

every intelligent student of the trade union movement in South Africa knows the causes of disagreement in the trade union movement. First of all the stage of industrial development in this country has a different impact upon the old craft unions from what it has on the secondary industry unions; secondly, we have four classes of labour engaged in industry in this country, and it is natural — especially in view of the politics in South Africa — that there is a different attitude among the four racial groups. Fifty-two per cent. of the workers in industry are Natives; 14 per cent. are Coloureds; 4 per cent. are Indians, and 31 per cent. are Europeans. Under the industrial legislation of this country only 31 per cent., plus a few of the Coloureds, are legally recognised, and the Minister should always bear that in mind when he talks of the trade union movement in South Africa. He is quite right when he says the Trades and Labour Council, as an organised group of trade unions, does not represent the mass of the organised workers in South Africa. But there is also another fact. Not only the Trades and Labour Council but any other group of organised workers in this country, does not represent the majority of workers for the simple reason the majority of workers in South Africa cannot be recognised; and because they cannot be recognised, because they have no bargaining power, they have a very serious and a very important influence upon the attitude of the European trade unionist, the European worker generally. Now it is the task of this or any other Government to accept these facts and to make up its mind whether it is necessary in this country to encourage trade unionism or to discourage it. The Minister is proceeding overseas to the I.L.O. Conference. He will attend there and hear what goes on, and he will find that there are representatives from many other countries, and that the majority of the trade unionists represented there are not white. He will find that they are advocating plans and policies that might conflict not only with the policy of this Government, but conflict with the social set-up in South Africa; and a Government which faces the realism of this problem will tackle it very quickly, before the 52 per cent. plus some of the other workers in this country, before these unrecognised and unorganised workers look overseas to the non-European countries for their lead in trade unionism. Either we are going to win solid, well-conducted trade unions for South Africa for all classes, or we are going to place these people beyond the pale and encourage them to find some other means by which they will fight for their rights. This is an important matter to which the Minister must give his serious attention. I admit that this matter has not been attended to before, that it has not been given the attention it should have

been given. The Minister will have to take note of what is happening over there. I am not merely building up wars — verbal wars, shall I call them. The Minister will remember that previous delegations from South Africa have faced at the I.L.O. Conference the question of the association, the question of human rights, which is now being made a political football, and we must remember that while we may have these verbal and political wars, it is the fundamental economic effect upon the mass of the people and its ability to make them revolutionary that must be faced up to before it is too late.

**The MINISTER OF LABOUR:** What do you suggest? I am not quite clear.

**Mr. HEPPLÉ:** I have not yet told you what I suggest. I am giving the Minister the background to the problem so that he can know what he is faced with. I am a little bit afraid that the Minister when he goes overseas might see some of the scenery but not see some of the facts. I want the Minister to remember this problem. I took this line, Mr. Chairman, because the Minister's attitude towards the trade union movement in this country has led me to believe that he is following the path of so many other people in history, and that is, "Divide and Rule". He believes it is better to have a divided trade union movement where he can set one group of workers against another, where he can deal with six bodies instead of one. In following that path he may believe that it makes the work of his department easier. But what, in fact, does this attitude lead to? It leads to division in the trade union movement, it leads to complications in our industrial set-up, and eventually it will lead to what we have seen in this country before—strikes, industrial disputes, and the loss of a considerable number of working hours. And the Minister asks me what I suggest. I cannot deal with the whole problem here and now, but I want to make one suggestion to the Minister, and that is that in the light of what he sees overseas and in the light of his own experience, he must make up his mind what the rôle of the Native trade unions are to be in South Africa. That is the most important thing that he has to decide. If he wants to know what my attitude is and what the attitude of my party is, I want to say that we disagree with the Nationalist Party when they say that we must not allow the Natives to organise into trade unions because they will be a threat to the Europeans. We say that the Natives must be encouraged and aided and assisted to organise trade unions. They can get the guidance and assistance of our own experienced trade unions so that they understand the meaning of trade unionism, and so that they understand the advantages of trade unionism, and

that they won't allow themselves to be led into wrong channels. That, I would like the Minister to know, is our point of view.

Mr. TIGHY: Do you want separate Native trade unions?

Mr. HEPPLE: I think that is a matter for the unions themselves to decide. It is a point the unions must find out for themselves. There are some who favour parallel trade unions, others believe in mixed trade unions, and some, as I say, believe in no Native trade unions at all. I say it is for the trade unions themselves to decide what type of trade union is most suitable. But it is necessary that the Europeans give guidance and assistance to the non-Europeans, otherwise we will never be able to lead the non-European worker—and this is an important factor in our industrial development—we will not be able to lead him along civilised lines; and then he will really be a threat to white civilisation—and we don't want that.

Mr. TIGHY: Will you give the Minister your own personal policy as a party? It is rather an important point.

Mr. HEPPLE: I have given the Minister that.

HON. MEMBERS: No you haven't.

Mr. HEPPLE: I want to proceed on another point in the limited time at my disposal. The Minister has been making certain propaganda, along with the members of his party, on the question of the industrial colour bar. First of all he says the United Party are in favour of the removal of the industrial colour bar. Well, that is a quarrel between him and the United Party. But what did he say in this House on the 22nd March on the Third Reading of the Native Building Workers Bill? He said—

This is the first time, I might say, in the history of the Labour Party that they have repudiated the traditional policy of the Labour Party. It has been the policy of the Labour Party in all these years that there must be a colour bar in industry. The Labour Party has upheld and supported the colour bar . . .

And then he goes on to say—

The real leaders of the Labour Party will probably turn in their graves when they hear the type of policy advocated by the gentlemen on the Labour benches, and that is that the Labour Party stands for the abolition of the colour bar.

Now the Minister has not only said that in this House but it has been reported to me in

a letter that at a conference of trade unions he informed the trade unions' representatives that the Labour Party was now in favour of the abolition of the colour bar in industry. What the Minister should do before he makes statements of this kind is to analyse the industrial set-up in this country; and he must explain what he and his party mean by the colour bar in industry. The Minister knows that the only legal prohibition of Natives occupies . . .

The MINISTER OF LABOUR: I stated in my speech I was referring to the conventional colour bar.

Mr. HEPPLE: Very well, I will come on to that. The Minister knows that the only legal prohibition is under the Mines and Works Act of 1936. Now the Minister says the conventional colour bar . . .

The MINISTER OF LABOUR: That is what I said in my speech.

Mr. HEPPLE: Then you must have said it further on. I will accept that you said the conventional colour bar. Under the Apprenticeship Act while Natives can be trained, they actually are not trained, first of all because of the opposition of the European trade unionists, and secondly because employers would be afraid to come up against that opposition. But I want to put the facts to the Minister, and the facts are that where the Apprenticeship Act applies in this country it only applies to a minority of workers in industry. It only applies to a minority of industries. What I am interested to know from the Minister and his party is: What about the majority of industries in this country which employ Native labour which do not come under the purview of the Apprenticeship Act?

The MINISTER OF LABOUR: I stated my viewpoint very clearly in that same speech.

Mr. HEPPLE: No, you did not refer to the other industries. The hon. the Minister knows that we are moving to a stage where most of our industries are going to work under the belt system where we have the operatives and the semi-skilled workers.

The MINISTER OF LABOUR: We are speaking about skilled workers, and having a conventional colour bar in regard to it.

Mr. HEPPLE: Where the hon. the Minister makes propaganda about the colour bar, he should make it quite clear . . .

The MINISTER OF LABOUR: I did make it clear.

Mr. HEPPLE: No, you do not. You must make it quite clear to everybody that the colour bar to which you refer only refers to a minority of white workers, and when the Minister speaks at Ceres or any railway centre he must say to the prospective Nationalist voters and others: "Look, fellows, I am giving you a bit of propaganda . . ."

The MINISTER OF LABOUR: I have said so.

Mr. HEPPLE: ". . . but I want to point out to you, I do not care whether you are a ganger or a platelayer or a this or that, I am only referring to skilled artisans." And then the hon. the Minister can continue from that point and explain what the Nationalist Party's policy is for the bulk of the workers in industry.

The MINISTER OF LABOUR: I have done that and I will do it again. I will do it dozens of times.

Mr. HEPPLE: Yes, I would like the hon. the Minister to state in very clear terms what his policy is and what his party's policy is in regard to secondary industry . . .

The MINISTER OF LABOUR: I will do that as well.

Mr. HEPPLE: . . . where there are five Europeans and 200 Natives.

The MINISTER OF LABOUR: I still want to hear the United Party's policy in regard to that. [Interruptions.]

Mr. HEPPLE: Mr. Chairman, I hope the hon. the Minister will discuss this matter with the hon. member for Johannesburg (West) (Mr. Tighy) at a later stage, so that I can get on with my speech. I do not mind the Minister appealing to the United Party to give him some inspiration. But what I want the hon. Minister to do at this stage is to make it very clear to everybody who shouts about the colour bar in industry, what that colour bar really means.

The MINISTER OF LABOUR: I will make it clear.

Mr. HEPPLE: I wish you would, because people have an idea that all our factories are manned by Europeans and that there is some evil being who wants to push them out and put Natives in their place. I say it is the duty of the hon. the Minister as well as the duty of everybody else to paint a true picture of how our industries are manned and what might happen to all those industries if there is to be a colour bar. I know that the hon. the Minister and his party have in mind a quota system. I will not go into that quota system now,

but I would like the hon. the Minister to express his views on this particular matter.

An HON. MEMBER: What are your party's views in regard to it?

Mr. HEPPLE: My party's views are quite clear, and I am surprised at the hon. member asking me what my party's views are. I repeat, my party's views are quite clear. We know that the Native has a role to play in industry, and we defy the Nationalist Party or any other party at any time to say that they are going to remove all Natives from industry. I would like to see the party that does that. [Interruptions.] Mr. Chairman, I would like these hon. members who make these interjections to really make a study of this problem because then they will be able to make a worthy contribution to what we are trying to solve. I have been asked what our policy is. I say that I am surprised that hon. members do not know what it is. I will, however, tell them briefly what it is. We say that the Native has a part to play in industry, and as he has a part to play in industry he should have the right to organise in his own trade unions. He has the right to get a fair day's pay for a fair day's work and he is not entitled, as the Nationalist Party say, to get unequal pay for equal work. We say that if a man does a job, whether he is black, white, Coloured or Indian, he should be paid the rate for that type of work.

Mr. ABRAHAM: May I ask you a question? Are you in favour of the abolition of the colour bar in industry?

HON. MEMBERS: What do you mean? [Interruptions.]

The DEPUTY CHAIRMAN: Order!

Mr. HEPPLE: That parrot-cry I think can be left.

Mr. ABRAHAM: Reply to my question.

Mr. HEPPLE: I want the Nationalist Party to face up to this question fairly and squarely, and when the hon. member asks me that parrot question, he has not listened to what I asked the hon. the Minister. I have been asked what our policy is. [Interruptions.] Mr. Chairman, I hope you will ask those hon. members just to keep quiet. We cannot all speak at once. They will all have an opportunity. They are not keen to participate in this debate, but they should come in later and say what they do think. I want to continue and say what our policy is. We say there should be equal pay for equal work.

Mr. LUDICK: That is the policy of the United Party.

Mr. HEPPLÉ: We do not believe that South African industrialists or anybody else who lives by the profit system, should have the choice of different grades of labour, so that they can employ a non-European to do the job cheaper than the European. That is where the policy of the Nationalist Party is going to lead us. It is going to lead us to a position where the white worker will be threatened by cheap standards of black labour and coloured labour in this country. I want the Nationalists to tell South Africa how they are going to get over this problem of the Natives or rather the non-Europeans being a threat to the European worker if they are going to allow this labour to work at cheaper rates than the rates for Europeans. If an employer can choose between a non-European at 2s. per hour and a European at 6s. an hour, in order to make profits he will naturally, if he has any sense, and he is running his business properly, take the cheaper labour.

An HON. MEMBER: We will not give them the choice.

Mr. HEPPLÉ: The hon. member says they will not give them the choice. Now we are getting somewhere. I hope that the hon. member will get up and explain how that is going to work. That is an intelligent interjection by the hon. member, and it indicates where we are going. It is more-over very important to know . . .

Mr. KAHN: That was an accident.

Mr. HEPPLÉ: Mr. Chairman, I mentioned this now to the hon. Minister and I hope that he will have an opportunity of dealing with that point. I have only got a few minutes left and I want to deal with another point before I sit down. I now want to deal with the Unemployment Insurance Act. I want to say at the outset that we have discussed the question of exemptions from the provisions of that Act with the Minister. Last year the hon. member for Cape Western (Mr. Kahn) put a question to the hon. the Minister, asking him —

- (1) How many applications have been made to him for exemption from contributions to the Unemployment Insurance Fund in terms of paragraph (a) of sub-Section (5) of Section 2 of Act No. 53 of 1946, as amended; and
- (2) in respect of which classes of persons businesses and areas were such applications made?

The hon. the Minister replied that there were 151 applications and that among the classes of persons and businesses exempted there were such organisations as the Herenigde Nasionale Party, the Union Garage, Philipstown, die Kruithoring, Bpk., and similar organisations. Amongst the areas exempted by the Minister were the magisterial districts of Swellendam, Colesberg, Bredasdorp, Boshof, Robertson — there are a considerable number of them — Worcester, Middelburg, Mossel Bay, Clanwilliam. It was stated by the hon. member for Johannesburg (West) that wherever you find a Nationalist member of Parliament you find that area exempted from the provisions of the Unemployment Insurance Act. Now the Minister in reply to that statement said the following —

Now the hon. member has made the statement that exemptions take place in districts represented by Nationalists. That is typical of the irresponsible statements he makes. The hon. member has probably seen an article in some newspaper where certain allegations were made, he accepts those as facts and he makes an attack on me and repeats those allegations. It is quite wrong. Take Caledon for instance, represented by Mr. Delport. Caledon has been exempted. I do not think that Caledon is represented by a Nationalist Party member. There are other districts. There is no politics in this thing. Politics have nothing to do with it.

Now I would like to tell the hon. the Minister in the few minutes that I have left of a case where politics did play a part. Here is a case in point.

An HON. MEMBER: In Caledon?

Mr. HEPPLÉ: No, this is in Oudtshoorn. Oudtshoorn falls in the constituency of the hon. the Minister of Agriculture. The National Union of Distributive Workers applied to the Department of Labour to refuse any applications to exclude persons employed in the magisterial district of Oudtshoorn from the provisions of the Unemployment Insurance Act. There was a considerable amount of argument about it, but on the 28th December, the Department of Labour . . .

An HON. MEMBER: What year?

Mr. HEPPLÉ: 1950, the Department of Labour wrote as follows to the Secretary of the National Union of Distributive Workers

With further reference to your letter of the 1st instant, I have to advise you that the Honourable the Minister of Labour has decided not to exclude persons em-

ployed in the magisterial district of Oudtshoorn from the provisions of the above-mentioned Act.

But then something happened. There was a considerable amount of agitation in Oudtshoorn.

An HON. MEMBER: Who were the agitators?

HON. MEMBERS: Nationalists.

Mr. HEPPLE: I want to quote from the local newspaper there and this is what it said —

During his visit to Oudtshoorn in September, the Minister of Agriculture, Mr. S. P. le Roux, received a deputation comprising the executive members of the Oudtshoorn Chamber of Commerce who presented the Minister with a unanimous motion passed by the Chamber at its meeting in favour of having Oudtshoorn exempted from the provisions of the Unemployment Insurance Act.

The paper went on to discuss the matter and the newspaper says further —

Mr. le Roux is being asked to consider the position in regard to Oudtshoorn and, if possible, to arrive at some reason for the departure from the assurance apparently given to him previously in his letter.

And significantly enough that was followed on 20th March, 1951, by a further letter from the Department of Labour, reading as follows—

In pursuance of my even-numbered letter dated the 28th December, 1950, I have to inform you that on further consideration the hon. the Minister of Labour has decided to exclude persons employed in the magisterial district of Oudtshoorn, except those employed in the leather and footwear manufacturing industry from the provisions of the Unemployment Insurance Act with effect from the 1st April, 1951. The notice hereant will appear in the the Government Gazette of the 30th instant.

Now here are the facts. Is this not political? What happened between the letter of the 28th December and the letter that I have just read of the 20th March, to cause the Minister to decide to exclude Oudtshoorn?

Mr. KAHN: The Minister of Labour will soon be fixing the maize price.

Mr. HEPPLE: The Minister of Agriculture made a promise which was reported in the local Press there and that promise has been

fulfilled. In other words, the Minister in the application of the Unemployment Insurance Act is actually assisting the Nationalist Party to sabotage it. How can this scheme work if there is going to be exclusion from major centres such as Oudtshoorn merely on the grounds of representations made by either a member of the Nationalist Party or a Minister. I do not know on what grounds he got it. But there we have the Minister in the application of an Act granting these exemptions. Now we on these benches have warned the Minister of the danger of constricting the scheme. When he removed a considerable number of contributors from the scheme two years ago we warned him that he was doing a very unwise thing. This scheme, because there is full employment today, is accumulating very large reserves, but in relation to the over-all working population of South Africa in times of stress it will be actuarially unsound. What the Government is doing is accepting all the bad risks and turning away the good risks and this will never work. But now in addition to that what is happening is that the Minister is using this as a vehicle for winning votes for the Nationalist Party.

