Mr. HEPPLE: The Minister forgot to reply to my question about the definition of the phrase "classes of work". I think it is very important. I listened carefully to the Minister. In his explanation to the House it seemed to me that the Minister has in his mind what the phrase "classes of work" can mean, but of course the Minister is not going to administer this Act, and he is not going to interpret it. If any case comes before the Court, the question will be raised as to what is meant by "classes of work".

The MINISTER OF NATIVE AFFAIRS: It was explained last year, and it is in Hansard.

Mr. HEPPLE: Last year we dealt with the Urban Areas Act and the Minister said that by "classes of work" is meant domestic employment or employment in industry. Surely that has to be defined in the Act, because in the Industrial Conciliation Act and other labour laws "classes of work" has another meaning. A building artisan is a class of work, and an engineering artisan is a class of work. Reference is made to industries, trades or occupations . . .

The MINISTER OF NATIVE AFFAIRS: They sent a circular to all the local authorities saying exactly what was meant. It has nothing to do with the Conciliation Act.

Mr. HEPPLE: No, but when you have to interpret it, it will be necessary to clarify it. Why cannot we do the work properly now and define what we mean by "classes of work"? If the Minister means industries or occupations, let him say so in this Bill. I feel that we should include a definition of what is meant by "classes of work". Merely to say that it is explained in a circular by an official is insufficient. Parliament has obligations in law-making and it should make the law so clear that the courts know how to interpret it. We had a clear indication of the necessity for clarity when the Minister explained another point here, about permitting Natives originally allowed to be in an area for a specific period. He quoted the case of what happens when Africans are brought in in large numbers to reap crops as seasonal workers, and when the season is over their right to remain in the area expires. But earlier in this discussion I raised the question of the exclusion of farming operations and the Minister said he must exclude farming operations, yet as his first illustration he gives one of farming operations in order to justify this legislation, so where are we with all these confusions and contradictions in the law? It is for that reason that I plead with the Minister: Let us now, while we have the chance, make it clear what we mean. The Minister has not been able to produce an intelligent example as to the necessity for the new proviso to sub-section (1); he gives this example of farming operations when he himself said that he must exclude farming operations from this Bill. I hope he will make it quite clear as to what is meant by "classes of work".

*Dr. COERTZE: I still maintain that the hon. member for Rosettenville (Mr. Hepple) has not studied his brief properly, but if he understands the law, he does not understand

the facts. He evidently still has such a headache from the Industrial Conciliation Act that the meaning of those words still confuses his mind. In the Industrial Conciliation Act we use the same words which refer to industry. When we use the same words here it still does not mean that they have precisely the same meaning as they have in that particular Act. If there is no definition in a particular Act, one takes the ordinary every-day meaning of the words. All that the Native will be asked is: What type of work did you do? Did you work in the building industry? He is not asked: Were you a mason or a carpenter? But: Were you in industry, or were you in domestic employment? I feel that the hon. member for Rosettenville is just drawing a herring across the path. The Minister explained to him what the position is and I cannot understand why he does not grasp it.

With reference to the remarks of the hon. members for East London (City) (Dr. D. L. Smit) and Parktown (Mr. Cope) about the consultation of the local authorities, I can understand that they are concerned about the rights of the local authorities. Let me, however, tell them that this amendment moved by them will not solve their difficulties in the least, because this clause says under what circumstances the Minister may make regulations, and on what subjects. It is not said how the Minister shall exercise his discretion. Nor can he make regulations about his discretion. Neither can he make regulations about how an official must exercise his discretion. Even if that were possible it is still unnecessary for this reason, that when a compound is established in an area in which a local authority has jurisdiction, the jurisdiction of the local authority is also part of the law of the land, and the official who has to decide should not interfere in a sphere over which the local authority has jurisdiction. If the hon. member complains that an application takes a long time, it is because two people have to decide. He will not solve that by forcing the Minister to have consultation, which would really cause delays.

*The MINISTER OF NATIVES AFFAIRS: The local authorities would feel insulted if I interfered in matters over which they have jurisdiction.

*Dr. COERTZE: Precisely. The local authorities are jealous of their jurisdiction. I have some trouble in Standerton about certain matters which only indirectly fell under the local authority. I then went to ask the Minister to decide certain things and he very correctly stated that he wanted to have nothing to do with the matter because it was Standerton's affairs. The hon. member for Parktown and the hon. member for East London (City) have an idea that the Minister is a sort of dictator who wants to brush out of his way all the people round about him who have duties and powers, and refuse to listen to them. I think that attitude is unworthy of them. We must at least take it that a man does his work in a decent manner. The premise on which the hon. members argue is quite wrong.

Mr. MALCOMESS: I appreciate the explanation the Minister gave on this paragraph (f) that the area may lie outside the jurisdiction of an urban authority but the point I wish to make is this that no matter where you go in South Africa there is some authority or other which has jurisdiction in whatever area you happen to be. The hon. member for Parktown suggested a form of amendment that the Minister may accept namely that where a local authority does exist, he should at least consult them. There I think the hon. member for Standerton (Dr. Coertze) is up the pole again.

The MINISTER OF NATIVE AFFAIRS: I really feel that they would be insulted if I interfered in their affairs.

Mr. MALCOMESS: That is just what is worrying me. As I know the procedure in this country through my experience on the Provincial Council, any Act passed by this House takes precedence over any Provincial Ordinance and a Provincial Ordinance can override a municipal regulation.

The MINISTER OF NATIVE AFFAIRS: Yes, but they do not deal with the same matters.

Mr. MALCOMESS: This deals with the establishment of various services.

The MINISTER OF NATIVE AFFAIRS: By a private person. A private person must fulfil the demands from two angles. But I cannot deal with what is the duty of the local authority.

Mr. MALCOMESS: I understand that, but nevertheless there is the possibility of its being overriden. In the Housing Bill which we passed, the Bantu Housing Board can go over the head of the local authority. Does it not make it possible for the director in this case to go past any regulations of a local authority? I want to put it to the Minister this way: It is not going to do this Bill any harm to acknowledge in it the powers of the local authority. It is not going to spoil the powers of the director to agree or disagree with any application that comes before him. But at least give the local authority the safeguard that they will not be ignored with the establishment of a Native compound or hospital, etc.

The MINISTER OF NATIVE AFFAIRS: But they cannot be ignored. They must come into the picture.

Mr. MALCOMESS: I will tell the Minister what is at the back of my mind. I have been given an instance that the Cape Provincial Administration, which is a bigger body, which is the government of a province and not mere-

Mr. HEPPLE: I am surprised at the interjection made by the hon. the Minister of Native Affairs while the hon. member for Cape Eastern (Mrs. Ballinger) was speaking. When we were on Clause 1, I moved an amendment to the definition in order to include farming operations under the scope of this Act, and the Minister in reply to me said that he must specifically exclude farm labour . . .

The MINISTER OF NATIVE AFFAIRS: No, to make farm labour the same as Native labour in terms of the Act, which is a different thing.

Mr. HEPPLE: I must say that I just do not understand this any more, and I must appeal to the Minister and all the pseudo-experts over there who pretend to understand it, to enlighten me, because I have struggled all afternoon to discover its meaning. I moved an amendment on Clause 1 in order to establish a certain point, and the Minister made one statement to me; he said that he could not include farming operations under the scope of this Act, because that would mean that farmers would have to provide compound managers and housing, and he gave me a long list of reasons why this law could not be extended to include farming operations. Now he has a different argument; he says that that is quite a different thing. He says that Native labourers are included under this Act.

The MINISTER OF NATIVE AFFAIRS: No.

Mr. HEPPLE: The Minister said to the hon. member for Cape Eastern that Native farm labourers are included under this Act.

The MINISTER OF NATIVE AFFAIRS: Farm labourers could not be defined as Native labourers in terms of the Mines and Works Act; that is the one point and the other point is that farm labourers are dealt with in this Act in the matter of recruitment for instance.

Mr. HEPPLE: When I moved my amendment on Clause 1, I said to the Minister: "As Native labourers all over the country are included under the scope of this Act and the Native Urban Areas Act, therefore I think it is only just and proper that their employers should also have a responsibility placed on their shoulders and should also be subject to the penal sanctions of this law." The Minister threw up his hands and said that it was impossible. Now the Minister is admitting that I was correct on Clause 1. Sir, this is a most extraordinary discussion; this Committee seems to be wandering in the woods. Every time it sees a bit of light and a way to get out of that wood, the Minister closes us in again. I think this emphasizes the great tragedy that is South Africa's, and that is that we have a mass of laws affecting the Native population of this country and nobody knows what it means. Nobody understands to whom it applies and how far it goes, and the more one tries to discover it in Committee in Parliament, the further we seem to get away from the truth. The Minister makes a very bland interjection while Clause 1 is under discussion and says that something is right, and when we come to another clause then the same thing is wrong. We go from one clause to another, never understanding what we have before us. Hon. gentlemen on that side of the House have the impertinence to make a lot of interjections. If they understand this legislation, which I confess I do not, I wish they would get up and help us to elucidate it. If these hon. gentlemen would make some contribution towards getting some lucid explanation of this legislation, then perhaps we would not have the Minister coming back every year with long Bills amending Native laws. I think we are getting these constant amendments to the laws because of the very facts revealed in this discussion in Committee to-day. In this discussion to-day we have discovered that nobody on that side of the House understands anything about these laws, and those of us on this side who endeavour to obtain some elucidation find ourselves completely blocked by the Minister's bland denials one after the other.

Amendment proposed by Mr. Cope in line 16 put and agreed to and the amendment proposed by Mr. Cope in line 24 put and agreed to.

Question put: That paragraph (i), proposed to be omitted, stand part of the clause.

Upon which the Committee divided:

AYES—59: Abraham, J. H.; Basson, J. D. du P.; Botha, M. C.; Botha, P. W.; Coertze, L. I.; Coetzee, P. J.; Conradie, D. G.; de Kock, J. A.; de Villiers, C. V.; de Wet, C.; Deysel, A. J. B.; Diederichs, N.; du Pisanie, J.; du Plessis, H. R. H.; du Plessis, J. W. J. C.; du Plessis, J. H. O.; du Plessis, P. J. C.; du Plessis, P. W.; Erasmus, H. S.; Faurie, W. H.; Fouché, J. H.; Frates, T. J.; Greybe, J. H.; Haak, J. F. W.; Hertzog, A.; Hugo, P. J.; Jonker, A. H.; Keyter, H. C. A.; Knobel, G. J.; le Riche, R.; Loubser, S. M.; Luttig, H. G.; Malan, A. I.; Martins, H. E.; Mentz, F. E.; Mostert, D. J. J.; Nel, J. A. F.; Nel, M. D. C. de W.; Pelser, P. C.; Sauer, P. O.; Scholtz, D. J.; Schoonbee, J. F.; Steyn, J. H.; van den Berg, G. P.; van den Berg, M. J.; van den Heever, D. J. G.; van der Merwe, J. A.; van der Vyver, I. W. J.; van der Walt, B. J.; van Niekerk, M. C.; van Rensburg, M. C. G. J.; Venter, M. J. de la R.; Viljoen, J. H.; Viljoen, M.; Visser, J. H.; Vorster, B. J.; Vosloo, A. H.

Tellers: P. M. K. le Roux and W. A. Maree.

NOES—38: Ballinger, V. M. L.; Bloomberg, A.; Butcher, R. R.; Cope, J. P.; Davidoff,

H.; de Beer, Z. J.; de Kock, H. C.; Durrant, R. B.; Fourie, I. S.; Frielinghaus, H. O.; Gay, L. C.; Gluckman, H.; Graaff, de V.; Henwood, B. H.; Hepple, A.; Higgerty, J. W.; Lewis, J.; Lovell, L.; McMillan, N. D.; Malcomess, H. F. T.; Shearer, O. L.; Smit, D. L.; Solomon, B.; Solomon, V. G. F.; Stanford, W. P.; Starke, C. G.; Steenkamp, L. S.; Steyn, S. J. M.; Steytler, J. v. A.; Suzman, H.; Swart, R. A. F.; Trollip. A. E.; van der Byl, P.; van Niekerk, S. M.; Waterson, S. F.; Whiteley, L.

Tellers: A. Hopewell, and T. G. Hughes.

Question affirmed and the first amendment proposed by Mr. Hepple negatived.

Remaining amendments proposed by Mr. Hepple and Mr. Cope put and negatived.

Clause, as amended, put and the Committee divided:

AYES—61: Abraham, J. H.; Basson, J. D. du P.; Botha, M. C.; Botha, P. W.; Coertze, L. I.; Coetzee, P. J.; Conradie, D. G.; de Kock, J. A.; de Villiers, C. V.; de Wet, C.; Deysel, A. J. B.; Diederichs, N.; du Pisanie, J.; du Plessis, H. R. H.; du Plessis, J. W. J. C.; du Plessis, J. H. O.; du Plessis, P. J. C.; du Plessis P. W.; Erasmus, H. S.; Faurie, W. H.; Fouché, J. H.; Fouché, J. J.; Frates, T. J.; Greybe, J. H.; Haak, J. F. W.; Hertzog, A.; Hugo, P. J.; Jonker, A. H.; Keyter, H. C. A.; Knobel G. J.; le Riche, R.; Loubser, S. M.; Luttig, H. G.; Malan, A. I.; Martins, H. E.; Mentz, F. E.; Mostert, D. J. J.; Nel, J. A. F.; Nel, M. D. C. de W.; Pelser, P. C.; Sauer, P. O.; Scholtz, D. J.; Schoonbee, J. F.; Serfontein, J. J.; Steyn, J. H.; van den Berg, G. P.; van den Berg, M. J.; van den Heever, D. J. G.; van der Merwe, J. A.; van der Vyver, I. W. J.; van der Walt, B. J.; van Niekerk, M. C.; van Rensburg, M. C. G. J.; Venter, M. J. de la R.; Viljoen, J. H.; Viljoen, M.; Visser, J. H.; Vorster, B. J.; Vosloo, A. H.

Tellers: P. M. K. le Roux and W. A. Maree.

NOES—39: Ballinger, V. M. L.; Bloomberg, A.; Butcher, R. R.; Cope, J. P.; Davidoff, H.; de Beer, Z. J.; de Kock, H. C.; Durrant, R. B.; Fourie, I. S.: Frielinghaus, H. O.; Gay, L. C.; Gluckman, H.; Graaff, de V.; Henwood, B. H.; Hepple, A.; Higgerty, J. W.; Lewis, J.; Lovell, L.; McMillan, N. D.; Malcomess, H. F. T.; Shearer, O. L.; Smit, D. L.; Solomon, B.; Solomon, V. G. F.; Stanford, W. P.; Starke, C. G.; Steenkamp, L. S.; Steyn, S. J. M.; Steytler, J. v. A.; Strauss, J. G. N.; Suzman, H.; Swart, R. A. F.; Trollip, A. E.; van der Byl, P.; van Niekerk, S. M.; Waterson, S. F.; Whiteley, L.

Tellers: A. Hopewell and T. G. Hughes.

Clause, as amended, accordingly agreed to.

On Clause 18,

Mr. LOVELL: I want to ask the hon. Minister for some information in connection with this clause. Sir, this clause reads very simply "Section 24 of the prinicipal Act is hereby amended by the deletion of the words 'in any labour district'". Looking at the White Paper to find out the meaning of this amendment, I find it says: "The amendment to Section 24 is consequential upon the repeal of Section 17 by Clause 12." Looking at the explanation of Clause 12, I find: "Section 17 is repealed for the reasons which necessitated the deletion of 'labour district' by Clause 1 (c)". Then I go to Clause 1 (c) to see what it all means, and that clause says—

> "Labour districts" have to a large extent fallen into disuse especially since the establishment of prescribed areas. The powers once exercised in labour districts are now required in prescribed areas (vide Clause 17 (e)).

So I turn to Clause 17 (e), and what I find there is: "This sub-clause is consequential to the deletion of Section 17 by Clause 12. Control will henceforth be exercised in prescribed areas which are to be established under paragraph (o) of this sub-section." Sir, I suppose (o) is the lemon in this case. In all seriousness, I should like the hon. Minister to be so kind as to tell us what are these "labour districts" which are now called "prescribed areas"? I ask my question for this reason: I always understood that influx control, which has been under discussion in this House for years and years, was a control to be exercised in respect of Native labour streaming into urban areas, not prescribed areas or labour districts. To-night I discover for the first time that the principles of influx control are to be applied not only to the urban areas, but to labour districts or prescribed areas and even, can you believe it, to agricultural areas. Because of these, what are to me new proposals, I think the Minister owes us some explanation as to how all of a sudden the "labour districts" concerning which I never knew influx control ever applied, become "prescribed areas" and which are now areas which we are relating to the laws which we make for urban areas. I think the hon. Minister sees my difficulties. What exactly are there different areas, and to what extent does influx control apply to the so-called "labour districts" or "prescribed areas"? I think unless we get an explanation on this point, the rest of our debates on the clauses of this Bill must be confusion worse confounded.

The MINISTER OF NATIVE AFFAIRS: I can understand that the hon. member felt that he was wandering all over the show trying

to give special appointments to certain, sometimes only one or two, officials in each of various urban areas. There are so many urban areas in South Africa that *in toto* this means hundreds of special appointments. That does not mean that there would be in one spot hundreds of people who can approach that particular Native, because these hundreds of officials are spread all over the urban areas. It is therefore quite true that hundreds of people will be appointed, but they are spread over all the urban areas in the Union. There is merely one thing I wish to add in passing, and that is that usually hon. members opposite tell me that I should not take powers to make special appointments or to do special things myself, but that I should place the authority in the Act. Now that I am doing exactly that, hon. members want me to make the appointments personally, the very opposite to what they usually demand. In connection with the other point (d), about which the hon. member asked me, the position is that the hostels which were constructed before were usually the same type as the big buildings one sees near Langa. Under the Act as it stood there was control over these big hostel buildings. The hon. member knows that we have them in Johannesburg too. The tendency now is, and we are encouraging that tendency, to build smaller homes for groups of single Natives. Eight or, at the most, sixteen are housed within a single building. These separate buildings are placed within a larger, fenced area, but when intruders come into that area (and may make an attack, for instance), then when they are caught outside the particular building itself, the local authority or the police can do nothing to protect the inhabitants of the hostel, because the power is limited to the buildings, at this stage. For that reason we are granting jurisdiction over the hostel area. It is really a single entity although these people live in various buildings erected within that area.

Maj. VAN DER BYL: Mr. Chairman, I have listened with interest to what the hon. the Minister has to say. Certainly the new book with all the documents bound together in it is a very great improvement on the old system where the unfortunate Native had to have a handful of papers wherever he went. But what the Minister will not understand is that the Native to-day is becoming more educated; he is not the man of 100 years ago, and he feels the humiliation when every odd man can come and demand to see some documents that he should carry . . .

The CHAIRMAN: Order, that has nothing to do with this subject.

Maj. VAN DER BYL: Mr. Chairman, we were talking about the Native being forced to produce documents by all these people set out in the Bill . . .

The CHAIRMAN: Yes, but the principle of the book and the pass laws is not now under consideration.

Maj. VAN DER BYL: No Sir, but we are talking of Clause 23 and the people who are authorized by that clause to make that man produce those documents. I am not talking on the documents *per se*, I am talking on the people who can make him produce those documents. The hon. the Minister, with all due respect, did tell us what a great improvement this document was as opposed to the pocketful of papers that the Native had to carry before, and I think he is right. But what the Minister does not seem to understand is that to-day, with things going as they are, any extra restriction giving any more people the power to stop that man and demand these documents, is creating more ill feelings among the Natives and ourselves. If you had read this morning's paper you would see how America is trying to play up to the Natives throughout Africa. However, I will not detail that because it has nothing to do with the clause and you would not allow that, but that is a case in point: instead of us trying not to irritate them further we are creating a lot more friction by appointing 22 people who can demand to see their documents. In other words we are again placing more restrictions on them and making them feel more and more bound down by laws.

Then the hon. the Minister told us that we said he was taking too many powers, that now he had put the powers out of his hands into an Act and therefore we ought to be satisfied. That, surely, is rather a specious argument. What we said was that the Minister was given powers by regulation to act, without reference to Parliament. But by putting it in the Act it does not make those powers any more palatable, or by saying that so many more people shall stop a Native and demand to see his pass. I do not think that is an argument that the Minister should have used at all and I do hope that the Government will try to see that we are trying to make them realize that there is a growing feeling of resentment engendered by our continually tying up the Native further and imposing restrictions over and above what is necessary.

Mr. HEPPLE: Mr. Chairman, I want to refer to paragraph (d) which extends the definition of a Native Hostel. The hon. the Minister has said that the reason for this change in the definition is to encompass the ground between the buildings of a Native Hostel. He explained it in this way, that the authorities are getting away from the old type of single large hostel building and encouraging the local authorities to build smaller units to accommodate half a dozen or eight Natives . . .

The MINISTER OF NATIVE AFFAIRS: There are two types, the eight-people type and the sixteen-people type.

Mr. HEPPLE: Yes, and these smaller buildings cover a wider area of ground and trespassers come in on the intervening ground, and the object of the clause is to have authority to deal with such persons. But I would like to remind the Minister that the local authorities have the power, and do exercise the power to fence in these areas, and there are notices there "Trespassers will be Prosecuted". Why therefore must the Minister have laws in addition to those exercised by the local authorities?

The MINISTER OF NATIVE AFFAIRS: I am told it has no force of law; even if they put up the notice it has no force of law unless that fenced in area is within a proclaimed location, which is not always the case.

Mr. HEPPLE: Well, the Minister knows a little less about this than I thought, because the local authority has the power to fence in any of its ground and to prosecute people who trespass on that ground, and it has got the force of law. The municipality has any amount of areas such as that, and anybody, whether they be White or non-White who trespass on those grounds can be prosecuted. I am not entirely convinced as to the need for this particular change in this clause. I fear, as I fear about a lot of this legislation, that every time an official runs up against a little difficulty he goes running to the Minister to change the Law. We are getting too entangled with long involved laws to meet every eventuality. It seems to me, especially in the Department of Native Affairs, that every little obstacle is made into a major disaster, and therefore Parliament must legislate against every eventuality.

The MINISTER OF NATIVE AFFAIRS: No, the local authorities need this power and they have asked for it.

Mr. HEPPLE: The local authorities do not need it. I can not see that they need it. I can only suspect that there may have been one or two local authorities in the whole of the Union who may have come crying that they were in difficulties, and because of their own incompetence or their inability to deal with the problems around them, they insist that we must legislate.

The hon. the Minister must know that the more laws we pass the more work there is for the Police, the more work there is for the Department and the more work there is for the local authorities. It is this bringing of more laws and more regulations and more difficulties that creates all this petty crime all over the country. I can warn the hon. the Minister in advance that I know exactly what will happen in this particular instance: with the extension of the scope of the definition of a Native Hostel, tens of thousands of Africans are going to be arrested and prosecuted in the Courts. The Minister shakes his head. I will tell him why: in these new type of Hostels where there are a number of buildings, an innocent African comes along and wants to find out where he must go; he either wants to visit somebody or make some inquiry, and he wanders around. He is immediately an innocent offender under this Act.

The MINISTER OF NATIVE AFFAIRS: Suppose he did that in the Wemmer Hostel, in the huge building there, then he would also be an offender.

Mr. HEPPLE: But he does not go into the building.

The MINISTER OF NATIVE AFFAIRS: Why not? If there are 4,000 people there and he wants to see one of them?

Mr. HEPPLE: May I explain to the hon. the Minister what happens in these big Hostels in Johannesburg. If a man wants to visit somebody he goes through the gates and he either asks the gate-keeper or, as there is an office building he asks at the office.

The MINISTER OF NATIVE AFFAIRS: He can do the same here.

Mr. HEPPLE: No, he cannot, because once this Bill applies he is already trespassing on that land.

The MINISTER OF NATIVE AFFAIRS: There is also a gate.

Mr. HEPPLE: The Minister does not seem to understand the position. The moment he goes through the gate and on to the land and he is looking for a building or for the office, he is quite innocent and he is not prosecuted. But under this provision, once he steps past the portals of the Hostel area he immediately exposes himself to being arrested and prosecuted as a trespasser.

The MINISTER OF NATIVE AFFAIRS: The same holds true of the big buildings.

Mr. HEPPLE: But he does not enter the big buildings.

The MINISTER OF NATIVE AFFAIRS: But he can.

Mr. HEPPLE: Let me take the hon. the Minister to the Wemmer Hostel in Johannesburg. There is a big building with very little land, but when a Native enters the hostel area he comes into the ground, not into the building . . .

The MINISTER OF NATIVE AFFAIRS: Supposing he does go into the building?

Mr. HEPPLE: Well then, under the present law he is a trespasser.

The MINISTER OF NATIVE AFFAIRS: Exactly the same position.

Mr. HEPPLE: No, it is not the same position. There is a difference between an African entering and stepping onto the ground and entering the building. If a person enters the grounds of Parliament is there not all the difference between his entering the ground of Parliament and entering this chamber?

The MINISTER OF NATIVE AFFAIRS: But the offices of these Hostels are always at the gate.

Mr. HEPPLE: No, they are not. The Minister is quite wrong, they are not. This is what I can see is going to happen here: an over officious individual . . . .

The MINISTER OF NATIVE AFFAIRS: How many Hostels have you been in?

Mr. HEPPLE: I have been in some of them.

The MINISTER OF NATIVE AFFAIRS: I have been in quite a number and the offices are all at the gate.

Mr. HEPPLE: The hon. the Minister wants to know how many Hostels I have been in. I have been in several of these hostels and I have been in some of them on many occasions.

The MINISTER OF NATIVE AFFAIRS: Of these new buildings under the new scheme?

Mr. HEPPLE: No, I admit I have not been to the new ones but I can quite envisage, going by what happens in the older types of hostel . . .

The MINISTER OF NATIVE AFFAIRS: I told you the offices were at the gates and you said it was not true.

Mr. HEPPLE: May I inform the hon. the Minister that even if the offices were outside the land I would still say that this is going to be a very dangerous provision, because an African who knows less about the law than members of this House, even than members on the Government side of the House, who know nothing about it, will be innocent offenders. They will step into the newly-defined Hostel areas and be searching around in their ignorance for some place to go and they will become offenders. I can say that the only effect of this provision will be to create a lot more offenders and not prevent trespassing at all. It will only create a lot more crime to bring revenue to the country and suffering to the innocent.

Mr. STANFORD: Once again I support the hon. member for Houghton (Mrs. Suzman) in the amendment which she has moved, to delete sub-paragraph (f) of this clause. What I would like to say to the hon. the Minister in this connection is that the objection which I am taking and which others on this side of the House have taken to the extension of the categories of an authorized officer is not just a light hearted or frivolous objection; it is a very real objection based on the practical effect on the lives of the Africans who are affected by these things.

The African has to carry these documents which we have heard about to-night, and an authorized officer is entitled to demand the production of these documents of any sort to see that they are in order, and if they are not then heavy penalties fall upon the shoulders of that particular African. Now, the tone of the reply of the hon. the Minister in this connection was very light hearted. This is probably the most important thing that occurs in the life of the average urban African; he lives and dies under the shadow of producing documents to the authorized officer, and if there is anything we can do—particularly we who represent the African people—to restrict the number of people who can fall upon him and demand the production of documents, we must do so. That is the thing that makes the African's life intolerable. On the one hand the Minister is trying to enforce his influx control and so limit the number of Africans who come to the urban areas; on the other hand economic pressure forces these people into the towns. They have to go to the towns or starve. They are then subjected to the increasing number of officers, in terms of a provision of this nature, who can harass them daily. And with the increasing number of officers so the burden of their very day to day existence increases, and that is what we are trying to fight. For the hon. the Minister to say, in the light hearted way in which he did say that this is no great onus on the African, makes it something on which I join issue with him. This is, in fact, a very great onus on the individual African. The fact that the documents he has are all in one book does not make it any easier for him to face a further number of officials who can come along and demand from him to know what he is doing at any particular stage of his life.

The hon. the Minister has produced the argument that there have been a number of these authorized officers in different places and towns and that it is an awful nuisance for him to have to appoint each of them specially. I think it would be a very good thing to retain that system. I think it is a very good thing that he should have to appoint each of them separately, because then he would have to consider the merits of each case. There is far too much of this type of blanket provision, especially in urban areas legislation applying to different conditions. We have in this Bill half a dozen new authorized officers extending over the whole country and including South African Railway and Harbour Police. I would like the hon. the Minister to limit himself to the power which he has and, in those cases where a good case is made out to him, to appoint a special authorized officer. If the

case merited it that officer would no doubt be appointed. I feel sure that under this clause of the Bill numerous authorized officers will be appointed in places where they might not be necessary at all. As for the argument of the Minister that he has for a long time been accused by this side of the House of taking autocratic powers—and that is something of which we have accused him—and he says that he now is not doing it and yet is being accused of appointing these people: well, that argument does not hold much water. The Minister still retains to himself exactly the same powers that he had before to appoint anybody else.

I would like to know from the hon. the Minister when this is going to stop. How many more people is he going to appoint in the future? Are these six new authorized officers who can demand documents to be the last crop, or is it going to go on? Are we going to be told next year that there are hundreds of other places that need many more different sorts of authorized officers? Where does this process end? This is a snowballing process, and that is a thing that frightens one.