Mr. A. STEYN: You could never get a vote in Oudtshoorn.

Mr. HEPPLE: The hon. member says that we can never get a vote in Oudtshoorn. That is something I would like to put to the test, but I would say to him and to his colleagues that if they are going to continue to take the side of the employers against the employees, we are going to be around the country telling the employees who are their enemies.

An HON. MEMBER: They will not believe you.

Mr. HEPPLE: This Nationalist Party is pretending to be friends of the workers, when all over the country the rural members of the Nationalist Party are sabotaging the workers right and left. And that is what they are doing. The policy of the farmers' group of the Nationalist Party, which is 80 per cent. of the Party, is torpedoing the Department of Labour right and left. I can understand why the Minister wants to go overseas to have some peace and quite

An HON. MEMBER: Why don't you join Sam Kahn?

Mr. HEPPLE: By going overseas for a little while the Minister will be able to get away from an atmosphere which is now embarrassing him. [Time limit].

Mr. SULLIVAN: Mr. Chairman, I would like to have the privilege of speaking for

wage to any individual who does that particular job. Equal pay for equal work — Native, Coloured or European. That is the position. That has been accepted. Now the hon. member says that if that has been accepted and applied, then the conventional colour bar will eventually disappear. That is my charge against them, that they stand for the abolition of the conventional colour bar. Why is that colour bar there if equal pay for equal work is accepted in industry and applied? The conventional colour bar is still there. Why, despite the fact the equal pay for equal work is accepted by and applicable in industry today, are Natives debarred from being indentured and performing skilled work? That is the position in spite of the principle enunciated by the hon. member. What it actually amounts to is that the hon. members on those benches are in favour of the conventional colour bar being removed, of allowing Natives to come into the skilled trades via the Apprenticeship Act at the same wage as the European journeyman receives. Is that the position?

Mr. DAVIDOFF: I will answer.

The MINISTER OF LABOUR: Well, if that is not the position, then I am afraid there has been such an amount of explaining of this matter, last night and this afternoon, that the more the Opposition parties explain the more confused they become. I am still waiting for the Leader of the Opposition; I thought he would be here this afternoon to explain the explanations given by half a dozen members on the opposite side. But he is not here.

Mr. HEPPLÉ: The Minister has seized an opportunity here in order to evade the questions I put yesterday, by twisting and turning statements made by some of my colleagues.

The MINISTER OF LABOUR: What questions?

Mr. HEPPLÉ: I am going to put them again to the Minister. We are labouring under the difficulty of trying to get the Minister to understand a simple proposition. I hope the hon. members in the opposite corner will keep quiet, because their interjections make it impossible for the Minister to hear us. When I asked the Minister yesterday what his attitude was in regard to the colour bar in industry, I pointed out that only a minority of industries have skilled trades where the Apprenticeship Act applies. In other words, there is about 20 per cent. of our industries where skilled occupations exist and which operate under the apprenticeship system.

The MINISTER OF LABOUR: You are quite wrong.

Mr. HEPPLÉ: Will the Minister tell us what the percentage is?

The MINISTER OF LABOUR: Not by way of interjection.

Mr. HEPPLÉ: I want to tell the Minister that the majority of industries in this country are operated by workers who do not come under the Apprenticeship Act.

The MINISTER OF LABOUR: What do you mean by that? Are you confining yourself to the Apprenticeship Act or are you including operatives?

Mr. HEPPLÉ: The Minister answered me only in connection with those trades where the Apprenticeship Act applies.

The MINISTER OF LABOUR: Apart from the Apprenticeship Act you have skilled trades.

Mr. HEPPLÉ: I am speaking about industry generally. The Minister referred to those skilled trades where the Apprenticeship Act applies.

The MINISTER OF LABOUR: There is a difference between the Apprenticeship Act crafts and the skilled trades.

Mr. HEPPLÉ: I know, but that is not what you dealt with.

The MINISTER OF LABOUR: I dealt with the whole matter.

Mr. HEPPLÉ: Then the Minister makes his own position worse. The Minister has said that all skilled trades must be the preserve of the European. Now, will the Minister inform me and the House and the country, what are the skilled trades outside those to which the Apprenticeship Act applies?

The MINISTER OF LABOUR: That is really a stupid question.

Mr. HEPPLÉ: It is not a stupid question because the Minister cannot give a definition. The definition of what are skilled trades is left in the hands of the employers.

The MINISTER OF LABOUR: Whether a bricklayer is in an area where the Apprenticeship Act applies or not, he is a bricklayer and it is a skilled trade.

Mr. HEPPLÉ: I accept the building industry as a skilled industry. But I am asking the Minister . . . [Interruptions.]

The CHAIRMAN: Order!

Mr. HEPPLÉ: The Minister is evading the question.

efficient, and I think it advisable that, as Minister of Public Works and not as Minister of Labour, I should see what those methods actually are, and whether we can adopt some of those methods in South Africa.

Mr. TIGHY: Provided you can get our municipalities to change their by-laws.

The MINISTER OF LABOUR: That is a very important consideration.

Mr. MUSHET: Are you taking along an official of the Public Works Department?

The MINISTER OF LABOUR: No, only from the Labour Department. I should really take along an official of the Public Works Department, but I have a bit of knowledge of building methods myself.

Mr. MUSHET: I hope up to Public Works standards.

The MINISTER OF LABOUR: I think I will be able to form a general idea. Then I am also visiting Sweden. As hon. members probably know, I am also, to my regret, Minister of Forestry . . .

Mr. TIGHY: Why to your regret?

The MINISTER OF LABOUR: Well, you always regret it if more jobs are given to you. We have in South Africa quite a number of State sawmills.

Dr. FRIEDMAN: I hope you will be able to see the wood for the trees.

The MINISTER OF LABOUR: I hope to see both. I think the efficiency of our sawmills can be improved. It is a comparatively new industry in South Africa; it has only been in existence for the last twelve or thirteen years. I have inspected the State sawmills since I have been Minister, and I think their methods of working can be considerably improved. Sweden is of course one of the biggest timber-producing countries in the world. They have reduced it to a fine art. I would like to have a look at their sawmill industry. At the same time I am also going to have a look at their steel industry.

Then I am visiting West Germany, to discuss matters of mutual interest with the German Government. I also want to satisfy myself in regard to the degree of skill their artisans attain. The same thing applies to Holland and of course to Britain, where I will remain probably for a few weeks. I shall also have discussions on these lines with the British Government.

Mr. KAHN: Are you also going to Eastern Germany and to Moscow?

The MINISTER OF LABOUR: The difficulty is that they will not allow me to enter. Perhaps the hon. member for Cape Western (Mr. Kahn) can assist me. One of our hon. members here tried to get a visa and they would not give him one.

Mr. KAHN: I cannot go to the U.S.A. either.

The MINISTER OF LABOUR: I am also attending a conference at the request of the National Development Foundation in Brussels. It is a Management Organisation Conference. It is an important conference. They will deal with matters such as the incentive bonus and increased productivity. I hope that satisfies the hon. member, as I have given him a fairly detailed explanation of what I am going to do there.

Mr. ROBINSON: Are you inviting any members of the Opposition to accompany you?

The MINISTER OF LABOUR: If they pay their own expenses, I will be only too pleased to have them. Then the hon. member for Edenvalle endeavoured to explain to the House what the policy of the Labour Party was. But after his explanation I think the House is still in doubt. I do not think that we know what their attitude is in regard to this question I raised last night and of which I accused them, namely the abolition of the conventional colour bar. The hon. member says — he can correct me if I am wrong — that the Labour Party stands for equal pay for equal work, and if that is generally applied and accepted, then the conventional colour bar must eventually disappear.

Mr. DAVIDOFF: Yes, that is so.

The MINISTER OF LABOUR: Now, let us examine that statement of policy; what does it actually mean and what does it amount to. If equal pay for equal work is generally accepted and applied, then the conventional colour bar must eventually disappear. What is the position today? I am confining myself to the skilled trades. Equal pay for equal work is applicable to those skilled trades. Any employer is according to any industrial agreement permitted to take into his service either a Native, a European or a Coloured person in any job, and it is laid down that he has to pay him the wage for that job, irrespective of who the individual might be. In other words, equal pay for equal work. That is being practised today. It is not applicable to private individuals, but to all employers who are party to an industrial agreement in any industry. Take the engineering industry. Every employer in the engineering industry is compelled to pay the prescribed

The MINISTER OF LABOUR: I am not evading the question. You are twisting it.

Mr. HEPPLE: Will the Minister please explain what his attitude is to all those industries which are today being manned by operatives and semi-skilled people.

The MINISTER OF LABOUR: If you will allow me I will do so.

Mr. HEPPLE: Yes.

The MINISTER OF LABOUR: Does not the hon. member know that a skilled trade, apart from the Apprenticeship Act, is not only trades that have been designated under the Apprenticeship Act? There are trades which have generally, by tradition, been accepted as skilled trades. The Apprenticeship Act has not been in existence for the last hundred years. The Apprenticeship Act is not applicable to the whole of the country.

Mr. ROBINSON: That is a different line from the line you took yesterday afternoon.

The MINISTER OF LABOUR: What line did I take yesterday afternoon?

Mr. HEPPLE: On a point of order, Mr. Chairman, I cannot hear anything over here.

Mr. CHAIRMAN: Order, order!

The MINISTER OF LABOUR: The hon. member did not listen to what I was saying. I was speaking about the skilled trades, and I make a distinction between skilled work and semi-skilled work and unskilled work. The whole basis of my argument rests on that. You have your skilled occupations; whether it is in an area where the Apprenticeship Act is applicable or not, you have some recognised skilled trades or skilled occupations; then you have your semi-skilled or operative jobs, and then you have unskilled work. Those are the three main categories in industry today — skilled, semi-skilled and unskilled — and I said that the conventional colour bar was in relation to the generally accepted skilled trades in this country, whether those trades have all been designated in terms of the Apprenticeship Act or not, but the possibilities are that the majority of those trades have been designated as trades, although the Act is not applicable to the whole country. I think almost 99 per cent. of the skilled trades in this country in either one industry or another industry, or in one area or another area have been designated as skilled trades. We are continually receiving applications from trade unions and employers' organisations and industries for new skilled trades to be desig-

nated, a new type of trade where a considerable amount of craftsmanship is required.

Mr. HEPPLE: Are they all Europeans?

The MINISTER OF LABOUR: I am speaking about the trades at the moment.

Mr. HEPPLE: Are the employees all Europeans?

The MINISTER OF LABOUR: Skilled trades are not confined to Europeans; they are confined to workers, except Natives. Natives are not in those skilled occupations today. Natives are in semi-skilled and unskilled occupations, but you do not find Natives in skilled occupations; you do not find Natives in the trades which are generally recognised as skilled trades. I cannot put it more clearly than that.

Mrs. BERTHA SOLOMON: But you do find Coloureds in the skilled trades.

The MINISTER OF LABOUR: Yes, of course you do.

Mr. HEPPLE: I would just like to take the Minister up from the point where he left off. In the course of his previous speech he referred to the fact that he was going to Italy to study building methods in Italy, because he believes that the building methods there are quite different from the methods used in this country and he feels that that may help to reduce the cost of building. The Minister knows, of course, that the jobs in the building industry, as in most other industries are being broken down. The old craftsmanship is disappearing, and the job is being broken down into several operations. I do not want to go into detail but I could quote many examples. Take the making of doors and windows for example. Things like that which used to belong to the skilled craftsmen and now being done in workshops and being transported to the job. These windows and doors are being made by Natives today.

The MINISTER OF LABOUR: Semi-skilled jobs.

Mr. HEPPLE: Yes, that is just the point. They are now semi-skilled jobs.

Mr. G. H. F. BEKKER: Right.

Mr. HEPPLE: I must please ask you Mr. Chairman, to ask the hon. member here to give me an opportunity. It is not fair for him to interrupt me continually. Proceeding along these lines, the Minister must also agree that with the modern development of industry all over the world, these operations are being broken down more and



more and I think that eventually the craftsman as we know him today will disappear.

The MINISTER OF LABOUR: He won't disappear.

Mr. HEPPLE: He must disappear. If the Minister won't admit that, then of course he makes it impossible. I have already given the example of the building industry.

The MINISTER OF LABOUR: The craftsman won't disappear.

Mr. HEPPLE: What I am showing is how the colour bar is being broken down in this country and I have shown that in the building industry work that was done by a skilled European on the job is now being done in the factory by a Native.

The MINISTER OF LABOUR: The same applies to the engineering industry.

Mr. HEPPLE: It is happening in all industries. I agree with the Minister. That is why I asked the Minister a question to which he has not replied, and that is what his policy is in regard to all these industries that are being broken down today into several operations.

The MINISTER OF LABOUR: I have explained the whole thing time and again.

Mr. HEPPLE: The Minister has not explained it. He has evaded the question. He has not told us what his policy is. Merely to refer to skilled trades does not answer the question as to what is to happen in industry generally.

The MINISTER OF LABOUR: But I have answered that.

Mr. HEPPLE: The Minister must admit that the majority of new industries which are coming to South Africa, which are being opened in South Africa, are being manned by Natives. I could take him through a dozen factories where they are using Natives, and those Natives are doing semi-skilled and sometimes fairly highly skilled jobs, but because they are machine operators, does the Minister designate that as being unskilled work? That is where the policy of the Nationalist Party is completely out of place here today. I have yet to find a member of the Nationalist Party, including the Minister who can make a clear statement as to what are going to be the lines of development of industry in this country in relation to the employment of the four categories of labour. The Minister has not answered that question, and he can talk and he can make accusations that people are stupid and that they cannot understand the

position, but the industrialists and workers in South Africa say that the Nationalist Party cannot and will not explain how we are going to develop industry in this country by using these categories of labour. The Minister must explain the question of these four different categories in industry. Merely to talk about skilled labour and unskilled labour, is begging the question. If the development of industry in South Africa must follow the industrial development in other parts of the world, we must have a clear statement on that point from the Minister. In America where they have these industries which are broken down on the belt system they have got away almost entirely from skilled craftsmanship and we must inevitably follow. That is what we want to know; we want to know what is the policy of this Government in relation to those industries. The Minister has not stated his policy and neither has any member of his party. It is no good the Minister coming here and inviting the Leader of the Opposition to reply to a political question on it. I am approaching it from a scientific standpoint. I am very interested in it because this is a question that is being constantly asked by workers. They can see that their future is insecure. They want to know what is going to happen to their sons. I want to know what is going to happen to my son if he goes into industry. There are industries that are going to be taken away from the white man. The Minister knows very well that the future of the European in South Africa stands in danger as long as we follow this policy which the Nationalist Party follows. That policy is that a Native does not need as much to live on as a white man; so pay him less; let him do the same work as a white man and pay him a quarter of the money. That is the policy that the Nationalist Party is following, and the result of that policy will be that the white man will not have a chance because the employers of labour are going to take the natural course, of choosing two Natives at 2s. per hour instead of paying a white man 6s. or 8s. an hour. That is what the Nationalist Party policy is leading to. I asked the Minister yesterday to explain that policy and he gave me a vague reply. He referred to skilled and unskilled trades. He jumped all over the place but he has still not replied to the question that I put to him.

The MINISTER OF LABOUR: The hon. member is trying to draw a red herring across the trail. My hon. friends have been called upon to give an explanation of their so-called policy. If the hon. member is not trying to draw a red herring across the trail, then apparently he does not know what he is talking about. I have no intention of repeating what I have stated and what I have explained to the satisfaction

HEFFLEMARKETING AMENDMENT  
BILL.

(2R)

The position is now that people are asking for a quota but the Minister has no say in the matter. This is a state of affairs which has developed since 1937 when the Wheat Board was called into being, and the Minister had to take over that position. As the last speaker said the Wheat Board is becoming insolent towards the Minister. When the Minister tells them that they are doing the wrong thing, their reply to him is that he has nothing to do with it and that he has no say in their affairs. That is the position in which we find ourselves now. The Wheat Board has become a monopoly. They are the people who decide how the milling shall be done, who shall mill and who not. For the last three or four years I have been trying to get a quota for a certain person. Can you believe that in a district such as Riversdale the miller does not have a quota? They do not want to grant him a quota because he did not have one before. We should very much like the Wheat Board to understand that in the wheat-producing areas the shopkeeper works out how much flour and meal he will need during the year; on that basis he buys his wheat from the farmer and has it milled in the district. The miller himself also buys wheat in the district, and then sells the flour to the shopkeepers who have not themselves bought wheat. He also sells it to you and to me. In the past we could go to him and buy a bag of flour. Today, however, we can no longer do so. The person at Riversdale has two mills but he cannot make a living and he is trying to sell out. Now the farmer comes along and wants to know what he must do; where can he go to have a few bags of wheat milled.

Business suspended at 6.30 p.m. and resumed at 8.5 p.m.

*Evening Sitting.*

\*Mr. S. E. WARREN: I shall not be much longer. Before business was suspended I said that the only necessity for the existence of control boards is to see that the farmer gets a fair price for his product and that he can make a living from his farming operations. The regulatory boards are costing the country as much as the sessions of the House of Assembly and the Senate together. That money can be used and be given to the farmers. I understand that the regulatory boards cost the country about £700,000 per annum. That is more than Parliament costs the country. The farmers have already lost a lot of money and it is difficult to make any suggestions at this stage, but as this is the case I feel that another set-up should be devised. There were times when a man felt that the whole system should be done away with. The other day I was approached by a woman in Robertson who makes her living from

the baking of milk-tart and cakes. All the cake sold in the shops there comes from Cape Town. She put in an application and they wrote to her and said that she could not get a flour quota and that she could not continue baking. She made a living from it before. I told her: Continue with your baking and if they sue you I will defend you pro deo and pay your fine also. I felt that the public ought to know what the actual position is. When we approach the control board they tell us that they are working according to a scheme and that the scheme must be carried out. I want to mention another example. A cafe proprietor in Swellendam received from them a permit to produce hot dogs. They told him that travellers would have to eat the hot dogs in his cafe. The man quite rightly said: If a person enters my cafe and buys three hot dogs, eats one there and then walks out with the other two, how are you going to stop him; after all he has bought them? Well, these are only a few of the difficulties. I feel that the composition and the schemes of the boards should be altered completely; an entirely new scheme should be introduced under which all will have a chance to compete, so that there will be healthy competition between the millers and the bakers with a consequent bringing down of prices. The price which the farmer is to get should continue to be fixed as is done today. If that is not the purpose of the boards, I can see no necessity for their further existence. Before the war there was continually a shortage of wheat; we always had to import wheat. If the Government were to grant permits to the merchants they will themselves be able to import it. The boards must only see that the farmer gets his price. They must fix a reasonable price for the farmer's product. I could go on quoting instances of the attitude of the Wheat Board towards bakers and millers. In Swellendam a petition was signed by all the farmers around Swellendam asking that the applicant concerned be given a quota but still he cannot get it. The Minister is in possession of all the particulars and I had hoped that he would be able to straighten out matters, but the Minister is powerless to do anything; perhaps he can do something on appeal, but otherwise he cannot do anything. The difficulty is that the Government is blamed for these things, whilst the Wheat Board is able to do what it likes. If the public were able to kick out the Wheat Board if dissatisfied with it, it would be quite a different matter. I therefore feel that the time is overdue when we should tackle this matter and see that a change in this state of affairs is brought about. I am not referring to the Wheat Board alone. There are difficulties in regard to all the boards. Take the Mealie Board for instance. The small millers have all been squeezed out. Take the

Deciduous Fruit Board and the Dried Fruit Board. In the case of the Dried Fruit Board which mainly handles raisins, the chairman is a public servant; he falls under the Secretary for Agriculture. I take it he has to do as the Secretary tells him to do, as otherwise he may lose his job in the service. That is the position in regard to the Dried Fruit Board, but one does not get that with the other boards. In any case, you can take the boards one after another and you will find that there are and always were difficulties, and I believe that the time has come when the Minister should take the whole matter in reconsideration and should see that ways and means are devised to solve the difficulties.

Mr. HEPPLÉ: The control boards have a very important function to perform, and while we are dealing with this amending Bill, this may be the right time for us to examine one or two features of their activities. I cannot agree more with those speakers who have said that there is a tendency for the control boards to be autocratic bodies which in the long run may defeat the very purpose for which the Marketing Act was originally brought into being. While many of the amendments in the Bill before the House attempt to remove some of the undesirable features, the fact remains that the Marketing Act system has still got to travel over very hard ground. The marketing system is almost an anachronism in our present capitalistic society. While everyone protests that we do not want a planned economy, this is part and parcel of a planned economy, and its danger lies in the fact that it is being placed inside a capitalist economy and may therefore become the agent of bad capitalistic practices. There is the danger that it may get beyond parliamentary control and reach the stage where these boards become regulatory bodies which are almost autonomous and able to aid and abet those who are in possession of trading licences to exclude others from the competitive market. We have had examples quoted here today of licences for bakeries and so forth.

Mr. S. E. WARREN: I was not referring to a licence to set up a bakery, but to the right to bake cakes.

Mr. HEPPLÉ: I do not want to go into that. The point is that there is a danger that these boards may defeat the very ends for which they were originally established. We know that the boards have not all operated in the best interests of the economy of the country as a whole. Being part of a planned economy, the boards should have some relationship to the rest of our economy. In the fixation of producers' prices cognisance should always be taken of the general wage level throughout the country. I think most farmers will agree that in the fixation of the price of maize, for example, they should always study not how much they can

get the people who use our maize products to pay, but how much they can afford to pay. I take maize as an example, but that principle should apply to the fixation of prices of all farm products. As far as the prices of goods that we export are concerned, naturally we want to get those prices established at as high a level as possible. The higher the price we can get the better for our economy, but it is still a question of relating the fixation of producer prices to the general economy of the country itself.

I want to deal specifically with one aspect which is creeping in here, and that is where the control boards are now entering into the field of industry. With the composition of the control boards, it will be necessary for us to examine their attitude to industry. I refer specifically to Clause 27 of this amending Bill, which refers to the manufacturing and processing industry. It seeks to give powers to inspectors and authorities under the principal Act to extend their activities to apply to processing and manufacturing industries which use farm products. And in this particular clause it says among other things in paragraph (h) that they will have the right to—

... inspect any operations carried out in or upon such premises in connection with the manufacture, production, processing or treatment of any such product and demand from the person in charge of any such operation any information regarding such operation.

When I looked at that paragraph I wondered what was behind it, and I looked at the explanatory memorandum. The explanatory memorandum says this—

These powers, however, only apply to premises where such product is kept, and it is now proposed to extend these powers to premises where any such product is manufactured, produced, processed or treated; for example, premises where jams are made or fruit is canned.

I have not had any experience in those particular industries, but I have had experience in the meat industry, and I would like to draw the attention of the Minister of what the consequences of these powers may be from personal experience. An official of the department may be entrusted with the task of administering this particular section; he goes into a factory and sees a certain process being used there. In the ordinary course of private enterprise each manufacturer, if he knows his job, seeks to make his product better than that of his competitor, and in the course of research or experience he may find some way or means of improving his product. An inspector under this proposed amendment can walk into his premises and see that the manufacturer is adopting a process different from the process

used by his competitors and the inspector may then "demand from the person in charge of any such operation any information regarding such operation". In other words, he can demand to know what secret or additional process is being performed there and under legal penalty extract from that manufacturer information that is really the property of that manufacturer only. Then what happens afterwards is that that civil servant finds, as many civil servants do find today, that he gets a better offer of employment at higher remuneration from private enterprise, from some other manufacturer, so he leaves the department and works for that other manufacturer, and he is in possession of information that he obtained from other manufacturers with whom his employer is in competition. This has actually happened. I know of two instances where that has happened in the meat trade; where they have taken that information. There is one man today who is the director of a big firm who got knowledge of that nature from me while he was a civil servant. In the anxiety of certain manufacturers who are of the progressive type, to assist the Department of Agriculture—and I speak particularly of the meat trade—they have divulged certain trade secrets of their own showing how they can improve farm products in this country in the process of manufacture. That information has been extracted from them and then handed over to competitors. That is what will happen under this particular clause. I hope that the Minister will bear this in mind. This is a very dangerous provision. I do not know how it is going to affect the jam processing industry. I do not know whether every jam manufacturer in this country processes his jam in an identical manner, but we do know that some jams are better than other jams.

An HON. MEMBER: Some hams are better than other hams.

Mr. HEPPLÉ: Mr. Speaker, I want to make an appeal to you.

Mr. SPEAKER: Order, order.

Mr. CHRISTIE: I appeal to you Mr. Speaker, to protect this corner. There is a continual barrage of interruptions from hon. members over there.

\*Mr. SPEAKER: Order. I must ask hon. members to allow members to make their speeches without being continually interrupted.

Mr. HEPPLÉ: I do not know whether all jam manufacturers operate with an identical process, but we do know that some jams, for instance, are better than others, and it may be that by some knack or some trick of the

trade they may have in one particular factory, they are able to make a product that is better than that of their competitor. Under this particular clause inspectors of the department will be able to extract, under legal penalty, from such manufacturers secret information as to how they are processing their products. I think this is a very dangerous provision and I think the Minister should give it his serious attention. I know what prompts the Department or the control boards to want these powers. In their anxiety to make the control boards work efficiently, to enable them to get at people who try to defeat the aims and the objects of the board concerned, they want to have as wide powers as possible in order to get at any person who tries to defeat their object. But we must not lose our sense of perspective. We must not go to such extremes that we create laws here which strangle the manufacturer, a man who is a great asset to the country, a man who manufactures products which will sell all over the world, not only in South Africa. A man who is successful because of his enterprise and his ability in manufacturing processes should not be cheated out of the fruits of his own research. This is a most important aspect, and I hope the Minister will give it his consideration.

Finally I want to refer to Section 107 of the report of the Marketing Act Commission. Section 107 says—

The restriction of entry into some processing industry accordingly appears to have advantages in certain respects. The associated dangers of weakening the competitive urge to efficiency, of damaging initiative and of creating combines of such strength that they may be difficult to control, are however, no less real. The Commission cannot recommend restrictive licensing in the food trades and processing industries either as a general rule or on the ground that food processing costs vitally affect the cost of food. The considered opinion of the Commission is that the grant of the right to a board to restrict entry should be the exception but not the rule; and even then suitable safeguards against abuse are an essential adjunct.

In this regard I would like to say that we on these benches subscribe wholeheartedly to the principle of the control boards. We believe that it is absolutely essential to have these authorities in order to see that the producer gets a fair return for his products, but we also have sufficient faith in the farming industry of this country to know that there are limitless possibilities for farm products provided we see that the farmer not only gets a fair return for his products, but that we avail ourselves of every possible opportunity to expand the market for those pro-

ducts. Not only must we look to the export market, but at the same time we must see that we expand the local market in every possible way, and if we look at home to see what the possibilities are to create a market for farm products, we are not only going to assist the farmer, but we are going to assist the people of this country who eat the food we produce here. We can win them over to the habit of eating the food that is grown in this country. At the same time we must be careful that the control boards do not become the Frankenstein monster that will destroy the very object for which they were created. The co-operation of the townsmen and the farmer is necessary to ensure that these control boards work. We can see from the speeches which have been made on both sides of the House that there is a fear in the minds of people that the control boards may become a menace to the very interests that they want to protect and they may create a situation where they kill the local market, particularly for farm products.

I want to conclude by appealing to the Minister to give serious thought to Clause 27, to which I have referred, and its implications. I hope that he will examine the position to see to what extent it may affect the food processing industry in this country. Secondly, I do hope that he will bear in mind that the operations of the control boards must be such that the prices fixed by them will bear a healthy economic relationship to the wage level of the people in the towns who are the consumers of the goods which the farmers want to sell.

\*Mr. FULLARD: Before I begin I would just like to say that I agree with most of the things the hon. member for Orange Grove (Mr. Waring) said except in regard to the question of the sifting of flour. This Government, of course, had nothing to do with that. It happened during the war when inspectors visited houses to find out which women were sifting flour. The Minister said here this afternoon that members of the Marketing Commission had to do a lot of work in order to hand in such a competent report. They could not, of course, make a good thing out of a bad thing. The Minister said here, this afternoon, that he introduced an Act last year in which it is laid down that the control boards have to approach him for his approval when they appoint a person at a salary of more than £1,000 a year. He said this afternoon that he is now prepared to shift that figure up to £1,500, as the result of approaches to him by the control boards and the agricultural unions. I do not think it is such a terrible thing, but I feel that he should have allowed it to remain at £1,000 and I also feel that if the salary scales are changed, they should fall under

the Public Service Commission because the control boards are, of course, semi-Government bodies. This being so, I feel that the Government and the Minister ought to have the final say in connection with appointments where the officials concerned draw high salaries. Personally I have no complaints whether a man gets £1,000 or £10,000. There are personal friends of mine who get these terrifically high salaries, but the Minister has not told us what they are going to do with these people who are already getting these high salaries. He did not say whether they were now going to get less or what would happen. I shall be glad if he will tell us when he replies whether their salaries are going to be reduced. I think that if these people want to earn more then they ought to join private undertakings and then there are naturally no limits as far as their earnings are concerned. Previous speakers have referred to the anomaly that officials employed in a semi-Government institution are getting higher salaries than the Secretary of the Department under which they fall. They have referred to the fact that some of the officials are even getting more than the Minister of Agriculture. I do not know whether they have more responsibility than the Minister of Agriculture. I repeat that I have no objection to people getting these high salaries. We are told in the platteland that the majority of people on the control boards are farmers and that it is the farmers who are paying those frightfully high salaries to these people. One reason for it is that the farmers are afraid that the people will be bribed if they do not draw such high salaries. I say that if a man can be bribed at £2,000 or £3,000 then you will be able to bribe him at £10,000 as well. If he is that type of man then the Public Service does not need him at all. I think that such a person should rather look for his living outside the Public Service. As the Minister knows, and as most of the members in this House know, I am personally not opposed to the control system. The reason why the system does not work well is because it is a socialist measure and it is being applied by a democratic Government. I do not blame the members of the control boards. The system cannot be applied and it will never work. That is my personal opinion and I naturally stand by it. But if these people have to get these terribly high salaries, let them do a little more work for it. Let them exert themselves a bit more and work longer hours a day. I see that the Minister stated in the Other Place that £500,000 would be voted for the purchase of six or seven mealie farms as experimental farms to teach the farmers how to produce mealies. We are already saddled with our mealies. The officials on the experimental farms cost the State thousands of pounds and now other

HEPPLE.

MARKETING AMENDMENT.  
COMMITTEE STAGE 6390

at farmers accepting it. All I can say is that as a business man I should be very, very sorry if I thought that a company in which I held great interests only gave me a report every three years. That is what is happening here. Yet the farmers have not got anything to say. They say "Oh, yes. We are quite satisfied to allow our companies and our livelihood to be kept dark for three years". There is the hon. member for Stellenbosch (Mr. J. A. Loubser) taking no interest whatsoever in regard to this matter which is of vital importance to the farming community. There is the hon. member for Bredasdorp (Mr. Uys) who represents a farming constituency and whose constituents have a lot of money sunk in agricultural industry, taking no part in this discussion at all. Will he go back to his constituents and tell them that in regard to their particular interests, according to this amendment by the hon. Minister, they will hear nothing for three years. When the hon. the Minister is finished with his indaba I want to ask him a question. These are modern times but what will happen is this. What I thought was this that the Marketing Council would try to make itself as popular as possible. But it is speedily becoming unpopular, which is a pity, because we must have this system of control. We want the Marketing Act to be as popular as possible.

Mr. UYS: You are now changing your ideas.

Mr. BARLOW: I have come to the conclusion after having heard the hon. member for Bredasdorp, that he is an irresponsible member, and I want to get that into Hansard, that as far as this particular Marketing Act is concerned, he is an irresponsible member. It is a pity that a young man could be so irresponsible. [Interjections.] The hon. member for Stellenbosch (Mr. J. A. Loubser) is not a member at all; he is just a rugby player, and all the brains of rugby players are in their boots. We should try to make these marketing boards as popular as possible, and instead of making it three years, I thought the Minister would come to the House and say: "I want more money given to me so that the Marketing boards can use broadcasting far more than they are using it today, to tell the people of South Africa and to tell the people of the world what they are doing". That is what I thought he would ask for. I thought he would ask for two or three public relations officers. I thought he would move with the times and say: "We have got this and we have got that; now we want to tell the people, the farmers, the consumers over the air what we are doing". But this Government is going like a crab; it is not going forward or backward, it is going sideways. What is the good of keeping these agricul-

tural reports locked up for three years? Surely that is not the method of a progressive Minister. Every year we get a report it is a thing of the past. We could have public relations officers to tell the country what these boards are doing. We know that they are attached to the Railways. I know what I am talking about. I am talking as an old editor and I know how editors look upon Government Blue Books. They look upon them as absolutely out of date. When I was a working editor and a Blue Book came into my office a year old I used to say "put it in the morgue" as we used to call it. All these reports come a year late. You can take any Blue Book you like and you will find it is a year old; it is not worth reading. Now you want to make it four years late, and what is the argument? The argument is "We have not got the staff". Sir, I am talking as a business man and I know what I am talking about. If one of my men came to me tomorrow and said: "I have not got the staff, I cannot give you a report", I would say to him immediately: "Very well, I will get a man who will get the staff", and he would be out on his neck before he knew where he was. We are not satisfied with annual reports today. We want six-monthly reports, and I thought the Government was moving that way when they appointed Dr. Otto du Plessis. The Railways give us reports regularly and they keep on publishing reports. I was hoping that we would get reports regularly from the Marketing Council. I am not criticising the members of the Marketing Council; I do not even know who they are. I think if the Marketing Council came along and asked for more money this House would gladly give it to them so that it can do its own broadcasting. That is the modern method of doing things.

Mr. ABRAHAM: You do your own broadcasting.

Mr. BARLOW: No, the hon. member must not be rude. He gets ruder and ruder every time I speak. He is a young man; I am an old man. If he does not agree with me that is all right. The hon. member sitting alongside him is a gentleman, but I do not think he has been bred one. I do not know where he comes from. He certainly does not come out of a class I am used to mixing with. Now he can put that in his pipe and smoke it. Now I turn to the Minister. Why does he not move with the times? Let him give broadcasting to the Agricultural Department. Let us have broadcasting all the time in the Agricultural Department; it is the greatest thing we have got. Tell people the story of South Africa over the air. Tell the story of the marketing council over the air; tell people what good work the Marketing Council is doing. The

people of this country do not know anything and now you are locking up these reports for four years and you are cheered by a jackass like the hon. member on the other side.