For those reasons and for the reasons that other members on this side of the House have given against the extension of these powers, we oppose this clause.

Mr. GAY: I think the amendment moved by the hon. member for Houghton (Mrs. Suzman) is so reasonable that I can hardly conceive of the hon. the Minister not accepting it. When considering Clause 23, the Minister has said that, first of all, there will be hundreds of people necessary to enforce these provisions. At a later stage he corrected that and made it clear that these hundreds of people were spread over a number of areas and that there would be a few in each area. But when you consider Clause 23 (a), which the amendment suggests should be deleted, you find that in that clause alone there are 13 different groups of prescribed persons or authorities who may carry out the various functions laid down. And when you take those groups you find one of them alone includes any European person appointed by a local authority for the purpose of performing within or in regard to a location, Native village or Native hostel, such functions as related to the maintenance of the good order and peaceful administration of the said location, Native village or Native hostel, and an attesting officer as defined; and so it goes on. So that each group in itself will be composed of another dozen or so authorized types of officer. And still we go on with this type of legislation. We are rapidly arriving at the position in any urban area where you will have one of these authorized officers standing under every lamppost waiting for the African, to make him produce his little book of words.

I think that the time for the simplification of this system is long overdue. The need for removing the points of friction between the Africans concerned and the authorities responsible for administering them had already been stressed very clearly. But points of friction are being built up by legislation of this kind. The object of our amendment is to endeavour to remove them, to make the working of the Act smoother, to reduce the number of points of contact and to give the individual concerned a better chance of functioning without stirring up the animosity of the people he is dealing with. I was a bit surprised to hear the hon. the Minister say so smoothly that it would take hundreds of people to administer this. We send missions overseas at a cost of hundreds of thousands of pounds, and they bring back a couple of hundred additional immigrants to the White population of the country; yet we hear a Minister of the Crown calmly suggesting that he is going to utilize the services of hundreds of people to administer this particular type of regulation.

The MINISTER OF NATIVE AFFAIRS: But they are all already in existence and in official bodies.

Mr. GAY: Whether they are there now or not, it means that hundreds of people are to be used in a largely unproductive capacity in a country which is shouting to high heaven for people to be placed in positions where they can assist the development of the country. That is one of the things we are trying to remove from this type of legislation; we are trying to get the Act reduced to proportions that make it manageable, reduced to a type of legislation which will do away with a lot of the difficulties which are to-day being created.

It has been said that the local authorities have asked for this. I have been away all day to-day at a local authorities conference, and if the hon. the Minister knew some of the things they suggest about legislation of this type, it would surprise him. I refer to the general run of local authorities; there may be isolated cases where they asked for this type of thing, but I am talking in general and as affecting the country as a whole. They cannot afford to have their communities cluttered up with regulations of this type; they cannot afford to have these difficulties created amongst their Native populations, difficulties which legislation of this nature is creating. Therefore I would appeal to the hon. the Minister to give consideration to the amendment moved by the hon. member for Houghton which, when studied, certainly appears to go a long way towards meeting the objections we have without in any way impairing the efficient working of the Act itself. I see no reason why the two cannot be reconciled to meet one another so that we can simplify this clause without in any way making it less workable. I seriously suggest that to the hon. the Minister.

Mr. LOVELL: Mr. Chairman, I do not think thot the hon. the Minister can really appreciate the objections that have been raised to this clause, without remembering that every time an authorized officer approaches a Native

in these areas which are set aside, and I hope the Minister will reply.

The MINISTER OF NATIVE AFFAIRS: I do not mind replying, but it really has nothing to do with this clause. I cannot give a description now of why I believe that ethnic grouping in the main is correct. To quote one single case of disturbance, viz. at Daveyton, is not all proof that ethnic grouping went wrong. There were greater tribal clashes in and outside locations even where ethnic grouping did not take place. But I cannot go into that, because it has nothing to do with this clause. All I can say in connection with this clause is that hostels are placed separately within the residential areas. If there is a Zulu area, then the hostel for the Zulu single Natives is placed within that area. That, I think, is the reply to the question asked. As far as the policy is concerned and the effect of that policy, another occasion should be sought for dealing with that.

Clause put and agreed to.

On Clause 25,

Mr. HEPPLE: Mr. Chairman, first on the question of procedure. Section 25 (b) reads: "By the deletion of sub-section (3)", i.e. Section 5 of the Urban Areas Act is amended by the deletion of sub-section (3). The following clause, 26, also deals with the same matter. I do not know whether you will permit me to deal with these two clauses together, or whether they should be dealt with separately. You will see that Section 5 of the Urban Areas Act deals with the restrictions on transactions for the acquisition of land in a location or Native village and sub-section (3) of that clause, which it is proposed to delete by this clause, reads as follows: "Notwithstanding anything in this Act contained (a) any Coloured person ordinarily resident in a location recognized by law as a residence for Natives . . . and their descendents may reside in the location . . . and as long as they continue so to reside may acquire the lease of lots or rent premises for their own occupation therein". This confers upon Coloured people resident in a location or Native village a vested right to acquire the lease of lots or to rent property in those locations and to remain there, and for their descendants to remain there. This clause proposes to delete that paragraph of the section, while the next clause deals with the substitution for that. May I have your ruling?

The CHAIRMAN: The Committee will deal with each clause separately. We will deal with Clause 25 first.

Mr. HEPPLE: Then let us take Clause 25. I want to say that I oppose Clause 25 (b), which proposes the deletion of sub-section (3) of Section 5 of the Urban Areas Act which I have read out, and I therefore move—

To omit paragraph (b).

The effect of my amendment will be to retain sub-section (3) of Section 5 of the present Act. I do so because I believe that Coloured persons who are established in these places are entitled to remain there if they choose to do so. I do not think that they should be removed, or that they should be subjected to the many restrictions provided in the following clause.

Amendment put and negatived.

Clause, as printed, put and agreed to.

On Clause 26,

Maj. VAN DER BYL: I want to move the amendment standing in my name. As we know, this clause deals with Coloureds living in Native locations. Under the Urban Areas Act of 1945 Cape Coloureds who were originally resident in the Native locations at the commencement of the Urban Areas Act of 1923, and their dependants, had the right to continue to live in those Native locations. Similarly when Coloured people were originally resident in a location in 1923, the urban local authority shall permit Coloureds to reside there until the local authority has found suitable accommodation which the Minister approves of to move them into. I just want to read the original clause in the 1923 Act as consolidated in the 1945 Act. I am talking about Section 4 (3) (b), which is the one affected here by Clause 26—

> Where in any urban area there were at the commencement of the Native Urban Areas Act of 1923 Coloured persons ordinarily resident in a location recognized by law as a place of residence of Natives, the urban local authority shall, subject to such conditions as may be prescribed, permit Coloured persons to reside in any Native village, etc. and to rent premises until such authority has satisfied the Minister that adequate and suitable accommodation is available for those Coloured persons elsewhere in that area.

That has now been changed. This new paragraph (b) of Clause 26 takes away that safeguard and substitutes "may" for "shall". I just want to read my amendment so that members will know what to consider—

> In line 35, to omit "may" and to substitute "shall" and to add at the end of paragraph (b) of sub-section (1) of the proposed new Section 5 *bis*: "until such authority has satisfied the Minister that adequate and suitable accommodation is available for Coloured persons elsewhere in such area."

That has now been cut out of the original section. This places the Coloured person who is resident in a Native location entirely at

the mercy of the local authority. This power, in the hands of an unsympathetic official, could open the door to grave injustice and even in some cases to corruption, because we know that 98 per cent of officials are honest and decent people. But the newspapers one reads are constantly reporting individual cases where men who should know better and who are in a strong position as officials have been guilty of holding up Natives to ransom by demanding bribes to do certain things. Therefore, however small that percentage of officials is, the Coloured persons must be protected. The most important and dangerous aspect in the omission of the provision that removal shall only take place if alternative accommodation is provided—there the difficulty is that if you take that away the Coloured person is completely at the mercy of the local authority. Many Coloured persons have lived in Native locations for generations and they have built themselves houses or they have plots and they have a vested interest. Furthermore, their descendants have been there, they have been born there and lived there all their lives. They are probably nearer to the Natives there than to their own Coloured people, and to uproot them without finding suitable accommodation is wrong. Now according to this new Bill which my amendment tries to get rid of, the local authority can at any moment throw them out to live between the barbed wire fences on the main road without a home. They might be old and they have to leave the location and find some other place to live. This is another example of where the Government and the Minister are always trying to whittle down the few rights of safeguards that the non-Europeans have had. It is a continuous pinpricking which irritates these people and it is unjust and unfair. Why we must always try to take away something which they have had for a long time I do not know. It is putting these people always at the beck and call of the Minister or his Department or of some official. Up to now they could not be moved out of that location unless suitable alternative accommodation was found for them. My amendment is framed to restore the duty to provide that alternative accommodation. For the rest, I may say that this clause is a good one, because I feel that wherever possible Coloureds should not live in the Native locations. We do not want the Coloureds to miscegenate with the Natives and become darker and darker. Therefore suitable Coloured townships should be provided, properly controlled, such as at Port Elizabeth where we have a perfect example of a Coloured township separate from the Natives.

Mr. H. S. ERASMUS: So you believe in apartheid?

Maj. VAN DER BYL: That is the sort of foolish remark that needs no reply. Another very important point is that it is no encouragement to a local authority to build Coloured townships because they simply say that the Coloureds are living in a Native township and if there is no room for them, they can simply be kicked out.

At 10.25 p.m. the Deputy-Chairman stated that, in accordance with Standing Order No. 26 (1) he would report progress and ask leave to sit again.

House Resumed:

Progress reported and leave asked to sit again.

House to resume in Committee on 9 April.

The House adjourned at 10.27 p.m.

TUESDAY, 9 APRIL 1957

Mr. SPEAKER took the Chair at 2.30 p.m.

FIRST REPORT OF S.C. ON NATIVE AFFAIRS

Mr. M. D. C. DE W. NEL, as Chairman, brought up the First Report of the Select Committee on Native Affairs.

Report to be considered on 10 April.

S.C. ON EXPORT OF CANNED FRUIT AND VEGETABLES

Mr. SPEAKER announced that the Committee on Standing Rules and Orders had appointed Messrs. E. J. Smit and R. A. F. Swart as additional members on the Select Committee on Export of Canned Fruit and Vegetables.

TRAIN DISASTER NEAR WOODSTOCK STATION

The MINISTER OF TRANSPORT: Mr. Speaker, in view of the seriousness of the railway accident that occurred near Woodstock Station yesterday afternoon, I should like, with leave, to make a statement to the House in regard thereto:

Two suburban electric passenger trains conveying both Europeans and non-Europeans between Cape Town and Bellville collided head-on at 4.38 p.m. on 8 April 1957 on the avoiding line between Cape Town and Bellville (via Woltemade) approximately a mile from Cape Town Station. The one train had departed from Cape Town at 4.34 p.m. and the other from Bellville at 4.14 p.m. Seventeen passengers, of which 14 were European and three non-European, were killed outright, and one European succumbed in hospital to injuries sustained in the accident. In addition, as far as could be determined, 74 persons—53 Euro-

been forced on to the streets. They have all been provided with accommodation. Now the Minister tells us here that he proposes to give the municipalities a period of five years and that he can extend that period. But he also tells the municipalities to proceed. Many of the municipalities have already made provision for the Coloured people. It is an unheard of thing to make the allegation here that the Coloured people will be forced on to the streets. In the past we have proved that we do not force anybody on to the streets and in this case, too, I see no reason why there should be the slightest difficulty.

Mr. HEPPLE: This clause is introduced to replace the existing sub-section (3) of Section 5 of the Urban Areas Act. When I spoke on the previous clause, I pointed out that these two clauses were related, but under the rules of the House I was not allowed to deal with them as an entity. The proposal now before the Committee is one which makes a radical change in the existing position, and as usual this Committee is without a great deal of essential information in considering this proposition. I wonder if the Minister can tell us whether a survey has been taken to find out how many Coloured families will be affected by this provision? If the Minister does not know that, can he tell us how many will be affected in the main urban areas?

The MINISTER OF NATIVE AFFAIRS: It would be possible to give figures, but I know that quite a number of cases can be dealt with under this Bill.

Mr. HEPPLE: I am asking this question because there must be a reason for bringing in this proposal. There must have been a great deal of dissatisfaction, or there must have been a survey taken, which revealed a state of affairs that requires to be remedied. I do understand that in some of the smaller municipalities there are a few Coloured families who are compelled to avail themselves of the right that exists under Section 5 of the Native (Urban Areas) Act to continue to reside in a Native location. They don't remain in those Native locations because those locations are a paradise, but merely because they can get no better place to live. Now it does appear to me that behind this clause is the intention on the part of the Minister to speed up the work of the municipalities in providing accommodation for Coloured families. But I have become a little cynical in my attitude towards the motives that prompt the Government to introduce legislation of this kind, because we always feel the restrictive side of legislation and we don't see very much of the other side. I would like the Minister to give us some further information as to what has prompted him to bring forward this very long Clause 26 to replace the small sub-section (3) of Section 5 of the Natives (Urban Areas) Act. As far as I read the existing provision in Section 5 of the Natives (Urban Areas) Act, it would seem to me that the situation, even if it is undesirable to the present Government, would in time have remedied itself. Therefore I am at a loss to understand why the Government has found it necessary to bring in this long new clause, and I hope the hon. Minister will be able to give us some information on it.

Dr. D. L. SMIT: I do not think the hon. member for Westdene (Mr. Mentz) understands the implications of this clause. Subclause (3) has in fact no bearing whatever on the point at issue. He said also that we must trust the Minister and leave the matter in his hands. But, Sir, the Government has already broken faith previously with the Coloured people and we are not prepared to accept any assurances from the Government on these points. I wish to support the amendment moved by the hon. member for Green Point. The clause we are now discussing, Clause 26, is a distorted version of Section 5 (3) of the Urban Areas Act of 1945, which is being repealed by Clause 25 of this Bill. The amendment moved by the hon. member for Green Point expresses in fact the policy that has been followed under the Urban Areas Act with regard to these Coloured people since 1923, which requires that before you can move a Native from a European area to a location, or a Coloured person from a location to another place in the urban areas, you must provide adequate and suitable accommodation for him elsewhere. That is implicit both in Section 9 (3) and Section 5 (3) (b) of the Act. As pointed out by the hon. member for Green Point, the clause that we are discussing uses the words "shall permit". The Minister's amendment to this sub-section deletes the word "shall" and substitutes the word "may", and this surely amounts to a derogation of the rights of the Coloured people, and further the words that adequate alternative accommodation shall be provided have been struck out. I wonder whether the Minister will give us an explanation why he has deleted those words. It is perfectly true that under paragraph (4) of Clause 26 the Minister is given authority upon being satisfied that alternative accommodation is available, to declare that the Coloured people shall move elsewhere, but I agree with the hon. member for Green Point that it is very desirable that these people should be removed to a decent township. I want to stress the point, however, that you must ensure that such a place is ready for them before you move them. Under the existing Section 5 of the Urban Areas Act, Coloured persons are entitled as of right to reside in a Native location or Native village until such time as the local authority has satisfied the Minister of Native Affairs that suitable accommodation is available for them elsewhere. The duty to allow them to remain in a location, until other accommodation is provided, is imperative. Under this clause the Coloured people are being deprived of

that right. We say that that treatment is unfair. I wonder if the Government would ever dare to treat Europeans in the same way. I have been particularly anxious about this development in view of reports we have received from other centres—a place like George where recently, according to Press reports, a number of Coloured families were required to vacate their squatters camp although no alternative accommodation had been provided for them. That is the situation, and for these reasons we are not prepared to support this clause.

*The MINISTER OF NATIVE AFFAIRS: I think it is necessary for me to intervene in the debate at once because it is clear that the objections of hon. members opposite are based on nothing else but suspicion. They are under the impression that we want to commit an injustice here. That is why they ask us to give the figures of how many Coloureds are concerned here, etc. The real position is that this provision aims at improving the position of the Coloureds. The hon. members, and particularly the hon. member for Green Point, forget one fact, namely that since 1923, when the original clause was inserted in the original Act, we have had the Group Areas Act passed, in terms of which it is part of our national planning to ensure that there will be separate residential areas for Natives and Coloureds and White people. Therefore the basic principle with which we are dealing to-day is that Coloureds are entitled to their own residential areas. But not only are they entitled to it; they desire it. Let me remind hon. members that only recently a report appeared in the Press in which it was said that a Coloured of Noordgezicht, a very attractive built-up Coloured area, but which lies adjacent to the Orlando Native location at Johannesburg, asked that Noordgezicht should be used for housing Natives and that a residential area should be provided for Coloureds elsewhere. Therefore it is also the desire of the Coloured community to reside in its own area. I have found in many places that in the locations there are isolated groups of Coloureds. It is only here and there that there are Coloureds who, as the hon. member for Green Point said, have miscegenated to the extent that they have practically become Natives. I will accept that some of them will also be classified as Bantu in the personal register, and wish to be registered as such. But I am not referring to them. They will remain in the location as Natives. But all the Coloureds who wish to remain Coloureds wish to get out of their location, *inter alia*, because they want to get away from the control measures applied in the locations. Now we would like to assist them and this clause was drafted in this form in order to accelerate the process of Coloureds obtaining their own group areas. Here we say to the local authorities: "You must make provision for the Coloureds; you cannot continue the position that Coloureds should remain in the locations. You have a duty towards the Coloureds, namely to provide separate residential areas for them, and therefore we warn you now, by fixing a certain date in the fairly distant future, that although you still have time you must care for these Coloureds and do what they would like to have done. Take them out of the locations and give them a separate area." We, who have control over the locations, in other words assist the local authorities to realize that they should take steps. We also assist the Coloureds to attain what they would like to have, viz. to be settled in separate residential areas. What are we doing here? We say in (a) that those who are there and their descendants may in the meantime remain in the location. Further on in the clause a date is fixed, and that is a warning to the local authorities to proceed a little faster in establishing Coloured residential areas. In (b), the portion to which the hon. member for Green Point's amendment refers, we are not dealing with Coloureds who already reside in the location area, but there we deal with the possibility that new Coloureds will be placed in such a location because there are already Coloureds in it. Now we expressly say in (b) that the local authority "may" make provision for new Coloureds, but we specifically do not say that the local authority "must" make provision for new Coloureds in their locations. Then we would be forcing it to build extra houses, for instance, for new Coloureds inside the locations, whereas we would prefer them to provide new accommodation in the Coloured group area. The fact that the word "may" is used means that if there is a town which gets only an additional one or two Coloured families and which will does not have a group area for Coloureds, it can take this opportunity to lodge those few families in the location also if there are already some Coloureds there. But we do not want to say that they must do it. Supposing there is a case where a fairly large number of new Coloureds come along, or that new Coloureds come to a city which is prosperous enough to provide separate residential areas, then we do not want such a city first to provide facilities in a location and then later to remove them from there after it has provided new facilities outside the location in a Coloured group area. We prefer that facilities should immediately be created to place the Coloureds in separate group areas. I hope hon. members will appreciate the necessity for saying "may" instead of "shall", because the "shall" would force local authorities to make provision in the locations if new Coloureds arrive, although when it has spent its money there it will probably not again make provision for those Coloureds outside in a separate group area. In other words, we want to keep the position open for the coming into operation of the Group Areas Act. This comprehensive amendment in fact does nothing else but to bring our Native legislation into line with the objects of the Group Areas Act in so far as Coloureds in the locations are concerned. This

tion in times of trouble. In the case of a Native who has grown up in the urban area, he has no other home whatsoever, and in the case of the second class of Native to which I have referred, he has probably lost all connection with his place of origin. What is to become of a Native like that when his permit is cancelled and an application for a renewal of a permit is refused, I cannot imagine.

Then we come to paragraph (b) on page 20 of the Bill. That was inserted in Section 10 by Section 5 of Act No. 16 of 1955, and it provides that a permit shall not be required in the case of a Native who absents himself from the urban area for not more than 12 months and who desires to re-enter for the purpose of taking up employment with the same employer in the same class of work as before. This matter has already been argued on a similar clause that is inserted in the amendments to the Native Labour Regulation Act, and I need not repeat all the arguments which have been advanced there. Paragraph (b) is intended to prevent the return of seasonal workers. That is the whole object of that provision, and we think that this is an unnecessary deprivation of rights and that it is not in the interests of the European employer who may be anxious to have a Native back. That Native may have been trained in his services and may have become accustomed to his ways, and in these circumstances we are opposed to this clause and I want to move that it be deleted.

The CHAIRMAN: Order! The hon. member can vote against the clause. He cannot move the deletion of a clause.

Mr. HEPPLE: We too will vote against this clause. The change that is proposed in Section 10 of the Natives (Urban Areas) Act, is so far-reaching that it makes already strict control even more strict. The present restrictions on the right of a Native to remain in an urban area is such as to cause severe hardships and often injustices to Africans. But now the Minister, not satisfied with the harsh provisions of the existing law, wants to go even further. In the first place he makes it a condition for an African to remain in an urban area not only that he has been born in the area, but has resided there continuously since birth. This means that an African who for some reason or another has left an urban area in which he was born, will have to provide very good reasons before he is allowed to return to that particular urban area, to the place of his birth. I wonder if the Minister has considered the far-reaching implications in this provision. On the face of it it would seem to refer only to an able-bodied African who wishes to return to do work in that particular urban area. But it does not. A man who may have been born in the Johannesburg Municipal area, and who for some reason or other has left that area for some time . . .

Mr. J. W. DU PLESSIS: Fifteen years.

Mr. HEPPLE: Whatever the time may be. Having been born in that area, and having grown up in that area, and having reared a family in that area, when he reaches his old age he cannot even return to his children, perhaps to be kept by his children. That is what it means. An unfortunate adult who reaches old age may want to go back, as is quite natural, to his own family. But he is then up against all the restrictions of this law, and cannot return to his own family to be taken care of in his old age. That is my objection to this provision. It is very cruel indeed.

Paragraph (b) of this clause provides a change in the existing law to the effect that not only must an African have worked continuously in an urban area for one employer for a period of not less than 10 years, or have remained in an urban area for a period of not less than 15 years, but now an additional restriction is placed upon him. Previously such African had to have a clean record, but now the Minister is introducing something new to the effect that not only previously must such Native have had a clean record, but for the whole of his lifetime. As long as he wants to remain in that urban area, he must continue to have a clean record. Sir, that clean record does not mean that he must be innocent of any serious crime. It means that he must not be found guilty of any petty offence of which there are hundreds to which Africans are subject. Let me give an illustration of what can happen under the proposed Clause 29 which is standing over. Under Clause 29 it is proposed to place a restriction on an African attending a European church in a European area. If an African attends such church in spite of the law, he is subject to a penalty of £10 or two months, and that penalty is imposed upon the African, not only makes him subject to that penalty, but also to removal from the urban area. I could mention dozens of cases where an African who is not a criminal but who merely transgresses some of the racial laws of this country, finds himself exposed to removal from the urban area under these provisions. I will give another example. An African who may take part in a strike (and you must remember that all strikes of Africans are illegal, no matter how unreasonable or unjust the employers may be) is subject to a fine of £500 or imprisonment for three years. Now, he won't have a penalty of £500 or three years imposed upon him, but the magistrate looking upon this very severe penalty, may think that it is enough to impose upon him a fine of £25 or three months. The magistrate may think he is lenient, but the poor African will then be subject to this proposed sub-section (b) and subject to removal from the urban area. I could go on quoting many of the cases which so severely affect Africans. Sir, we must consider this proposal of the Minister in the

light of the effect it has upon the lives of all these people. I wonder whether the Minister for a moment can get away from theoretical considerations and study the human effect this clause has upon the lives of human beings? If he would do so, he would see the enormous cruelty that is contained in provisions of this kind. That makes it obligatory upon any Opposition worth its salt to oppose this clause and to vote against it.

Mr. STANFORD: Section 10 of the Urban Areas Act, as it is amended by Clause 30 of the Bill, really is the kernel of the whole urban areas legislation; it is the point around which the whole urban areas legislation revolves, because those Africans who are in an urban area can only be there subject to Section 10, and if they don't fall within one of the exclusions under Section 10, they have got no right to be there. We have discussed before the influx to the towns that has taken place over the years, the great increase, and also the increase in legislation against that influx. There we have the two forces of economic pressure and apartheid laws, and the incidence of those two forces under Section 10 falls squarely on the shoulders of the African people. I want to deal, therefore, *seriatim* with this section and the amendment, and to see what it really entails.

Sir, every one of the sub-sections of Clause 30 has provided an extension of the incidence of this legislation on the Africans. The old Section 10 (a) which is amended here was that as long as the African was born and permanently resided in the urban area, or rather the proclaimed area, he then had a right of domicile. It was only a limited right of domicile, not the right of domicile such as Europeans have, because he could be deprived of the right of domicile for a number of reasons, even getting out of work—unemployment in certain circumstances deprived him of his domicile. Now the case which has been brought forward by the hon. Minister to justify the amendment which he has now introduced and now making it a "continuous residence", is a very poor one. It now means that he can never leave that residence in the proclaimed area temporarily to go and seek work somewhere else, to better his position, to go away to study . . .

Mr. LOVELL: On a holiday?

Mr. STANFORD: I don't think that falls under it. I don't know. I would say that the accent is on "continuous residence", and while his residence is continuous, he would fall under the exemptions of sub-paragraph (*a*). The justification for this amendment of the hon. Minister, which is considerably stricter than "was born and permanently resided", was the subject of the case between Mathebula and the Ermelo Municipality in 1955 in the Transvaal Provincial Division of the Supreme Court. This African was born in Ermelo and had lived there all his life up to 1936. He then went away to Johannesburg and stayed away in Johannesburg from 1936 to 1954. It is quite clear that by 1936 he had acquired the exemption under sub-paragraph (*a*) of Section 10—he had acquired domicile, the limited domicile which entitled him to remain there. He went away to Johannesburg until 1954 and worked there, but his family stayed in Ermelo, and he came back periodically to see them and to stay with them, and eventually, in 1954, he decided to come back to Ermelo, which he proceeded to do, without permission. He then started his business there. He apparently was an estate agent and general agent, and he started business in Ermelo again, and he was then prosecuted for not having complied with the 72-hour rule under Section 10. The Lower Court held that it was a correct prosecution, but when the case went to the Provincial Division, they held that the question of permanent residence had to be decided the same way as one decided domicile under ordinary civil law, that there must be the actual residence (he was staying there and had a house) and the intention to remain. Now that is clearly the correct legal conclusion to come to. He had come back and within the 72 hours had come to the definite intention of remaining permanently, and he had the *de facto* position of having a house in which he was living permanently. Why is it now necessary to come and remove that completely logical and fair legal right which he had? Because once he has gone away, he can no longer come back to the place where he was born, where his family was and still is, simply because he had gone somewhere else to better himself in another sphere. Now he wanted to come back into the fold of his family at Ermelo, where he was born, where he had grown up. Under this amendment he will be prevented from doing that. I think that is most unfair. And simply because the Supreme Court has found in favour of this individual, it seems that that is now the reason for applying this new restriction to all those Africans who have built up this very difficult domicile. If they now go away, they will be prevented from coming back or they will be prevented from going out to better their status in life. It seems a very harsh measure to adopt, and we certainly are opposed to that provision.

Now Clause 30 (a), sub-section (b), amends the 10-year and 15-year rule as it applies to Africans in regard to acquiring this limited domicile. Under the old law, we know that if an African has worked for one employer for ten years continuously, and that is quite a hard job, he acquires domicile. I wonder how many White men could fulfil that condition? Or if he has been within an urban area for 15 years continuously, and if he has been lawfully within the area for that period, and during that time has never been sentenced to imprisonment without the option of a fine for a period of not more than seven days, or with the option of a fine for a period of not more than one month—if he has managed to escape during those long periods of

areas controlled by the United Party there will be uncontrolled influx into the cities, as there was in the time when they governed South Africa, and from that will follow these conditions we inherited from that party when we came into power.

*Mr. S. J. M. STEYN: May I put a question to the hon. member?

*Mr. MAREE: Sir, from that will result squatters' camps as we saw them right throughout South Africa; from that will result the conditions we found at Cato Manor and Sophiatown and other squatters' camps round-about Johannesburg, Cape Town and other big cities; that will result in the hardships they caused to the non-Whites in the cities as the result of allowing uncontrolled inflow. The United Party should be the last to accuse this party of allowing people to suffer hardships, because if ever hardship was caused to the Natives it was as the result of the uncontrolled inflow they allowed, and as the result of the hundreds and thousands of vagrants who entered the cities during their regime, because of the fact that they allowed this inflow to take place unrestricted without making proper provision for housing, so that the whole burden later fell on the Government. The attempt this Government made and which they now want to destroy completely by this amendment of the hon. member for Salt River was to canalize the influx of labour and to ensure that the Native allowed to enter had a reasonable chance of getting work. That is the gist of the control measures we apply. If we had to accept the amendment of the hon. member for Salt River, it just means that we would have absolute chaos throughout the country, because no two municipalities will think the same about this matter and there will be no uniform Native policy in the country. We will be absolutely in the hands of the various municipalities. There will have to be a multitude of regulations. The Native to-day already finds it difficult to know what the regulations are because there are so many of them, but if every municipality demands the right to frame its own regulations, can the hon. member imagine where it will end? Each municipality will have a different set of regulations, and that means that the municipalities will rule South Africa in regard to this matter, and not Parliament.