The MINISTER OF AGRICULTURE: I will accept the suggestion of the hon. member for Roodepoort (Mr. Allen) that it be put in at least once every two years.

Mr. HEPPLE: I listened very carefully to the arguments advanced by the hon. the Minister in rejecting the amendment put forward by the hon. member for Roodepoort (Mr. Allen). He spoke very strongly against the proposal that a report should be submitted once every year; and then the Minister comes along with a compromise of two years which makes all his arguments about three years seem ridiculous. I cannot understand him. If it is impossible to submit these reports annually and if it is essential to make the period three years, I cannot understand how the Minister arrives at two years as a compromise. He is not doing some street trading here. Surely it was sufficiently considered originally. While I could not see any reason for these reports to be submitted every three years, I can still less understand now why the Minister compromised on two years. First of all we know one thing and that is the point that has been made by other members; it is customary in all types of undertakings to submit an annual report and when it is impossible because of administrative difficulties to submit a completely up-to-date report, or if it is impossible to submit that report within a few weeks or months after the end of the period under review, it is submitted later. We have that as a matter of fact with the reports of these regulatory boards today. When we get these reports in the Select Committee on Public Accounts they are always a little behind. If the Minister will read Clause 4 he will see that it does not stipulate for what period they must make these reports. As a matter of fact, if the Marketing Council wants to deal with these reports, the position is this. The proposed amendment says—

The Marketing Council shall in respect of the scheme in operation under this Act, submit to the Minister once in every three years, a report on the operations of those schemes.

In terms of that they can report for three years or six years previously — not that I say they will do that, but in submitting that report they will probably point out that they are unable to give an up-to-date report, because the reports of the various boards have not all reached them. I say this on the basis of experience. We have found in the Select Committee on Public Accounts that many of these regulatory boards point

out that because of certain difficulties that are beyond their control they have been unable to give us an up-to-date report. I think that the Minister has neither satisfied the department and those who originally drafted this measure, nor has he satisfied the Opposition by doing a little bit of street trading and compromising in the way he has done. I say let them follow the normal practice of submitting annual reports. If because of administrative difficulties they are unable to submit that annual report within a short period, they will at any rate, after having overtaken the time-lag, be able to submit a report to this House every year, as applies to every other undertaking and activity that comes under the purview of this Parliament. The first report may admittedly be a little bit late, but after that reports will come in every year.

The MINISTER OF AGRICULTURE: Always late.

Mr. HEPPLE: They will always be late, yes, but after the first report has been a little late, every year a report will come before this House.

The MINISTER OF AGRICULTURE: And it will always be late.

Mr. HEPPLE: Yes, it is late now, but the principle that we are fighting for here is that we should have an annual report.

The MINISTER OF AGRICULTURE: If that amendment is accepted I could still insist on an annual report.

Mr. HEPPLE: Why does the Minister not accept that?

The MINISTER OF AGRICULTURE: Because I want an up-to-date report.

Mr. HEPPLE: I would like to lay the Minister a hundred to one bet that he will never get an up-to-date report. It is impossible to get an up-to-date report, because of the very activities of these boards. We are not demanding an up-to-date report. What we are demanding is an annual report, which is quite a different thing. The Minister must know that in private undertakings it is only in very few cases that their annual accounts come out within three or four months after the closing of the financial year, but every year there is an annual report and a statement of account, and that is what we are asking for. I hope the Minister won't dispose of this matter in the easiest way that occurs to him and that is by doing a little bit of bargaining and by splitting the difference.

Amendment put and agreed to.

to give these boards any type of autonomy, that they will have the power to approach the Minister directly if any of their recommendations are overruled by the Dairy Industry Control Board in relation to the fresh milk industry. I think it is very important for us to know that. The hon. the Minister was very impatient when we kept on probing and asking him to give us some undertaking in regard to Clause 13. Mr. Chairman, we proved our bona fides at the second reading when we dealt with the principles of this whole Bill. We dealt with this amending Bill in an objective manner, and I want to know from the Minister before I go further and explore whether this paragraph has been introduced with that idea, what powers he is prepared to give to that milk committee. And will he tell us that he will not allow that any fresh milk scheme will be introduced at the instance of the Dairy Industry Control Board without giving the other sections an opportunity of stating their case and ensuring that all the sections of the fresh milk industry are in full support of the scheme; and that this committee will give full protection to all branches of the fresh milk industry.

Mr. HEPPLÉ: I want to support the amendment moved by the hon. member for Sunnyside (Mr. Pocock). While the powers of the inspectors enabling them to enter private dwellings have been contained in the existing Act for some time, we on these benches have always been opposed to inspectors having such powers to enter upon private premises. Many laws have been passed by this Parliament which contain clauses empowering inspectors to do things which the police cannot do without a warrant. We are being beset by inspectors from every direction and these inspectors are enabled to invade the sanctity of the home. The only virtue under the Marketing Act is that they have not the power to do it at all hours of the night and day as is the case under other legislation. It says here that they are able to enter at all reasonable hours.

The Marketing Act Commission dealt with this particular matter and said that the ordinary individual, if he disagreed with entry on his property by an inspector, had recourse to the ordinary courts of law. But where does that help the private individual who had his home entered? One hon. member interjected earlier on that the law-abiding citizen had nothing to be afraid of. That is not the point at issue. The point at issue is that we are giving powers to inspectors to enter private dwellings, when the inspector has reason to believe that the householder is violating the terms of the Marketing Act. Let us assume that the inspector exceeds the bounds of reason, and that for personal reasons or out of petty-mindedness he enters a private dwelling

and it is proved that he had no reason to enter that private dwelling, what redress has the private householder? I say that by clauses such as these in our legislation we are establishing machinery that makes nobody in this country safe from the interference from anybody who wants to interfere with the sanctity of the home. I know from personal experience in industry, in spite of the multitude of inspectors we have—and farmers in this House have also spoken about the numbers of inspectors they have—that many inspectors are genuinely trying to do a good job of work. But in the course of the appointment of inspectors we get good and bad. I have had personal experience of bad inspectors, inspectors who used powers such as these to obstruct and annoy people who had no desire or intention of breaking the law. We also have inspectors who take advantage of people who are not au fait with every section of the law, in order to extract bribes from them. Those are things that we must bear in mind when we give powers to inspectors, and that is what hon. members of the Government must bear in mind. I do hope the Minister will realise that if he accepts the amendments of the hon. member for Sunnyside (Mr. Pocock) he will not prevent the strict application of this Act, because the Act provides other machinery whereby people can be dealt with. If the Minister tells us that using the ordinary police warrant in order to enter premises, would allow transgressors sufficient time to hide the evidence of their misdeeds, I would like him to give us some examples showing how that could happen. Reference has been made by some speakers to people whose homes were entered because they were sifting flour. But to what extent could people under the whole of the Marketing system today so transgress the law that offenders can only be caught by the sudden intrusion of a home by inspectors. I say that wherever an offence may occur there is always sufficient time and opportunity for the officials of the Department to get a police warrant in order to enter premises. Violations on a large scale will be almost impossible to conceal and I hope that the Minister will listen to the appeal made to him by this side of the House and accept the amendment moved by the hon. member for Sunnyside.

Mr. BROOKE: I consider that I stated a sound principle to the Minister, and I do feel that his reply is disappointing. He says it will create difficulty, and he quoted an example. He knows as well as I do that nobody wants to create difficulties of that sort, and in fact there appears to be a difference of opinion between himself and the hon. member for Orange Grove (Mr. Waring) as to whether that difficulty that he has quoted actually does arise. He says that he would not approve of any board



abusing its powers under this clause in the future, but as the Act stands, he could not stop a control board from suddenly starting a factory and in fact abusing the powers granted under this clause.

The MINISTER OF AGRICULTURE: They have not done so.

Mr. BROOKE: I am raising the point that as the Act is being overhauled now is the time to make quite sure that the Act cannot be abused in the future, and I am asking the Minister to provide the necessary protection. Surely the Minister can make a counter-offer that will satisfy him in regard to the Maize Board being able to export mealie meal, and at the same time provide the protection that I am asking for. If the Minister is not prepared to make a counter-offer on the wording I can only assume that his attitude is antagonistic.

The MINISTER OF AGRICULTURE: I have told you that as far as I am concerned, I am averse to any idea of the board processing its own meal and I will see to it that they do not do it.

Mr. BROOKE: Yes, the Minister is averse to it, but my point is that he cannot stop it, and I ask him to frame the Act in such a way that no control board can suddenly abuse the Act in the way which the Minister says he disapproves of.

The MINISTER OF AGRICULTURE: They have to have my permission to buy fixed property.

Mr. POCOCK: They could rent it.

Mr. BROOKE: No, that does not appeal to me at all. I do not feel that the Minister is meeting my point of view that I have put forward quite logically. I think if the Minister is prepared to consider the viewpoint of industry he might be prepared to consider some way of altering the amendment I have put forward so as to meet his point of view. I think I have put forward a most reasonable proposal.

The MINISTER OF AGRICULTURE: The hon. member has my word for it that I will not allow them to process unless they want to do so for technical reasons. I have the power to control them because they cannot buy fixed property without my permission.

Mr. WARING: What happens if the next Minister does not think on the same lines as you do?

Amendment proposed by Mr. Brooke put and negatived.

Amendment proposed by Mr. Pocock put and the Committee divided:

AYES—46:

Abbott, C. B. M.	Hughes, T. G.
Allen, F. B.	Jonker, A. H.
Ballinger, V. M. L.	Jordan, R. D. P.
Bekker, P. B.	Kentridge, M.
Bell, R. E.	Lewis, J.
Benson, E. A.	McMillan, N. D.
Bowker, T. B.	Mushet, J. W.
Brooke, R. S.	Oosthuizen, O. J.
Butters, W. R.	Pocock, P. V.
Cock, C. E.	Robinson, A. E. P.
Cull, J. A.	Shearer, O. L.
Davis, A.	Shearer, V. L.
De Kock, H. C.	Smit, D. L.
Delport, G. S. P.	Solomon, B.
Durrant, R. B.	Steenkamp, L. S.
Eaton, A. H. J.	Steyn, S. J. M.
Friedman, B.	Tighy, S. J.
Gay, L. C.	Tothill, H. A.
Gluckman, H.	Van Coller, C. M.
Henwood, B. H.	Waring, F. W.
Hepple, A.	Warren, C. M.
Hopewell, A.	Waterson, S. F.

Tellers: J. W. Higgerty and V. G. F. Solomon.

NOES—61:

Abraham, J. H.	Loock, J. H.
Basson, J. D. du P.	Loubser, J. A.
Bekker, G. F. H.	Loubser, S. M.
Bekker, H. T. van G.	Louw, E. H.
Bezuidenhout, J. T.	Malan, A. I.
Botha, P. W.	Maree, W. A.
Bremer, K.	Mentz, F. E.
Brink, W. D.	Mostert, D. J. J.
Brits, G. P.	Papenfus, S. F.
Deysel, A. J. B.	Pieterse, P. W. A.
Diederichs, N.	Potgieter, J. E.
Döhne, J. L. B.	Sauer, P. O.
Du Pisanie, J.	Steyn, A.
Du Plessis, P. J. C.	Steyn, G. P.
Du Plessis, W. C.	Strydom, J. G.
Erasmus, F. C.	Uys, D. C. H.
Erasmus, H. S.	Van den Berg, M. J.
Erlank, A. E.	V. d. Heever, D. J. G.
Eyssen, S. H.	Van Niekerk, A. J.
Faurie, W. H.	Van Niekerk, J. G. W.
Fouché, J. H.	Van Rhyn, A. J. R.
Fouché, J. J.	Venter, M. J. de la R.
Frates, T. J.	Visser, De V.
Grobler, D. C. S.	Visser, J. H.
Hertzog, A.	Von Moltke, J. von S.
Hugo, P. J.	Warren, S. E.
Labuschagne, J. S.	Webster, A.
Le Riche, R.	Wentzel, L. M.
Le Roux, P. M. K.	Wilkins, Jacob.
Le Roux, S. P.	

Tellers: P. J. H. Luttig and J. J. Serfontein.

Amendment accordingly negatived.

HEPPLE

MARKETING AMENDMENT  
BILL.

have always in the past placed their recommendations before the previous Minister and this Minister. There is nothing in the Act to compel the boards to do so but we have been doing so. From time to time we have gone to the Minister and asked him whether he approved of our actions and from time to time the Minister has given his approval. I do not want to say today that the previous Minister is to blame for the case quoted here but it is not a salary that was fixed during the last two or three years. That salary was fixed at that notch quite a few years ago. In spite of the fact that I took the attitude that I would prefer the salaries of the senior officials of the boards to be subject to the Marketing Act and the approval of the Minister, I am prepared to accept the Minister's motion. He told us that representations had been made to him by the agricultural organisations. The hon. member for Pietermaritzburg (District) (Capt. Henwood) said here that he was a member of the Executive Committees of two agricultural organisations and that those organisations nominate two members on the various control boards. Surely the hon. member does not wish to imply that he is not prepared to take the word of his own agricultural organisations and that he is not prepared to take the word of his own control board. I am prepared to take the word of the control board on which I have been serving for the past 13 years if that board gives the Minister the assurance through its chairman that nothing will be done without the approval of the Minister. I am prepared to accept such a promise. To me it is just the same as if it is embodied in the Act.

Mrs. BERTHA SOLOMON: I am interested in this amendment from quite a different angle. It is not a question of whether I am prepared to accept the board's word or not; I am interested in this from the point of view of Parliament. According to the ordinary democratic understanding of Parliament, a Minister is supposed to introduce a Bill for the consideration of the House. In this instance a very expensive commission was appointed to go into this whole question, a commission which did very valuable work. On the basis of the commission's report, the Minister was supposed to draw up a Bill and yet, when the Minister comes to the House, he comes with his hands tied, because he tells the House that he cannot accept an amendment which is in line with the commission's recommendations, because, forsooth, outside the House he has given an assurance to the Agricultural Union or to the boards. What I want to understand is this, is it Parliament that governs this country or is it the private assurances of the Minister to the boards? In my ignorance and my naïveté I thought it was Parliament that

governed this country. It seems to me to be completely wrong that the Minister should tie his hands beforehand by giving assurances to any board or to any union. The body which should decide what is the policy of the country is the Parliament, before which he is supposed to lay his Bill, not any private assurance that he may have given to people outside. That is the reason why I object to the fact that the Minister will not accept this amendment. I do not doubt at all that the board or the Agricultural Union as at present constituted, the people who gave that promise to the Minister, will keep that promise, but I contend that the Minister had no right to bind himself beforehand. That is completely contrary to democratic government, and I protest most emphatically and bitterly against any such action on the part of the Minister. I say to the Minister that it is not his right to give assurances; ask this House to accept any assurance because he must put the Bill before Parliament and let Parliament decide what it wants. He must not bind himself beforehand by any assurances given to any board or any union outside. I protest in the strongest terms against this complete negation of parliamentary government, besides it is an extremely bad precedent, and we will have this situation that other Ministers will follow and completely disregard the reports of expensive commissions and then say to this House: "But I gave an assurance to such-and-such a board that I would not accept any such amendment." This is a unanimous recommendation of the Marketing Act Commission, and I say that the Minister had no right to depart from that unanimous recommendation without the very strongest reasons. I do not consider that the reasons given to him and adduced before this House are strong reasons. First of all, he says the union approached him; now he says the boards approached him and he gave that assurance. This House has learned in the last month or two exactly what the value of private assurances is.

Mr. LAWRENCE: Public assurances.

Mrs. BERTHA SOLOMON: Both public and private assurances. I protest in the name of democratic government against this action of the Minister. I suggest that he should now accept the amendment of the hon. member for Orange Grove (Mr. Waring) and leave this matter to the free vote of the House.

\*Mr. G. F. H. BEKKER: I feel quite certain that the last speaker based her entire argument on sentiment. She has never read the Report of the Marketing Act Commission. If she had read that report she would have seen that there was a difference of opinion among the members of the commission on that point. We have

wandered from the point here. We recommended that all salaries over £1,000 should be referred to the Civil Service Commission. There was a minority report signed by the hon. member for Kroonstad (Mr. A. Steyn), among others, and that report contains the same recommendation which the hon. member for Orange Grove (Mr. Waring) is now proposing here. Even he has changed his attitude, so why cannot we do the same? We cannot go over the heads of the agricultural organisations in this country and allow the members of this House, who object to the Minister's motion, to have their way simply on sentimental grounds. If that hon. member, who has just sat down, had made a study of the Report of the Marketing Commission she would have seen that we have all turned away from the attitude which we took there. The hon. member for Orange Grove agreed with me that all salaries over £1,000 should be referred to the Civil Service Commission. Other members said that there should be some control. Last year the Minister incorporated such a measure in his Act. It was not the recommendation of the majority of the Marketing Commission as the hon. member has tried to intimate here. Now that I have heard everything I am also prepared to change my opinion. The representatives of organised agriculture approached the Minister and asked him not to include such an amendment. It is not so easy to refuse when organised agriculture approaches the Minister with such a request. The hon. member for Pietermaritzburg (District) (Capt. Henwood) spoke about organised agriculture but it seems to me he is completely confused. If he had actually been a live member of his organisation he would have known what they had done. They are afraid of Government interference in regard to the fixing of salary scales. They asked the Minister to use his discretion and after listening to everything I am prepared to accept that. Let us give the Minister an opportunity to see whether his motion cannot work properly; if in the future we see that it does not work we can always come back and ask the House to incorporate the necessary amendment in the Act. We have nothing to do with salaries fixed in the past. In cases where salaries have been fixed at £3,000 or £4,000 it is an accomplished fact. We can only take action in connection with salaries to be paid in the future. The Minister has given us the assurance that he will be consulted. If those people do not behave themselves the Minister can always come back to the House and amend the clause. I just want to ask my hon. friends on the other side, who were well-disposed towards us on the Marketing Commission, not to insist on that amendment. We must not place the whole matter in the hands of people who know nothing about it, people who have not even read the report. I

trust that my hon. friends will be reasonable and that they will now allow the Minister to proceed with the Bill.

Mr. HEPPLE: This amendment attempts in my view to protect a position which has been deteriorating for a long time. When I listened to the Minister making his explanation and his appeal this afternoon, it was quite apparent to me that the Minister was confusing principles with personalities. The Minister knows full well that these boards are appointed on very good recommendations and they represent varying interests, and at the same time, with the best will in the world, they may make the Minister every conceivable promise. I want to remind the Minister, however, that times change, and the Minister himself may change his view. I would like to quote to the Minister something that happened this week, and perhaps the hon. member for Cradock (Mr. G. F. H. Bekker) will listen to this. I put a certain question to the Minister, and the Minister in replying said: "Yes, by the previous government", implying thereby that he absolved himself from all liability for anything in connection with the matter that I raised.

The MINISTER OF AGRICULTURE: That reply was intended to give you information.

Mr. HEPPLE: The Minister by qualifying his reply indicated that no responsibility rested on him . . .

The MINISTER OF AGRICULTURE: You may read that into my reply, but that is not what I meant; I only meant to give you information.

Mr. HEPPLE: I will accept that, but may I say that the reply conveyed the impression not only to me, but to other people — and I think quite rightly — that the present Minister wanted to accept no responsibility for a certain state of affairs that had existed, and the Minister was quite justified in taking that point of view, because he had no responsibility. I am giving this illustration to show that the same thing may happen tomorrow. It may quite possibly happen that the Cabinet may be reshuffled and the hon. the Minister may find himself thrown out, and then the Minister who succeeds him may be the hon. member for Kroonstad (Mr. A. Steyn), who held very strong views on this particular matter. He may say that he is not concerned with promises made by the previous Minister. My point is this, that we are dealing with principles and not with personalities, and while we are amending this Act, let us put something into this Act that will protect the position for the future. That is a reasonable appeal, and

I do hope that the hon. the Minister will listen to it.

Mr. G. F. H. BEKKER: What about the minority report?

Mr. HEPPLÉ: The hon. member says: "What about the minority report?" Mr. Payne and the hon. member for Kroonstad and Mr. Fawcett said that—

While they were opposed to the introduction of control by the Public Service Commission in any shape or form, they accepted that a check was necessary in the public interests over the salaries paid by the boards to their head officials and in regard to the efficiency or otherwise of the administrative arrangements of the board.

That was their point of view.

Dr. VAN RHYN: The Minister has the necessary check.

Mr. HEPPLÉ: The Minister has a check, but a better check would be the Act, because the Minister is a person, and the control does not go far enough. This is a reasonable request, and I appeal to the Minister to accept this amendment. It will save him headaches in the future if he will consider and accept this amendment.

Proposed new Clause 17 put and negatived.

On clause 19.

Mr. WARING: I would like to point out to the Minister that the basis of this clause in relation to the principal Act is the publication of schemes and voting thereon, and as the Minister will see from the commission's report, the commission considers that voting should not be insisted on and it also considered that the period of five years' trial for a scheme under Section 19 powers, should be altered to two years, which is part of the amendment which the Minister has introduced. But then the Minister proposes to insert after sub-section (1) sub-section (1) bis. I must say that I am at a loss to understand why that sub-section is being introduced. Sub-section (1) bis says—

The Governor-General may by proclamation in the Gazette declare that the provisions of paragraph (a) of sub-section (1) shall not apply in respect of any scheme relating to a product specified in that proclamation.

My interpretation of that is that irrespective of all these safeguards in the Bill a product could be proclaimed as a major product without the necessity of undergoing a two

years' trial with minor powers. It can be proclaimed a major product by means of a proclamation. One of the lines the commission took was that in operating schemes there are a tremendous number of major complications and that experience must be gained from year to year, and that the tendency to introduce a major scheme, a fixed price policy, and a one-channel scheme, which is in most cases the demand that is made on the Minister, would, if it were done, destroy the schemes that the Minister has in proper working order, because the criticism levelled against these mushroom schemes or boards would react on the boards with an established reputation. I would like the hon. the Minister to give us some information on this amendment because it is quite contrary to the commission's recommendations. Will the Minister tell us just why this amendment was introduced? What is the use really of reducing the period from five years to two years when you can reduce it to no time at all, according to sub-section (1) bis? I feel that it is a very dangerous move to insert this proclamation clause when it comes to schemes and the control of products under schemes. From the Minister's own point of view he should say: "The Act says that you must conduct the scheme under Section 19 powers, and until such time as you have carried out the scheme under that for two years, you cannot come to me and ask me to proclaim your product so that you can take major powers." The Minister will realise that some of the major powers under Section 20, such as the ability to buy and sell, have been transferred by this amending Bill into Section 19, and the major powers under the existing Section 20 are powers which I say quite emphatically no board should start off with.

Business suspended at 6.30 p.m. and resumed at 8.5 p.m.

#### *Evening Sitting.*

\*The MINISTER OF AGRICULTURE: The hon. member for Orange Grove (Mr. Waring) asked whether it is necessary to go so far as also to allow certain schemes to obtain powers under Section 20 (selling through one channel) by means of proclamations. My reply is that, as the hon. member knows, the Marketing Act Commission recommended that the voting provisions should be abolished; I have not, however, accepted that recommendation of the Marketing Act Commission because I felt that there still are cases where producers for instance want certain schemes and if the Minister refuses to grant them such a scheme, they will be able to put it to the vote. The commission recommended that the period which should expire before a control board would obtain powers under Section 20,

should be reduced from five to two years. I did not accept the recommendations of the commission that the voting provisions should be abolished because I feel that there may be occasions when it may be necessary that the producers should still cast their vote, but the other recommendation that the period should be reduced from five to two years before they could obtain powers under Section 20, I accept in this Bill. It can be concluded from the recommendations of the commission that the commission felt that it is unnecessary that the voting provisions should still remain, that the voting provisions are no longer necessary. They do in any case recommend that any control board should obtain the powers under Section 20. However there are cases of products where it is impossible to function for two years merely with powers under Section 19, and it is with a view to this that I felt that it is necessary to make provision for such cases. The commission recommends that the voting provisions should be done away with completely, but they recommend that before powers under Section 20 could be exercised, such a council should at least function for a year. But now I say that it could happen, and I can mention an instance, that there are products with regard to which one cannot establish a control board unless one immediately confer powers under Section 20. I want to mention the case of lucerne seed. It will be absolutely impossible to control lucerne seed under Section 20 powers only, and if one should ever want a lucerne seed scheme then you will have to control lucerne seed ab initio with powers under Section 20. For that reason I am making provision in the Bill that for such cases where a scheme cannot be instituted for a product unless that scheme includes powers under Section 20, to make it possible to exempt such a product from the voting provisions by means of proclamation and that they be granted powers under Section 20. In my second-reading speech I said that this application would not be general. It will only be applied in special cases for specific products. I think of lucerne seed for instance. I think the hon. member will agree with me that it would be impossible to institute a lucerne seed scheme without powers under Section 20.

Clause put and agreed to.

On Clause 22,

Capt. HENWOOD: In relation to Clause 22, I think it is a mistake changing the period "within three months after the end of the financial year" to "one year after the end of the financial year". We feel that leaving it for another full year after the end of the financial year, means that the report to the Marketing Council will be at amendment the hon. the Minister has

told us that the Marketing Council is already late with its reports, and it will be later still and it will be more difficult to report every other year — in accordance with the amendment the hon. the Minister has accepted in a previous clause — if the regulatory boards' reports will be submitted to the Marketing Council twelve months after the end of the financial year. It will be impossible for the Marketing Council to keep up to date and it will only know how a regulatory board is using its powers at least a year after the event. I would ask the hon. the Minister that he should make this "six months" and not a year. I think from the point of view of the practical application of this provision it will be impossible for the Marketing Council to keep its reports up to date if that period of time is to elapse before the regulatory boards themselves report. I feel that that is a reasonable request. We split the difference between three months and a year and make it six months and I will ask the Minister to accept that.

\*The MINISTER OF AGRICULTURE: This has been changed in order to give the boards the opportunity to draw up thorough reports. They are not always able to report within a short period of time; on the other hand, however, I want to meet hon. members as far as possible and if the House is generally of opinion that the period should be six months, I am prepared to accept it. I do not know whether hon. members who are members of boards feel strongly about it and whether they can say that it is insisted upon very strongly that it should not be a year. I have however no objection against making it six months if the House wants it that way.

Capt. HENWOOD: In that case I move as an amendment—

In line 24, to omit "months"; and in line 25, to omit "one year" and to substitute "six".

Agreed to.

Clause, as amended, put and agreed to.

On Clause 24.

Mr. WARING: I move the amendment standing in my name—

To add at the end of proposed Section 31: "and every such report may be referred to a committee appointed for the purpose of consideration, investigation and report."

This clause is the clause under which the various reports which are being made to the Minister are placed upon the Tables of

Parliament, and I think the Minister would be doing the country a great service if he did that.

The MINISTER OF AGRICULTURE: As I have said, any member can move that it be referred to a Select Committee.

Mr. BELL: That is our difficulty. I agree with the Minister that any member may do it, but what we are aiming at is that the procedure that is followed by the hon. Minister of Finance, when he receives those reports, should be followed by the Minister of Agriculture. If he would follow that same procedure we would be satisfied.

The MINISTER OF AGRICULTURE: But the Auditor-General's Report is referred to the Public Accounts Committee. There you have a full opportunity of going into the matter.

Mr. BELL: That is only the financial reports. It is limited to financial aspects. Let me say to the hon. the Minister too that we have found that these control four corners of their charters; that they have been inclined to go outside their charters. For instance, they have spent money concurrently with Parliament voting money and attention has been drawn to that in the report I have before me. They do not realise what is going on, and this will have a co-ordinating effect. It will have the effect too of producing some unanimity in the activities of the boards in the interpretation of the regulations. We have, in the Public Accounts Committee, detected irregularities on a number of occasions on the part of boards. I do not say they were intentional or wilful irregularities. It was a question of interpretation. By this process these boards have been brought together and they are now becoming more unanimous in their interpretation of the regulations. But this particular clause that we are dealing with in this Bill covers other reports. These reports are more concerned with the administration than with the financial aspect, and it is those reports that we will be grateful if the Minister of Agriculture would refer to a Select Committee when he lays them on the Table. But I want to put it to the Minister that the action should come from him. It should not be left to any member of the House to move that those reports be sent to a Select Committee.

The MINISTER OF AGRICULTURE: If I find it necessary I may do so, but why should you make provision for it in the Act?

Mr. BELL: That is helpful, but the point is this: Does the Minister have the opportunity of going through these reports very

carefully, as a Select Committee would go through them?

The MINISTER OF AGRICULTURE: As I said some time ago the Marketing Council is there to report to me and if they report on anything to me on which I think there should be an investigation, then I can refer the matter to a Select Committee.

Mr. BELL: I agree with the Minister entirely, but does the Marketing Council submit a report to the Minister on the financial aspect? Does the Marketing Council report on the financial aspect or not?

The MINISTER OF AGRICULTURE: They can if they want to do so.

Mr. BELL: I am merely asking whether they have been doing it, because I do not know whether they have or not.

The MINISTER OF AGRICULTURE: If they find it necessary they will do so. They have to report on all matters relating to the activities of the board.

Mr. BELL: The point I was going to make was that if they have to report on the financial aspect they have omitted certain things which the Public Accounts Committee have picked up.

The MINISTER OF AGRICULTURE: Some of the provisions in this amending Bill are the result of the Report of the Marketing Council with regard to certain funds.

Mr. BELL: I appreciate that, but it would satisfy us if the Minister would move that these reports be referred to a Select Committee. [Time limit.]

Mr. WARING: May I just ask the Minister whether he would be prepared to accept the amendment if I withdraw the word "shall" and insert the word "may"?

The MINISTER OF AGRICULTURE: I said that if I find it necessary I will move that myself.

Mr. WARING: The only point was that we were hoping that the Minister would agree that this should be done automatically; that he should send the reports to a Select Committee every year.

Amendment put and negatived.

Clause, as printed, put and agreed to.

On Clause 27,

Mr. DAVIS: I wish to move the amendment which stands in the name of Mr. Pocock at page 541—

In line 58, after "sub-section (2)" to insert "after the word 'premises' where it occurs for the first time the words 'other than premises occupied exclusively as dwellings' and".

The original Section 27 is in these terms—

Any person designated under sub-section (1) may at all reasonable times enter upon any premises or vehicles in or upon which there is or is suspected to be kept for any purposes other than consumption by the owner or members of his household any product in respect of which a national mark or grade has been prescribed under this Act.

The point of this amendment is that there shall not be a right of entry upon premises occupied exclusively as a dwelling. I want to emphasise the word "exclusively". If premises are used for storing goods or anything of that nature, then there should be a right to enter the premises without a warrant. The ordinary law in connection with the entry of premises of that nature is prescribed in the Criminal Procedure Code and that provides that in the ordinary course where an offence is suspected, a warrant has to be obtained from a judge or a magistrate or a justice of the peace. But a policeman of the rank of sergeant or above such rank, if he has reasonable grounds for suspecting that the delay in obtaining a warrant would defeat the object of the search, may himself search or by an order in writing direct a policeman of any rank to search without a warrant. Surely in the ordinary course that is quite sufficient where the premises are occupied exclusively as a dwelling. That is the point. They should not have access to dwellings exclusively occupied as such, and the Minister should be anxious to preserve the privacy of citizens' homes, and if there is no reason for suspicion, it seems to be going too far to allow an officer appointed by a board to enter premises which are exclusively occupied as dwellings. The Marketing Act Commission has reported on the matter of entry of inspectors. I refer to paragraph 134, where the commission says—

Representations have been made to the commission that these inspection powers are too wide, since inspectors are given access even to private dwellings without having to obtain a search warrant as is required by the South African Police. The commission must, however, point out that inspectors can exercise their power of entry only if they have reasonable grounds to suspect contravention of a scheme, so that an aggrieved householder can obtain redress in the courts.

I don't know where they get that from. That is certainly not in terms of the law as it stands. The law as it stands simply says that any person designated may at all reasonable times enter upon any premises upon which there is or is suspected to be kept for any purpose other than consumption, produce, etc. So he does not need even to have a reasonable ground. If he considers that there is an offence under the Marketing Act, he can enter the premises, and I don't know where the commission gets this provision that they can only do it if he has reasonable ground to suspect a contravention. As the Minister will see, there is a note at the bottom of the page, a "reservation" by Mrs. Ballinger and Messrs. Allen, Conradie, Pocock and Waring, who "agree that inspectors should have entry to all premises which are not exclusively used as dwellings without having to obtain a search warrant, but consider that entry into premises which are used purely as dwellings should be dependent upon the production of a search warrant". I think that is a very reasonable attitude to adopt. I think the Minister ought to be anxious to preserve the sanctity of the home where the home is occupied exclusively as a dwelling. I therefore move the amendment.

Mr. HEPPLER: I move the amendment standing in my name—

To omit paragraphs (f) and (h).

During the second-reading debate I raised this matter with the Minister, and he gave me a reply which I do not think sufficiently covered the point that I made. The Minister mentioned that he agreed with one thing and that was that very wide powers were being sought for these boards, and while it might be undesirable, it was necessary for them to have these powers in order to make the working of the Act effective. But I want to point out to him that the working of the Act is quite effective without giving the wide powers as are designated here. As a matter of fact I would have liked to move an amendment to delete other powers that are demanded here, but I do think that the minimum that the Minister could do is to agree to the deletion of paragraphs (f) and (h). Section 37 of the Principal Act provides "wherever a national mark or grade has been prescribed in respect of any product, the Minister may designate persons to perform the functions referred to in sub-paragraph (2)". Now sub-paragraph (2) lays down what these persons may do who are designated by the Minister and we are now amending that clause in many ways, among which the following powers are prescribed under (f)—

These persons may enter upon premises at any reasonable time and they may

demand from the owner or custodian of such product, material or substance any information concerning such product, material or substance;

And furthermore under (h)—

inspect any operations carried out in or upon any such premises in connection with the manufacture, production, processing or treatment of any such product and demand from the person in charge of any such operations any information regarding such operations.