*Dr. COERTZE: That was the old Act of 1945, which the hon. member for Salt River now wants to reinstate again.

*Mr. MAREE: Precisely. It is the same standpoint embodied in the 1945 Act. In other words, they want to go back to the uncontrolled position we had then. There is nothing original in the hon. member's amendment. It is merely copied from the 1945 Act.

In regard to the speech of the hon. member for Edenvale (Prof. Fourie), I just want to mention one point. He bitterly attacked the Minister because by means of this clause he says the Minister now again wants to make migratory workers of permanent workers, or workers who have attained a reasonable amount of skill. Where does the hon. member get it from?

*Prof. FOURIE: It is true.

*Mr. MAREE: It is the biggest nonsense I have ever heard in this House. I thought the hon. member was an intelligent member who would be able to understand the clause if he read it. All that this clause means is that the skilled worker has perhaps just gone to another town where he can also be a skilled worker and where he perhaps earned more money. That will be the only reason why he goes there.

*Mr. S. J. M. STEYN: Why not?

*Mr. MAREE: Let him go. But if he takes that step, why must he then have the right automatically and without any control to return to the place where he originally worked? And what is more, and what those hon. members will not admit, is the fact that if he returns to the town or city where he was originally and if there is work available for him, he can enter and again live there.

*Prof. FOURIE: Then he must again start on the lowest level.

*Mr. MAREE: That is not true. Under the regulations he can enter again and he can again do his work there and use the skill he has acquired for his own benefit and for that of his employer. There is no question of these people again being made migratory workers. If he wants to become a migratory worker, in other words, if he wants to return to the reserve and from there enter the city from time to time to work, it will only be because he himself prefers to do so, and for no other reason. But it will not be as a result of pressure applied to him by the State. If the hon. member can understand in the least what is embodied in this legislation, he ought to know this, and then he will not talk the nonsense he has talked here.

*The CHAIRMAN: I have considered the amendment of the hon. member for Salt River, but I regret that I cannot accept it in view of the fact that it is incorrect in form.

Mr. LAWRENCE: May I ask for what reason you are rejecting it?

The CHAIRMAN: It does not fit in with the provisions in the original Act and consequently I cannot accept it.

Mr. LAWRENCE: With all respect, Clause 30 of the Bill . . .

The CHAIRMAN: Order! I have given my decision and I have told the hon. member that it does not fit in with the provisions of the original Act.

Mr. HEPPLE: Mr. Chairman, in a way I am glad that you have ruled the amendment of the hon. member for Salt River out of order. [Laughter.] Not for the reasons that make the hon. the Minister laugh.

The MINISTER OF NATIVE AFFAIRS: Save me from my friends!

Mr. HEPPLE: I think that the hon. member for Salt River has done a very valuable service to the Committee in moving the amendment, because he has shown us the inevitable ending of legislation of a restrictive nature such as was entrenched in the 1945 Natives (Urban Areas) Act. It was inevitable that legislation of this kind which prevented the free movement of labour would eventually provoke somebody else who is more conscientious and diligent to apply it in a manner as proposed in the many amendments brought forward by the present Government.

The hon. the Minister, in replying to some questions I put to him earlier in regard to this clause, said that there are two sides to this question and I had only looked at one side of it. Then he told me of all the problems of these local authorities. I would like to remind the Minister that all the amendments and all the extensions of this clause will not save the local authorities from a continuing accumulation of problems. Every amendment that the Minister moves creates an additional number of possible infringements. The Minister is attempting to build up a water tight law in application to human beings, and it simply will not work. Yet the Minister refuses to learn. He talks about all the problems of the municipalities, but what are the causes of the problems of a municipality in applying Section 10 of the Native Urban Areas Act? The hon. member for Newcastle (Mr. Maree) has pointed out that the 1945 Act left all the powers in the hands of the authorities and there was an uncontrolled stream of Native labour into the various urban areas, which created chaos. Has there been any less chaos since this Government has taken over? No, but there has been a lot more human misery and suffering . . .

The CHAIRMAN: Order! The hon. member is now embarking on a second-reading speech. We have had all that over and over again. The hon. member must now come back to the provisions of this Bill.

Mr. HEPPLE: Mr. Chairman, I am leading up to an amendment.

The CHAIRMAN: I am not going to allow any further general discussions. Hon. members are going to speak to the provisions of each clause only, otherwise they will be called upon to resume their seats.

Mr. HEPPLE: Mr. Chairman, I am leading up to an amendment I am moving on this clause . . .

The CHAIRMAN: Yes, but the hon. member is going too far afield. [Interjections.]

Mr. HEPPLE: Earlier on I pointed out to the hon. Minister that the provisions in his proposed sub-section (b) of this clause was one that imposed a severe hardship upon an African who might transgress any one of the many laws to which he is subject, and I gave as an illustration the proposed Clause 29 which we have held over, and I put some pertinent questions to the Minister in relation to that. I pointed out to the Minister that an African who might go to church against the Minister's wishes may be fined £10 or given two months' imprisonment, and he would not only be punished in that way but he would immediately lose his right to remain in the urban area. Not only would he lose the right to remain in the urban area but his wife and his minor children would also lose that right. I asked the hon. the Minister whether his policy of so-called apartheid with justice squared with this proposition that he was putting before the House. As the hon. the Minister failed to reply to this I would like to test him this question, so I move the following amendment to this clause—

> In line 55, to omit "seven days" and to substitute "six months"; and in line 57, to omit "one month" and to substitute "two years".

This means, if I may explain to the Committee, that an African who has worked continuously in any urban area for one employer for a period of not less than 10 years, or who has lawfully remained continuously in such area for a period of not less than 15 years and has thereafter continued to remain in such area and is not employed outside such area, and has not during either period or thereafter been sentenced to imprisonment without the option of a fine for a period of more than six months, or with the option of a fine for a period of more than two years, etc. In other words, I have raised the penalties that are prescribed in this clause, so that an African who is to be subject to these penalties must be guilty of a serious crime, not of a petty offence. That is the proposal I am putting to the hon. the Minister in order to test whether the Minister really means what he says when he talks about apartheid with justice.

The MINISTER OF NATIVE AFFAIRS: I wish to say that I took the period of seven days and the period of one month from the original act. I do not know what the reason for those periods was at that time . . .

Mr. STANFORD: The 1952 amendment?

The MINISTER OF NATIVE AFFAIRS: Yes, the 1952 amendment. I do not remem-

Mr. BARLOW: What am I to do? I am dealing with the amendment to the Bill, and I am saying why I am against the amendment. If I am not in order, then I think we have to call in Mr. Speaker.

The CHAIRMAN: Order! The hon. member cannot reflect on the Chair.

Mr. BARLOW: I can't, that is my trouble. I want a ruling on this: Am I in order in discussing this amendment that has been moved by the hon. Minister and also discussing the original Bill which is being amended?

The CHAIRMAN: The hon. member can discuss the amendment moved by the hon. Minister.

Mr. BARLOW: But how can I discuss it unless I bring in the original Act? The hon. member in front of me brought it in and discussed it; the Minister brought it in. Are they allowed to discuss the original Act and I am not?

HON. MEMBERS: The clause.

Mr. BARLOW: "Bill" is English and includes the clauses. Naturally I am not discussing the whole Bill. I am against the amendment, because I was from the first against the Act which is being made more stringent now, as the hon. member for Benoni says. It is a cruel piece of business. Then the Minister turns round and says: "Oh, you are blackguarding now, or not having faith in the magistrates or the Native commissioners." That is not the point. This is the law and they may carry out the law and take an unfortunate man who is ignorant and put him in one of these camps. We have these camps to-day, which I don't like. He can be then taken out of these camps and sent to a farm to work. Sir, that is not civilization. It is not right. That is why I come back to the original Act. I should like to move an amendment to delete the original clause. Would I be in order?

The CHAIRMAN: The hon. member can vote against the clause. He cannot move the deletion of the clause.

Mr. BARLOW: But how can I vote for or against a clause and not talk on it?

The CHAIRMAN: Order! The hon. member is now trifling with the Chair.

Mr. BARLOW: Mr. Chairman, I do not understand your ruling. Can I discuss this matter or not?

The CHAIRMAN: I told the hon. member what he can discuss.

Mr. BARLOW: Mr. Chairman, you told me that I can vote for it or against it; unfortunately I cannot vote for or against it because I am paired.

Mrs. BALLINGER: I trust sincerely that the hon. Minister out of pique is not going to limit his powers to provide some sort of alternative livelihood for people who are turned out of the towns under the rigid stringencies of our Urban Areas Act. I do not think that that would be welcomed by the hon. member for Johannesburg (City) (Mr. Davidoff). I think that is exactly the sort of thing that he would like to fight. I want to make my own position clear in regard to this amendment and this clause. I myself have said on many occasions in this House that I am entirely opposed to the Natives (Urban Areas) Act. I dislike a situation under which Africans for one reason or another cannot get a permit in terms of the Act to be in an urban area and can be turned out. But in the past, the situation was extremely grim to my mind and the provisions of this law have obviously not operated successfully even in the opinion of the protagonists of apartheid since the Minister has been induced to bring in this amendment. I have always wondered myself how a section did operate in which a man who was not allowed to remain in an urban area was sent back to his home or to his last place of residence. Presumably his last place of residence would not take him in. That is a situation that apparently was not visualized. A man cannot go to his last place of residence unless his last place of residence provides him with a job, and many of our African population, as was shown again in the course of this discussion, have no home. So what happened to a man who was in that position I do not know. It has always struck me that the weakness of the segregationists—I am not talking about myself, I am talking about other people—was that if they want a segregation policy . . .

The CHAIRMAN: Order! The hon. member cannot cover the whole field.

Mrs. BALLINGER: No, Sir, I want to deal with the suggestion of removing such a man to the reserves. Sir, it is very difficult to debate this if everything we argue in terms of the actual mechanics of this law is interpreted as a general principle. I don't know how to deal with that situation. Let me put a simple case to the hon. the Minister. Under the Urban Areas Act, a man may not remain in an urban area unless he has got a permit to do so or has got a job which he is allowed to take. He can be turned out if he does not fulfil those conditions. In the past he has been turned out and in terms of Section 14 he had to be removed to his home or his last place of residence, and I am only saying that I do not know how this thing has ever worked in the past, because he can't go to his last place of residence unless that town takes him in or a farmer gives him a job on a farm. He has got no home if he is an urban area Native, and has not got a place

in the reserves. Therefore I have always wondered how the thing works. Sir, I welcome this provision in this Bill. I thought that this was a modification of the absurdiities of the law. I interpreted it as I thought the hon. Minister meant it to be interpreted, that is that if a man is turned out of a town, he must find him a place in the Native reserves where he can live and work. Sir, that is the old law, the 1936 Act, and I can't think why we have never taken advantage of that Act before. But the Minister is putting it now back into this Bill, if I interpret it correctly.

The MINISTER OF NATIVE AFFAIRS: That is my intention.

Mrs. BALLINGER: I am quite satisfied, in so far as we have got to accept the Urban Areas Act, that the Minister now will take responsibility for finding a place in the scheduled or released areas for people who are not allowed to stay in the urban areas. Now my point simply is this: What provision is the Minister making so that they came make a living in the rural areas? That is a matter he has not explained to us. Presumably he has got plans, because it seems to me just as bad to dump a man in a village in a rural area if there is no opportunity for him to make his livelihood there as to turn him out in some other way. The successful operation of this depends on the Minister having plans for providing those people with the means of a livelihood. If the Minister is going to give him a home and not simply a place, then the man may be all right. At least he is going to be as much all right as he can be under the present set-up.

The MINISTER OF NATIVE AFFAIRS: All the villages are very carefully chosen so as to be easily accessible to opportunities for work.

Mrs. BALLINGER: So that is the intention that he will put him in a village where he has an opportunity to work for somebody else.

The MINISTER OF NATIVE AFFAIRS: Or to work on his own among the villagers.

Mrs. BALLINGER: Of course we cannot at the moment discuss the policy in a wide sense. We will have to do that in some other context. But in other words, the Minister is giving us the undertaking here that when he does decide to put these people in places in scheduled or released areas, he is doing so with a view to their ability to make a living?

The MINISTER OF NATIVE AFFAIRS: I want successful rural villages where everybody is happy and has an opportunity of making a living.

Mrs. BALLINGER: As I say we are entirely opposed to the law in general, but I would regard this clause as an improvement in the situation which has existed for ver many years.

*Mr. M. D. C. DE W. NEL: I shall b neglecting my duty to the Native populatio if I do not lodge my objection to the amend ment which the hon. the Minister has move here in connection with this clause. But also want to say that I realize that the Minis ter had no choice. If I had been in his plac I should have done exactly the same becaus the hon. member for Johannesburg (City) (Mr Davidoff) has interpreted the clause in tha way and because that is the interpretation which will be sent out to the world. It i a pity because I know that there are many of these Natives who are misled by Europeans, by Europeans such as the hon. member for Johannesburg (City). I know that there are many of them who cannot really adapt themselves to life in the cities but who could very well adapt themselves to farm life and who could make a very good living. But now we are faced with this state of affairs; and this is the way the interests of the Natives are being served in this House by such members. I repeat that I wish to lodge a very strong protest against this sort of thing. By adopting such an attitude they are not serving the interests of the Native population but they are slandering the good name of South Africa.

Mr. HEPPLE: I am not as easily convinced as the hon. member for Cape Eastern. I don't attribute only bad things to the hon. the Minister and the Government, but I do understand what the clause says and I think the approach of the hon. member for Cape Eastern is wrong in so far as she assumes that the right to push people around, to regiment people must be accepted if entrenched in the Act.

Mrs. BALLINGER: Oh no, no!

Mr. HEPPLE: But the hon. member is willing to accept the position.

Mrs. BALLINGER: No.

Mr. HEPPLE: The hon. member has looked at this clause in a way which surprises me. If one looks at Section 14 of the original Act, one sees that it deals with the removal of Natives who unlawfully remain in urban areas, and it says—

> Any Native who has been convicted under sub-section (3) of Section 10 or subsection (2) of Section 12, or who has been introduced into any urban area in contravention of the provisions of sub-section (1) of Section 11, may, under a warrant issued by a magistrate or Native commissioner, and addressed to a police officer, be removed to his home or his last place of residence.

The hon. member for Cape Eastern argues that perhaps his last place of residence won't

take him in. But if he is removed there under a warrant, they have to take him in. It is different from the Bill with which we dealt last year where a municipality can merely throw a man out. Under the existing law if a man is removed under a magistrate's warrant, back to his previous place of residence, that local or other authority has to take him in. They can't throw him out. And then in so far as being removed to his home, his home has also got to take him in. That is why I cannot understand the argument put forward by the Minister this afternoon when he says: How am I going to know where a man comes from? He may originally come into one urban area legally and then remove from urban area to urban area. But the original Act does not say which of the many urban areas it refers to. It says "his last place of residence". There is another point on which I disagree with the hon. member for Cape Eastern and particularly with the Minister and that is this: Why can't we look at legislation like this in the light of giving the African a choice. Why should he not have a choice? If the Minister is determined to move an African from an urban area which he enters illegally, one can understand the Minister wanting to do that even if one does not agree with him. But, surely, once the Minister has made the decision that an African must be removed from any area, he should give him the choice either to go to his last place of residence or back to his home. I think the existing choice is wide enough. Now the Minister proposes to add after the word "residence" the words "or to any Native rural village". Why? I don't agree with the hon. member for Cape Eastern that the purpose is merely to provide the Native with a home in a rural area. As I see it, when this is dealt with administratively, the authorities will have a choice between three things, while there will be no choice for the African. The hon. member should know that when handled administratively, it will depend on the mood of the authority concerned. The Minister says that we are casting a slur on the magistrates and Native commissioners. The Minister must know that when officials are dealing with a problem such as this, they very rarely have the time to go into all the human aspects, and for them it is a routine matter. We know that one of the greatest difficulties in the application of our laws in so far as Africans are concerned, is that they are usually dealt with on a mass basis. It is a routine matter, and when it becomes a routine matter, the magistrate or the Native commissioner may ask one or two passing questions, and this particular provision that the Minister asks us to agree to now, can lay itself open to innocent abuse —I don't say deliberate abuse. That is what I am trying to avoid. I am wondering, as I speak here, what will be the effect on an African for instance who comes from an urban area like Johannesburg and who is found in the urban area of Nigel, and now instead of being sent back to Johannesburg, the magistrate there may say: "No, I will send him to a Native village." That may be convenient, and an African who has no association or contact at all in the particular Native village to which he may be sent, can be despatched to that area. I think there is a lot of truth in what the hon. member for Johannesburg (City) has said that it can lead to a lot of abuse. Then there is the final question raised by the hon. member for Johannesburg (City) that this first amendment could be used to send an African to one of these outlandish places like French Dale, one of these places which has been referred to as a concentration camp. We have not got the assurance of the hon. Minister that that is not possible. His new amendment may prevent it now, but I do not know whether French Dale may not be defined as a Native village. It might be. It could easily be called a rural Native village. My understanding of the amendment proposed by the hon. Minister is that we must be very careful about how we handle this clause, and we stand by what the hon. member for Johannesburg (City) originally said. We are opposed to this clause and will vote against it.

Amendment put and agreed to.

Clause, as amended, put and agreed to.

On Clause 35,

Mr. GAY: I move as an amendment—

To omit all the words after "by" in line 3, page 22, up to and including "and" in line 5; and in the same line, after "substitution" to insert "in sub-section (5)".

This clause is one which deals with the Native Revenue Accounts of local authorities throughout the Union. One of the sub-sections considerably widens the operation of the Native Revenue Account, and in a further section it imposes restrictions upon the use of the money that is accounted for under the Native Revenue Account; it further imposes a ban on the sale of immovable property which is standing to the credit of a Native revenue account. The clause goes on then to change the procedure in the operation of the Native Advisory Boards, particularly in regard to the submission of estimates of revenue. It also provides the machinery whereby the Minister is enabled to impose his ruling on local authorities and to enforce his control over them. I want to ask the hon. Minister whether it is not correct that he has received substantial objections from local authorities which regard this portion of the clause, which gives him the power to impose his will upon them, as objectionable, where on page 22 under paragraph (c) it says "by the insertion in sub-section (5) after the word 'Minister' of the words 'subject to such conditions as he may deem fit'".

Now, Sir, Native Revenue Accounts form a well-established financial portion of the work

of local authorities in regard to all monies to be used in the operation of their Native departments in their areas. The Native Revenue Account is an account which has been established for that set purpose and is already strictly controlled both by the Minister and his Department, and in most of the provinces by the provincial administrations in their control of local authorities. There is very little that any local authority can do with its Native Revenue Account which is not already covered by some restraint or control in order to make certain that the money is wisely and well spent; and there are also very few Native revenue accounts in existence in any local authority which do not show a very big accumulated deficit. I refer particularly to the smaller local authorities. That accumulated deficit has to be met by the ordinary rates-raising capacity of the local authority concerned. So that in most cases you start operating the account and you continue year by year to operate the account, in making services available to the Native community, by financing it to some extent also from your current revenue. The clause does drastically interfere with the established procedure of administration of local government, and I would ask the hon. Minister whether he has not received objections from the local authorities in this regard?

Now the Minister tells us very calmly that it is not his intention to interfere, that it is merely his intention to assist, and that this question of applying such conditions as he may deem fit is something that is very unlikely to happen. I want to quote one instance, without going into details. It is not only possible for this to happen, but it has happened and it does happen. I direct the hon. Minister's mind to what happened with regard to a housing scheme in Johannesburg, the £3.000.000 loan for Native housing, where in order to make the local authority comply with certain requirements of the Minister, that scheme was delayed for something like nine months to the detriment of the Natives and to the detriment of the Johannesburg Municipality, and where eventually in order to be able to get on with the scheme, the municipality after having objected to that for a long time, in order to get their loan, were compelled to agree to a large extent, at any rate, to the Minister's locations-in-the-sky provisions. That is one instance. There are others. I do not want to go into any lengthy detail as far as the position in Johannesburg is concerned, which is the major municipality concerned perhaps more than other cities with Native administration. But there is no question about it that the principle involved is one which affects every local authority in the country. There is already far too much control, too much over-riding control of the powers of local authorities, which are a portion of the Government of the country, the portion closest to the people themselves. There is a continual whittling down of their powers, making it more difficult for them to function, and this proviso which we are asking now to delete is one which is only going to make for delay and friction between the local government bodies and the Minister's own Department, where we don't want any friction. Moreover, Sir, it will again impose the risk of friction between the local authority and the Native community, where the local authority has the duty to see that the Natives are properly housed, that they have proper health services, etc. It is likely to cause delay and friction there in respect of people who themselves are not very capable of understanding the reasons for these inordinate delays which are experienced. Therefore we think it is not a good provision to agree to; it again appears to be a step in the direction of this eternal growth of the power of the Minister to control everything that affects the Natives throughout the Union, no matter at whose expense the additional authority is imposed. The clause containing this over-riding power is one which extends the application of the principle of the Native Funds Account to local authorities to whom prior to this particular amendment coming into force, if and when it does, had no need to set up such an account. It will now apply in the case of local authorities whose only connections with the Natives would be that they were operating the control over the influx of Natives. It applies to a local authority where they have the right to manufacture or sell kaffir beer, in the sense that before they can operate their Native account the Minister himself or his Department would have to approve of any plans that they had prepared to build the hall from which those sales were to operate. There are already so many controls over this particular matter that we fail to see why there is any need for any more. Rather let us have a reduction than an increase. The paragraph provides for the approval of estimates of expenditure from the Native Revenue Account to be conditional, if necessary, upon the expenditure on a beer hall or other building, as may be incurred only on condition that the building plans were first approved before the work was put in hand. This is a g a i n the imposition of a conditional authority. Conditional authorities, if one might use the simile of the Liquor Licensing Board, are things which are very much frowned upon when it comes to intoxicating liquor. We want positive control, not conditional control.

The MINISTER OF NATIVE AFFAIRS: The hon. member is barking up the wrong tree altogether. The case of my clash with Johannesburg's municipality is a matter which cannot be dealt with now. I hope there will be a future opportunity when what happened in Johannesburg can be fully debated, because then hon. members will realize that there was no bullying of Johannesburg but that there was an agreement which the City Council of Johannesburg was not living up to, its own undertaking, and I held them to it. But that is another matter altogether.

let them do so; that is their business, but let them in heaven's name confine themselves to the facts.

Mr. HEPPLE: Section 20 of the principal Act provides that the Minister shall see that the local authorities charge a fair and reasonable rent for any lot, house, hut, or building let for residential purposes in their area. The Minister now proposes to introduce a proviso that "he shall have due regard to the cost of providing institutions for educational purposes." A number of local authorities are already charging this levy of 2s. and it is obvious that the Minister wants to extend the principle generally throughout the country. I may say that in Johannesburg, for instance, at the Minister's instigation they are charging 2s. for site and service. Africans have to pay 2s. levy on site and service; they get a privy and a small plot of ground on which they may eventually build a house of their own when they can afford it, and they are charged 2s. school levy on that site and service. This brings me to a very important aspect, which has been referred to by the hon. member for Cape Eastern (Mrs. Ballinger) namely that if a person has to pay a capital sum on rent towards providing for capital expenditure in the form of school buildings, surely those people should have some vested right in that capital investment. Surely that is only fair and just. I want to remind this Committee that even the Minister, in order to meet the "kaffer-boetie" propaganda that he meets on the platteland, assures his audiences "Don't worry, the White man is not paying for this; the Natives pay for it and they pay for it over and over again". The Minister has actually said that at meetings. He has assured his White audiences that the Whites do not pay for Native housing in the urban areas because the tenants pay these rentals and that they pay for their housing over and over again.

The MINISTER OF NATIVE AFFAIRS: I do not know where you get the words "over and over" from. I did say that they paid for it.

Mr. HEPPLE: I do not want to be unfair to the Minister. The Minister admits that they pay for it. But what about this 2s.? This 2s. is now to be added, so that is something that they are paying, not for the rent of the house that they occupy, but for something quite different. The hon. member for Cape Eastern was quite right in pointing out that Africans have no security of tenure in the urban area. We have been arguing throughout this Bill that they have no security of tenure, and for the most trivial offence that they commit, they can be removed from that urban area, after they had been there the best part of their lives, and yet they have to pay the 2s.

Sir, now I come to the most important point. Every day we are illustrating more and more the justification for the claim that is made that the wages of Africans must be increased. The current claim for a minimum wage of £1 a day will be claimed on evidence such as this, and I can tell the hon. the Minister of Native Affairs . . .

Mr. MENTZ: Are you advocating it?

Mr. HEPPLE: Of course I am, and I shall tell the hon. member why I am advocating it. When the Africans make application to the Minister of Labour and to the Wage Board for an increase in wages, they are now going to say: "We are now going to be called upon to pay a levy of 2s. for our own schools in our own locations." That must be part of their claim.

Mr. MENTZ: Do you pay your own Native servant £1 per day?

Mr. HEPPLE: The point is that in claiming higher wages workers are entitled, in order to substantiate their claim, to show all the charges on their income. They show what it cost them for food, for clothing, and rental and everything else, and they will now be able to add this charge that is going to be levied upon them—and quite justifiably. All that is going to happen is that these levies such as the 2s. 6d. levy for hospitalization and other levies will be passed on in demands for higher wages which will have to be paid. I hope therefore that this Committee realizes that all they are doing is to deceive themselves if they think that in the long run this is going to be paid as a separate levy. In the end it is going to be charged to the general exchequer of the country, and that is why the argument between the hon. member for Houghton (Mrs. Suzman) and the hon. member for Nigel (Mr. Vorster) is really academic in the long run. I think it has never been better expressed than this afternoon when the hon. member for Newcastle (Mr. Maree) inadvertently began to talk about Black money and White money. Perhaps we are going to have it printed black and white? The point is that you cannot separate it. It all comes out of the common purse, and whether you try to get away with it by putting it on their rentals or whether you try to do it, as some employers do, by under-paying their employees, eventually the chickens come home to roost, and eventually the nation has to pay and eventually we are going to pay through the nose for this.

Mr. STANFORD: This amendment to Section 20 by Clause 36 of this Bill has led to a discussion on principle, because it goes deep into principles. For that reason, I should like to answer some of the points raised by the hon. member for Nigel (Mr. Vorster). He made this statement in this House that there is no White man in this country who sends his child to school who does not pay tax. Sir, that statement is quite incorrect and we told him from this side of the House by way of

interjection that that was not correct. In Natal, the Cape, and the Transvaal any unmarried White person is exempt from the tax if he earns £150, and a married White person in those three provinces if his income is below £250 per year, does not pay the provincial tax which goes towards education, the personal tax. In fact he does not pay for the education of his children.

Mr. M. C. BOTHA: Do you want him to pay?

Mr. STANFORD: No, I don't. I am making the point that the poor people are not asked to pay tax, because for such services as education you don't tax the poorest section of your community. The tax is taken from the people who can afford to pay. That is the basis of the whole thing. When the hon. member for Nigel said that the Institute for Race Relations had said that there were 986,000 income-tax payers and that there were very few Africans amongst them, that probably was quite correct. But that is not the point. These White people below £250 income per annum also are not taxpayers, but they get their education free, paid by the general community. Now what is the difference in principle for the poorer people, simply because they are of a different colour to have this levy put on them of 2s., and that on their rental? I will deal in a moment with that particular point. Sir, what is the difference in principle? What is being done here is that the poorest people who can least afford it are being made to pay for their educational services on a principle which every public system of finance regards as unsound, and which we ourselves in South Africa have accepted as unsound. We have accepted that it is an unsound principle that the poorer section of the people should pay for these kinds of services.

Now, Sir, the amendment proposed by the hon. the Minister is to Section 20 of the Urban Areas Act. This section deals with rent charges and charges for services rendered to locations, etc., by urban local authorities. The amendment that this Bill introduces, introduces an entirely new principle into the urban areas legislation. The hon. Minister has been very keen to tell us during the second reading debate that amendments to this legislation were to be understood within the ambit of the meaning of urban areas legislation—segregation legislation. That was his argument about the Church Clause. But in this clause, he is introducing a principle that is right outside urban areas legislation. It goes into the field of education, because the fees charged here, which he is now adding to rentals, were meant to be used for services within locations. Now the sort of services contemplated are lighting, water, sanitary services and other services . . .

The DEPUTY-CHAIRMAN: I am afraid the hon. member is now very far away from the clause.

Mr. STANFORD: Sir, the clause I am dealing with is sub-section (1) of Section 20 which is being amended by this Clause 36. The hon. Minister is adding to the rents which can be levied in terms of Section 20 and that section deals with rents for social services of the nature which I have just listed, and that section also provides a criminal sanction for the failure to pay those levies. Why? Because those people live in houses in which they get light and water and all other services, and therefore they have to pay their rents, otherwise they are liable to eviction.

Mr. BARLOW: What rent do they pay?

Mr. STANFORD: That varies of course. If they fail to pay these rents, a warrant of execution can be taken against the immovable property of the African who has failed to pay. Are we now going to have a warrant of execution because an African is unable to pay for the educational purposes, a charge which was never contemplated under the Urban Areas Act? Sir, this is quite inconsistent with what the hon. Minister told us earlier when he said that he was keeping within the framework of the Urban Areas Act. This is an entirely new system. We have objected to the whole principle of this system of taxing the poorer people. It is an accident of our history that our poorest people of South Africa are Black, and the fact that they are Black is no support for the argument advanced on the other side of the House that our economy can be divided up in racial groups. Our economy is only one, Sir, and you cannot inflict a specific levy of this nature and hope that it will be successful.

The MINISTER OF NATIVE AFFAIRS: Suppose it said "health services" instead of "educational services", would you still object?

HON. MEMBERS: Oh, yes.

Mr. STANFORD: I think social services are services which the community as a whole is responsible for and which the whole community derives benefit from and those charges should come out of the Exchequer of the whole community. I suggest to the hon. Minister that what he should have done instead of putting on this extra levy on the rents of Africans in urban areas, instead of doing that, he should have gone to his colleague, the Minister of Finance, and asked him to transfer some of the £12,000,000 which was transferred to Loan Account from taxation and he should have used a portion of that for the erection of schools for African children in the urban areas.

The MINISTER OF NATIVE AFFAIRS: The United Party would blame me for using White money.

zations and also of the Central Native Labour Board. Sub-section 12 (a) of Section 77 of the Industrial Conciliation Act defines an employee as including Natives, so quite obviously the provisions of the Industrial Conciliation Act and this amendment do conflict, and one wonders what is going to be the position when there is a conflict as to which measure is going to be used to deal with problems which may arise in an urban area in respect of the employment of Natives in industry. Whereas in the case of the Minister of Labour such remarkable precautions were taken to ensure that no such declaration or recommendation was made by the Minister until all points of view had been heard and the evidence sifted, in this case the hon. the Minister of Native Affairs simply goes at the problem bold-headed and takes these sweeping powers to make these arrangements precluding the employment of Natives in certain classes of work without any preliminary hearing of the interests concerned. In other words, where the hon. the Minister of Labour goes about it in a methodical way, with adequate safeguards for all concerned, the Minister of Native Affairs steps in and takes these absolute powers. We do not believe that that is in the interests of the Native population or indeed of the European population, because there is no doubt about it that as the amendment is worded at present, it lays it open to the Minister of Native Affairs to make these rulings and prevent Natives from having contracts of service registered in respect of any particular class of work and in that manner he can prevent a Native from securing employment in certain trades or in certain classes of work, and thereby in point of fact, he will be able to introduce a colour bar in industry in the urban areas.

The second portion of the amendment that I refer to relates to paragraph (e) which also relates to certain of the powers which the Minister may by proclamation confer either upon himself or upon a local authority in respect of a prohibition of any male Native from working as a casual labourer or from carrying out any work as an independent contractor in a proclaimed area unless the prescribed officer has by licence authorized him to do so for the period stated therein. [Time limit.]

*Mr. MENTZ: I do not know what flight of fancy has led the hon. member to call the Industrial Conciliation Act a colour bar measure to-night. As I said in my second-reading speech, it is just possible under the present law for a registration official to refuse to register service contracts if in his opinion they are not *bona fide* contracts. There are many other Natives in urban areas who do not really serve the needs of the Europeans; photographers for instance. Of course, a European city needs the Natives to serve the interests of the community. Provision must be made for the accommodation of such Natives and that is precisely why the number of labourers is limited by means of the registration of service contracts. In addition to those Natives provision is also made for the minimum number of Natives required to render services to their own people; for example clergymen, teachers, nurses and so forth. All these people may be allowed in the locations, but as for those Natives who do not serve the needs of the urban community, why should they be allowed there if that city is to be responsible for their accommodation? Why should their service contracts be registered if they are not there to render a service either to the Europeans or to their own community? Take, for instance, the case of a photographer who is employed by a hawker and who walks about the streets taking pictures of Europeans and non-Europeans to make money for the hawker. He is not rendering a service to the Europeans, nor is he rendering a service to his own people. That is more or less what this clause embraces. The clause has nothing to do with the Industrial Conciliation Act: it has nothing to do with the colour bar. I cannot understand where the hon. member gets that idea.

Mr. HEPPLE: I support the amendment moved by the hon. member for Berea (Mr. Butcher). I raised this question regarding classes of work earlier, on another clause, and the Minister was unable to give me a satisfactory explanation. The hon. member for Westdene (Mr. Mentz) asks what the Industrial Conciliation Act has to do with the present Bill. Let me explain to him for the umpteenth time. The Minister provides in this Clause that a registering officer shall refuse to register a contract of service in respect of such class or classes of work as may be determined by the Minister from time to time by notice in the *Gazette*. I asked the Minister previously what he meant by "classes of work" and he said that he meant either industry or commerce. He left it in those vague terms, and we are now pointing out to the Minister that in the Industrial Conciliation Act there is also a reference to "classes of work". Section 77 (6) of the Industrial Conciliation Act says that the industrial tribunal can "make recommendations regarding the reservation either wholly or in the extent set out in the recommendation of work or any specified class of work or work other than a specified class of work in the undertaking, industry, trade, or occupation concerned." That is more specific; it refers to classes of work in an industry, undertaking, trade or occupation. We want to know what "classes of work" means in the Native (Urban Areas) Act, because this can be challenged in the courts, and the courts will have to interpret what the Legislature meant when it referred to "classes of work".

Dr. COERTZE: The court will look in the dictionary.

Mr. HEPPLE: No, the court, if it can get no guidance in the Native (Urban Areas) Act, will look at other statutes.

Dr. COERTZE: I will look it up in a dictionary.

Mr. HEPPLE: Mr. Chairman, every time the hon. member for Standerton (Dr. Coertze) gives this Committee advice, one realizes how it was possible for him constantly to mislead the Government on constitutional issues. The hon. member for Standerton likes to leave it vague and I want to challenge him here and now: Why does he want this reference to remain vague? Why does he insist that there should be no clarification of what is meant by "classes of work"? If he is so insistent on this point, I want to ask him what is his reason? He must have a reason for wanting to leave it vague, or does he prefer that the courts should always have a dictionary at hand to interpret what the Legislature meant.

Dr. COERTZE: There is nothing vague about it.

Mr. HEPPLE: Well, I asked the hon. member earlier, on another clause, what it meant and he could not tell us. The Minister has been very vague on this. He says it means domestic employment or employment in industry generally.

The MINISTER OF NATIVE AFFAIRS: I am still going to explain it.

Mr. HEPPLE: I hope that the Minister will also agree to define this term in the Act. Here we have an opportunity to define this term in the Act. I want to point out also that even if this provision was desirable, which it is not, it is completely impracticable, because I want to know how the Minister is going to determine within a reasonable time that there is a surplus of a special class of labour in a specified area. How do the authorities determine whether there is a surplus or a shortage?

Dr. COERTZE: They ask the Labour bureaux.

Mr. HEPPLE: How do the labour bureaux find out? They look in a dictionary, I presume! The labour bureax have to find out whether there is a shortage or a surplus in various categories of labour; how do they find that out? Surely they find it out by consulting employers. Can they do that in a period of hours or weeks or months or years? Let them refer to the Bureau of Census and Statistics, and the Bureau will be able to tell them how long it takes, not only to get information, but how long it takes to collate it. The Minister must therefore act in an arbitrary fashion as far as this is concerned. But let me tell the Minister something else and I speak here from experience. There may be a shortage of labour one week in a certain industry and the following week there may be surplus. There can be a surplus one day and a shortage the next day, and by the time the information in the Minister's hands have been brought up to date, there may have been several changes in employment conditions. I am of the opinion that all the Minister wants to do here, is to have the power, when in his opinion there is a surplus, to Gazette a notice to say that such classes of labour are surplus to the requirements of the area concerned, and therefore no further entrants for that particular type of labour will be accepted. Let me tell the Minister what will happen after that. What will happen is exactly what happens amongst White workers in this country and in other parts of the world. They will say: "It is no use saying that you want to go into domestic employment; you must say that you are going into industry because they are not accepting domestic workers this week; they are only accepting other kinds of workers." How are the authorities going to prove that this particular applicant is qualified in one or another category of work? These are mostly unskilled workers. They will merely declare themselves to be available for different categories of work. This amendment that the Minister is putting forward is not only undesirable but absolutely impracticable.

Mrs. BALLINGER: Silly.

Mr. HEPPLE: The hon. member for Cape Eastern (Mrs. Ballinger) says it is silly. I think that is an apt description, so I hope the Minister will accept the amendment moved by the hon. member for Berea.

The MINISTER OF NATIVE AFFAIRS: I must say that the hon. member was not very complimentary, but I do not expect anything better from him. The intention of this clause was misunderstood by both members who have just spoken. I can understand the grievance that the explanatory memorandum does not put the position very clearly, but it was explained by the hon. member for Westdene (Mr. Mentz) in his second reading speech . . .

Maj. VAN DER BYL: It was as clear as mud after his speech.

The MINISTER OF NATIVE AFFAIRS: . . . and that apparently made no impression on hon. members. There is a very simple explanation for the clause, although the formulation, of necessity, had to be pretty broad. The position is that there are in our urban areas people whose services are needed as labourers or as domestic workers or in industry or in commerce. They are the Natives who are present to serve the European interests in the ordinary way, because they wish to earn a living. In addition to those Natives, we accept as necessary that a certain additional number must be present to serve their own people, such as teachers, nurses, Native ministers of religion, clerks, etc. These people are all accepted as Bantu who can and should be in the urban areas under the existing conditions. But over and above these people you find cer-

Mr. WATERSON: With respect, Sir, the Bill which was explained by the hon. Minister at the second reading dealt with a certain state of affairs that had arisen. Since the second reading conditions have altered very materially, and the purpose of my hon. friend's question, as I understood it, was, to ask the Minister whether he could give further information which was not available at the second reading, in order to enable the Committee to decide whether it is necessary to continue with this Bill at all. With great respect, Sir, it seems to me that the Committee is entitled to have any information which the hon. Minister is able to give it to enable the Committee to decide on this very important point.

The CHAIRMAN: I appreciate what the hon. member has said, and in view of that I have allowed the hon. member to put a question very briefly, and I will allow the hon. Minister to reply very briefly, but I cannot allow an extensive discussion.

Mrs. BALLINGER: Mr. Chairman, is it not a fact . . .

The CHAIRMAN: On what is the hon. member rising?

Mrs. BALLINGER: On a point of order. I want to ask the hon. the Minister whether it is not a fact that there is only one principle contained in the Bill and that that principle is incorporated in the only clause, this clause under discussion now? Is it therefore not essential that the Committee should have the right to discuss the whole ramifications of that principle. We have the awkward situation that this Bill has only one clause which contains the only principle involved, and unless we can discuss all the background of it, it seems to me that it will be quite impossible to put to the Minister whether we will or will not agree to the clause and the grounds on which we propose to do that. I suggest, Sir, that you should take a wider view of the ordinary interpretation of the Committee Stage, a wider view than is normal with a composite Bill where the principle is separated from the particular clauses.

The CHAIRMAN: I have given my ruling and I will allow the hon. the Minister to give a short explanation.

The MINISTER OF TRANSPORT: I will be very brief, Mr. Chairman. The position at present is that as far as Lady Selborne is concerned about 25 per cent of the normal passengers are being carried, Mooiplaats, 80 per cent, the South-Western Areas, they are feeder services, that is Moroka and Jabavu, nil, no passengers are being carried, and Alexandra Township about 55 per cent of the normal passengers are being carried. That is the position as it is at present. As hon. members know sufficient money has been advanced by interested parties to cover the position for about three months. In the meantime some decisions will have to be taken as to what steps will be necessary at the expiration of the three months. In regard to that I cannot say anything at this stage as discussions are taking place among the interested parties. In regard to the necessity for this clause, it is quite possible that a boycott might break out again, or a boycott might break out at another place. Hon. members know that a boycott is also taking place in Worcester. It is quite possible that similar occurrences might take place in other parts of the country. Therefore I consider it essential that I should have this provision in the Motor Carrier Transportation Act.

Mr. OPPENHEIMER: I am sure the hon. Minister himself will realize that it is somewhat unsatisfactory having to discuss this clause, which, as has been pointed out, really contains the whole Bill, in the particular circumstances. Because while the facts that the hon. the Minister has been able to give us in regard to the state of the boycott movement in various places, are very important, what is particularly relevant, as it seems to me, in regard to this matter, is the information which the hon. Minister was not in a position to give us—that is to say the information about negotiations which flow from the situation which has been produced by the intervention of the Chambers of Commerce. You see, Mr. Chairman, whether that intervention is ideal or not . . .

The CHAIRMAN: Order! I cannot allow the hon. member to cover too wide a field.

Mr. OPPENHEIMER: Thank you, Mr. Chairman. I am doing my best, but I am under difficulties, as you will realize, because it is very essential to the consideration of this clause, which contains the whole principle of this Bill . . .

The CHAIRMAN: I am under an obligation to this Committee to confine the discussion. The second reading has been held, and I cannot allow another second-reading debate now. We are in Committee now, and I will allow the hon. member very briefly to put his point, but I cannot allow a general discussion.

Mr. OPPENHEIMER: I shall be very brief, Mr. Chairman. This clause will give the hon. the Minister powers which were required, or were thought by the Minister to be required in relation to the situation which existed at the time when the Bill was introduced. That situation to my mind has completely changed. Now that the boycott is largely collapsing, and is collapsing as a result of action, which the

Minister, if he has not actually approved, has tacitly given approval to—otherwise the Putco service would not have been resumed—then obviously in those circumstances, the Minister is bound to make some use of these three months period of respite which has been obtained, as I say with the tacit approval of the hon. the Minister.

The CHAIRMAN: Order! Apparently the hon. member is embarking on a new theme now.

Mr. OPPENHEIMER: Mr. Chairman, may I say this, that I think that the difficulty that is experienced by the hon. the Minister and all of us, shows that it is really very undesirable to discuss this clause at the present time, and I wonder if in those circumstances the hon. Minister would not agree that we should report progress and ask leave to sit again?

The MINISTER OF TRANSPORT: I think it would be in any case not advisable to go too far into the matter at the present moment, and I think the Committee must confine itself to this clause. We will not take the third reading to-day, and ample time will elapse before the third reading is taken.

Mr. HIGGERTY: You want to limit the discussion to the third reading?

The MINISTER OF TRANSPORT: At the third reading at least I can make a full statement in regard to the whole position. That would be within the rules of the House. But it is impossible to have a rehash of the second-reading debate, but on the third reading it is possible to give a statement on the position as it has developed since the second reading. But in Committee one cannot even make a statement like that.

Mr. HEPPLE: I would like to support the appeal made by the hon. member for Kimberley (City) (Mr. Oppenheimer). I think the hon. Minister is being unreasonable to the Committee.

The CHAIRMAN: Order! It has nothing to do with the Minister but with the rules of the House.

Mr. HEPPLE: I am making no reflection in regard to the tone of this discussion, the course this discussion is taking. I am referring to the appeal made to the Minister. It is within the powers of the Minister to move that we report progress and ask leave to sit again, and I am asking the hon. Minister to do so.

The MINISTER OF TRANSPORT: Why?

Mr. HEPPLE: The hon. the Minister thinks that it will be satisfactory if he makes a statement at the third reading. But this is Parliament. We are severely restricted at the third reading as to the scope of our discussion, and we will not be able to discuss a lot of matters in relation to this clause. May I point out that a holder of the motor carrier certificate who is mainly affected by this measure, and for whom the Minister originally introduced this measure, is now, as the Minister has admitted this afternoon, in the course of having discussions with the Government, and that may have a very strong bearing on the attitude of this Committee in its discussions on this clause, and we would be failing in our duty if we were to allow this measure to go through without discussing the issues . . .

The MINISTER OF TRANSPORT: That cannot be discussed in the Committee, as you know.

Mr. HEPPLE: May I tell the hon. the Minister that these discussions may come well within the scope of this clause.

The MINISTER OF TRANSPORT: No.

Mr. HEPPLE: They may persuade this Committee to introduce an amendment to this clause. This Committee, which opposed the second reading of this Bill, may be persuaded in the light of the information the hon. the Minister may give us, to accept this proposition slightly amended.

The MINISTER OF TRANSPORT: Do you think that is possible with you?

Mr. HEPPLE: Of course it may be possible.

The MINISTER OF TRANSPORT: I do not think so.

Mr. HEPPLE: Mr. Chairman, I wonder what we can do to get this hon. the Minister to be more reasonable? His attitude, throughout this debate, has been so unreasonable that he has landed himself in a great deal of difficulty, and now he wants to get this Committee to fall into the same troubles in which he himself has landed. I ask the Minister to be reasonable. The House is on the point of adjourning . . .

The CHAIRMAN: Order! I have allowed the hon. member to make his appeal and I think I must now ask him to come back to the provisions of the clause.

Mr. HEPPLE: Then at this stage I can only say that I am at a complete disadvantage; it is impossible for me to discuss this clause on its merits, and we will merely have to vote against it.

Mrs. BALLINGER: Mr. Chairman, I do not find myself in any difficulty at all about this clause. My only difficulty is to understand why the hon. the Minister has brought this Bill forward to-day. I cannot understand why he wants to take the Committee stage; he cannot get any more than the Committee stage, he cannot take the third reading because we will not let him. We still have the power to prevent him taking the third reading stage. He can only get the Committee sage to-day, and what he can do with that, I cannot imagine. I can only suppose that the reason for putting this Bill on to-day is that there is nothing else on the Order Paper with which we can deal. Apart from that I have not the slightest difficulty in dealing with this clause. I was entirely opposed to this clause from the moment the Bill was first brought in, and I am just as opposed to it to-day as I was then. I object to the spirit with which this Bill was brought in and I object to the purpose for which it was brought in, and I am just going to content myself with voting against the clause.

I would like to say that I do think, with other people, that it is quite irrational of the hon. the Minister to bring on the Committee stage, particularly on the even of the recess—not because that makes it more difficult for us to deal with it to-day but because it gives him a little time to review the whole situation and to decide that perhaps it would be wiser not to go on with the Bill. This Bill has been on the Order Paper for a month now; we dealt with it in the second reading as a matter of urgency and it has not appeared as a matter of urgency since then. It is obviously not a matter of urgency to-day so that, apart from anything else, I see no reason why we should go on with it.

To come back to the actual contents of the Bill, I am opposed to the method that the Minister is using to try to deal with this bus boycott. My view is that to-day it is just as bad for the Minister to introduce this as ever it was, and I am simply going to vote against the clause.

Mr. WATERSON: Mr. Chairman, this is a most unfortunate position. It seems that we are all the victims of our own rules, including you, Sir, if I may say so. You have to administer the rules of the House and, quite rightly, have ruled that the discussion of this clause is bound to be very much restricted.

The hon. the Minister started to make a statement and you, Mr. Chairman—again, I have no doubt quite rightly—pointed out that he must be very restricted in what he said. But we on this side of the Committee are under the impression that the hon. the Minister would have said more had he been permitted to do so within the rules of the House. Then the Minister went on to say that in any case he would deprecate any discussions at this stage because of discussions which are taking place amongst the interested parties. Again, I have no doubt the Minister is right in deprecating it if our discussion is in any way going to be allowed to prejudice the successful issues of those discussions. But at the same time the very fact that those discussions are taking place and that the issue of those discussions may have a very considerable influence on the necessity or not for pursuing the course of putting this Bill through its remaining stages in this House, seems to me to make it all the more necessary and advisable that the Minister should agree that we should not continue with this discussion this afternoon which, as the hon. member for Cape Eastern (Mrs. Ballinger) has pointed out, is not a matter of any great urgency. And it seems that the Minister would be well advised, in the interests of the Committee and of himself, to postpone the matter. Because our point of view is this, that developments which may take place may enable the Minister to put a case before the Committee which will influence the views of some people on this side of the House to do what we did not do on the second reading, and that is to say: "Well, there is something to be said for this." On the other hand it may be the other way about; the Minister may be able to get up and say "the result of these negotiations have been so successful there is no need for me to proceed with this Bill". And I may point out that when the Minister introduced this Bill he himself said it was a drastic measure and one which he normally would not think of introducing into this House because of the restrictions it places on the rights of the Transportation Board. For all those reasons, therefore, I would like formally to move—

That the Chairman report progress and ask leave to sit again.

Upon which the Committee divided:

AYES—31: Ballinger, V. M. L.; Bloomberg, A.; Bowker, T. B.; Cope, J. P.;

de Beer, Z. J.; du Toit, R. J.; Frielinghaus, H. O.; Gay, L. C.; Hayward, G. N.; Hepple, A.; Higgerty, J. W.; Hughes, T. G.; Kentridge, M.; Lawrence, H. G.; Lewis, J.; Lovell, L.; Moore, P. A.; Oppenheimer, H. F.; Russell, J. H.; Shearer, O. L.; Smit, D. L.; Solomon, B.; Solomon, V. G. F.; Stanford, W. P.; Starke, C. G.; Steyn, S. J. M.; Strauss, J. G. N.; Suzman, H.; Waterson, S. F.

Tellers: H. C. de Kock and A. Hopewell.

NOES—56: Abraham, J. H.; Barlow, A. G.; Bezuidenhout, J. T.; Botha, M. C.; Botha, P. W.; Coetzee, P. J.; Conradie, D. G.; de Kock, J. A.; de Villiers, C. V.; Deysel, A. J. B.; Diederichs, N.; Dönges, T. E.; du Pisanie, J.; du Plessis, J. W. J. C.; du Plessis, J. H. O.; Erasmus, H. S.; Eyssen, S. H.; Faurie, W. H.; Fouché, J. J.; Froneman, G. F. v. L.; Greybe, J. H.; Haak, J. F. W.; Hertzog, A.; Hugo, P. J.; Knobel, G. J.; Loubser, S. M.; Louw, E. H.; Luttig, H. G.; Luttig, P. J. H.; Malan, A. I.; Martins, H. E.; Mentz, F. E.; Mostert, D. J. J.; Nel, J. A. F.; Nel, M. D. C. de W.; Pelser, P. C.; Rust, H. A.; Schoeman, B. J.; Schoonbee, J. F.; Steyn, J. H.; Strydom, J. G.; Uys, D. C. H.; van den Berg, G. P.; van den Heever, D. J. G.; van der Merwe, J. A.; van der Vyver, I. W. J.; van der Walt, B. J.; van Niekerk, M. C.; van Rensburg, M. C. G. J.; Viljoen, M.; Visse, J. H.; Visser, J. H.; Vorster, B. J.; Vosloo, A. H.

Tellers: P. M. K. le Roux and W. A. Maree.

Motion accordingly negatived.

Clause then put and the Committee divided:

AYES—55: Abraham, J. H.; Barlow, A. G.; Bezuidenhout, J. T.; Botha, M. C.; Botha, P. W.; Coetzee, P. J.; Conradie, D. G.; de Kock, J. A.; de Villiers, C. V.; de Wet, C.; Deysel, A. J. B.; Diederichs, N.; Dönges, T. E.; du Pisanie, J.; du Plessis, J. W. J. C.; du Plessis, J. H. O.; Erasmus, H. S.; Eyssen, S. H.; Faurie, W. H.; Fouché, J. J.; Froneman, G. F. v. L.; Greybe, J. H.; Haak, J. F. W.; Hertzog, A.; Hugo, P. J.; Knobel, G. J.; Loubser, S. M.; Louw, E. H.; Luttig, H. G.;, Luttig, P. J. H.; Malan, A. I.; Martins, H. E.; Mentz, F. E.; Mostert, D. J. J.; Nel, J. A. F.; Pelser, P. C.; Rust, H. A.; Schoeman, B. J.; Schoonbee, J. F.; Steyn, J. H.; Uys, D. C. H.; van den Berg, G. P.; van den Heever, D. J. G.; van der Merwe, J. A.; van der Vyver, I. W. J.; van der Walt, B. J.; van Niekerk, M. C.; van Rensburg, M. C. G. J.; Viljoen, M.; Visse, J. H.; Visser, J. H.; Vorster, B. J.; Vosloo, A. H.

Tellers: P. M. K. le Roux and W. A. Maree.

NOES—31: Ballinger, V. M. L.; Bloomberg, A.; Bowker, T. B.; Cope, J. P.; de Beer, Z. J.; du Toit, R. J.; Frielinghaus, H. O.; Gay, L. C.; Hayward, G. N.; Hepple, A.; Higgerty, J. W.; Hughes, T. G.; Kentridge, M.; Lawrence, H. G.; Lewis, J.; Lovell, L.; Moore, P. A.; Oppenheimer, H. F.; Russell, J. H.; Shearer, O. L.; Smit, D. L.; Solomon, B.; Solomon, V. G. F.; Stanford, W. P.; Starke, C. G.; Steyn, S. J. M.; Strauss, J. G. N.; Suzman, H.; Waterson, S. F.

Tellers: H. C. de Kock and A. Hopewell.

Clause accordingly agreed to.

Remaining clause and Title of the Bill put and agreed to.

House Resumed:

Bill reported without amendment.

Bill to be read a third time on Tuesday, 23 April.

*The MINISTER OF EXTERNAL AFFAIRS: Mr. Speaker, I move—

That the House do now adjourn.

Before the House adjourns I wish to annonce that at the resumption after the recess precedence will be given to the further stages of the Native Laws Amendment Bill.

*Mr. P. M. K. LE ROUX: I second.

Motion put and agreed to.

The House adjourned at 3.50 p.m.

Sir DE VILLIERS GRAAFF: Mr. Speaker, I second. On behalf of all the parties on this side of the House I would like to associate myself with the words of the hon. the Prime Minister in respect of the deceased. He suffered a long illness and a long period of inactivity in this House, which must have been very trying to one who felt so deeply the convictions for which he stood. He was one of the old school, one who had a wonderful record of service not only on behalf on the changed constituencies which he represented from the same area, but also a wonderful record in this House. I think I am correct in saying that he brought a distinction to his office as Deputy-Chairman, a difficult office—a distinction which is recognized and appreciated on both sides of this House. I think he will be remembered for his courtesy, his fairness and his friendliness to all members in this House. I think, above all, he will be remembered for his courage in carrying on through the difficult last years of his life, in an attempt to do what he conceived to be his duty. One feels that his relatives and his family must have been very proud of him, and they had reason to be proud of what he did. I second the motion.

Motion agreed to unanimously, all the members standing.

NATIVE LAWS AMENDMENT BILL

First Order read: House to resume in Committee on Native Laws Amendment Bill.

House in Committee:

[Progress reported on 10 April, when Clause 29 was standing over and Clause 39 had been agreed to.]

On Clause 41.

Mrs. BALLINGER: I wish to move—

To omit paragraph (b).

I have two reasons for opposing the inclusion of this new sub-section in the Urban Areas Act. In the first place, I am entirely opposed to the principle of adding to the sentences which are imposed upon people by the ordinary courts, especially sentences which apply to Africans only. The offences it is here proposed to add to the list for which an African may be turned out of an urban area are offences for which there is provision in the ordinary law and for which penalties are prescribed. In the circumstances I can see no reason whatever for adding an additional penalty simply because the offender is an African. That is one of my reasons for objecting to the inclusion of these offences in the terms of Section 29 of the Urban Areas Act.

But I have a second reason for objecting to this inclusion. I can see no reason whatever for forcing out of the urban area people who are convicted of criminal offences. I have never been able to see what the Government thought it could gain by removing from one area to another people who are convicted as criminals. I cannot see any advantage which can be gained by the community by removing people from the area in which they have committed an offence to an area in which they might quite possibly commit that offence again. There does not seem to be any logic in that situation. What does the Minister gain, particularly by removing from the urban area people who are convicted of offences involving public violence? I presume that the sort of people the Minister has in mind are people who get involved in riots for one reason or another. In the light of our South African society as it is to-day no doubt these are the people whom the Minister and his colleagues would call agitators. But what does the Minister hope to gain by removing these people from the urban area where they have their home and have presumably made their living to other areas where it might be quite possible for them to carry on activities which might in fact be detrimental to the public peace? I am now dealing simply with the logic of the situation. I am in any case opposed to this whole method of dealing with people who are regarded as being unsatisfactory in any context. When I take up this attitude with regard to this particular inclusion, I want to add that of course I am opposed to the whole principle of Section 29 of the Act. I feel that to deal with people who are either idle or undesirable by simply removing them from one area to another is no solution of the problem. It is just a shirking of responsibility, and if there is in fact any evil in these people it is simply spreading the evil. It is a completely negative and uninspired approach to what may be a social problem. Of course I cannot deal now with the general implications of Section 29. I can only deal with the particular cases the Minister is proposing to add. Here I must underline my contention that anyone who has been convicted of an offence involving public violence, or of an offence under any law relating to the illicit possession or supply of habit-forming drugs, or who has been convicted of violence towards an official in the performance of his duties, to remove people like that from the urban area where there is administrative control and to send them to a rural area where there is practically no administrative control seems illogical. But in any case I am opposed to it because there is no adequate provision for rehabilitation of these people if they are in fact serious criminals. I want to make it perfectly plain that I hold no brief for people who are involved in public violence or who are in possession of habit-forming drugs. Far from it. And I deprecate the actions of anyone who uses violence towards an officer in the performance of his duty. But the law makes no provision for the rehabilitation of these people. It does not provide any constructive back-

ground for the removal of these people from the urban area. I should have thought that to scatter in rural areas people who are purveying habit-forming drugs is a most dangerous procedure. But in terms of this Bill the Minister can simply say that these people shall be removed from the urban areas to a rural area indicated by a Native commissioner or magistrate. Here is a case where it is quite possible for the Minister to send people to places that are nothing better than a concentration camp. These people might in fact be dealt with just as people are dealt with who are banished from the urban areas for political offences. To do that I would regard as a criminal thing in itself. The whole effect of this provision is to impose a double penalty on these people who happen to be Africans, and that penalty can be a most drastic one, in which the man is not only punished by the ordinary courts of law, but by the administrative action of the Minister of Native Affairs and his officials to perpetual punishment, almost an indeterminate sentence. That is quite possible. For all these reasons I am entirely opposed to the extension of the terms of Section 29 in this way.