No matter what the product may be, I think the functions of the board are merely to assure that the product which is delivered to the processor is handled in a certain way and accounted for. But I cannot see how it can help in the application of this Act that the inspectors or officials of the board should have the right to probe into the secrets or the private processes which are undertaken in the processing concerns. Let us take meat as an example. A quota of pork is allotted to a factory for the manufacture of bacon and that manufacturer takes receipt of the baconers and manufactures bacon and he must account for the amount of bacon that he has produced. He must account for every pig that was delivered to him. Now these inspectors or officials are permitted to enter these premises to find out what particular process is used in that particular factory. I quote this particular instance because I have had experience of it. An official today is a loyal servant of the Government. Tomorrow he gets an offer from a private concern at a higher salary, mainly because he has been able to enter various factories and get information that is not available to everybody else and he sells that information and goes to a private concern. There are a number of ex-officials who are now in private employ, who have gained information and experience at the expense of private manufacturers. This is a very important point that I am making, because if I felt that these powers were necessary in order to ensure the efficient control of farm produce, in order to ensure that the farmer got the maximum price and that the public got the article at the cheapest possible price, in other words that the fullest use would be made of the farm products, I would heartily support it, but here powers are being given to inspectors and to officials which will put them in a unique position to gain information. To what purpose? I cannot see how this will assist in the efficient application of the Act and I would like the Minister to explain to us how these powers are going to make it possible, why these powers are necessary, in order to apply this particular Act. When the Minister comes to the House with amendments to an exist-

ing Act, it is natural to expect that these amendments arise from practical experience, they arise as the result of experience gained, and because the parties concerned have run up against snags and that the amending Bill is being introduced in order to remove such difficulties. I have no knowledge of experience of any difficulty which any board has experienced, which justifies them now to demand these very wide powers. These are amazing powers that are being demanded, extraordinary powers, and I want to give the Minister a hint in advance that when we come to deal with his Estimates, I am going to give some very factual information as to how officials employed by certain of these boards, have taken advantage of their position. [Time Limit.]

Col. OOSTHUIZEN I think it is time that we really should strike a blow for the sanctity of our homes. I have listened to the arguments of the hon. member for Pretoria (City) (Mr. Davis) and I think he has made a very good case, and I hope that the hon. the Minister will listen to that. After all, there are already ample powers under the Act that the hon. member has quoted, where searches can only be made under search warrant. I personally would not mind if any amendment could be put in the Act whereby the Minister gives the officials the right to enter a dwelling if it is connected with business premises, because one can quite see that a dwelling may then be made use of for storing goods that are prohibited. But when it comes to dwellings entirely apart from the business premises where business is carried on, I think the Minister should really see reason and protect our homes. I certainly would not like any of these officials to walk into my house without any search warrant. I am not in that particular trade and I do not think it is likely that that will ever happen to me. But I do say to the hon. the Minister that we should make some amendment to this particular section of the Act which will at all events protect the sanctity of our homes from searches by officials under the Marketing Act under the powers which he intends to give them. I do make a very strong appeal to him to make some sort of provision, if he cannot do it here to-night, then at a later stage, to include possibly dwellings that are connected with business premises, but not homes that are entirely separate. I do make a very strong appeal to the Minister to accept the amendment moved by the hon. member for Pretoria (City) and make some provision in this Act to protect the sanctity of our homes.

The MINISTER OF AGRICULTURE: The hon. member seems to think these powers are given to inspectors of the boards; in effect that is not so. These powers are wanted for Government officials, and as I



then Minister of Agriculture, sub-section (4) which it is now proposed to repeal—

- (4) The provisions of this section shall be in force for a period of two years as from the commencement of the Marketing Amendment Act of 1946, and as for any such further period as may from time to time be determined by resolution of both Houses of Parliament.

Now the Minister wishes to escape coming to the Houses of Parliament. The Minister wants to take a short-cut; that is what it amounts to. All we ask is that the Act be left as it is, and if an alteration is required, come to the House as you did before. Do not take the short-cut. It is extraordinary legislation to make a man criminally responsible, that he can be sent to goal for something that his servant has done. It is against the spirit of any law; it is done in the case of the Liquor Act, but there are special reasons for it. But as far as the Marketing Act is concerned it seems to me that we are extending that provision far too long. If the Minister will accept this amendment he still has the power to come to Parliament and ask for this provision to be extended for another two years.

I do appeal to the hon. Minister to accept this amendment and maintain the status quo, and that is the provision laid down in the Marketing Act of 1946.

\*The MINISTER OF AGRICULTURE: The hon. member is now pleading for the protection of innocent employers but there is ample protection for the innocent employer. If he can prove that he has not overlooked the action of his employee or that he is taking all reasonable steps to prevent contraventions of the Act, he cannot be found guilty. The hon. member will agree that there definitely are cases where employers try to hide behind their employees if they do certain things, and in that way they often make big profits, and you cannot find them guilty of offences where they have perhaps given instructions to their employees. The hon. member said that this principle was foreign to our legislation. I just want to tell him that it is not so foreign and I could mention quite a number of laws which contain this principle, laws like the Industrial Conciliation Act, The Wage Act, the Liquor Act, the Shops and Offices Act, the Factories, Machinery and Building Works Act. Hon. members will, therefore, see that it is not such a foreign principle which is being introduced here and there is definitely ample protection for employers if they take proper steps such as every decent employer would take. In such cases they cannot be found guilty.

Mr. VAN COLLER: Mr. Chairman, may I point out that this clause goes very much further than any of those others. If the Minister will read this very drastic provision, he will see that it says—

And the fact that he issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

He has only got to have someone who will deliberately disregard his instructions, and he can be made responsible. That is the danger as I see it. This goes very much further than the Industrial Act, or any of the others—or even than the Liquor Act. The then Minister recognised how drastic it was, that is why he said, "If the Minister requires the power, let him come to Parliament."

Mr. WARING: Mr. Chairman, after all, the previous Minister conceded the point that these powers that are required are very wide powers, powers that should only be taken in a period of emergency. They are not the ordinary powers that should come into this Marketing Act. In the case of rationing, or similar matters, it is agreed that powers should be given. But in this case, to have them in an ordinary measure under this Act without any protection is something that the Minister should consider. The hon. member for Queenstown (Mr. van Coller) does not put up a case unless he feels quite sure that it is necessary, and I do submit to the Minister that he should consider the pressure that is being brought on him to withdraw this qualification, that it should be renewed every two years (presumably by the department), and say, "We have got these powers; if you put your case up to me I will come to Parliament." If the Minister goes through the details he will see that the responsibilities that are placed on the individual to prove his case, are quite out of keeping with what we understand as the law of the land, and I submit to the Minister that he should concede this point.

\*The MINISTER OF AGRICULTURE: I am sorry that I cannot accept the amendment. The hon. member who was a member of the Marketing Commission with me will recall that employees gave evidence that they consciously contravened the Act. We cannot allow anything like that. If they do so with the knowledge of their employers, then it is to the benefit of the employers to allow such offences to be committed by their employees. If those offences are committed and steps cannot be taken against the employer, he will let such offences be committed and he will get the benefit and only the employee will be called

Should there be recalcitrant boards which do not want to listen, the Minister will be free next session to come with an amending Bill to insert such a provision, and our friends on the opposite side will then have the opportunity of supporting the Minister. But give those people an opportunity. I am not prepared to say that the boards concerned will not keep their word and will not carry out their undertaking.

No, Mr. Speaker, I feel this morning that we as a community, producer, consumer and distributor, have this planned marketing once and for all and it is in that connection that I want to address a word of warning to my fellow farmers. They must not allow themselves to be influenced by everyone. The Marketing Act has its effect in the producer, but the farmers in the country have undertaken to produce on the assurance that they will have stabilised marketing so that they can make a reasonable living. We see now that the farmers have been incited in the country by irresponsible people and that they even went so far as to adopt a resolution at a public meeting that the producer-members of the control boards should resign because they did not refuse to accept the price recommended by the Minister and the Government. Mr. Speaker, those people do not know what a disservice they are rendering to the farmers of South Africa. If the Mealie Board were so unwise as to refuse to accept that price, if it refused to announce that price, do those people know what the implications and the complications would have been? It would have destroyed the whole marketing system in the country and no farmer producing mealies would have had a place to unload his mealies. The Minister does not fix the price. Those people have never read the Marketing Act properly. It says there that the board must fix and announce the price. It is the function of the board, but it does that with the approval of the Minister and the Government.

I want to warn the farmers just as I want to warn the consumers. They should not allow themselves to be influenced by people who are agitating against this system. It is a system which for a period of years—it has been in operation for more than twelve years—has rendered a great service to producer, consumer and distributor, so that all sections have been able to make a good and reasonable living in the country. No Government can allow the consumers to exploit another section of the population, just as no government can allow the producers to exploit the other sections of the country. It is the aim of this Bill to prevent that. For that reason we want to continue with this Bill and strengthen our position so that when we face a crisis in our economic life, we would at least have this safe system to prevent one or other

section of the population from being ruined. I trust therefore that my fellow farmers will not cause themselves to be misled by people who are inciting them to destroy this system without realising that there would then be no guarantee for the farmer in the country.

Mr. HEPPLE: Mr. Speaker, through out the second-reading debate and the Committee Stage of this Bill, the hon. the Minister maintained a stubborn obstinacy and refused to give ear to the appeals of the Opposition. We who criticised this Bill and moved amendments, did so because we were just as anxious as the hon. the Minister to improve the Marketing Act. Many of us have had practical and personal experience of the operations of the Marketing Act, and we know the many abuses to which the various boards are exposed. We are not concerned here with the principle of the Marketing Board and control boards. That has been accepted by all sides of the House. But what we are concerned with is the tightening up of the Act and suitable measures to improve the working of the Act. Unfortunately the Minister made up his mind in advance and was determined to take absolutely no notice of any of us. I warned the Minister during the Committee Stage when he was rushing to the defence of every possible inspector that might be employed by the Government to supervise the activities of the control boards, that he should not be in such a hurry to defend that position because we had evidence of certain things that were happening at the present time.

The hon. member for King William's Town (Mr. C. M. Warren) has drawn the Minister's attention to those particular matters. At the present time the Minister is persisting in his attitude of taking no notice of what we say. He is having a chat with the hon. member for Swellendam (Mr. S. E. Warren). That is a form of contempt for hon. members of this House. I want to tell the hon. the Minister that this matter which was raised by the hon. member for King William's Town is an absolute scandal. It is a scandal that deserves some information from the Minister in this House. An attempt is being made to put a blanket of silence over this scandal in the life of the Meat Industry Control Board, and I want to support the hon. member for King William's Town and demand that the Minister should give some information as to what is happening. Some attempt must be made to clear the names of the people concerned in this matter. The farmers in this House who are very concerned to see the marketing system working successfully, should be interested in this affair. If they are interested in the matter they may see that while initially they are given some protection in regard to the control of farm products, in the administration things are

happening which will lead to the breakdown of the control board system, and will undermine the public faith in the ability of those boards to carry on those activities. The hon. member for Kroonstad (Mr. A. Steyn), who is not here now, said in reply to the hon. member for King William's Town: How can this matter be raised here and how can the blame be laid at the door of the Meat Industry Control Board, when that board only recently took over the administration of a war measure. I want to draw the attention of the House to the fact that the Livestock and Meat Industries Control Board took over the Directorate of Meat Supplies on 1st September, 1950. Fourteen days later they granted this large meat quota to the retiring Director of Meat Supplies. It was the Livestock and Meat Industries Control Board that granted this quota on 14th September, 1950. They granted it to the retiring Director of Meat Supplies, and this is what they granted him: A weekly quota of 4,000 lb. of meat for the retail trade, and 50,000 lb. of meat, all classes of meat, for factory use. That is meat for processing.

In the course of the second reading and in the Committee Stage I took up certain matters in regard to the amendments which extended the activities of these boards to the processing industry. The difficulty with which the meat processing industry has been faced, ever since meat shortages arose, was the question of keeping the wheels of industry turning. They were working on allocations of meat of from 20 to 80 per cent, which meant difficulty in keeping up continuity of operations and keeping on their permanent staff. I know for a fact that most of those industries did not reduce their staffs. They kept them employed, although they were not given sufficient meat to keep those employees occupied for the full period of time. When the food-processing factories applied for increases of meat quotas, they got the reply that it was impossible to give them these additional quotas because it was the principle of the Directorate of Meat Supplies not to grant increased quotas until they were quite sure that they could maintain those increased quotas without injuring anybody else in the meat trade. They used as an argument particularly that they did not want to jeopardise the position of the retail butcher. In other words, the householder, the consumer of meat, who wished to buy raw meat for consumption had to be given a certain priority over the factories which processed meat. The factories were refused. Not only the retail butchers, but factories were refused increased quotas, and a considerable number of people who were applying for new quotas were also refused. In reply to a question I put to the Minister last week he informed me that during the period 1st January to 21st March, 1951, applications for increased quotas for

meat were refused by the Directorate and the Livestock and Meat Industries Control Board. The Director of Meat Supplies refused twenty-five applications for new quotas and the Meat Control Board refused twenty-seven applications for new quotas in the Pretoria area. In the case of increased quotas nine and 14 applications, respectively, in the same area were refused. In other words, 23 applications by existing concerns for increased quotas were refused. Yet the retiring Director of Meat Supplies has been granted this enormous quota which is far in excess of what was given to established factories in various parts of the Union. The retiring Director of Meat Supplies was still working, waiting for his personal position to be cleared up under the board, and he was granted this quota as an individual. He was not a trading concern; he had no trading licence. But having been granted this quota of meat he now had something which was worth selling. He was able to go around hawking this quota and finding out how he could turn it to his financial advantage. What did he do? He could not get it locally, so a company was formed with a capital of £20,000, called Transvaal Products (Pty.), Ltd. This information was given to me by the Minister in reply to a question. Who is the Transvaal Products (Pty), Ltd.? Is it a South African firm, a firm of Transvaalers, a firm who are entitled to priority over immigrants or over people from overseas? No. The main capital is being provided by an English firm, and the three principal directors of this firm are resident in England. Mr. du Toit is the fourth director, and a gentleman in Johannesburg is the fifth director. So what we are doing, in effect, is that we are taking from the short supplies of meat available in South Africa and handing it over to British concerns so that they can make money out of it from South Africans. That is what it means. Is this one of the means that is being used in order to attract overseas capital to South Africa, to take foodstuffs in short supply away from South Africans and give it to overseas people in order that they will bring their money to this country to exploit it?

An HON. MEMBER: It is scandalous.

Mr. HEPPLER: It is more than scandalous. I hinted of this to the Minister. I hoped that the Minister would realise that we were trying to assist him with this amending Bill because we know that these malpractices are going on, and I am glad that the hon. member for King William's Town (Mr. C. M. Warren) has raised the matter this morning. It is monstrous to think that old-established South African firms which have loyally struggled to support the meat scheme, which have loyally attempted to see that it worked out properly, which have scraped and saved and rearranged their businesses in order to

come out on the short supplies of meat, are now faced with the position that those who are resident in England and have money in their pocket can get meat quotas, providing they know a retiring official of the Directorate of Meat Supplies.

I say that because this is not a unique example—it is not unique. I know another senior official of the Directorate of Meat Supplies who was promised by officials of the Livestock and Meat Industries Control Board that he would get a quota for the Kimberley district. Furthermore, they said to him: "You needn't apply; we will see that you get it." Fortunately, because there were people — perhaps like myself — who were beginning to snoop around and to find out what was going on, they decided that he had better put in a formal application. But he has been promised that as soon as he is ready for it the quota for the Kimberley district is available to him.

What is going on, Sir? It is the Livestock and Meat Industries Control Board that now has full control. I attempted to get more information from the Minister regarding the reasons why it was necessary to give this gentleman this enormous meat quota. I myself cannot see a single justification for it, but nevertheless it has been done. I thought perhaps that it might have been necessary in view of the fact that the ex-Director of Meat Supplies was shrewder than the Government which drew up a contract with him, and that he had them in such a position that they had to capitulate and give him the moon in order to settle with him; but on a re-reading of the reply to the question which I put to the Minister it would appear to me that there is far more in this than meets the eye. It would appear from the reply I got from the Minister that apart from the enormous meat quota that this gentleman received—which he has been able to sell to overseas people—that in addition to that there is going to be some financial liability, a further liability to the Government. This is part of the reply that I got—

As the officer could not be absorbed in a suitable post in the Public Service he is entitled to compensation for the unexpired period of the contract.

I think the Minister should tell this House the whole story. I have questions on the Order Paper that should be replied to tomorrow. I don't know whether the Minister would like to anticipate those questions by telling the country the full story of what has been going on in the livestock and meat Industries Control Board, and the Directorate of Meat Supplies, to create a position such as this. I say that not only individuals but the meat trade generally — the wholesale and the retail meat trade as well as the

manufacturing branch — are absolutely seething about this matter . . .

An HON. MEMBER: What about the poor consumer?

Mr. HEPPLE: Unfortunately the consumer won't get the repercussions yet and does not realise how it is going to hit him. On all sides there are rumours going round; there is all kind of talk; but I want the Minister merely to deal with facts that I have placed before him. I have not only placed these facts before the Minister; I gave him a hint of it in advance in the line of the questions that I put forward, and I do hope that he will, when replying to this debate, tell the whole story to the country. It is most essential that he should do so.