*The MINISTER OF NATIVE AFFAIRS: I do not want to interrupt the debate, but would just like to move the following amendment—

In line 49, after "Act" to insert "or the regulations made thereunder".

It was inadvertently omitted.

Mr. LAWRENCE: This is once again a case of the Minister coming suddenly with an amendment. Before the Easter Recess we were dealing with this Bill for four or five days and the Minister had adequate opportunity of putting his proposed amendments on the Order Paper. But he waits until he gets home, back on his farm or wherever he went to during the recess, and there he pores over this Bill night after night and suddenly thinks up this new amendment. It makes it very difficult for us who have to deal with this matter in a practical way. I think it is not fair to this Committee and no conducive to good legislation. I feel that the Minister should make up his mind beforehand as to how he wishes his clauses framed when he embarks upon major legislation of this sort. Having made that protest, I would be glad if the Minister would enlighten me on one point to enable me to deal with the amendment moved by the hon. member for Cape Eastern (Mrs. Ballinger).

An HON. MEMBER: Your new leader.

Mr. LAWRENCE: That shows the primitive outlook of some hon. members opposite. It shows a total lack of capacity to be a Member of Parliament.

The MINISTER OF NATIVE AFFAIRS: May I inform you that the amendment was on the Order Paper?

Mr. LAWRENCE: Then I can only say that the Minister has only realized that now. I can understand that, because he has had to move so many amendments and amendments to amendments. But it would have eased matters considerably if the Minister could have pointed to the amendment he placed on the Order Paper.

The CHAIRMAN: Order! The hon. member must come back to the point.

Mr. LAWRENCE: I think it would have made for clarity if the Minister had pointed it out. In this paragraph (b), which is proposed to be amended by the hon. member for Cape Eastern, there is reference to any person who has been convicted of any offence involving public violence in such area. I would be glad if the Minister would be good enough to explain what is meant by the phrase "an offence involving public violence in such area". There is the offence of public violence with which one can be charged, but I do not know whether the Minister means to go further than that. Is it meant that anyone convicted of the offence of public violence will come within the net of this clause, or does it mean that a person may be convicted of common assault committed in public, and that that will be regarded as public violence? It seems to me that the language used in this sub-clause is susceptible of a number of interpretations, and as this is an addition to the provisions of Section 29 of the Urban Areas Act, and as it is now being provided that on the commission of certain offences specified here extraordinary powers will be given to public officers and magistrates, it seems to me that there should be clarity and I shall be glad if the Minister could tell us whether what is meant is the crime of public violence or whether it is intended that any crime in which violence is involved, like common assault, would bring the person convicted within the net.

Mr. HEPPLE: I wish to support the hon. member for Cape Eastern (Mrs. Ballinger) in her opposition to this new sub-paragraph (b). I think Section 29 of the Act is vicious enough without the Minister adding new categories of offences for which Africans can be punished more than once. The principal Act describes this clause as dealing with idle or undesirable Natives. To the four categories in the principal Act the Minister now wants to add a further three under which Africans can be declared to be undesirable. The principal Act was amended in 1952 and made worse than the original Urban Areas Act of 1945. In the principal Act we now have four categories of crime which make a Native liable to be declared undesirable. The one is if he was convicted of an offence under the third schedule of the Criminal Procedure Act, the

second, if he was convicted of selling or supplying intoxicating liquor, and the third, if he was required under Section 23 (1) (b) to move from an urban area and has not gone, and the fourth deals with females in a similar category. The Minister now introduces three new offences, which are to my mind most interesting. The Minister now wants to add to the existing four categories the following three categories, firstly where a Native has been convicted of any offence involving public violence; and the hon. member for Salt River (Mr. Lawrence) has put a pertinent question which I myself was going to put. What does the phrase "involving public violence" mean? It does not say that he must have been convicted of public violence; it refers to a crime "involving" public violence. The Minister should explain that. The second category is that he must have been convicted of any offence under any law relating to the supply of habit-forming drugs, and the third is that he must have been convicted of any offence involving violence to an officer entrusted with the administration of this Act or any regulations framed thereunder whilst carrying out his duties, and has been sentenced to imprisonment with or without the option of a fine in excess of 14 days. The Minister here brings in a category which to my mind has a sinister implication. If an African gets involved in an argument or altercation with an official and is so foolish or has such a lack of self-control that he does something he should not do, and perhaps strikes the official in a moment of anger, he is first of all prosecuted in the courts and punished for assault, and in addition to that he will have to pay a further and worse penalty. As the hon. member for Cape Eastern said, we do not want to defend crimes or people who are guilty of an offence, but we must not forget in dealing with this legislation that such offences have already been punished once by the courts of law. It is after a person has paid the penalty that he will now also be compelled to pay a second time in a form even worse than the first time. Let us take this sub-paragraph (b) (vii). An African who has been convicted and sentenced to a period of imprisonment in excess of 14 days for having used violence against an official, may now under Section 29 (3) (a) have a further penalty imposed on him. He may be banished, because Section 29 (3) (a) of the Urban Areas Act reads as follows—

> If a Native commissioner or magistrate declares any Native to be an undesirable person he shall by warrant addressed to any police officer order that such Native be removed from the urban or proclaimed area and sent to his home or to a place indicated by such Native commissioner or magistrate.

I emphasize the words "or to a place indicated by such Native commissioner or magistrate". If a person who has already been convicted and punished in a court of law for the crime of assault must now be sent by the magistrate or Native commissioner to some place indicated by him, it means that he will be banished from the place where he may have been born and where he may have spent the best part of his life. In other words, he will be banished. The hon. member for Cape Eastern is not exaggerating when she used the words "may be sent to a concentration camp". I ask the Minister whether it is not possible for such a Native to be sent to a place like Frenchdale? Of course he can. In other words, the machinery is being set up here for petty crimes under which a person is not only punished in the ordinary courts of law but can be banished to a concentration camp. I also want to emphasize that the original intention of this law was to deal with only serious crimes. It was to remove from the urban area Natives who were guilty of very serious crimes indeed. If one refers to the third schedule, Natives could be declared undesirable if they were convicted in a court of crimes such as rape, robbery with violence, culpable homicide, arson, fraud, forcible entry and housebreaking, etc., but now we have petty offences added to the schedule. The fact that a Native has been punished once for these petty offences should be sufficient. If the Minister proceeds with the new provisions it would mean that there are going to be vast new categories of persons who are going to be removed from the urban areas. I think that Section 29 of the Urban Areas Act is vicious enough without the Minister adding these new categories. And, Sir, I know this Minister; he won't be satisfied with this amendment. Next year or the year after he will come with further additional categories, because in the application of the Government's policy of apartheid new reasons are arising every day as to why the Government has to apply more vicious regulations and rules in order to make life difficult and almost impossible for Natives in the urban areas. I therefore support the hon. member for Cape Eastern (Mrs. Ballinger) and I shall vote against this clause.

Mr. COPE: I wish to say something also about sub-section (vii) of sub-section (b). It seems to me that in the first place there is considerable difference between public violence and the violence which is described in this particular sub-section. Public violence may be a very serious offence, but it seems to me that violence to an officer, as defined in this clause, may be a relatively trivial offence. For example, where a Native became excitable and appeared to be about to assault an officer, although he did not intend to do so, it might fall within the definition of "violence". However, the point is that here you have a penalty of 14 days' imprisonment. Well, a penalty of 14 days' imprisonment is one which is imposed for a relatively minor offence. Major offences would carry penalties far in excess of 14 days; they would carry penalties of something like three or six months.

I think it is a very dangerous thing indeed that the Minister should show this increasing

tendency to provide for extremely severe penalties for relatively trivial offences. Sir, deportation or removal from an urban area is an extremely serious punishment. It is an extremely drastic and far-reaching step to take in relation to a Native. The difficulties which are being placed, legally, in the way of Natives entering urban areas, the rising number of restrictions which are coming into force and which make it difficult for Natives to remain in urban areas, the state of uncertainty which is being built up around Natives in urban areas, make it an extremely drastic penalty to remove a Native from an urban area. A man who commits an offence for which the penalty is 14 days' imprisonment may now be removed or deported from the urban area. The point which I want to put to the Minister is this: I feel that he is increasingly using this method of removal for various transgressions of the law, and in doing that he is increasingly bringing the law into contempt. He is bringing his administration into contempt and making it become, in the eyes of the Natives concerned, a matter for deep resentment rather than an appreciation of the operation of the law, and I think that is a very dangerous direction in which to legislate. Not only is an increasing air of uncertainty being created as far as Natives in the urban areas are concerned, but you are building up resentment, and a determination to break the law by some other method in order to rectify what has been done. Let us assume that this section is brought into operation and that the Native who has committed an offence for which he was sentenced to 14 days' imprisonment, is removed to another area. He will feel bitterly resentful if that drastic step is taken for a relatively minor offence, and his determination to get back into the urban area will be all the greater. He will thereafter probably take some steps which would be a far more serious offence than the original offence for which he received 14 days' imprisonment. He will be motivated to break regulations and get back into that urban area, so from both directions you have the law brought into contempt.

My major point is that I think this tendency which the Minister is following of introducing almost every session of Parliament some regulation which entails deportation or removal from an urban area, is a very dangerous one. It is dangerous from the point of view of good administration and good legislation. It is dangerous from the point of view of building up more and more resentment in the minds of the people whom you are trying to rule; it is illogical and it is bad from the point of view of the Legislature. I feel that the Minister has not given these matters adequate consideration, because I think that if he had done so he would not have come forward with regulations of this kind. I also share very much the misgivings expressed by the hon. member for Cape Eastern (Mrs. Ballinger).

*The MINISTER OF NATIVE AFFAIRS: I do not know why hon. members must always exaggerate when they attack an ordinary administrative measure. Not so long ago—I think before the previous election—the former Leader of the Opposition announced over the radio that if the United Party came into power he would see that the urban areas were cleared of all criminals. In other words, the official Opposition was prepared to send out of the urban areas any Native who commits an offence that can be called a crime. It was explicitly stated by him that in every case where a crime was committed the Native concerned would be sent out of the urban area. It is now alleged that because of this clause it will be possible to remove large masses of persons. It is alleged that that will be the outcome of this measure. Reference has been made here to a "vindictive measure", a measure that "will lead to contraventions of the law". These are all exaggerations which are entirely without substance, because here we are dealing with an ordinary, simple measure to ensure that there will be no disorder in the urban areas; that is all. Surely hon. members realize that all we are inserting here is that in certain circumstances certain Native offenders may be regarded as undesirable. In those circumstances, if they are regarded as undesirable, the urban community can get rid of them. The difference between hon. members over there—the Native Representatives—and ourselves is perfectly clear. They do not under any circumstances want to subject the Native to any measure to which the White man is not subject. They accept the Native as a person who has a right to be in the urban areas and in the cities. In those circumstances they will oppose every additional measure in terms of which the White man seeks to protect himself and his community. I do not want to argue about that; it is simply a question of a fundamental difference in outlook between them and ourselves. But what I do object to is the attitude of the United Party, who also maintain that they adopt the attitude that the White man has the right to protect himself in his area and who stated in the most specific terms, through the former Leader of the Opposition, that they were going to protect the Whites in the cities but who turned a somersault here to-day and together with the Native Representatives attacked this clause.

As far as the clause itself is concerned, it is perfectly clear. In the first place it adds to the list of contraventions another offence which makes a person "undesirable", namely the offence of public violence. What is meant by that is public violence in the technical sense of the term, in other words, not "common assault", in regard to which the member for Salt River raised a query, but "public violence" in the technical sense of the term. What is meant here is this therefore: It becomes possible to take action against anyone who has committed any offence which contains public violence as an element. That is the one case. Let me put it clearly again: The attitude that we adopt is that the Native has

mined to meet that emerging struggle by this sort of legislation. Therefore it is not true that it is only going to affect a few people. It is going to affect all the people who rise to the surface in this sort of movement and the leaders will be pulled out . . .

The MINISTER OF NATIVE AFFAIRS: It is only to prevent misdeeds.

Mrs. BALLINGER: Of course it depends on what "a misdeed" is. The Minister's idea of what a misdeed is and my idea of "a misdeed" in the social context are two quite different things. You see, the hon. Minister would treat me in exactly the same way as he treats these Africans if he had the power to do so; and he is hoping that one day he will have the power to do so. He has already said that he wants to keep people like us quiet. He does not want us to say the sort of things we are saying. That is the reason why I am opposed to this sort of legislation. My contention, however, is that the Minister has made no case at all. His business is to see that there is law and order in the towns, but he has to deal here with social problems and he should deal with them as they are dealt with in any civilized society.

Now as far as the third point is concerned—I am not dealing with the other two points; the lawyers will be able to deal with the first point, which, I think, is very important, and the second point (the trafficking in drugs) we are all at one on, except about the way in which it should be dealt with—but as far as the third point is concerned, the Minister gave us an example. He takes the case of an African who has committed an assault on a location superintendent, and he asks whether we are going to allow such a person to return to the location, where he would be subject to the same superintendent, after having been punished for such an offence? We said: "Why not?" The location superintendent has got to learn to govern just as other people have to learn to govern, and of course my feeling is that many of these superintendents ask for a lot of the trouble they get. That is another side of the situation. Of course it is inevitable where you give the powers that are given to location superintendents over the lives of thousands of people in South Africa, that some of them are incapable of using these powers. Plenty of trouble in the locations is caused by the inability of location superintendents to administer their respective areas. [Time limit.]

*Mr. D. J. POTGIETER: It is the tragedy in the politics of South Africa that the non-Whites and particularly the Natives should be represented by people who have not the slightest conception of the traditions and the customs and the character of the people they represent. The hon. member for Cape Eastern (Mrs. Ballinger) and other hon. members opposite have accused the Minister of not understanding the Native. But the converse is the position, and I am surprised that the hon. member for Salt River (Mr. Lawrence), who at least is an intelligent person, has also shown that he does not know the mentality of the Native, because he also spoke the same kind of nonsense here. Since the earliest times the position has been that if a Native came into conflict with the duly constituted authority, or if he was guilty of incitement, or if he did things not in accordance with their laws and the traditions of the Natives, there was only one penalty: His goods were confiscated and he was deported to another place where he would have no influence. That is still being done to-day. If a Native is guilty of incitement on one's farm, the other Natives come to one and ask one to remove that man, or else they will not remain on the farm any longer. That is the only method the Native has ever known for all these years. I want to mention a very good example. Not long ago the Department of Native Affairs had the greatest difficulty at Nqutu. Hon. members representing Natal constituencies should know about it. There a chief opposed the authority and incited the Natives and through fear many of them followed his lead. What happened? The Department removed that chief to some other place where he had no influence and to-day there is peace and quiet in that area. That has always been so, and that is the only punishment the Native knows. If hon. members go to Natal and talk to the Zulus, they will hear that the greatest objection they have is that a certain Native in the Usutu Kraal is not expelled from his sphere of influence. That is precisely what the Minister aims at here. To say that he wants to make one law for the Whites and another law for the Natives is nonsense. Do the hon. members not know that if a White trader in the reserves is guilty of a contravention and he is punished by the courts then he is not again allowed to return to the area where he contravened the law? There also one has double punishment. But here we are dealing with the Native whose whole philosophy of life rests on that foundation. What surprises me is not that the hon. member does not know the Native. In all the years she has spoken here, it has been quite clear that she does not understand the Native. But what I blame her for is that she is to-day guilty of incitement in this House by telling the Natives: The difficulties arising in the locations are due to inefficient superintendents. Is that not throwing oil on the flames? Does she not know the Native? If such language is used and the Native is told such things, it takes very little for the powder to explode. I want to advise the hon. member for the sake of South Africa and for her own sake to weigh her words before she speaks here, and to consider first what the result will be when the Natives take note of such words as she used in this House to-day.

Mr. HEPPLE: The hon. member for Vryheid (Mr. D. J. Potgieter), like the Minister, speaks as if we had no means in South Africa for punishing crime. But before I deal with

that, I would like to ask the hon. member what right he has to call the hon. member for Cape Eastern (Mrs. Ballinger) to question for her speeches in this House? I think that we should call to question the legislation that the hon. member's party brings before this House, and which is responsible for many more inflammatory incidents in South Africa than speeches that can be made in this House. I think the hon. member should sit back and take stock of his own policies and his own attitude towards the vast majority of the people in this country and which have led to this type of legislation.

When the hon. the Minister replied to our first questions on this clause, he spoke as if South Africa had no processes by which it could punish crime. The point has been well taken by speakers on this side that what we are in fact dealing with under this clause are two codes of justice, one for the Whites and one for the Natives, and that is a very important matter. We have emphasized that under the Minister's proposition, he is extending the principle that a Native in an urban area cannot only be punished once for any crime he commits, but that he can further be dealt with under the Minister of Native Affairs' own type of justice. The Minister need not be satisfied with what the courts have done about a person who has committed a crime. The Minister will have his own machinery in order to punish such person still further. Our code of justice in this country provides that if a person commits a crime, he shall be brought before the courts and on conviction he shall be punished, and when the Minister tells this Committee that what is required here is to remove such criminals from the urban areas so that they may make place for law-abiding persons of their own race, what in fact is he doing? The Minister says—and he is only referring to Natives—"Why should such people be allowed to remain in such an urban area?" But surely the hon. Minister is misleading this Committee when he does not mention the fact that when a Native is found trafficking in dagga in an urban area, he will be brought before the courts and be punished, and the punishment for that crime is very heavy, and if he is caught a second time, under the law that has been passed recently, he can be declared an habitual criminal. If he is found guilty of many other crimes in the Third Schedule, our Criminal Code is so severe that he can be sentenced to a whipping, and on a second or third offence he can be declared an habitual criminal and then he is removed from society altogether. But the Minister wants his own code and he wants to remove such a person who may have committed an offence for the first time. The Minister wants a code of justice of his own, to supersede our normal criminal code. The Minister wants to remove such persons from the urban areas to the rural areas. The logical question follows: Why must the rural areas be burdened with people who are not fit to be in the urban areas?

The MINISTER OF NATIVE AFFAIRS: The Native areas must receive their own people.

Mr. HEPPLE: I think I should take this opportunity to tell the hon. Minister that if he persists with this argument about the Native people receiving their own criminals and receiving their own this and that, one day he may be faced with the proposition that the Native people will say that the Minister's policy of apartheid is right and they will start an exodus from the towns, and then the hon. Minister will have to appeal to the Minister of Defence to call out the Defence Force to keep them in the urban areas. When the Natives started flocking from the rural areas to the towns, the farmers raised their hands and demanded that steps should be taken to send them back to the farms, and in this case the urban dwellers, the industrialists will demand that the Natives should be brought back to the Native areas.

The CHAIRMAN: Order! The hon. member is wandering too far afield now.

Mr. HEPPLE: Yes, Sir, the hon. Minister misled me, as he always does. I want to deal very clearly with this point, because it is essential for us to distinguish between the proposition put up by the hon. Minister and the general Code of Justice of this country. What the Minister is insisting upon here is that he should have a court of law of his own, that he should be able to apply a second code of punishment to offenders. In doing so he is going to involve us in more difficulties than he apparently realizes. Let me take the point that he has raised here this afternoon of "an offence involving public violence". What does that mean? The Minister has said that he does not mean the crime of public violence itself, but he means anything that involves the element of public violence. Apparently the hon. member for Westdene was not listening, because the hon. member seems to think that public violence and a crime involving public violence are one and the same thing. I want to examine this point a little further. It may happen that two Africans are involved in a street fight, and partisans may join in as they often do, and so it may lead to public violence. The persons involved may be brought before a court and fined £3 or 21 days for fighting in the street or for creating a public disturbance, but because public violence is involved in the particular street fighting in which the persons concerned took part, they may, under the Minister of Native Affairs' own code of justice, be removed from an urban area. We know very well that among White people it often happens that two persons are involved in a fight and dozens of others join in. It happens at football matches, it happens at all sorts of occasions. The Minister blindly ignores this and pretends that it can't happen. Sir, a lot of the so-called tribal fights in South

Africa arise out of the fact that there is a dispute between two individuals and often people take sides without even knowing what the causes are. This is a very important point that we must bear in mind when considering these vague definitions that the Minister is introducing in the Bill before us. I want to ask the hon. member for Westdene to read paragraph (b) (v), and he will see that it does not say what he read out, but that it says—and I'll read the Afrikaans for the benefit of the hon. member for Westdene—

> " Skuldig bevind is weens 'n misdryf wat openbare geweldpleging binne so 'n gebied insluit."

" Involving public violence in such area."

Mr. MENTZ: He must be convicted.

Mr. HEPPLE: It does not say that he must have been convicted of the crime of public violence. It says " convicted of a crime involving public violence ", which is a vastly different matter. But I don't think I will get very far trying to argue this with the hon. member for Westdene, because until he has read the Bill, he will not quite understand what I am talking about. [Time limit.]

*Dr. COERTZE: I can well understand that the hon. member for Salt River (Mr. Lawrence) does not understand the mentality of the Native, but I cannot understand why he cannot understand the mentality of the United Party. He maintained, together with the hon. member for Cape Eastern (Mrs. Ballinger), that here we have one law for the White man and one law for the Black man. Let me just put this question to him: Was the influx control legislation not enacted only for the Natives? Is that not a measure which applies only to the Natives? And is this measure a special invention of the Nationalist Party and of this Government only?

*Mr. LAWRENCE: Nobody made that allegation.

*Dr. COERTZE: But that is the charge which is made against this side of the House. Was it not the U.P. itself which introduced the Act of 1945 and which introduced influx control? Was it not a special idea of theirs? It is true that we approved of it, but it is entirely wrong to accuse the Nationalist Party only and to say that they are really the niggers in the wood pile. Let us look for a moment at the acts for which the United Party arrested idle Natives or Natives in locations and brought them before a Native commissioner and removed them from that area. I refer to the relevant section of the Act of 1945. If a person was merely without employment in a location he could be arrested. He then had to give an account of himself, and if he could not do so he could be removed from the location. That was the position according to the legislation of the party of the hon. member for Salt River. I do not want to say that in practice they did so; I do not know. I merely say that according to this legislation, their legislation, they could do so. On what do the hon. members for Cape Eastern, Salt River and Rosettenville base this argument of theirs that this is a double penalty and that this is a special invention of the Minister of Native Affairs? Let us look a little further into the record of the United Party. Let me quote from the Act of 1945—as amended by Section 36 of Act No. 54 of 1952, sub-section (b) (ii)—

> Whenever a Native has been convicted of selling or supplying intoxicating liquor other than Kaffir beer or of being in unlawful possession of any such liquor or has been convicted more than once within a period of three years of selling or supplying Kaffir beer or of being in unlawful possession of Kaffir beer . . .

He could be arrested; the party of the hon. member for Salt River could then remove such a Native from that area. I want to ask the hon. member whether that was not a double penalty? No, this accusation that the Minister of Native Affairs is a sort of vindictive god who, just because of his fanaticism, is always trying to punish people, is one of the most reprehensible charges that I have ever heard here.

The Minister must see that law and order is maintained, as the hon. member for Cape Eastern also said, and we know that when there are people in the locations who commit crimes and who allow their initiative to run riot in that direction, they have less opportunity of doing so if they are removed from such a location. That is the whole story in this connection. The hon. member for Cape Eastern says that we must not remove criminals of this kind to some other place; that it does not help them. That is quite true, but it is not only the individual himself. There is also the community in which he lives. We must protect him not only from himself, but we must also protect the community against him. I think it was the hon. member for Benoni (Mr. Lovell) who said " put him in gaol ". What purpose does it serve to put him in gaol? By doing so we may protect the community against him, but look what it costs. It is quite possible that when we take that person out of that community and put him somewhere else, he may allow his initiative to run riot in quite a different direction. Moreover, each section of the community is under an obligation to keep its anti-social elements within its own ranks. If there are criminals amongst the White people, the White people must be saddled with them. If there are criminals amongst the Native community, it is not right to saddle the White community with them, and it is no more than right to send them back to the place from which they came. The hon. member for Rosettenville (Mr. Hepple) treats it as a joke. But he is not

charged with the responsibility of maintaining law and order and peace within a particular area.

But let us look at the nature of the restrictions which the Minister is introducing. Let me put this question: What is more serious measure—to sell liquor unlawfully and to be removed possibly for that reason; or to commit an act of violence, or to trade in dagga, or to commit an act of violence against an official who has to maintain order in the location and to be removed for that reason? The hon. member for Salt River (Mr. Lawrence) was prepared to remove a person who illicitly trafficked in liquor, but he is not prepared to remove a person who commits public violence or a crime involving public violence. He is the man who swallows the camel but suffocates in swallowing the gnat. The United Party—the hon. member for Parktown (Mr. Cope) should pay attention to this—has no *locus standi* at all to discuss this matter. The hon. member for Cape Eastern and the hon. member for Transkei (Mr. Stanford) have some *locus standi*, because their attitude is that we must simply allow the Natives to live amongst the White people and that influx control is only intended to allow influx to take place as systematically as possible so that the Natives who enter the urban areas can gradually lose their own pattern of life and accept the European or Western way of life. If in the meantime there is a certain amount of trouble, and if through integration we get misfits, then we must resign ourselves to it and take steps. That, I think, is an amoral attitude. It is just as amoral as the attitude of the United Party, but for a different reason. The United Party's attitude is dishonest, because they subscribed to it in the past and now they repudiate it. The attitude of the hon. member for Cape Eastern and of the hon. member for Transkei is amoral because they do not take into account those things which order one's life. They believe that the sooner the Natives lose their way of life, and accept the Western way of life, the better for the whole country. We are blamed for what happens in the meanwhile, for the resultant disturbances. But they are the prophets and the advocates of it. They are the people who say: "Let us allow these people to change their way of life so that they can become misfits, so that they can learn from the Western way of life those things which are bad; the position will improve later on." What is to happen in the meantime? The hon. member for Cape Eastern sits here saying "haw, haw". Why? For one reason only. She knows that what I am saying here is the truth and she is trying to evade her responsibility. She has no cares. She can promise her constituents golden mountains—no, cows with golden horns—and if she cannot supply it and if she cannot give it, then it is the Nationalist Party which is responsible for her inability. She has no responsibilities at all. She even has the temerity to stand up here, as the hon. member for Vryheid (Mr. D. J. Potgieter) said a moment ago, to act herself as the greatest agitator. Every prophecy of disaster that she makes here is an encouragement to bring about that disaster.

*The CHAIRMAN: Order! The hon. member must withdraw the word "agitator".

*Dr. COERTZE: I withdraw the word "agitator"; the feminine gender for "agitator" would perhaps have been very appropriate.

Mr. GAY: The hon. member for Standerton (Dr. Coertze) who has just sat down wanted to make the point that when we were trying to prove that there were two laws, one for the White man and one for the Native, the United Party had no right to take such a stand and in support of this he quoted certain phases of the Native (Urban Areas) Act. He built up what appeared, on the surface, to be quite a strong case until one examines it. What the hon. member forgot was the fundamental difference in the approach to the control of the African by the United Party and the approach by the present Minister.

The Native (Urban Areas) Act as made law by this party depended upon the administration of justice through the courts of law of the land. A Native had access to the courts of law. He could be punished and he was punished by the courts. If he was convicted he had to take his punishment, but he did have the right to appeal to those same courts. Today the difference is that under this Government the courts have been by-passed in so very may cases, and again they are going to be by-passed by this particular measure. Control over the Native has been delegated by the hon. the Minister to so many of his officials that the Native is in many cases to-day completely debarred from access to the courts.

Mr. B. COETZEE: That is not so. Where do you get that from?

Dr. COERTZE: Wrong again!

Mr. GAY: I am not wrong again and I will give the hon. member the instances if he will have the patience to wait a minute. That is the fundamental difference between the Native laws of the country as administered by this Government and the administration of laws as they were successfully carried out under the previous Government. And that is our objection, the fact that there is that fundamental difference in the treatment of the individuals concerned.