The Minister knows, (and his officials will confirm this) that as a general rule the trade has co-operated very well not only with the Livestock and Meat Industries Control Board, but they have also co-operated with the Directorate of Meat Supplies — because they knew that it was not only in their interests but in the interests of the general economy of the country that this scheme should work. From my own stand point I want to tell the Minister that I have always been a strong supporter of the system of meat control. I was disappointed that all the recommendations of the Meat Commission were not followed. I want to say that control ensured during a period of short supply that the poor person has been able to get meat, and it was not allowed to get into the black market so that only the rich people could eat meat. It meant a fair distribution. Apart from abuses there were more or less fair shares for everybody so far as meat was concerned.

Furthermore, I want to say that we of the Labour Party have always urged that the original recommendations of the Meat Commission should have been applied to an extent as to enable the farmer not to show the losses that he had shown in the past, but also to ensure that all centres in the Union were controlled, and that all centres in the Union got their fair supply of meat. We have always asked for that. I hoped that some steps would have been taken in order to carry out those recommendations. But now the position is that what we have always feared has happened. Control is beginning to become a monopoly. It is becoming a secret organisation where behind closed doors certain officials, certain bodies, and certain persons with authoritarian powers are able to do things which are being removed further and further from parliamentary control. It will eventually become impossible for even this Parliament to unearth — or shall I say to correct — abuses that may take place. And when we plead with the Minister to listen to our appeals

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The Minister knows, (and his officials will confirm this) that as a general rule the trade has co-operated very well not only with the Livestock and Meat Industries Control Board, but they have also co-operated with the Directorate of Meat Supplies — because they knew that it was not only in their interests but in the interests of the general economy of the country that this scheme should work. From my own stand point I want to tell the Minister that I have always been a strong supporter of the system of meat control. I was disappointed that all the recommendations of the Meat Commission were not followed. I want to say that control ensured during a period of short supply that the poor person has been able to get meat, and it was not allowed to get into the black market so that only the rich people could eat meat. It meant a fair distribution. Apart from abuses there were more or less fair shares for everybody so far as meat was concerned.

Furthermore, I want to say that we of the Labour Party have always urged that the original recommendations of the Meat Commission should have been applied to an extent as to enable the farmer not to show the losses that he had shown in the past, but also to ensure that all centres in the Union were controlled, and that all centres in the Union got their fair supply of meat. We have always asked for that. I hoped that some steps would have been taken in order to carry out those recommendations. But now the position is that what we have always feared has happened. Control is beginning to become a monopoly. It is becoming a secret organisation where behind closed doors certain officials, certain bodies, and certain persons with authoritarian powers are able to do things which are being removed further and further from parliamentary control. It will eventually become impossible for even this Parliament to unearth — or shall I say to correct — abuses that may take place. And when we plead with the Minister to listen to our appeals

reading debate on the Marketing Amendment Bill the Minister gave us a reply in connection with the granting of a meat quota to the former Director of Meat Supplies in Pretoria, a reply which may have satisfied some members in the House but certainly did not satisfy me because I know more facts than were disclosed by the Minister. I would like to deal with the points that were raised by the Minister. He said that we should not tackle this matter now, pending the outcome of the police investigations. I do not want to deal with the criminal aspects of misdeeds which have taken place in the past and which are serious enough. The Minister said that the ex-Director was informed about the meat trade and knew of a long-felt need in Pretoria for a meat factory. He thought an application had a good chance and he made it and he was successful. I asked the Minister certain questions a week ago to which he replied, and from those replies it is quite apparent what has happened. The Director of Meat Supplies, who was then still occupying that position, was granted a meat quota on the 14th September, 1950. The company was registered on the 16th February, 1951, which was six months later. [Interjection.] I ask you, Mr. Chairman, will you please stop this stupid heckling. It is difficult to speak amid these interjections. This is a serious matter to us, if it is not to the hon. members in the corner. As I say, this company was registered six months later which meant that an official of the department was in possession of an enormous meat quota for a period of six months before he was able to get a company registered to use that quota. Two questions arise. The first is on what basis was it possible to decide there was an urgent need for an additional factory quota in the Pretoria district in view of the fact that there has been a serious shortage of meat for a long time and only on rare occasions have existing factories been able to get full supplies. How was it possible for anybody to determine that there was a need in the Pretoria area for an additional quota? Pretoria has been served for a number of years by a considerable number of factories. There are roughly ten factories in Johannesburg; there are four in Pretoria and six on the Reef and most of these factories are plying for trade in the Pretoria area, and there is nothing unusual about this. In the food-processing business, in the meat-manufacturing trade it is a common thing for factories to sell their goods all over the Union. [Interjections.] Mr. Chairman, I must ask for your protection. These inane interjections apparently do not reach your ears. It is difficult for us at this end to get on with our speeches while these interjections are going on.

\*The DEPUTY CHAIRMAN: Order, order! I must ask hon. members in that corner to

remain quiet. The speaker does not wish to be interrupted, and hon. members must allow him to make his speech.

\*HON. MEMBERS: The way they are carrying on is disgraceful.

\*Mr. S. J. M. STEYN: They are treating you with contempt, Mr. Chairman.

The DEPUTY CHAIRMAN: Order, order! The hon. member may proceed.

Mr. HEPPLE: It has been the practice ever since we have had food-processing in the Union for these factories to sell their goods all over the Union. This is one of the difficulties with which we were faced when meat control first came into operation. There was the question as to whether factories were to be given the same consideration and the same issues as butcher shops, and it was decided there, in view of the services that were being rendered by the processing factory that they should get a fair share. They were able to use cuts of meat which the retail butcher was not able to use, but in addition to that these processing factories have come to the aid of South Africa; they are today conducting a fairly valuable export trade which is giving us foreign exchange. That is another story, but what I would like to know from the Minister is on what basis either the Meat Board or the Director of Meat Supplies was able to decide that there was a necessity for another factory in Pretoria.

The MINISTER OF AGRICULTURE: I gave you the figures this afternoon.

An HON. MEMBER: You were not here.

The MINISTER OF AGRICULTURE: You cannot expect me to reply to a question to which I have already replied.

Mr. HEPPLE: I was busy with another Minister otherwise I would have been here. As far as I have been informed by members who were in the House and who told me what the Minister had said, the Minister did not reply to this. Factory quotas do not apply to one particular area. For instance, you have a big food-processing factory in Estcourt which is using enormous quantities of pork and beef, and it is selling its goods all over the country. It is given a quota not in respect of Estcourt; it is given a quota in respect of its requirements for the whole Union. That is why the Minister misled the House when he said that there was a need for an additional factory in the Pretoria area, because on those grounds it would then mean this that the Meat Board intends that this factory will only sell its products in the Pretoria area and that is not true because with this large quota this factory,

in the face of competition could not confine itself mainly to Pretoria. But I want to tell the Minister something else. The total amount of factory quotas operating in Pretoria at the present moment amounts to 114,000 lb. of all classes of meat.

An HON. MEMBER: How much of that is pork?

Mr. HEPPLER: I will give my hon. friend the figures: 41,000 lb. is beef, 40,300 lb. is sausage pork, 29,000 lb. of bacon pigs and 5,500 lb. of veal. That includes the amount which has just been granted to the Transvaal Products (Pty.), Ltd., to this ex-director of Meat Supplies. His quota represents 40 per cent. of the whole total for the Pretoria area. It is a well-known fact that other factories in Pretoria have been applying and applying and they have not been able to get increased quotas.

Now we come to another point, and that is the question of monopolies. I am the first one to back up the Minister when he takes steps to prevent monopolies from operating and to see that new competitors are given an opportunity of entering the market. But what the Minister has not told the House is that over the last six or seven years a large number of people who wanted to erect new factories have been dissuaded from doing so because they have been informed by the Director of Meat Supplies and by his predecessor: "It is no use your opening a new factory because you will not get a quota of meat." That is what they have been told, and now the ex-Director of Meat Supplies, who has no factory, no premises on which to process, who had nothing at all but the shoes in which he stood up, has been granted a quota — as much again as was previously available in the whole Pretoria area. These are questions to which the Minister must reply; these are most important matters, and I appeal to members of this House to understand the background to this whole question of meat quotas. This matter must be considered in the light of the fact that a large number of people had applied previously and had been refused; that a large number of existing factories had applied for increased quotas, and their applications had been refused. To say today, as the Minister says, that this official was informed about the meat trade, and knew of a long-felt need in Pretoria for an additional meat factory is not true. Dozens of other people felt the same need. Many of them made enquiries and were informed that they would not be able to obtain a quota. [Time limit.]

\*Dr. VAN NIEROP: I want to draw the Minister's attention to a few points.

\*Mr. S. J. M. STEYN: Thank him first of all.

\*Dr. VAN NIEROP: I am very sorry that I have to do it in an atmosphere which was created by the Opposition when they moved that the Minister's salary should be decreased. You will know, Mr. Chairman, that where a reduction of a Minister's salary has been moved in the past, it was usually done when the Minister in question acted unreasonably towards the Opposition, but when the debate on Agriculture began this afternoon, the Opposition saw fit to propose immediately that the Minister's salary should be decreased without the Minister having said a single word; and then the hon. member who moved this motion said that we should keep agricultural affairs out of the political arena. I want to ask the country to note that the Opposition this afternoon, without giving a single instance where the Minister has been unreasonable or where he has refused to give a satisfactory reply, saw fit to move that his salary be reduced. One of the Whips on the other side, however, did give a reason, and I want the country to note this; he did not say that he was dissatisfied with the policy of the Minister; he did not say that the Minister could not manage his portfolio, but he said that it was moved on account of the bad-tempered reply or unsatisfactory answer which the Minister had given to some members on the opposite side. In other words, the reason for the motion is that the Minister did not treat some members on the opposite side in as friendly a way or as reasonably as the sensitive Opposition would have liked to be treated.

\*Mr. V. G. F. SOLOMON: That is a distortion.

\*Dr. VAN NIEROP: That was one of the reasons. But I want to return to the matter on which I asked the Minister a question, to which he was kind enough to reply. I feel, however, that his reply does not cover everything, because it is impossible to take action against the pest which has developed in this country, viz., the Argentine ant. The local authorities — the municipalities and city councils in this vicinity — acted jointly in an attempt to do away with the ant, which is becoming a pest not only in houses but which carries or spreads diseases in the agricultural field, diseases which were unknown in this area before. I do not want to enter into the history of this, but during the past five or six years I have repeatedly pointed out the danger of this ant. The Minister in his reply to my question referred to Elsenburg, where information as regards the method of fighting the ant is available. But one requires more than that. The local authorities do not co-operate; it is difficult to get all the authorities to act simultaneously; and I had hoped that the Minister would make it compulsory for the public, not only for the department, to co-operate on certain days in the winter, when it is

supposed to be the best time, to kill the ant. I remember as a schoolboy that in places like Paarl, where I was brought up, the black Argentine ant was unknown. The ant was first found in the Cape Town docks, and if you travel through the country today, wherever you go, wherever you go for a picnic in this vicinity, you find the Argentine ant, which has become a pest today. I can assure you that in the suburbs of Cape Town it has become almost unbearable. It is impossible for any person who has not a frigidaire to put away food at night. Furthermore, I want to ask the Minister to make the inoculation of poultry against Newcastle disease compulsory. The public and especially the poultry farmers are grateful to the Minister. I wonder whether the Opposition will thank the Minister for his action in connection with this matter, or whether perhaps they would like to propose a further reduction of his salary. We here in South Africa have succeeded in fighting Newcastle disease and we have almost done away with the disease completely. I think that the public owes the Minister a debt of gratitude, but I want to ask the Minister—I do it on my own; I was not instructed by any organisation to do so—that where inoculation has not been undertaken it should be made compulsory.

Then I want to draw the attention of the Minister to the farmers in the South-Western Districts. Our best vegetables, which are sold on the local market, come from those parts. I have had various letters from farmers in the South-Western Districts complaining about the condition of the vegetables when they arrive at the Cape Town market, as a result of the long delay in the transport of vegetables by train. I do not want to discuss the question of transport on the railways. We have, however, made representations to the Minister of Transport, and his department will see to it when vegetables are scarce and expensive that the vegetables arrive in Cape Town as they are dispatched at the different places in the South-Western Districts. Then I want to draw the Minister's attention briefly to another matter. In the Western Province and in Johannesburg and elsewhere there is a large number of people who put various kinds of birds on shows, and it is almost impossible to find canary and other bird seed in South Africa. I understand that the canary seed which is available at present spreads a certain disease amongst the birds. I think that the department has already been asked to enquire into the matter. I wondered whether the Minister could not allow a larger quantity of canary seed to be imported into the country. I have spoken to farmers who are members of Parliament about the scarcity of canary seed and other seeds, and they tell me that the farmers no longer sow it today because other seed varieties pay better. I think I am correct in saying that the price of canary seed has

increased about 400 per cent, during the past six or seven years. For that reason I cannot see why it does not pay, but I leave it there. The fact remains that there is a shortage of seeds, and for that reason I hope that the Minister of Agriculture will pay attention to the matter and perhaps allow a greater amount of seed to be imported into South Africa.

\*The MINISTER OF AGRICULTURE: I should now like to reply to some of the questions which have been raised since I last spoke. Hon. members must pardon me if I do not answer the question on particular matters which every member has asked. I prefer to reply to the general questions which have been asked here. The first point I want to deal with is the question of compensation for the infected blue-tongue vaccine which has been issued. The question was asked what was going to be done, whether farmers who had suffered damage as the result of this infected vaccine would be paid the amount of the present-day value of sheep, and when such payment would be made. In reply I want to say that a thorough investigation must first be made into the damage suffered by various farmers. Unfortunately it has been found that people have made claims in cases where it is not clear that they have actually suffered damage as a result of the infected vaccine, but that claims have been made by people who have lost only two or three sheep. The result has been that a thorough investigation has first of all had to be made throughout the country, by the Department and that investigation has taken up a lot of time. The investigation has now, however, been completed, and the various cases will be dealt with as soon as possible, and the people concerned will be paid out commensurate with the damage they have actually suffered.

Then certain questions have been asked about wool. Hon. members wanted to know when the new scheme would come into operation, and what progress had been made in that connection. I just want to say that although I had hoped that legislation relating to the wool profits to be paid out would be introduced during the present session, this will unfortunately not be possible.

\*Mr. MUSHET: Do you say that it will be necessary or that it will not be possible?

\*The MINISTER OF AGRICULTURE: No, it will not be possible to introduce legislation now.

\*Mr. MUSHET: Will it not be necessary?

\*The MINISTER OF AGRICULTURE: It will not be possible to introduce the legislation now. Firstly, it is not possible to pass



essential bonemeal. We realise that we have a tremendous shortage in this country and processing plants are standing idle at times, and the position is very much worsened by the fact that the bonemeal manufacturers cannot produce on a profitable basis at the present price. I do suggest to the hon. the Minister that he should seriously go into this matter, because it is of the utmost importance and bonemeal plays an important part in production in this country.

Another point I want to take up is the point raised by the hon. member for Pietermaritzburg (District) (Capt. Henwood). Is the Minister actually aware of the fact that supplies of fertilisers are available to enable us to build up a bank of fertilisers in this country? I personally had correspondence five or six weeks ago indicating that fairly large quantities of fertilisers were available merely to be purchased. The conditions for such importation were so easy that I think South Africa should have taken advantage of the offers that were made to us in order to build up a bank of fertilisers, because with the international situation as it is today, we do not know when our supplies of fertilisers and raw materials will be cut off.

May I also associate myself with the remarks made by the hon. member for Frankfort (Col. Döhne). I think it is a disgrace to this country that we are only spending £4,000 per year on the destruction of noxious weeds. Nothing plays such an important part in the destruction of our soil than noxious weeds, and I can assure you that the rehabilitation of our soil after the noxious weeds have had their run, will cost a mighty sum of money in the end. From the time that it was taken out of the hands of the provincial councils till today noxious weeds have increased a thousandfold. Who worries about it? £4,000 a year will hardly cover the expenses of three inspectors, and that in this enormous country of ours. Three of these men have to cover this whole area with a very limited supply of petrol and try and bring about the destruction of noxious weeds. Then there is an important question arising out of this discussion of experimental farms. I noticed with regret a fairly substantial reduction on that Vote. The methods followed by experimental farms are today being imitated by many farmers in South Africa in an experiment to improve their farms, and if we are going to reduce the facilities in any way that are available on these experimental farms, particularly in the case of people who are not able to get an agricultural education at these colleges, and those farmers who are willing to improve their farming methods by attending courses at the agricultural colleges, it is going to be a retrograde step. I am sorry, therefore, that the Minister has reduced this amount, and I am going to ask the Minister to view this matter in the serious light in which it is viewed by this side of the House.

I come to the next point. May I ask the Minister if it would be at all possible to get a reproduction of a most valuable book that was produced by his own department in 1937, the book commonly known as the "Farmers' Handbook". It was a book that was widely read, and it made a very valuable contribution towards every farmer's livelihood, and I can assure the Minister that the information contained in that book will be appreciated by those who are keenly in search of information on all items relating to farming. If that is found possible we would be extremely pleased.