I want to touch for a moment on a statement made by the hon. the Minister of Native Affairs and followed up by the hon. member for Westdene (Mr. Mentz). They made a statement which implied that the previous leader of this party had said that it would be the policy of this party, if returned to power, that any wrongdoer would be dealt with by banishment. That was the broad impression that

sion, and neither the Minister nor any other speaker on that side of the House has done anything to elucidate that particular provision. The hon. member for Port Elizabeth (North) embarked upon what he quite genuinely believed to be an elucidation of the paragraph, but he really carried it no further. What I do not understand, if I may substitute another offence, is what is meant by an offence involving high treason. What would that mean? I do not know what offence would involve high treason, except the offence of high treason itself. If you are going to penalize a man further because he has committed the offence of high treason, I can understand that, but I certainly do not know what is an offence involving high treason, and I should find it difficult even to understand what was meant by an offence involving theft; so the wording of this paragraph is really unintelligible in law and the unfortunate Native commissioner who has to enforce it, really won't know where he is.

Mr. FRONEMAN: What about theft by false pretences, for example?

Col. JORDAN: That admittedly would involve theft, but I do not see how you can have an offence involving high treason or an offence involving public violence.

I want to come now to paragraph (b) (vii). When the original charge is made against the African who has assaulted an official, the charge will be laid by the public prosecutor as a charge of assault—either common assault or assault to do grievous bodily harm—but it will be laid in the form of an offence known to the law. It won't appear in the charge sheet that the assault has been committed necessarily upon an official. It might well be that an African might commit an assault upon an official who, even in the discharge of his duties, might not be known by the Native to be an official. The Native is nevertheless convicted of an assault, and he may be very rightly convicted of an assault, but how is the Native commissioner to know that the Native possessed that knowledge when under the provisions of Section 29 of the principal Act, he has to come before him and give an account of himself? Because that is what the provision says. In other words, there is no suggestion in the original charge on which he is convicted that he had knowledge of the position of the man he assaulted, and yet here, if it is proved quite outside the record of the conviction, that the man was an official, then the Native comes within the purview of this provision, not having been aware at any time of the fact that the person he did assault was an official acting in the discharge of his duties. Sir, I do not want to carry the argument too far outside the scope of the clause, but after all, to-day it is very difficult even to identify a policeman, and I want to remind the Committee of that, so you are putting a pretty heavy onus on someone to find out whether the Native convicted of the assault did in fact have the knowledge which must be made an ingredient of his offence if he is to come within the purview of this provision. The whole clause is so vaguely worded, that it must operate unfairly. The hon. member for Wonderboom (Mr. M. D. C. de W. Nel) has argued that under the 1945 Act there was a great deal of double punishment. I concede that there was even under the 1945 Act; I do not say necessarily that I approve of it, but I certainly do think that where you have had this principle of double punishment running through the law, you still have to put up a case for the extension of that principle. Now, this is an extension of that principle, and the case which the Minister has to make is for the extension, not for the principle itself. We are bound at the moment by that principle and we cannot reflect on it, because the principle is enshrined in Acts passed by this House. But when it comes to the extension of the principle we can attack it, unless very cogent arguments can be advanced by the Minister for the extension of the principle. I would very much like to see that the hon. the Minister agrees to this clause standing over to enable him to reconsider the wisdom of continuing it in the Bill. He is going to involve those responsible for the administration of this particular clause in infinite difficulty, because he has chosen to employ language which is unintelligible to a qualified lawyer, and must therefore in all probability be even more unintelligible to the unqualified Native.

The CHAIRMAN: Before calling upon the hon. member for Rosettenville (Mr. Hepple) I wish to draw the attention of hon. members to Rule 90 which guides hon. members as far as the rule of repetition and the use of irrelevant arguments are concerned. I shall have to ask hon. members now to confine themselves to the clause as printed.

Mr. HEPPLE: I definitely want to confine myself to the clause before the Committee. I will begin by saying that the Minister has tried to argue away the charge made from this side of the House that this clause extends the principle of double punishment to urban Africans. The example which the Minister has quoted to us, that is to say the case of public servants, is not comparable in any degree whatsoever, and I am surprised that the Minister has chosen to use that example. I think the hon. member for Rondebosch (Col. Jordan) has demolished the Minister's argument in that regard. I want to emphasize that the Minister forgets a very important aspect of this matter. If a European is discharged from his employment because he has been convicted of a crime, he merely loses that job and at worst, he may be ostracized socially. He may find it difficult to find other employment, but he is not banished from the place of his birth; he is not banished from his family. He is not sent away from his life-long associates, nor is he

banished from the spheres of employment to which he is most accustomed. Then, Sir, there is another very important point. How will this affect that African's family? Once he is exposed to the penal sanctions of this clause, and he is banished from the urban area, what happens to his wife and his children? Will they not be banished as well?

Mr. J. W. DU PLESSIS: Why should they be banished?

Mr. HEPPLE: Let the hon. member read Sections 10 and 23 of this Act. There he will see that the wife and the children can likewise be removed from the urban area. Not only will this unfortunate individual be subject to double punishment, but his wife and children will also be punished for the crime. After this unfortunate individual himself has been punished in a court of law once, not only will he be exposed to double punishment, but his wife and his family will also be punished. I think that is a very important aspect that must be borne in mind when considering this clause. We must remember that this question of double punishment is not a simple one such as might apply to a civil servant who has entered into a contract of employment agreeing to dismissal if he contravenes certain laws of the land. The civil servant's position cannot be compared with that of the unfortunate African who may innocently commit one of the many crimes to which he is subject under this particular section. Sir, I want to ask the Minister another question. The Minister has informed the Committee to-day of a further amendment to Clause 41, namely to insert after the word "at" in line 49, the words "and any regulations framed thereunder". Section 38 of the principal Act gives a long list of regulations which may be framed under this legislation. Most of them give the Minister very wide powers indeed. I would like to know from the Minister whether it is the intention of his Department to make available to the public at large, and particularly to the Africans themselves, some collated form of all the regulations to which they are subjected. As the Minister knows, regulations under the Urban Areas Act are published from time to time in the *Government Gazette*, but it is impossible for anyone to get these regulations in a collated form. It is quite impossible to get a collated single list of the hundreds of regulations framed under the Natives (Urban Areas) Act, or, for that matter, under any of the Native laws. I would like the Minister to take this opportunity to inform the Committee whether it is his intention to make available to the public of South Africa the regulations framed under this particular legislation? In view of the provisions of this clause alone, it will be absolutely imperative for the people who are to be subjected to these regulations to know exactly how far the laws go. I would like to point out that if one looks at Section 38 of the principal Act, one sees the large number of matters that can be prescribed by regulation under this particular Act. Many of them will involve Africans in offences under this very clause. I think that is proved by the Minister's own amendment this afternoon, that he wishes to include the regulations under this Bill within the scope of Section 29 of the principal Act. So I do hope that the Minister will tell us whether he is going to make these regulations available to the public at a very early date.

Mr. LAWRENCE: This clause, as is quite apparent from the discussion to-day, creates a number of new hazards for Natives living in urban areas. There is one point that I wish to put to the Minister, because I think we should have clarity on it. If this Clause (b) is approved by the Committee, and becomes part of the new Statute, then Section 29 will read as follows: "Whenever any authorized officer has reason to believe that any Native within an urban area or an area proclaimed . . . has been convicted of any offence involving public violence" or has been convicted of certain other things, then certain consequences may follow. On the face of it, that might mean that the Native concerned had been convicted before the coming into force of the amendment to the Bill, or it might mean that he is convicted after the amendment becomes of legal effect, or it may be invoked. I leave aside the arguments which have been adduced against the clause itself, but assuming the clause were passed, surely it should apply only in respect of future offences. If that were not so, it would be competent for an authorized officer, finding that a person may have been convicted months or years ago, to seize a Native in an urban area and to set in motion the procedure set out in this section. I feel sure that the Minister does not contemplate that, and I hope that he will be able to satisfy us that if he is going to insist on the clause, then at any rate it should not have that effect.

*The MINISTER OF NATIVE AFFAIRS: It is not intended to be of retrospective effect.

Mr. LAWRENCE: Sir, that is a very curious way for the Minister to answer me. He answers just casually as he walks away, not even in a formal way. I take it that it will go down in Hansard that he says it is not intended to be of retrospective effect. I am not casting any reflection on the Minister, Sir, but this is an important matter. The Minister is not going to be the only Minister of Native Affairs; we may have someone worse, except that one cannot conceive of that happening.

The MINISTER OF NATIVE AFFAIRS: A circular will be sent informing all magistrates and Native Commissioners that this does not deal with offences formerly committed.

Mr LAWRENCE: That it will only apply to offences committed after the passing of this measure?

Mr. HEPPLE: Mr. Chairman, on a point of order, I want to ask if you are going to permit this sort of behaviour in this Committee to-night?

The DEPUTY-CHAIRMAN: No I am not.

Mr. HEPPLE: Well Sir, you are doing nothing to call the hon. members to order. [Interjections].

*An HON. MEMBER: That is a reflection on the Chair.

Mr. HEPPLE: Sir, I say you are bringing this House into disrepute. I ask you, are you going to permit this House to behave in this disgraceful manner without calling the hon. member to order . . .

The DEPUTY-CHAIRMAN: I did call the hon member to order.

Mr. MITCHELL: Mr. Chairman, on a point of order, I want to go on from that point. I think it is disgraceful the way these jeers and interjections are continually being made. We on this side of the House are listening to the Minister and we are trying to get replies from him, in a decent manner in this debate. But the interjections from that side are continuous and unceasing, and are of an unsavoury character. I appeal to you, Mr. Chairman, to see that order is kept and that the interjections and remarks from that side of the House are once and for all stopped, and not merely a gentle call to order which is not obeyed, but which is completely disobeyed without the slightest regard to the orders you have given from the Chair.

The DEPUTY-CHAIRMAN: Will the hon. member please proceed.

Mr. DU TOIT: Mr. Chairman, before I proceed I would like to ask the hon. member for Gardens (Dr. Jonker) and the hon. member for North Rand (Mr. B. Coetzee) to withdraw the accusations they made that I was "kicked out of the army".

*Dr. JONKER: On a point of order, may the hon. member accuse me when I have not spoken a word? He said I made an accusation against him that he was kicked out of the army, and I did not say a word.

Mr. DU TOIT: I was never kicked out of the army. I am sorry if I misjudged the source from which it came, but the remark was certainly made by the hon. member for North Rand. I ask that that remark be withdrawn immediately.

Mr. B. COETZEE: I withdraw that and I say that he prematurely resigned from the army.

Mr. POCOCK: Do you think that is clever? [Interjections.]

The DEPUTY-CHAIRMAN: Order, order! I would be pleased if the hon. members will now give the hon. member an opportunity to make his speech.

Mr. DU TOIT: All I need say is that if the hon. member had given as much service to South Africa as I am proud to have given—well, I do not really need to say any more.

I want to get back to the point. I also feel like other hon. members and any decent minded man in this House that this system of creating an offence by the mere fact that a Native cannot produce a pass, is something that this House should not allow to go through. I was amazed when the hon. the Minister said to-night that this was being introduced because, in the past, it was apparently illegal for Natives to be so stopped. It will be interesting to learn how many thousands of Natives have been stopped at different times apparently without any real authority. That is an amazing confession to have to make. And now the Minister comes forward at this belated hour and says it is necessary to have power in this Bill in order that they may be stopped and their passes demanded from them. That was the position beforehand, why is this necessary now? Why is it necessary to make it compulsory? And if it is made compulsory why is it not possible for a Native, like any other decent person, to be given an opportunity to produce that pass if he has such a pass? If a man travels on the Railways, he has a season ticket and he goes to town without the ticket in his pocket, he does commit a statutory offence, it is true, but he is given the opportunity by the ticket examiner either to pay the excess fare or to hand in his name and address so that subsequently he can be asked to produce his ticket, in which case he is not charged. Surely it would be better that two or three guilty Natives should be allowed to get away rather than that one innocent Native should be punished.

I take the case of my own garden boy: he came to me a few days ago and said "Sir, my wallet has been stolen, I have lost my service contract with you, I have lost my temporary permit". He said "Will you please arrange for me to get another one". I said I would do so, and I said, "In the meantime I will give you a letter" and I gave him a letter in which I stated that this boy was in my employ and that I was endeavouring to obtain duplicates of his permit and his contract, in order that he might be safeguarded should he be stopped by the police or anybody else or asked for his documents. The hon. the Minister said earlier on that he and his Department were very sympathetic in this regard, but they could not find a way of getting round this difficulty from the administrative point of view. I do not profess to be able to suggest a means of overcoming the difficulty but I do think that at any rate time should be given when a Native is stopped and asked to produce his documents

and cannot do so at once, that he should be given time to produce that document even if it is only 24 hours. If he has those documents he should be given time to get them, as I said before, and if he does not possess those documents and gets away that is just too bad. But rather let that happen than that one single innocent man should be punished. Therefore I, for one, oppose this clause as it stands.

*Mr. D. J. POTGIETER: When we listened to the hon. members opposite and the arguments they used to prevent something being included in the law which has been the practice for years, we can come to only one conclusion, namely, that it is not their so-called sympathy for the Natives which motivates them in raising these arguments; because if they had the necessary sympathy which they pretend to have they should have done these things in practice when they were in power. Why did they not raise their voices then? Why did they not abolish and prohibit it then? Why must they now make this row because the Minister wants to legalize the position? Is there something else behind it? It is only fair to put this question to the Opposition. If they had this sympathy with the Native and have these objections they pretend to have, why did they not rectify the matter when they were in power, and why did they not raise their voice before the Minister introduced this legislation? Why did they allow it all these years? Then they cannot blame us if we see an ulterior motive for this agitation. I have listened attentively to the Opposition and I have come to the conclusion that the United Party wants to make the work of the police as difficult as possible. I appeal to the hon. member for South Coast (Mr. Mitchell), because he knows the Native. Does he want to tell me that what his party now suggests is practical? Does he support the arguments that the police, when they find that a Native does not have his documents with him, should give him a chance for a day or two or three to bring them those documents? He knows what will happen. It will simply make the work of the police impossible and they will be creating chaos in South Africa. Is that what the Opposition wants? Do they want to create chaos; do they want to make it impossible for the police to arrest criminals? That is what it seems like to me, because I cannot see any other reason for this agitation. The hon. member for Salt River (Mr. Lawrence) now objects strenuously because the Native is expected to carry his documents with him.

*Mr. LAWRENCE: No, I did not.

*Mr. D. J. POTGIETER: He said that it was unreasonable. Has he not become accustomed yet to carrying his Parliamentary free pass with him wherever he goes?

*Mr. LAWRENCE: Not always.

*Mr. D. J. POTGIETER: Well, Sir, I think 99.9 per cent of hon. members in this House will not set out on a journey unless they have their free passes with them. They do not forget them at home. I can also tell him that the honest Native keeps that document with him. He keeps his identification book with him and treasures it and does not give it to anyone else. He has a special cover in which he keeps that document and he always has it with him. But now the hon. member for Salt River pretends that the Native is unfairly treated when he is expected to have that document with him.

Mr. LAWRENCE: You exaggerate my argument.

*Mr. D. J. POTGIETER: Do you know what the hon. member for Salt River and his kindred spirits opposite want to protect? They do not want to protect the honest Native; they want to protect the criminal.

*Mr. LAWRENCE: No.

*Mr. D. J. POTGIETER: We are giving the criminal a beautiful opportunity if we give him the opportunity to go and fetch his document. It is not such a wonderful opportunity to the honest Native. The honest Native carries those documents with him. He will not part with them. It is only the criminal whom it will give an opportunity to go free. No, it is quite clear to me that there is something else behind it apart from so-called sympathy with the Native. They want to make the work of the police impossible and they want to create chaos in this country. They can no longer discuss any matter on its merits, but they grasp at any straw to create disorder in the country, thereby to derive some political gain.

Dr. D. L. SMIT: I want to correct an error in the statement made by the hon. the Minister of Native Affairs. I understood the hon. the Minister to say, during his reply, that there was no provision in the existing law making it an offence for a person to fail to produce a document on demand to an authorized officer. But that statement is not correct. There is provision in the existing law. Under Section 23, of the Urban Areas Act, as I pointed out when I introduced my amendment, the Governor-General may give a municipality power—

> to require the registration by the employer of every contract of service entered into by a male Native . . . and thereafter to require every such Native under contract of service and every employer of such a Native to produce on demand to an authorized officer such evidence of the contract as may be prescribed.

HEPPLE

NATIVE LAWS AMDT BILL

Then we come to paragraph (b) which says—

> to require every male Native entering the proclaimed area, unless specially exempted by regulation, to report his arrival within a prescribed period, to obtain a document certifying that he has or has not obtained permission to be in the proclaimed area, and to produce the document on demand to an authorized officer.

Then we have the curfew regulations, Section 31 of the Act, which requires that—

> every permit to be out after hours shall bear the date of issue theirof and the date and hour for which it purports to be available, and shall be produced for examination on demand made by any peace officer or authorized officer.

Under the curfew regulation there is a special penalty for not producing the document. Then we come to the general penalty clause, Section 44, which covers the production of all these documents. That section reads—

> Any person who contravenes any provision of this Act or of any proclamation or any regulation made thereunder or who makes default in complying with any provision of the Act with which it was his duty to comply—

And that would include the European employer as well—

> . . . shall, if no penalty is specially prescribed by this Act or such proclamation or the regulations for the contravention or default, be liable on a first conviction to a fine not exceeding £10 or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two months, or both such fine and such imprisonment . . .

and so on. That is perfectly clear, and the hon. the Minister's statement is not correct.

It is futile to cast reflections on other governments for not having taken action such as I have asked the hon. the Minister to take this evening. My amendment is a simple one and I would ask any government to make an amendment of that kind. All I have asked the Minister is that he should insert in this clause an exemption for the man who can produce a reasonable excuse for not having the document on his person. Surely there is no need for all this heat; surely there is no need for this refusal on the part of the Minister? It is a simple request. All I ask is that if a Native is pulled up and a document is demanded and he has not got it on him, he should not be dragged off to gaol, but that he should be taken to his room or to his master so that he may be put in a position to rectify any omission. That is all I ask and I do hope that the hon. the Minister will now reconsider it in the light of what I have said.

Although it is true that the provisions I have quoted were in operation during the United Party's period of government, we got over the difficulty very largely by issuing certificates of exemption to Natives of established good character, and in that way we built up a corps of decent Natives who would be loyal to the government. It was an incentive to loyalty. The hon. the Minister has now cancelled that . . .

The MINISTER OF NATIVE AFFAIRS: That is not true. The reference book is an exemption to everybody.

Dr. D. L. SMIT: The Minister has withdrawn sub-clause (f), of Section 23. I will show, at a later stage when I move another amendment, that the hon. the Minister has largely done away with those exemptions that we used to grant. He is not issuing those exemptions any more.

The MINISTER OF NATIVE AFFAIRS: But the reference book exempts from all those things.

Dr. D. L. SMIT: They were repealed under the 1953 Act. We will have something to say about that a little later on when I move another amendment in the Report Stage. The position is that the hon. the Minister is not issuing those exemptions as we did. We issued thousands of them to decent Natives and in that way we built up a corps of men who were not liable to this permit system. I ask the hon. the Minister to reconsider the position and to accept the simple amendment that I have moved.

*Mr. J. J. FOUCHÉ: The hon. member for Salt River (Mr. Lawrence) said a little while earlier when we were discussing this clause that he sometimes despairs, as I understood him, of saving White South Africa. I want to tell him that I agree with him, that I also despair sometimes of saving White South Africa when we have to do with the behaviour of an Opposition such as we have had here to-night. It has always been the practice, where we have various racial groups in the country, to put certain legislation on the Statute Book in order to try to maintain an orderly community. In order to try to maintain an orderly community, the United Party Government, of which the hon. member for Salt River was a member, also placed legislation on the Statute Book in order to maintain the position they applied a sanction to the penalties just mentioned by the hon. member for East London (City) (Dr. D. L. Smit). Now the Minister of Native Affairs introduces this clause, which is a continuation of the clause which I want to read out—

> The provisions of any law or regulation which make compulsory the carrying or possession of a pass shall so far as they affect Coloured persons, apply only to Coloured persons residing together with Natives in a location in the Orange Free State . . .

In other words, this Section 43 of the 1945 Act passed by the United Party Government provided that certain members of the non-White community will be compelled to carry documents or a pass, Only certain Coloureds who lived in certain areas were covered by that provision, and not those in other parts of the platteland. Now we find that the hon. member for Salt River, who was a Minister of the Cabinet which passed that Act, has the temerity to-night to accuse this Government of discriminating between White and White in this clause which is merely an extension of their clauses, because we are supposed to treat the servants of one section of the Whites differently from those of another section of Whites. I say I really despair of the future of our nation if that is the behaviour of the Opposition, when they hurl such accusations at the Minister of Native Affairs when they did precisely the same things when they were in power.

Mr. BOWKER: I think if our discussion on this clause has done anything at all it has demonstrated what an affliction it is for a human to be legally compelled to have his pass permanently on his person. The Minister has agreed, by the story he told us about a servant being arrested on the doorstep of his employer, that there are cases of hardship in the application of this Act, and it is on that account that I rise to support the hon. member for East London (City) (Dr. D. L. Smit) in his plea that there should be some means of providing for exceptions in cases of particular hardship. All the hon. member asks is that if a Native can give reasonable proof that he did possess the documents demanded, he should be given time to produce them. That does seem to be a reasonable request. We know that the police are not happy in administering drastic legislation, and we know that they are not happy in the exercise of this sort of law. And if there is provision made whereby they can be a little more lenient in certain cases such as where they come across a decent looking Native who, from his looks, can be regarded as a decent individual, then the police themselves would welcome it. They would be able to exercise their duties with a certain amount of lenience and they would be much happier about it, and that is all we are asking for. I think it is a reasonable request. When the hon. the Minister told us this story of this particular case of hardship, under the previous government, I thought he was going to say, that he, as a Minister, would not be party to similar hardships and that he was prepared to provide scope for some leniency in the carrying out of this particular part of his legislation.

Mr. HEPPLE: When the hon. the Minister dealt with the amendment moved by the hon. member for Transkei (Mr. Stanford), he said that he felt very sympathetic towards that amendment, that in fact he himself had thought of it before it was moved in this Committee, but that he had gone into the matter very carefully and found it was quite impractical to apply a provision of that kind; a provision to enable an African to have a period of time for the production of a document demanded of him. I was wondering why the Minister thought it was impracticable, but we have had the answer. We have had the answer from the hon. member for Standerton (Dr. Coertze) and from the hon. member for Vryheid (Mr. D. J. Potgieter). They have both given us the reason to-night. The hon. member for Standerton complained that the hon. member for Transkei insisted on projecting himself into the personality of an African and expecting an African to react in the same manner as a European to a demand for the production of a permit or a licence or a document. The hon. member for Standerton makes the mistake of looking upon every non-White as being a potential criminal, and that is our objection to this particular type of legislation. The hon. member is afraid that too many criminals will escape, and the hon. member for Vryheid spoke in the same vein.

The question of the production of a pass is not similar to a member of Parliament and his free pass on the Railways. It is not like a driving licence. It is a document that gives the Africans the right to exist.

Mr. VON MOLTKE: Do you ever forget your free pass?

Mr. HEPPLE: If I forget my free pass on the Railways I have means of getting around it. It does not expose me to all sorts of penalties. And let me remind the hon. gentlemen on that side of the House of what happens to an African if he loses his pass or leaves it at home—or his "exemption" as the hon. the Minister of Native Affairs is now pleased to call it. The Minister of Native Affairs and other members have given examples to-day of what happens to Africans. The Minister has quoted a case exactly similar to one that I was going to give as an example to this Committee, and that is the case of an African standing outside the house where he is employed, picked up by the police and taken to the charge office because he has not his pass on him. He is not even given the opportunity of going back into his room to get his coat.

Mr. VON MOLTKE: But that is absolute nonsense.

Mr. HEPPLE: Well that is the hon. the Minister's own example, if you want to accuse the hon. the Minister of nonsense . . .

The MINISTER OF JUSTICE: That was under the previous government.

Mr. HEPPLE: And under this Government too. If the hon. the Minister of Justice wants to know, my own servant had that experience two years ago under this Government. Thousands of Africans make the same complaint every day.

However, I do not want to go into that, I merely want to say that the production of documents is a very important thing. Consider its effect upon an African under the Urban Areas Act. If he gets arrested for not having a document on him, in terms of the clause under discussion he can not only be prosecuted in the courts but, under Section 44 of the Native Urban Areas Act if he is punished by a fine of £10 or two months, he can then be dealt with under Section 10 of this very same Act. and he can be removed from the Urban Areas. In terms of Clause 30 (b) of the Bill now before the Committee he loses his right to be in the urban area. That is the effect of his not being able to produce his document.

Mr. GREYLING: You do not want to discipline him.

Mr. HEPPLE: The hon. member says we do not want to discipline him, but that is the hon. gentleman who wants to flog the Bishops and the priests, so he would do anything.

We cannot discuss this clause in isolation. We have to consider the further implications of the clause under consideration, and the further implications of this clause are that there will be a double penalty upon an African who cannot produce a document. Once he is fined £10 or sentenced to two months' imprisonment he will thereafter be dealt with under Sections 10 and 23 and 29 of the Native Urban Areas Act, the Act which we are now amending. Once he is dealt with under those provisions he loses all rights of existence. I therefore appeal to the hon. the Minister once more to be reasonable, to realize that all urban Africans are not the primitive savages that they might have been in the past. Every day hundreds of Africans in the urban areas are qualifying for the same rights as Europeans; they are equally competent to be dealt with as Europeans; they have a permanent address, they can be identified, they work for employers and they can be dealt with just as easily as Europeans. It is completely wrong to deal with those persons as if they were primitive savages who will disappear into the multitudes —to use the expression of the hon. the Minister —so that they cannot be discovered in the future. Unless this Government realizes the necessity of recognizing the advancement of more and more Africans and their establishment in civilized society, and the necessity of treating them as civilized human beings, the more legislation of this type we are going to have and the more the hon. the Minister is going to have to tell us that he cannot find it practicable to be human.

At 10.25 p.m. the Deputy-Chairman stated that, in accordance with Standing Order No. 26 (1) he would report progress and ask leave to sit again.

House Resumed:

Progress reported and leave asked to sit again.

House to resume in Committee on 24 April.

The House adjourned at 10.27 p.m.

WEDNESDAY, 24 APRIL 1957

Mr. SPEAKER took the Chair at 2.20 p.m.

GROUP AREAS AMENDMENT BILL

Bill read a first time.

NATIVE LAWS AMENDMENT BILL

First Order read: House to resume in Committee on Native Laws Amendment Bill.

House in Committee:

[Progress reported on 23 April, when Clause 29 was standing over and Clause 50 was under consideration, upon which amendments had been moved by Dr. D. L. Smit and Mr. Stanford.]

*Mr. MENTZ: I really rise to reply to a few of the arguments of the hon. member for East London (City) (Dr. D. L. Smit). At the commencement I want to say that we are dealing here with a new clause to be inserted in the Urban Areas Act, viz. the clause dealing with the submission of documents. This brief clause is very simple and very clearly worded. I want to commence by saying that although the definition of "authorized officer" in Section 1 of the Act provides for the appointment of officials who may call for documents in terms of this Act, no provision is made in the Act giving that or any other official the right to request these documents to be submitted. It is also a fact that the law advisers are of the opinion that the definition of "authorized officer" in Section 1 does not empower an official to ask for documents. That is the opinion of the law advisers, namely that the definition of "authorized officer" does not entitle such an official to ask for documents. Asking for documents is as old as the hills, but as the result of the legal opinion in this matter the Committee is faced with a *de facto* position. All that this simple amend aims at is in the first place to provide power to ask for documents, and secondly, to place beyond all doubt of the legality of the *de facto* position. That is briefly what this amendment aims at.

Then I would like to reply to the arguments used here by the United Party through the agency of their adviser, the hon. member for East London (City). They argue, through that hon. member, that this clause is really tautologous because Section 23 and Section 31 of the Act make the necessary provision. Well, Sections 23 and 31, as my hon. friend knows, deal in the first place with the registration regulations, and Section 31 deals with night permits. The hon. member for East London (City) administered the Urban Areas Act for years; I know that he knows the Act on the tips of his fingers and I would have expected someone else opposite to use those arguments, but not he. The position is, as the hon. member ought to know, that these two clauses stand on their own and that they are not automatically applicable in all urban areas. The point is that they must specially be made applicable. But they are not automatically applicable in all urban areas. That is my argument. Let us take Section 10 of the Urban Areas Act. Here permission has to be obtained by the Native who does not qualify and who has been in the urban area for longer than 72 hours and wishes to remain there. That is the main section in the whole Urban Areas Act in regard to the application of influx control. I now ask the hon. member for East London (City), who knows the Act very well: Show me anywhere in this Section 10 where a Native can be compelled on request to show his permit to an official. One cannot find it anywhere. That is why I say this is only one of the numerous examples I could quote to show why this Bill and the amendment it contains are so absolutely essential. I think the hon. member for East London (City) will agree with me. I suppose he has perhaps forgotten it, but I want to repeat that the two sections to which he referred stand alone and they are not automatically applicable in all urban areas. They must be specially applied. I do not want to read those sections now, but nowhere is that obligation laid on the Native.

I now come to the two amendments proposed here. The clause reads that anyone who fails or refuses on demand to show a document is guilty of an offence. Now the hon. member for East London (City) wants to insert the words "anyone who fails to do so without reasonable grounds". I want to ask him what he means by reasonable grounds? I want to go further. Take, for example, this case. Say a Native is asked to show his identity book and he says he does not have it because it was stolen the previous night. Surely that is a reasonable ground. Or he may say he has lost his book or it got burnt. If that is regarded as a reasonable ground, how much time will now elapse, and where will you find that Native again, because ten to one he is a criminal and the probability exists that he never had an identity book. It must now be investigated. Fingerprints have to be taken and a mass of work must be done. It may take weeks before the matter is finalized. I say that is impracticable. Then there is the second solution, that a Native should have seven days' grace to produce his identity book. Here I agree with the Minister. We all feel that it is very stringent. But there is no doubt that in practice it has been proved that if that Native is given grace he simply disappears. Therefore I say that to include these things in the Bill is to emasculate the whole Bill. For that reason I am glad that the Minister refuses to accept this amendment.

Then the hon. member for South Peninsula (Mr. Gay) said something very strange yesterday. He accused us and said that Natives to-day have to carry more documents with them than ever before, and they are increasing every day. I challenge the hon. member to prove his statement. That was the case in their time, before we passed the Abolition of Passes and Co-ordination of Documents Act. Then the Native had to carry dozens of documents, with the result that thousands of them landed in prison for simply technical reasons. But this Government changed the position. There is now the identity book which comprises all the information in one document. He now no longer has to carry dozens of documents with him. Where does the hon. member get hold of that?

Then we had the hon. member for Salt River (Mr. Lawrence). And what did he do yesterday? He referred sneeringly to the passes which have to be carried, the identity book. I just want to tell the hon. member for Salt River what the difference is. He refers sneeringly to the pass he has to carry, his identity card, but thousands of Natives are proud of having their identity cards in their pockets. But the hon. member for Salt River is not proud of being a South African citizen, because he refers sneeringly to his identity card. But let me tell the hon. member that whether he meant it or not this type of speech is very dangerous in this respect, that by making such a speech he speaks not so much on behalf of the Natives but on behalf of the A.N.C. which is inciting the Natives against the registration system, and he knows it. [Time limit.]

Mr. STANFORD: Yesterday I moved an amendment to this clause to insert the period of seven days. If an African fails to produce his documents within seven days he would be guilty of an offence. The Minister in reply said he was sympathetic towards this idea and that his Department and himself had given consideration to working out some compromise. The hon. member for Westdene (Mr. Mentz) has just said that he agrees with the Minister in that regard. In regard to his interpretation of this clause, of course, I think it goes further than he has just said, because this new clause creates a new offence which was not there before under the Urban Areas Act, namely the offence of simply not having your passbook on you. If an African is in a town legitimately but does not have his passbook on him when he is asked to produce it he is committing a criminal offence now for the first time. Be-

fore, of course, he would have been convicted for being in the town illegally. But now, even if he is there legitimately, simply by leaving his book at home he is guilty of an offence. Now I take it that the Minister is not aiming at convicting the African who is lawfully within the urban area, and simply because he has not got his passbook on him. I gathered from what he said yesterday that the people he was aiming at in this amendment were the people in the urban areas illegally. The Minister has said that he was sympathetic in meeting the difficulty which we have in this regard, but that they could find no compromise. I have also thought about this question of trying to find a compromise, and if I am correct in my assumption that the Minister is not prepared to accept the seven days' rule which applies under the Population Registration Act to Africans as well, and if he is not prepared to accept that time in which to produce the documents, I wonder whether he will be prepared to accept a further amendment to this clause. I would like to move a proviso to Clause 43 *bis* which will now read—

> To add the following proviso at the end of the proposed new Section 43 *bis*:
>
> Provided that where such a person gives the name and address of any person with whom he is lawfully employed, such authorized officer shall take all reasonable steps to verify this fact and if it is found to be correct such person shall not be guilty of an offence.

I will explain further what that amendment means.

The MINISTER OF NATIVE AFFAIRS: Did you hand a copy of the amendment to my Department? I would like to see it.

Mr. STANFORD: No, I regret I have not had time. I will do so now. What this amendment means is that now where an African has inadvertently left his passbook behind in the sort of case we had yesterday, where a worker may have left it in his coat and gone off to a shop and was there asked by an authorized officer to produce his book and was unable to do so, he would be arrested and taken to the charge office and put in the cells because he had committed an offence. That would take a lot of innocent people to gaol who are not really guilty of any offence, but will now be guilty of an offence under this amendment. The point of my amendment is that provided that person can give the name and address of the person with whom he is lawfully employed he will not be convicted. To be lawfully employed in an urban area means that your passbook must be completely in order. You have to have authority to be in the urban area and you have to have permission to stay there, and all the other aspects contained in this book have to be in correct order before you can be lawfully employed, and you must be registered also with the Native Affairs authorities. Under those circumstances, when the African gives the name and address of his employer, it then becomes the duty of the authorized officer under this proposed amendment to take all reasonable steps to verify that. That means that he must get into touch with the employer to find out whether this African is really in his employ, and if he is in his employ he will have complied with all the necessary requisites of the Urban Areas Act, and he will be legally employed. The position on the face of it might be a bit difficult, but the fact of the matter is that just as the Minister has said in regard to other aspects of this legislation and this clause itself, that he is bringing it into conformity with the current practice of the day, and he is simply now enacting the practice, this proviso of mine really enacts the practice also. I have ascertained from the local Native control authorities that this is what they do in fact. If they apprehend an African and ask him for his documents and he says he is working with this or that employer, they then contact the employer to find out whether that is in fact so. If it is so, they let him go.

An HON. MEMBER: Is that the police?

Mr. STANFORD: That is the local Native Administration officials. That is done in practice, and I have discussed it with at least three Departments, the Commissioner's Office, and the local location administration and the urban administration. They do that, and they do not have undue difficulties. I am asking for the law to be made consistent with the actual control practice. While I throw an extra burden on the authorized officer, it does not throw more of a burden on him than the injustice which would be caused to the African if this amendment is not accepted. It would meet the point raised by the Minister yesterday when he said that he would like to work out a compromise. There is an increasing number of cases dealing purely with documents. I have discovered that in the Cape Peninsula in 1951-2 there were only 1,700 cases which came before the Native Commissioner at Langa, and they were mostly for location regulations. But in 1956 there were 6,000 to 7,000 cases and they were nearly all for documents, and already in 1957, up to date, there have been 4,000 cases, nearly all for documents. Now the incidence of injustice on these people if they are legally in the urban area but do not have their documents on them and they are found guilty would be very great. It would be a great hardship and injustice, and that is what the Minister assured us he wanted to avoid. My amendment will allow him to let the innocent people escape. [Time limit.]

Dr. D. L. SMIT: I have not had an opportunity of studying the amendment which has just been moved, so I cannot comment on it, but I do wish to reply to some of the remarks made by the hon. member for Westdene (Mr.

Mentz). I must say that I am surprised that a man who was a member of the Native Affairs Commission should be so ignorant of what happens in the ordinary administration. He knows perfectly well that most of the prosecutions arise under Section 10 of the Urban Areas Act of 1945 as amended by his own Government. Section 10 (1) (d) requires a Native to have permission to be in the urban area for more than 72 hours, and the onus under sub-section (5) is placed upon him to prove that he has permission.

Mr. MENTZ: But no one can force him to show a permit.

Dr. D. L. SMIT: If he does not, it means that he is liable to a penalty. Most of the cases occur under that section which was framed by the present Minister of Native Affairs. That is the position. It is not the U.P. clauses which are so harsh. He has referred to the fact that Section 23, to which I have referred, is only enforced where proclaimed. He knows quite well that that section has been proclaimed practically throughout the length and breadth of the country. In every large town, at any rate, that regulation is enforced, and it is under that regulation that the police often take action. The third point he raised is to ask me what is a reasonable cause for being without a permit. I do not think an amendment of that kind requires any explanation. It is self-explanatory. The cases I referred to were those of Natives who have by mischance left their documents at home or at their employers' premises. In that case I said it was the duty of the police to take the man back to his home or to his master's premises in order to verify the excuse he has made. The hon. member also made the point, as did other speakers, that many of these laws were enacted by the U.P. regime. I think that is an absurd statement to make. Administration should grow and our methods should vary with time. [Laughter.] Some of these regulations were passed in 1923, 30 years ago, and what was suitable then may not be suitable now. [Interjections.] It is more interesting to know what is happening to-day. I see the Minister of Justice is laughing, but he should have a better understanding of what is happening here to-day. The fact is that under the administration of the present Government those laws have been much more harshly administered than under any other regime, and that is why so many of these unfortunate Natives land in gaol.

Mr. HEPPLE: I wish to support the amendment which has now been moved by the hon. member for Transkei (Mr. Stanford). Yesterday I supported his earlier amendment which proposed that an African should be allowed a period of seven days in which to produce a document. The Minister replied that he had considered this matter, but found it impracticable and therefore could not accept it. In rejecting the amendment, the Minister said that the experience of the police had been that only 10 per cent of such persons would in fact turn up to produce a document within the specified time. I do not know how this estimate was arrived at, because my experience has been that they have never been given any period of grace at all.

The MINISTER OF NATIVE AFFAIRS: I said it was a guess.

Mr. HEPPLE: I think it is a very wide guess, and I do not accept it. But let us assume that the Minister is correct and that only 10 per cent turn up to produce documents. Surely even that 10 per cent should have legal protection and be considered in legislation of this kind? I think for that reason the present proposal of the hon. member for Transkei is a very good one. I would like once again to illustrate the discrimination that applies in a clause of this kind. Yesterday we argued on a different clause as to the discrimination between Whites and Africans in the application of this legislation. Here we have a very clear case in point. What would happen if I was found in Orlando with an African from Meadowlands and we were asked to produce our permits to be in Orlando and neither of us could produce those documents? I should be prosecuted in a court. Let us assume I receive the maximum penalty of £10 or two months. I would pay my fine and go. But what happens to the African? Not only would he have to pay the fine, but after he had paid it he would thereupon become subject to the further penalties of the Urban Areas Act, and what are those penalties? Apparently the Minister and his colleagues completely disregard the fact that the penalties under the Urban Areas Act are far worse than those under the ordinary criminal laws. That is the essence of this whole debate. While I could pay my £10 fine and be free of further consequences, the African would in addition be subject to banishment from the urban area. He would lose his home and be separated from his family and he would suffer all the other penalties included in this measure. I think that is what we have to take into account here. I have noticed from the arguments put forward by hon. members opposite that they are inclined to differentiate very clearly between the guilt of a White man and the guilt of a Black man. They cannot complain when people in South Africa or in the rest of the world accuse us of being unfair and unjust in our treatment of Africans.

The CHAIRMAN: Order! I do not want the hon. member to have too wide a discussion now. We had a wide discussion last night. He should confine himself to the clause now.

Dr. COERTZE: You have already been reported in the *Daily Worker*.

Mr. HEPPLE: My argument is to show the consequences of this particular clause.

The CHAIRMAN: I have allowed a very wide discussion for a reasonable period. I want the hon. member to come back to the clause.

Mr. HEPPLE: With due respect, I am dealing with this clause and with nothing else. I am showing that failure to produce a document places one penalty upon a White man and a more severe penalty upon a Native. This clause refers to the production of documents and the penalty attached to non-production. I am dealing with that issue alone. I am trying to show this Committee that the failure on my part to produce a document subjects me to one penalty and subjects an African to a double penalty and that is very important. I am pleading with the Minister to accept the amendment proposed by the hon. member for Transkei now. I make this appeal to the Minister, even if it is only to protect the small minority of 10 per cent on his own calculations.

The MINISTER OF NATIVE AFFAIRS: I cannot accept this amendment and I hope that when I have explained my reasons it will be clear to hon. members why I cannot do so. Unfortunately this amendment was not handed to me earlier this morning. If it had, I would have been prepared to go into it with my adviser to see whether we could not draw up something along these lines. But this amendment, as it was read here, would obviously lead to quite a number of difficulties. The clause reads *inter alia* that any person who "refuses" to produce a document on demand shall be guilty of an offence, and then the proviso proposed provides that where such a Native gives his employer's name and address the authorized officer must make inquiries, and if the information given is correct he will not be guilty of an offence, although he has actually *refused* to produce the document! That is how the clause would read. There is another point, too. Any person who "fails" to produce a document on demand shall be guilty of an offence provided that when he provides the name and address of his employer and that is found to be correct, he shall not be guilty of an offence, in spite of the fact that he may not be able to produce the document afterwards either.

Mr. LAWRENCE: But the legal implication is that it is correct.

The MINISTER OF NATIVE AFFAIRS: It is not stated in the amendment that his failure to produce must cease. The mere giving of the name and address of the employer releases him from the effects of the first part of the clause whilst he may continue to fail to produce the document. [Interjections.] Surely it is quite clear that the proviso means that even though he fails to produce the document he shall not be guilty of an offence if he gives the name and address of his employer correctly? Therefore it is quite clear that this amendment has implications which are so far-reaching that I cannot possibly accept it as it stands.

Mrs. BALLINGER: What about the general sense of it?

The MINISTER OF NATIVE AFFAIRS: That is why I say that if this amendment had been given to me earlier, I might have attempted to draw up a better amendment which might have been acceptable. I do not say that would have been possible because this also contains a further difficulty, namely that this implies that every time an authorized officer demands a document he has to take the Native concerned along and find out whether the name and address given is correct before he may proceed against him in any other way, and that too may make this administratively impossible. I must go into that factor too. All I can say at this stage is that I am prepared to discuss the proposition with my legal advisers, and with the police from the point of view of its practical application, to see whether we can evolve a proviso which will create all these problems. I am prepared to do that before the Bill goes to the Senate, but I certainly cannot accept an amendment of this type which obviously leads to all these difficulties.

Maj. VAN DER BYL: Before I come to the clause, Mr. Chairman, may I just take this opportunity of apologizing to you for apparently breaking the Rules yesterday. I looked round to see what the line was and after having decided that this was the right line I walked this way. Of course, my hon. friends here, like a pack of hounds in full cry, brought the attention of the House to it and I understand there was a good deal of trouble afterwards. If you had called me back, Sir, I would have come back at once, but as you did not, I appreciated it, because after 26 years, it is the first time I might have been caught. Fortunately I am unconvicted, because you did not call me back, but I would just like to offer my apologies to you.

The MINISTER OF NATIVE AFFAIRS: You did not produce your document on demand.

Maj. VAN DER BYL: That is so, but if the Chairman had asked me to do so, I would have done it and if I had not produced it, I would not have been subject to two penalties as unfortunate Natives have to under the clause before the Committee.

Last night, just before the House adjourned, an hon. gentleman from that side of the House accused us of creating chaos or trying to create chaos by suggesting that we were deliberately trying to make it impossible for the police to do their duty. Sir, that accusation surprises me, coming as it does from a supporter of that side of the House. If there is any Government which has ever created

chaos, both economically and politically, it is this Government.

The CHAIRMAN: Order!

Maj. VAN DER BYL: Don't say it, Sir! I quite agree with you. I will come back to the clause at once. That was just in passing. I come then to the hon. member for Smithfield (Mr. J. J. Fouché), a charming young man to whom I am very partial. I like him very much indeed, but he is very young and naive and he really must not try to teach his grandmother to suck eggs—not that I want to appear in that role, because even if I could change my sex, I am still rather doubtful whether I would like to be his grandmother. But he accused this party of trying to circumvent a law that we had passed. He said that we were responsible for this law which provides for all these penalties, and that we are not now prepared to carry out our own legislation. I think that is largely what he said.

Mr. G. F. H. BEKKER: That is correct.

Maj. VAN DER BYL: If that hon. gentleman agrees with me, then I must be wrong. Sir, just let me say this to the hon. gentleman. It is quite true that this law was put on the staute book by us, but when we found that thousands and tens of thousands of innocent Natives were being arrested for committing what was merely a technical offence and taken to gaol, the Minister of Justice, who was a very sound Minister of Justice—and I say that without wishing to be rude to my hon. friend opposite; we had a very fair Minister of Justice—instructed the police to use their discretion. If they were reasonably sure that the man concerned had a pass, that he was a respectable Native and that he had merely left his pass at home, they did not arrest him immediately and put him into a van and take him to gaol. That instruction was given in 1943 on the instructions of the then Minister of Justice in conjunction with the then Minister of Native Affairs.

The MINISTER OF NATIVE AFFAIRS: I gave you an example of what happened in 1946.

Mr. GREYLING: Why can't you trust the police now?

Maj. VAN DER BYL: It is not a question of not trusting the police. You see, Sir, how they try to twist things. We gave the police a discretionary power. This law does not give the police any discretion. If this Minister would give the police discretion, we would appreciate it. That is all we are really asking for because, Sir, in life generally, it is not black and white, but varying shades of grey, and I am not talking about apartheid politically now, I am talking about ordinary things in life. While we realize that if the police merely took the name of a Native who said that he could not produce his name and gave him seven days to produce it, they would never see him again and the work of the police would become almost impossible. We do say that where a policeman has a reasonable doubt or where the Native says to him: "My pass is in my coat just across the street; if you come with me I will show you my pass now," then surely the policeman should have the discretion to go along with the Native across the street and give the man an opportunity to produce his pass, instead of putting him into a pick-up van and taking him to gaol. That is all that we are asking for.

The MINISTER OF NATIVE AFFAIRS: I gave you an example of what happened in 1946.

Maj. VAN DER BYL: Yes, I know, and it was a horrible example, wasn't it? That is the very thing we are talking about. The hon. gentleman here quoted a case where a Native had been left in charge of a house. He was warned by his employer not to go out except to go and buy his food at a shop across the street, which he did. The Minister very rightly says that the Native values this document and that he keeps it in his inside pocket, but sometimes a man has to take off his coat, if he is going to do a job. Of course, the Minister would not understand that. As I say, very often a man has to take off his coat to do his work; he leaves his coat behind and walks across the road to get his food and then he is arrested for not having his pass. He says to the policeman: "There is my coat hanging in the garden across the road; may I go and fetch it; will you come with me?" Surely a man like that should not be arrested. That is what we are arguing about. Sir, that is all we are asking for. We are not asking that indiscriminately Natives should be given the right to produce his document in a fortnight's time. But where the police are reasonably sure that the man has got a document; that he is registered; that he is honest and offers to produce his document within a few minutes, or where he says to the policeman: "We are opposite a shop now; will you allow me to ring my boss before you arrest me; let him speak to you and assure you that I have the document," and his master offers to bring the document over, surely that man should not be arrested. That is the sort of discretion we are asking for. The hon. member for Rosettenville (Mr. Hepple) has told us of the very serious penalties that follow on a first conviction of this kind, where a man is arrested for the first time and fined £10 or sentenced to two months' imprisonment. I do not want to go into that again, but it does show what serious consequences may flow from such an arrest. All we are asking the Minister to do is to have some elasticity in the administration of the law, and to give the police the discretion where they are certain that the man has a pass, instead of simply putting him into a pick-up van and taking him to gaol.

That was signed by Dr. T. Dreyer as secretary of his church. I want to express my appreciation of that. There is obviously much wider and stronger support for this attempt to exercise control in regard to wrong things which in the end harm the worship of all of us than hon. members realized.

In passing, I just want to say something in regard to those churchmen who think that it is brave or wise to utter threats in public that they will incite Natives to contravene the law of the land. They must clearly understand that what the law says is this: When people going to a particular church building, or in the vicinity of that church, because of their large numbers or because of the nuisance they cause, have to be ordered not to go to that church, then action will be taken. In other words, if no nuisance is committed and only ordinary numbers go to that church without causing a nuisance, nothing will happen. Therefore if these clergymen say that they will incite the Natives to contravene the law, it means that they are going to persuade them to go there in such large numbers or to commit a nuisance along the way, so that we will have to take action. That is what their threats amount to. Now I want to tell hon. members this: I am doing my utmost, irrespective of which church it is, to assist the churches in their missionary work amongst the Natives. Can it, however, be expected of me as a responsible person, to afford opportunities to people who say that they intend inciting Natives to break the laws of the land? Can I give a clergyman the right of occupation in a Native area or location, with a view to Evangelization, whilst he practically tells me publicly, in the newspapers, that he will use the opportunity given to him to do religious work to incite Natives to contravene the law of the land? Such clergy are placing themselves and their churches in a very invidious position. I hope that when they, after all the struggle and strife in the public Press is over, approach the matter calmly and see what happens—with how much wisdom and care the law is applied, and how the law offers a solution when there are really evils against which it must be applied—they will allow their common sense to triumph over the sentiments they so unnecessarily give voice to at the moment, possibly under the influence of the attempts of the United Party Press to conquer the Nationalist Party at the next election. It is that influence and state of mind which is the cause of all the trouble at the moment.

There is just one final point I want to make, namely, this: I have tried to explain this afternoon the traditional process of development, and to show that there has always been an attempt on the part of the Afrikaans churches to let the evangelization of the Native go hand in hand with the development of independence even in the church sphere, because it was always considered that the Native himself was best able to evangelize his own people. If the Native is happy in his own churches he will also probably be able to give expression to himself in a better atmosphere. I want to add something here which unfortunately I forgot to mention this afternoon. It is not only the Afrikaans churches which do that; I must mention the Presbyterian Church also. A Presbyterian Bantu church has also been established. Therefore that church also shared this idea. Hon. members should take note of a remarkable fact, namely that whilst a large number of sects have arisen amongst the Natives in South Africa, so much so that the number of sects at the moment is 1,650, this splintering-off did not really take place to any great extent amongst the members of such Bantu churches. The splintering took place mainly amongst church societies established by influences from abroad, *inter alia*, from the United States, and it took place in certain of the churches which wanted to keep all their members together in the White churches and refused to give the Natives their own church. That is when splintering takes place, because the Native wants his own church. If only the Anglican Church and some of the other churches had realized long ago what the Native himself desires, as the Presbyterian Church and the Afrikaans churches did, we would probably have had many fewer sects than we have now. After all (must I tell hon. members this?): the message, the mission given to the Christian churches in regard to the heathen is to take the Word to the heathen. Go out to the heathen, was the message; go out and take the word to them—not: "Attract them to you; sit still in your church building and ask them to come and hear the Gospel there." That is the basic idea which should underlie the work of any mission church—the readiness to go to the place where the Native is and to spread the Gospel there. There should not be an attempt to attract him into the life of the White community or into the buildings of the White community, resulting in possible estrangement of the White people to the detriment of that field of work. Go to him and do the work there where it is your duty to do it. Under those circumstances I must say that it is greatly to be deplored when an hon. member like the hon. member for South Coast has the temerity to keep on saying that people will be turned into criminals when they "merely wish to worship in a church". That is diametrically opposed to the spirit of our country and of our people; it is so absolutely untrue that one just dare not say it. The facts are—and with this I conclude—that we as a Protestant State and as a Government which realizes its duty towards all races in the country and which desires and promotes the necessary evangelization, have no desire to do anything else but to give the Native, amongst other things, the fullest opportunity to worship. But we consider that the evangelization process will be best promoted by giving him his opportunities amongst his own people here also. I hope that this will not be made an issue in future, an issue where the Native is used as a pawn in the game of those who want to oppose the policy of apartheid, by trying to

attract them into the White area in the hope that all kinds of unpleasant incidents will take place, because by so doing they want to demonstrate that apartheid cannot be obtained, or cannot be obtained peacefully. I again issue this warning. Any political party and any newspaper which tries to do this is merely using the church as a last fort from which it tries to fire on its political opponents because it feels impotent in its own fight.

Mr. HEPPLE: The Minister's latest effort has not brought very much credit to his cause this evening. He has devoted a great deal of his time to teaching the churches their business, and I think it is an affront for him to dare to tell the churches what they should do. I think it is an insult to the churches for the Minister to speak in the vein which he has done to-night. What right has the Minister to tell the churches how they should conduct their missionary work; how they should extend Christianity to the backwards people of Africa? If we have ever had a revealing speech, it is the one that we have just heard from the Minister of Native Affairs. This evening the hon. member for Wynberg (Mr. Russell) asked if the Prime Minister would take part in this debate in order to clarify a number of speeches made by members on the Government side of the House. I am afraid that the hon. member for Wynberg is in for a disappointment, because at the very best, if the Prime Minister did intervene in this debate, he could only support the views which have been expressed by the hon. members for Karas (Mr. Von Moltke), Ventersdorp (Mr. Greyling) and Groblersdal (Mr. Abraham). These are prominent spokesmen for the Government, not only on this issue but on other issues. This afternoon the hon. member for Groblersdal replied in advance to the question put by the hon. member for Wynberg. He spoke this afternoon, not in the vein in which the Minister has tried to speak throughout this debate, that the Government is responding to demands from the White community in different parts of South Africa to abolish nuisances and abuses in the practice of religion. The hon. member for Groblersdal this afternoon complained about the widespread "deurmekaarboerdery" in the churches, and he said that it was the duty of the Government to prevent that sort of thing happening. What does he mean by "that sort of thing"? Does he refer to the fact that different people choose to use the same churches in which to worship their God? Is it the duty of the Government to prevent people from doing that sort of thing? Sir, it has become quite apparent to me in the course of this debate, that what is being done here is to apply the policy of apartheid as expounded by hon. members on that side of the House, and I foresee that what is going to happen in religion in South Africa, is exactly what has happened in the fields of trade unionism and nursing and university and other education. What is going to happen after the Minister of Native Affairs has become the dictator over the fate of the people of this country, over the fate of Africans? Once he has excluded Africans from worship in the White churches, he will then want to exclude the Coloured people too, because that was the process that was followed in trade union legislation. The next step will be the exclusion of the Coloured people from our churches. . . .

The CHAIRMAN: Order! That matter is not under consideration now.

Mr. HEPPLE: I want to conclude on this particular point by saying that we are going to see the Coloureds excluded from our churches too.

I want to proceed to another part of this clause which has had scant attention so far, and that is paragraph (f). Paragraph (f) endows the Minister of Native Affairs with far wider powers than he now possesses. Already the Minister is a despot in controlling the lives and the destinies of the African people.

The CHAIRMAN: Order! That point has been made repeatedly throughout the debate.

Mr. HEPPLE: I have not made my point yet, Sir.

The CHAIRMAN: Other speakers have made the point, and there is no necessity to repeat it.

Mr. HEPPLE: With respect, Sir, I have not made my point yet. I have only heard two speakers refer to paragraph (f). Paragraph (f) has not been dealt with by hon. members. The majority of speeches have been devoted to the church paragraph. I want to deal now with the paragraph which gives the Minister of Native Affairs power to prohibit gatherings in the urban areas of South Africa. These powers are adding to his existing powers. Already the Minister possesses power to prohibit meetings in Native areas, and in Native townships, but he is not satisfied with those powers. He now wants to encroach upon the White areas of South Africa, and prohibit gatherings in White areas. The Government possess vast powers under various statutes to prohibit gatherings and meetings in the various areas of South Africa, but now the Minister of Native Affairs wants to go further. I want to tell this Committee that when this clause goes through the Minister will have power to supersede the authority of the Minister of Labour and of the Minister of Justice and of other members of the Cabinet, bad enough as those powers are. At the present time, there is an effort on the part of White trade unionists to extend the democratic practices of trade unionism to the African people. That is something that is looked upon as being vitally necessary in this country.

The CHAIRMAN: Order! That is not under discussion now.

Mr. HEPPLE: Mr. Chairman, may I please disagree with your ruling?

The CHAIRMAN: Order! The hon. member cannot disagree with my ruling; he must abide by my ruling.

Mr. HEPPLE: Well, may I quote paragraph (f) to you, Sir? Paragraph (f) deals with this very question of the prohibition of meetings by the Minister of Native Affairs, and I am dealing only with the power of the Minister to prohibit meetings. Are you denying me the right to discuss that point?

The CHAIRMAN: Order! The hon. member must obey my ruling. He cannot discuss trade unions here.

Mr. HEPPLE: I am talking about trade union meetings. I want to discuss the right of trade unions to meet. The Minister has the right under this clause to prevent trade union meetings which are attended by Africans. Mr. Chairman, I must ask for your assistance in this matter. If I am to be prevented from dealing with the obvious implications of paragraph (f), then the whole debate is stifled. The point I am trying to make is this: There is currently a practice amongst a large number of White trade unionists in this country to educate Africans in the practices of trade unionism, and for that purpose Whites and Africans meet together. They have trade union councils, and committees, they have classes for trade union education, and in this it is necessary for Africans to be present at meetings with Whites. I would like to remind the Prime Minister and his Cabinet colleagues, that this activity is one that is bringing credit to South Africa throughout the world. It is one that is welcomed by the western democracies, and it is at least a shining light upon the activities of some White men in South Africa. But now the Minister of Native Affairs will be able to prevent such gatherings. It is against that that I am protesting to-night. This is only one of the activities that the Minister will be able to prevent, but he will be able to prevent a lot of other gatherings. He has already said in this House that it is his intention to kill the Liberal Party in the country.

The MINISTER OF NATIVE AFFAIRS: When did I say that?

Col. JORDAN: On a point of order, has the Minister of Native Affairs any right to make any interjection in the face of your ruling? Should he not himself be subject to the penalty imposed on others on this side?

The CHAIRMAN: Order, order!

Mr. HEPPLE: Sir, the Minister of Native Affairs denies that he said that. I accept the Minister's word. But, of course, the Minister would like to see the end of the Liberal Party. The Minister has made that very clear to us, and he has said so often in this House in my presence. He has said things to the hon. member for Cape Eastern that made it quite clear to me that the Minister will not hesitate to prohibit all gatherings of the Liberal Party at which Africans are present. [Time limit.]

Mr. MITCHELL: When business was suspended the hon. member for Vryheid (Mr. D. J. Potgieter) had just put a few questions to me upon which he asked for an answer, and he said that my failure to answer would, in the words which I had used in regard to the Prime Minister, indicate that I was a moral coward. I want to say at once that I appreciate the approval of the hon. member for Vryheid for the words which I used in regard to the Prime Minister. I take it that he is entirely at one with me in the use of that language, and that he approves entirely of the fact that I used it in that connection in applying it to the Prime Minister. It must be so, Sir, otherwise he would not use that language to me with precisely the same verbage. Clearly then he is entirely at one with me in my use of that language against the Prime Minister.

*Mr. D. J. POTGIETER: On a point of personal explanation, I said very clearly that I did not want to call the hon. member a moral coward, but that if he refused to reply to my questions, he would fall under the rule which he himself laid down.

Mr. MITCHELL: Precisely; that is my point. I put it in precisely the same way in putting my questions to the Prime Minister. Sir, I have been asked these questions. I am willing to answer them, but, Sir, I have spoken three times in this debate already and the Prime Minister has not spoken once.

Mr. SUTTER: On a point of order, Sir, are we to listen to a running commentary from the hon. member for Cradock (Mr. G. F. H. Bekker), in spite of your warning?

Mr. S. J. M. STEYN: It is an impossible situation.

*The CHAIRMAN: Order! I want to warn the hon. member for Cradock.

*Mr. G. F. H. BEKKER: On a point of order, I have just entered the Chamber this moment.

Mr. MITCHELL: I am prepared to answer the hon. member's questions; they are fair enough, but my question to the Prime Minister still stands. I want to ask the Prime Minister, now through you, Sir, whether he is coming into this debate or not. You see, if the Prime Minister is not coming into the debate, then the hon. member for Vryheid cannot expect me to answer his questions. I think that is fair. The Prime Minister must tell us whether or not he is coming into the debate. After

all, he is the Prime Minister. This Bill is a Bill of his making. It is no good talking about the Minister of Native Affairs. This is the Prime Minister's Bill; he has the right of veto. But if the Prime Minister is not prepared to answer, then there is no moral ground for putting these questions to me.

The MINISTER OF EXTERNAL AFFAIRS: Answer the questions.

*The CHAIRMAN: Order! Perhaps the hon. the Minister was not in the House when I warned hon. members that I would not allow any interjections.

Mr. MITCHELL: The position then is this. The Prime Minister obviously indicates that he is not coming into the debate. There is therefore no moral ground for putting these questions to me but I shall answer them. But before doing so I want to say this, because I want to answer them as briefly as I can; I do not want to delay the Committee. I am going to answer them and then I am going to sit down, but I want to say this to the Prime Minister who is responsible for this Bill: Either when this Bill is put on the Statute Book it will be the law of the country and it will be enforced or it will not be enforced. Now, Sir, under the Clause dealing with the right of the Minister of Native Affairs to prevent Bantu people from attending certain specific churches I want to put this to the Prime Minister. In the event of Bantu people attending those churches, will he have them prosecuted criminally? Will he as Prime Minister allow people to be prosecuted and convicted of a criminal offence for having gone to a church to worship God without a permit from the Minister of Native Affairs? There, Sir, is this Bill in a nutshell. The Prime Minister must face not only his own conscience; he must face as Prime Minister, this Parliament, South Africa, and the world and say: "I am the Prime Minister who had put on the Statute Book a measure which permits the criminal prosecution of Christians because they go to worship their God in a church which has been forbidden by the Minister of Native Affairs; they can stand on the pavement outside and pray to their God; they can stand in the street; they can stand where they will, there is no prohibition; they can come into our dining-rooms and attend the household service." But, Sir, the Minister of Native Affairs—and he has the imprimatur of the Prime Minister behind him—says "I am going to prohibit them from going to churches which I forbid them to attend". The Prime Minister will be responsible if there are criminal prosecutions, if men are sent to gaol, because as Christians they choose to worship in a particular church.

Now, I come to the hon. member's questions and he will forgive me if I translate them very broadly into English. Does the Opposition want the whole of Clause 29 deleted or will the Opposition be satisfied if the word "church" in that clause is deleted? The answer is that we want the whole of the clause thrown out as it exists to-day. Then the hon. member asked whether if this clause is withdrawn and in so far as my church is concerned, the number of non-Europeans attending the church continues to grow until the Europeans are outnumbered, I will be satisfied when there is no longer any room for myself and other Europeans in the church. My answer to that is that this is a matter for the church to determine for itself. That is the gravamen of the whole thing. If there are non-Europeans attending the church and the church authority does not wish to have them, then the remedy is in their hands, and there is already a law in existence to deal with it. That question shows that the hon. member completely fails to appreciate the inner meaning of the clause that is before us. Let the church manage its affairs; let not the Minister of Native Affairs come with his warnings again about organizing objections, as he did to-day. Sir, has the hon. the Minister never read the history of Christendom in the world? Does he not know what Christians have suffered in the past? Sir, let the church manage its own affairs, and let the Minister of Native Affairs keep his hands and his fingers out of church matters.

Mrs. SUZMAN: After listening to all the questions and replies this afternoon, I am more than ever bewildered as to what lies behind Clause 29. I do not only mean that part of the clause which deals with church apartheid, but also the other section of this clause (d) and (f). I don't understand them at all, because we have had so many varying versions from the other side as to what is in fact the reason for the introduction of this clause. The hon. Minister complained a little while ago that the Press with its different versions and the Opposition parties with their interpretations had created a lot of consternation and confusion. But, Sir, we have had three specific versions from members on the other side as to the meaning of this clause. We have had first of all the version of the hon. member for Vereeniging (District) (Dr. Carel de Wet). He was at pains this afternoon to tell us that this clause if anything was more innocuous than the original section in the Urban Areas Act. He told us that whereas in the original section where churches were mainly conducted for the benefit of Natives, the Minister could step in and stop such churches, the Minister now would have to take several other steps before being able to do so—he had to consult the local authorities, he had to inform the churches concerned, and so on. He gave a number of reasons why the new clause was far more innocuous than the original section in the Urban Areas Act. Then we had the hon. member for Karas (Mr. Von Moltke) who informed us that the reason for the introduction of this clause, was in order to see that the traditional policy of segregation was carried out in South Africa, not only as regards churches, but also as regards clubs and other institutions. In other words, he said that this clause had simply

terests of the Native employees, and it is in that regard that I am anxious to see that the protection that is afforded in a restricted sense in that Act is now extended to the fullest extent to all Native labourers.

There is another aspect of this clause which has not been satisfactorily explained by the hon. the Minister of Native Affairs. At the Committee stage I raised the question that this sub-section relates not only to ordinary farming operations but—

> including the processing of any farming product, conducted by a *bona fide* farmer, other than a company or other corporate body.

This means a farmer operating on his own account and processing foodstuffs would be exempt from the provisions of this Act. I wonder if the hon. the Minister has considered the serious implications of that exclusion? It means that a farmer operating on his own acount and conducting a food processing plant and employing a large number of Africans, can be excluded from all the most necessary essentials of taking care of those employees. That is a very serious exclusion and I asked the hon. the Minister why it was necessary to exclude manufacturing processes conducted by a farmer. Although he has not done so, perhaps the hon. the Minister could justify the exclusion of farming operations themselves, but why this desire now to exclude manufacturing processes carried out on a farm? As the Minister well knows, canning is becoming an important adjunct of farming in South Africa. Our canning industry is expanding every day and this exclusion is going to encourage individual farmers to operate on their own account merely to get the advantage of disciplined labour which places no obligations or responsibilities upon them. It can happen that a farmer may employ dozens, perhaps hundreds, of African employees, but he will escape his obligations under this Act and I cannot understand the hon. the Minister's reasons for wanting to perpetuate that system.

I make an appeal to the hon. the Minister of Native Affairs: I think he has been badly advised in this regard. I do not know who has advised him in this regard but it is quite apparent that the hon. the Minister of Labour has not been consulted in this matter. The Minister of Labour also has serious obligations in regard to the control of factories and labour matters generally. Although the Minister of Native Affairs is the major Minister in this Cabinet, because he supersedes and overrides the decisions of all other Ministers, at the same time I think he should consult with the hon. the Minister of Labour and discover whether it is wise that manufacturing processes in the farming industry should be excluded from the provisions of this Act. It is for these reasons that I move this amendment to sub-section (d).

Mr. WHITELEY: I second.

*Mr. G. F. H. BEKKER: I am sorry that this matter has been raised by the hon. member. If a farmer starts processing activities he has to be properly registered under the Companies Act. What farmer is there at the moment who is engaged in large-scale manufacturing processes without having formed a company? The farmer is perfectly prepared to look after his own labourers on the farm and the Natives are quite satisfied. As soon as the Labour Party has anything to do with organization we are faced with difficulties. The Minister is an experienced person; he is acquainted with the treatment received by the Natives on the farms; he knows that they are treated well and I am perfectly satisfied to leave the matter in his hands. If the hon. member for Rosettenville (Mr. Hepple) will take the trouble to go and see for himself he will see under what conditions the Natives work on the farms and how satisfied they are. But as soon as the Labour Party and the agitators come along we have trouble. I want to ask the Minister not to accept the amendment which has been moved.

Amendment put and negatived.

Amendments in Clauses 7 and 17 put and agreed to.

In Clause 17,

Mr. HEPPLE: Mr. Speaker, I move—

> In Clause 17, to omit paragraph (i).

This paragraph is a proviso to paragraph (o) of sub-section (1) of the principal Act, and the proviso in this paragraph reads as follows—

> Provided that no regulation made under this paragraph shall have the effect of preventing a Native from re-entering any prescribed area after an absence therefrom of not more than 12 months for the purpose of taking up employment with the employer by whom and in the class of work in which the Native was last employed before leaving such area, unless such Native was originally permitted to be in such area for a specific period.

To my mind the proviso in the existing law is quite wide enough without it being extended further. The hon. the Minister has introduced three new principles here, to which we must object. The Minister now makes it necessary, if an African wants to return to a prescribed area, for him to qualify in three ways. In the first place he shall not have been away for more than 12 months; secondly, he shall only return to the class of work in which he was employed before he departed and, thirdly, he can return only if he originally had an unfettered right to be in that particular prescribed area. This places a severe restriction upon an African who has a very good

right to return to a prescribed area from which he left. Once again in the Committee stage we had the experience, when we debated this issue with the hon. the Minister, of finding that the Minister could give us no reasonable cause for making this radical change in the existing Act. It would appear to me that every time the Department of Native Affairs runs up against a single small snag they come running for further powers and for further legislation in an endeavour to close every possible loophole. When they endeavour to close every conceivable loophole they are merely creating a large number of new offences that can be commited by Africans. Not only do they do that but they also make it virtually impossible for Africans to lead an ordinary family life.

The implications of this clause must be stressed in order that this House will realize the severe hardship that will be imposed upon the African population when it is applied in practice. Let us take the first point, that an African can only qualify to return to a prescribed area automatically if he has not been away longer than a period of 12 months. What is the necessity for the change? Previously he could have returned to a prescribed area if he had been away for any length of time. What is the purpose of this? As far as I could understand from the argument put forward by the hon. the Minister he had one case, and it was in order to overcome one case that we are now having this legislation. legislation that might have the effect of causing great suffering and injustice to large sections of the African population. What happens to an African who has been away for 12 months and one day? He is immediately excluded. He has no automatic right to return to the prescribed area. The hon. the Minister has said that he has not the automatic right but that he can apply again. When I pursued that point with the Minister I discovered that what he really wanted was that the African should now make a completely new application. In other words, he should apply again as though he had never before been in that area; he would get no priority or preference in the long queues of Africans making application to enter these areas for the first time. I wonder if the Minister has considered the effect that would have upon the very categories of workers to which he has referred here? In this paragraph we speak of Natives who are returning—

> for the purpose of taking up employment with the employer by whom and in the class of work in which such Native was last employed . . .

What is the position if an African is returning to a prescribed area, to the same employer who wants him, but he cannot come in because he has been away for longer than 12 months? The Minister has answered me by saying that he cannot allow such a person to return if the labour requirements of that area are already filled. That answer makes it quite apparent to me that what the Minister is seeking to do is to have the right further and further to restrict the right of entry of Africans into the prescribed and urban areas to take up employment. He wants to increase the categories of exclusion to such an extent that finally he will end up with the power to say that no one will have the right to enter these areas unless the Minister himself says they may do so. He has that power to a large extent already, but he is limited by the provisions of the law. This is not the first time that the Minister has come with changes in these provisions. It is my prediction that the Minister will continue to come to this House for extensions because he is trying to legislate against the natural economic development of South Africa. He is trying to legislate to prevent human beings from doing the normal things human beings do. When an African wants to enter the prescribed area to take up employment with his previous employer, he does so for very good reasons. He does not merely do it to come into the urban area to be a nuisance, but because that is the obvious place for him to come, to work where he has worked before, where he knows the people and knows his employer and knows the work. But now he will be prevented from doing that. I ask the Minister whether he realizes the effect this will have on the general economy of the country. One of the most serious problems we have had to face in the past 15 years has been not only low productivity and inefficiency, but the high labour turnover in most of our factories. What is one of the chief causes of this high labour turnover? Not that the workers themselves are unstable, but because the laws make it impossible to have a free flow of labour, because we have so much direction of labour that Africans are prevented from becoming a stable industrial proletariat. They are unable to become steady workers in the employment of any factory. Those are the implications of what the Minister proposes to do here. An African, for family reasons, because he still has some associations in the rural areas, may have gone out of the prescribed area to his home and stayed there for a longer period than 12 months. It may be a very short time beyond the 12 months, but he automatically loses the right to return to the place where he has proved useful in the economy of South Africa. What happens to the employer of that African? He cannot get the person who has been trained in the ways of that employment. He must now seek someone else who has no skill or experience in that type of work. Obviously this causes a high degree of labour turnover.

That brings me to the next point in this clause, the proviso laid down by the Minister that any African wanting to return to a prescribed area must also return to the same employer and to the same class of work. I endeavoured to get from the Minister in the previous stages of the Bill what is meant by " classes of work ". The Minister said it means

either domestic employment or industrial employment—general categories of that kind. But is that what happens in practice? In the Urban Areas Act, where the same provision applies, in the main centres Africans are being refused permission to return to the same employer in the same class of work. Officials of the Department of Native Affairs and the municipal officials understand this definition as meaning specific kinds of work. They do not look upon it as being domestic or industrial employment. They ask the African who applies for re-entry what work he was doing, and if the African replies that he was employed as a machine operator in a factory, he is not allowed to return unless he goes to the same type of operative work. They are refused entry on the ground that they do not do the same type of work, which to me is the same class of work. When I gave the Industrial Conciliation Act as an example to prove my case, the Minister said that that Act had nothing to do with this clause. But I did not pretend that it had anything to do with the clause. I merely showed that in one law we refer to classes of work as meaning one thing, and here we have the same words meaning what the Minister and his Department want it to mean. I pointed out that this would lead to a great deal of difficulty because both under the Industrial Conciliation Act and under this Act we are dealing with workers and classes of work. How can we expect there to be any clarity or even any justice in the application of this law if under one labour law classes of work have a specific meaning and under this law it has a vague meaning? I asked the Minister what there was to prevent him giving clarity by inserting a definition of "classes of work" in this law. The Minister promised that he would at a later stage consider it and see whether something could be done. I am putting up this proposition now because I believe that the Minister has had sufficient time to consider this matter seriously. I am sure that the Minister and his officials agree with me that it would be wrong of us to allow this law to go on the Statute Book without any clarity as to what is meant when we refer to classes of work. I want to remind the Minister again that the application of this law will be in the hands of hundreds of officials throughout the country, and these officials must not be dependent entirely on a circular sent out by the Minister, because it is not only the officials who will be concerned. Very often officials, through overwork and inexperience, may not have that particular circular in front of them. But, more than that, I think it is the right of every employer and employee to know what are the contents of the circular the Minister proposes to send out. What better way can the Minister have of sending out a circular than by doing it through this Bill? It will save him trouble, and save the officials the time needed for studying it and filing it. Then there will be absolute clarity. I ask the Minister to let us have this definition in the Act. If he is unable to accept the proposal I am putting forward, I hope he will carry out his promise in regard to this and other proposals, and see that the amendments are dealt with in the Other Place.

I now finally come to the third provision in this paragraph, which places a restriction on an African wanting to return to the prescribed area, unless he originally had permission to be in such an area. The Minister explained this provision in relation to seasonal workers. He said seasonal workers, when they applied for re-entry into the prescribed area, should have been permitted to be in that area previously to work. As far as that goes, it is a reasonable provision, but I must say that I cannot see the necessity for it, because here once again the Minister is interfering with the free flow of labour. Does the Minister understand under what conditions seasonal workers are engaged by these factories? These factories first of all take on the essential labourers whom they employed in previous canning seasons. They do that for obvious reasons, because these are skilled workers who know the work. The next choice, when they have engaged all the labour of that type they can get, is to take the next best workers. When they have engaged the requisite number of workers, they cannot take on any more. So the ordinary laws of supply and demand would completely take care of the situation without the Minister interfering, because those who are not engaged during the canning season have no right to be there in any case. So I cannot understand why the Minister wants to extend these powers and keep on extending them. I can only come to the conclusion, as I said earlier, that every time the Department has the slightest difficulty it runs to Parliament to pass new laws to give more powers in order to fill the holes in the dyke, and they will never be able to fill all these holes for the obvious reason that this type of legislation is designed to run against the natural economic and social development of the country. In any case, even if that is the policy of the Government, it results in a great deal of hardship and suffering, and I hope the Minister will be reasonable and accept the proposals we have put before him.

Mr. LOVELL: I second.

*Mr. MENTZ: This paragraph (i) is being amended simply to bring it into line with similar provisions in the Urban Areas Act, in Section 10. Section 10 deals with the restriction of the right of Natives to be in certain urban areas. The hon. member is one of those who for a long time have expressed their grave concern in this House in connection with the position of the Native who goes out of an urban area and who is not allowed to return, and in order to meet this position the Minister has been good enough to make provision in the Urban Areas Act for a Native to leave an urban area and to return to the same employer and the same employment within a period of 12 months. Now the hon. member objects to that period of 12 months.

*Mr. HEPPLE: Yes.

*Mr. MENTZ: It is very easy to see the motive behind the hon. member's plea. When he was speaking a few days ago I asked him whether he was opposed to influx control and he said he was; he said he was opposed to all influx control. He went further than the hon. member for Cape Eastern (Mrs. Ballinger). She said she wanted a certain amount of influx control but the hon. member for Rosettenville wants no control. According to him there should be no control over the movement of Natives but they should have freedom of movement throughout South Africa and there should be no influx control. Is that correct?

*Mr. HEPPLE: Yes.

*Mr. MENTZ: Would it not be foolish on the part of any Government to allow the abolition of all control over the movement of Natives in South Africa? It is the greatest nonsense one can imagine. Now I want to put this question to the hon. member: If Natives who leave the urban areas were allowed to enter such areas freely whenever they wish, what would the position be eventually in the urban areas? The hon. member is always perturbed; he tells us there is not enough work and that opportunities for employment should be created for the Natives, and we hear the complaint that so many thousands of Natives are sent to prison. Now I want to put this question to him: What is the position going to be if there is no control over the movement of Natives to the cities? What would the labour position be? How many thousands would wander around in the cities without work? And if those thousands of Natives find themselves in the cities without work, without housing, how many thousands of Natives would he be sending to prison in that way? The Natives are not going to sit there and be satisfied if they have no work or housing. Only one thing would be left for them; they would be forced to resort to crime to make a living. These hon. members who are so concerned about the Natives now propose to create a position as a result of which thousands of Natives would go to prison. [Interjections.] That is why proper provision has been made for the regulation of Native labour. I do not know whether even the Liberalists on the other side would support his suggestion. It is ridiculous, so ridiculous that I do not think it is worth while spending any more time on this clause and therefore it is clear to me that the Minister will certainly not lend an ear to this plea. This Government is especially concentrating on the labour bureaux in an attempt to make influx control as effective as possible so that the labour force can be canalized and so that the Natives can be directed to those places where they can find employment, and to prevent all the evils which would result from that suggestion of his.

Mrs. BALLINGER: I strongly support the amendment moved by the hon. member for Rosettenville (Mr. Hepple). I have explained my reason for it before and I am prepared to go on repeating it. I support it because I think the basic principle of it is sound, which is that people should be allowed to come and seek for work without all these endless prohibitions and interferences. I know the case put up by the hon. member for Westdene (Mr. Mentz).

Mr. MENTZ: Are you also against influx control?

Mrs. BALLINGER: No, but I want to explain the similarity between my point of view and what I think the hon. member for Rosettenville stands for. I support this proposition. I know quite well that the intention of this clause is to bring the Native Labour Regulation Act into line with the Urban Areas Act, and I know also what the hon. member was at pains to explain, that the clause as it stands in the Urban Areas Act, which will be amended later in this Bill, was a concession by the Minister to the general legislation which excluded from the towns everyone who went out of the towns and forced them to seek re-entry in certain ways. But I support the hon. member for Rosettenville, that the way to deal with this situation is to change the Urban Areas Act, and not to change the Native Labour Regulation Act. I want to explain my approach to the situation because the hon. member for Westdene did not understand it. Fundamentally the difference between the thinking of the hon. member for Westdene and his party on the one hand, and mine and that of the hon. member for Rosettenville on the other hand, is that he thinks that when people come into towns and there is no housing for them and no jobs, they should go to gaol, whereas we think that if a man comes to town and there is no house or work for him, someone ought to take him where there is work and provide a house for him. Our approach is of course entirely different from that of the Nationalist Party. They are committed in fact to the social and industrial situation which we are committed to, that we are in a process of urbanization in order to build up our industries and in order to provide work for all our populations. One of the most significant things the hon. member for Westdene said was to ask whether we were prepared to see thousands of Natives streaming to the towns. Well, why do thousands of Natives stream into the towns? They only do so for two reasons. One is that industry needs them and draws them, and the other is that they cannot find jobs elsewhere.

Mr. MENTZ: And if they are not needed, must they still come here?

Mrs. BALLINGER: The hon. member seems to think that people come into the towns and sit down and starve, but what has

(2) on representations from the Chinese themselves and the Chinese Consul-General the date by which they had to vacate the premises was extended to 31 March 1957. When this concession was granted each tenant signed an undertaking to vacate the premises on or before that date;

(3) alternative accommodation in Sophiatown outside the buffer zone was offered and all but one family have now vacated the premises. The wife of the head of the remaining family recently gave birth to a child and has for that reason been allowed to remain until she is in a fit condition to move;

(4) temporary.

Rice Growing in South Africa

The MINISTER OF AGRICULTURE replied to Question No. *I, by Mr. Butcher, standing over from 23 April.

Question:

(1) Whether returns containing particulars of the rice growing industry in the Union are rendered to his Department; if so, what was the estimated production during 1956-7;

(2) whether his Department has investigated the production costs of rice grown in the Union; if so, with what result;

(3) whether his attention has been drawn to representations made to the Board of Trade and Industries for a protective duty on imported rice;

(4) whether his Department is supporting these representations;

(5) whether he is in a position to furnish statistics in respect of rice (a) grown in Swaziland and (b) imported into the Union from Swaziland during 1956-7; and

(6) whether the Government proposes to revert to the system of rice importation by private enterprise; if so, when.

Reply:

(1) No.

(2) In 1954-5 an initial survey was made in two areas and the average cost then was 6.8d. and 6.3d. per lb. with considerable variations between individual farms.

(3) Yes.

(4) My Department made no recommendations.

(5) No.

(6) The Government has not yet considered this matter.

The University Advisory Committee and the Universities Bill

The MINISTER OF EDUCATION, ARTS AND SCIENCE replied to Question No *II, by Mr. Butcher, standing over from 23rd April.

Question:

(1) Whether he consulted the University Advisory Committee established under Section 2 of the Universities Act (No. 61 of 1955) before he introduced the Separate Universities Education Bill (A.B. 58—'57); if so, (a) when and (b) what was the nature of the advice given by the Committee; if not, why not;

(2) whether the Committee voluntarily furnished him with any advice in regard to the Bill; and

(3) whether the Council of the University of South Africa made any request to him in regard to the matter; if so, what was the nature of the request.

Reply:

(1) No. The Bill was introduced to implement *inter alia* the Government's policy of apartheid and the University Advisory Committee was in consequence not consulted.

(2) No.

(3) Yes. The Council of the University of Africa requested me to refer the implications of the proposed legislation to the University Advisory Committee in so far as it would affect the policy and financing of those universities affected by the legislation.

Should I, at some stage or other, deem the advice of the University Advisory Committee necessary in regard to any aspect arising out of the legislation I shall refer such aspect to it for a recommendation.

NATIVE LAWS AMENDMENT BILL

First Order read: Report Stage,—Native Laws Amendment Bill.

In Clause 1,

Mr. HEPPLE: I move the amendment standing in my name—

In line 10, to omit "or any dependant of his".

This amendment has two parts. It refers to two unrelated matters, so I will deal with them separately. The first part refers to the definition of "advance" in paragraph (a) of this clause. The definition as it appears in the Bill reads as follows—

> By the insertion of sub-sec. (1) at the end of the definition of "advance" of the following words: "or upon the condition, expressed or implied, that he or any dependant of his shall enter into or continue in any employment.

I am asking for the deletion of the words "or any dependant of his". As the clause now stands, it is clear that an African, as the head of a household, can offer the labour of any of the members of his family. As I pointed out in the Committee stage, this is a very bad provision and it is one which I want deleted from this Bill. If civilization means anything to us, it must mean a break from mediaeval practices and chattel labour. In the Committee stage the Minister, in replying to this point, argued that this principle was contained in the principal Act, but that is no justification for its extension here in this definition. It did not appear in the definition of "advance" in the principal Act. It merely means that the Minister is now entrenching a bad principle, one which we would have expected the Minister to remove from the principal Act, instead of extending it. The Minister gives as justification for this an exceptional example. He said that it happens occasionally that an African worker in the employ of some individual finds it necessary to go away and therefore he puts in a substitute to carry on his work. But let us examine the implications of that. This definition of "advance" refers to rewards received for labour, and the essence of the question before this House is that a man who himself has pledged his own labour, and has received a reward in advance, is now to be entitled to pledge his own labour and for the labour of other persons. That is an extremely bad provision indeed. A man may be entitled to pledge his own labour and receive a cash advance for it, but he should not be entitled to pledge the labour of his wife or children or dependants, who may be his mother or father, and receive a monetary reward for it. I am surprised that the Minister gave an exceptional illustration instead of dealing with this issue on its merits. There is no virtue in this principle merely because it was inherited from the past. I would ask the Minister to remember that we are living in different times and under different conditions from when the Native Labour Regulation Act was first passed, and our legislation should be modelled on present times and look towards the future, and not cling to the bad usages of the past. When it comes to the second part . . .

Mr. SPEAKER: I think we should deal with the first one first.

Mr. HEPPLE: Then might I conclude by saying that I make this final appeal to the Minister to reconsider this amendment and I hope he will accept it.

Mr. LOVELL: I second.

The MINISTER OF NATIVE AFFAIRS: I cannot accept this amendment for the obvious reason that the hon. member is arguing as a European would. This clause is in accordance with Native custom and it is accepted by parents and children, because it is of value to both of them. If I accepted this amendment it would curtail the opportunity of the family to get advances, and I am not prepared to curtail the Natives' opportunity of obtaining advances by accepting a theoretical standpoint from a European who cannot put himself into the place of the Native, who is in quite a different position from his.

Amendment put and negatived.

Mr. GAY: The clause to which I have moved the amendment standing in my name, namely—

> To omit paragraph (b),

is one which provides, as the explanatory paper tells us, that the definition of "authorized officer" is amended for the sake of uniformity. The idea of our amendment is not for the sake of uniformity, but for the sake of the general welfare of South Africa. Originally under the Urban Areas Act there were six authorized officers who could deal with the various documents an African had to produce. Under this clause there are now 15 different types of officials, some of whom are groups of officials in their own right. Heaven only knows how many there are altogether which the clause as now before us will give the right to demand from the African these various documents he has to carry, whether they are in one cover or not. We feel that this increase in number, which has steadily developed as the result of this and previous legislation of a similar type initiated by the Minister, has now produced such a wide range of prescribed officers, many of whom are well outside the scope of what one might term experienced police officers, or inspectors experienced in dealing with the Native. The clause before us is one which we feel is likely to provide great friction. Therefore we move the deletion and we feel that the number of experienced officers with authority to demand these documents is already sufficient and there is no need from the point of view of uniformity to increase them. This particular sub-section, if put into effect, will have the result that an African will be liable to be stopped on practically every street corner. We know the type of people we are dealing with. They are people who are not educated up to the standard of understanding why this continual interrogation goes on. We have already seen the effects of this type of interrogation in the overcrowding of our gaols, and if we