Finally I want to put it to the Minister that I note that £100 is to be paid for stock that died as a result of inoculation. I raised this matter in one of the earlier debates this Session, and asked the Minister what his attitude was going to be in respect of stock that was lost as the result of the use of the vaccine 4243 issue to farmers during the month of February. Many thousands of stock were lost during that period.

The MINISTER OF AGRICULTURE: You should not raise matters today to which I have given a reply.

Mr. C. M. WARREN: May I say with all respect to the Minister that he did not complete his reply.

The MINISTER OF AGRICULTURE: I did reply to that.

Mr. C. M. WARREN: I say again with all respect to the Minister that he did not give me a definite reply as to what he is going to do. Provision is being made here for £100. I can assure the Minister that it will cost the best part of £100,000 to pay for the loss of these sheep.

The MINISTER OF AGRICULTURE: This amount has nothing to do with the losses.

Mr. C. M. WARREN: Can the Minister tell me then whether these men have to go to court?

The MINISTER OF AGRICULTURE: I replied to the points raised by you; apparently you were not in the House.

Mr. C. M. WARREN: I can assure the Minister that I was in the House. I still think that the Minister did not give me the reply that was essential in the circumstances. May I remind the Minister that he has still not told me what stock was lost. However, I do not want to go into that matter again, but I would like the Minister to consider it.

Mr. HEPPLE: I want to return once more to this question of the meat quota. Last night the Minister seemed to be under the impression that he could dismiss this matter

quite lightly by making what was supposed to be a reply, but what was merely an excuse. He said, amongst other things—

The decision to give a quota to the incumbent of the post of Director of Meat Supplies was based on the fact that the proportions of beef allotted for processing in the main centres of the Union compared with the amount allotted to butchers were: Witwatersrand, 5.8 per cent.; Cape Town, 7.3 per cent.; Durban, 5.1 per cent.; Port Elizabeth, 13.4 per cent.; East London, 9.9 per cent.; Bloemfontein, 13.3 per cent.; and Pretoria, only 2.6 per cent.

On that basis it was decided that there was room for an additional allocation of a factory quota in the Pretoria area. But it is significant that that information was only available to the Director of Meat Supplies. No other person in the Union knew, first of all, that the Director or the Board was going to grant a quota, because there was room for that quota, and secondly, they did not know on what basis the Director of Meat Supplies was going to decide to give such new quota for meat. In the past ten years a number of people, who wanted to open meat processing factories, were discouraged and informed by the Director of Meat Supplies that it was no use proceeding with their plans because it was impossible for the Department to give full supplies to existing factories and no new quotas would be granted. Apart from that the most important thing is that information that was available only to the Director was taken as a basis in granting this application. But let us assume that this was made public. Is it now going to be the policy of the Livestock and Meat Industry Control Board to advertise throughout the Union that they are going to bring the ratio of retail meat quotas to factory quotas up to a certain figure? If so, the figures quoted by the Minister as an excuse for granting this quota to Mr. du Toit could be the basis for granting dozens of other quotas in other parts of the Union. For instance, we have the position in Port Elizabeth where 13.4 per cent. of the total amount of meat is used for processing. Is it then going to be the policy of the Livestock and Meat Industry Control Board to increase the factory allocation on the Witwatersrand by another eight per cent. to bring it up to the same ratio? I can see no basis for argument here. The Minister said something else which I am unable to fathom. He said: "Was it because the man who obtained this quota was named du Toit that there was so much criticism?" What is the Minister trying to infer? Is he adopting a racialistic attitude? If he is, I want to say that Mr. du Toit has not got this quota. Three English gentlemen, sitting in England, have got this quota. The Minister has asked

a question and I disagree with him because how can one deal with a matter like this on a man's name? If the Minister uses that as an argument he must remember that the control of this company is vested in three gentlemen in England and if Mr. du Toit falls out with these gentlemen, then the quota may fall into the hands of someone else entirely. But it must be remembered that this quota was allocated, in the first instance, to Mr. du Toit.

The MINISTER OF AGRICULTURE: Are you objecting to foreign capital being invested in South Africa?

Capt. HENWOOD: Don't twist.

Mr. HEPPLÉ: What I object to is that there are hundreds of South Africans and there is a lot of South African capital that would have rushed to take up this quota, but instead of that an official who had the privilege of inside knowledge and who had the authority to grant himself this quota has been able to bring foreign capital into the country.

The MINISTER OF AGRICULTURE: Why did you not criticise the previous Minister when he allowed foreign capital to come in and start an industry here?

Mr. HEPPLÉ: I want to tell the Minister that if I had been in this House when such a thing happened, I would have been the first to criticise. If the Minister has in mind a certain factory on the East Rand, a British firm which has a meat quota, I want to tell him that it was conditional on their establishing a factory in this country that they got a quota and they first had to get a guarantee from the Government that they could get a quota before they built. There would have been no objection to this English company laying down the same conditions, but that is not what happened. Mr. du Toit did not know of the existence of these people when he got the quota. What happened eventually was that when he got the quota he went along to these people and he had something to sell; he had something to hawk. If the Government wants to introduce capital into this country in that manner, then it is setting up a very dangerous precedent because it means that Government officials, who are in possession of secret knowledge that is not available to the general commercial community, will be able to use that knowledge to their advantage. That is not the way we want to attract capital to this country.

An HON. MEMBER: This is the Kruger system of concessions.

Mr. HEPPLE: The hon. member interjects that this is the Kruger system of concessions. This is not a concession.

Mr. A. STEYN: And then you say you are not a racialist; you are nothing more than a racialist.

Mr. HEPPLE: Last night the Minister questioned the motives of those who were making these criticisms. I ask what objection the Minister has to having a searching enquiry into the background of this case, and those members who have raised this criticism — the hon. member for King William's Town (Mr. C. M. Warren) and I, should be compelled to appear there and state what our reasons are. I have stated them in this House, and I want to say that everybody concerned with this, both those who have benefited by this quota and those who have criticised the granting of this quota, should face an enquiry on this matter. I do not see why the Minister should not face up to this point. The Minister is trying to excuse and defend a position which he and a number of his colleagues know is wrong. This is an absolute outrage. I want to conclude by saying this. There is a lot of talk that on the same basis another high official in the Directorate of Food Supplies has been promised a factory quota for the Kimberley area. I do not know, but the last information I had was that this matter was at the moment before the Livestock and Meat Industry Control Board; that this official was assured that he need not worry and that the quota would be allotted to him for the Kimberley district. I want the Minister to tell us what is going to happen there. He has told this House that he is not responsible for the granting of quotas, yet he comes to this House and defends the actions of whoever is responsible. The significant feature of this is that the control of the Directorate of Meat Supplies was taken over by the Livestock and Meat Industry Control Board on the 1st of September, and on the 14th September, this quota was officially granted to Mr. du Toit. But, in actual fact, he knew that he had that quota before the control was taken over by the board. These are questions which the Minister has not answered.

The MINISTER OF AGRICULTURE: On what grounds do you make that statement?

Mr. HEPPLE: Because it is shown in the Minister's reply to my question.

The MINISTER OF AGRICULTURE: That is not so.

Mr. HEPPLE: That is the position. If the Minister will give this House the facts, I am prepared to accept them but it so

happens that I have the information, which has been substantiated by the replies which the Minister has given me to questions, and I say that the Minister is playing with fire if he leaves this matter at the replies he has given this House.

\*Mr. HUGO: When I was a member of the Deciduous Fruit Board at the beginning of the last war, we often discussed the necessity of Government control. I only mention this as an indication of my attitude towards control. Moreover when, before 1918, viticulture reached its low-water mark and the co-operative societies were established in 1918, which today as the K.W.V. are known all over the world, the K.W.V. a few years after it was established as a voluntary association, would definitely have gone under had it not been that Government control was instigated and if in 1924 legislation had not been passed by this House which gave the management of the K.W.V. a certain measure of Government control. I also mention it to prove the necessity of control. But like discipline in a school and discipline in a house, so Government control can also be abused, and I mention this to the Minister because when things go wrong, we have no other refuge than to the Minister. We fully support the principal, but mistakes are made in applying the principle, and the possibility exists that the different councils can abuse their position and succeed in establishing monopolies, not because they want to, but because the procedure they follow may lead to monopolies being established.

\*Mr. V. G. F. SOLOMON: If we say that it is politics.

\*Mr. HUGO: The attitude of the Wheat Control Board towards bakeries has been discussed with the Minister privately time and again, and he made a statement here yesterday afternoon for which we are grateful. But now I want to say this, in regard to the Citrus Board, that in my constituency and here in the Western Province you find a number of citrus farmers who simply take out their orange trees, and to me that is very clear proof that the system applied, the control applied, is obviously unprofitable for those farmers; otherwise they would not take out their trees. Before the Minister allows anything like that to happen, it is certainly worth while to investigate the position carefully and to try and effect some improvement. Last year a deputation of shopkeepers came to see me. They represented two branches of the same firm, one from Paarl — that is the largest branch — and then the branch at Wellington. They came to look for assistance. At a certain time they were unable to get any oranges when their clients wanted them, while many other shopkeepers in Paarl and probably

in Wellington too were able to supply their clients with oranges. In other words they want to be loyal to the control system. They maintain that they support the control system, and while no oranges are procurable, oranges are not available in the black market for people who are not loyal to control. One does not want to hold this against anybody, but we know what this system is in practice, and here we have conclusive proof of control which is perhaps not applied in the right manner. We draw the Minister's attention to these matters. We cannot lodge our complaints anywhere else, and we would like to see that the Minister, as he has done in the past, should give these matters his serious attention and that he should bring about an improvement.

Mr. TOTHILL: I have heard various statements by the Government that they are very concerned about the rising cost of living, particularly the cost of foodstuffs, and I would like to know what the policy of the Government is with regard to farm products, particularly as far as the Potato Board is concerned. The Potato Board appears to fix prices which are very much against the consumer. Large bags of potatoes are sent to the market, and if there is a tendency for the prices to fall the Government, through the Potato Board, buys those potatoes, and actually sells them at a loss. They are exported from this country at a loss. I know the Minister may ask me for concrete examples, and I am going to tell him exactly what has taken place and where it has taken place. On the 22nd October, 1950, in the Johannesburg market, the Government through the Potato Board went in and bought 4,000 bags of potatoes at 7s. per bag. What did it do with those potatoes? Did the Government give it to the poor people? Oh no. They exported them at a cost of 6s. per bag. On the 24th October, the Government again bought potatoes through the Potato Board at 7s. and 7s. 6d. per bag. What did it do with those potatoes? Again they exported them at 6s. per bag, so that the poor people in this country were not able to get the benefit of that price, but the people outside this country were able to do so. I ask you, Mr. Chairman, is that the policy of this Government; is it the policy of this Government to penalise a person if he is poor? Potatoes represent the staple food of a large number of people and yet the Government goes and keeps up the price against these poor people. Another matter I would like to put before the Minister is the question of the Citrus Board. What is the policy of the Citrus Board as far as distribution is concerned? I have investigated that case and I find that the Citrus Board, through an agent, gives the people who handle oranges, preference in certain cases to the detriment of others. Certain agents get large numbers of oranges

of the best quality, whereas other agents get a very much smaller percentage and oranges of an inferior quality. When I saw these people they simply turned round and said that it was nothing else but favouritism by certain people connected with the board. Surely the Government ought to treat everybody alike. They ought to give these people their quotas and then stick to it. I would like to point out, too, that the quality of oranges sent to the market, particularly towards the end of last year, was of a very inferior type. Oranges which were not fit to give to pigs were being sold on the market at 4s. 9d., 5s. and 5s. 3d. per bag. If the Minister wants to know how I know that, I actually went along and bought a pocket myself, took them home and threw them away. You could not even make juice out of them. I want to know whether the Minister will instruct the Board to treat all these agents on a fair, equitable basis.

\*Mr. PAPENFUS: The attack of the hon. member for Rosettenville (Mr. Hepple) is not as innocent as it appears to be. We should not lose sight of the fact that he owns a factory. I think he would have liked to have had a part of the quota which was allocated to the former Director of Meat Supplies. He tells us that the control boards promote monopolies. My hon. friends believe that there should be no monopoly unless they can have it themselves. If someone else has it, then it is wrong, but if they have the monopoly all is well. The wealthy man who has a monopoly is not in favour of a quota in the hands of anybody else. It is a pity that the hon. member for South Coast (Mr. Mitchell) is not present. We find that we cannot even discuss farming interests in a decent atmosphere without racial hatred being introduced in this House. When the hon. member for Rosettenville spoke, the member for the South Coast spoke about Kruger concessions. Where we were discussing farming interests, he could not hide the jingo hatred for the Afrikaners in this country. I think it is a shame that on an occasion such as this, racial hatred should come into prominence.

I want to draw the Minister's attention to the extremely high prices of spare parts. We know that the Minister exercises no control over it and that this does not fall under his jurisdiction. In any event we have very little control over it because spare parts are imported. But when the farmers discuss the fixed prices of products, they always talk about the high prices of spare parts. I know of instances where the price of spare parts has doubled in a year's time. Something always breaks and the farmer has to buy spare parts. He begins to feel eventually that the rise in the price of his products is not commensurate with the rise in the price of the spare parts that he has to buy. I would like the Minister to assure

I think I have said all that is necessary at this particular stage of the Bill and I would like to congratulate the Minister on having introduced this Bill. I hope the Bill will have a quick and easy passage through this House, for which he will have all the co-operation we can give him.

Mr. HEPPLÉ: Mr. Speaker, the Labour Party supports this Bill. We accept it as based upon the best merchant shipping legislation in the world, and we feel that although, as the Minister has said, we are relatively a very young country as far as shipping is concerned, it is laudable that we have had the foresight to see that we have this advanced type of legislation on our Statute Book, in order that we may have provisions in advance and not wait for difficulties to arise. It is laudable too, that we are following a path which has been reached by other countries through trial and error. We have, of course, in such matters to be guided by experts, and I think most of us accept the technical provisions contained in the Bill as being something which is entirely necessary. In practical application and as our shipping trade increases, weaknesses may be revealed, and this House will be in a position to make the necessary amendments. For the sake of the House and in view of the size of the Bill we hope there will not be too many amendments required in future.

As a signatory to the International Convention, South Africa is guided by what has happened in other parts of the world. We, of the Labour Party, are particularly concerned with this Bill in so far as it affects the seamen. Our examination of the Bill reveals that there is sufficient protection for our merchant seamen and sufficient protection for the conduct of this necessary work. We hope that with the growth of merchant shipping in this country and with the increasing number of merchant seamen, who will be affected by this Bill it will work out in the interest of South African merchant seamen, and that we shall develop an attractive occupation for South African boys.

I want to refer to one point. Under Section 9 the penalties are provided, and they seem, in our view, to be very high. We assume that they are based on penalties applicable in other parts of the world, but we would like the Minister to inform this House whether that is the case or whether we have ourselves determined what we think will be proportionate to the offences that may be committed under this particular legislation. I conclude by saying that we do not want to delay the passage of this Bill. We support it and we will assist the Minister to get it through the Committee Stage as speedily as possible.

Mr. HENDERSON: Mr. Speaker, I would like to say to the hon. Minister that I

think there is a good deal of room for congratulation on the introduction of a Bill of this character and I say that because I realise also the amount of study and the amount of evidence, the sympathetic approach to modern requirements, which were necessary in drafting a Bill of this character. I feel, therefore, that it should have a very general welcome. There is no question about it that it is going to put us in the forefront for our maritime regulations. This Bill is to ensure the safety of shipping and it really gives us an up-to-date measure. The Minister has explained the long need that has been felt for a measure of this nature; the need has also been long felt for a very careful approach and in order to maintain this as a measure that will be adaptable, one must acknowledge the necessity for regulations. I am particularly pleased to see that Section 311 makes provision for the incorporation of The Hague rules and includes the necessary provision. This Bill gives us provision for the registration of shipping under our own flag. The whole Bill, as it stands, is generally a necessary measure; it is of a comprehensive character, and I think it is being presented at a time when it not only needed, but is due for a good deal of congratulation for the initiative which has been shown in the drafting.

Capt. BUTTERS: As one who has been intensely interested in ships and shipping all my life, I also want to contribute my quota to the meads of praise which have been handed out to the officials who were responsible for the drafting of this Bill, and to congratulate the Minister on the fact that it has at last been introduced in this House with the prospect of being put through all the various stages promptly. The Minister has stated, and very correctly stated, that the Bill will put right the most unsatisfactory state of affairs which has existed up to now. Our overburdened department of Customs has hitherto been responsible for the supervision and control of ships. The Railway Administration has arranged for the survey of the ships, to check life-saving appliances, to control ships carrying dangerous cargo, to watch that the ships entering and leaving our ports are not overloaded, and so forth. The department of Commerce has been responsible for such control as has been exercised over fishing vessels, and the Department of Justice, through the S.A. Police, has investigated and led evidence in connection with shipping casualties. The Customs again, have been responsible for the examination and registration of masters and officers, the engagement and discharge of crews. Well, here you have divided control in extenso. It is most gratifying to know that all these functions will now be controlled under one department and governed

weigh with them, because certain signatories to The Hague rules have actually in their law incorporated these rules and applied them both to inward and outward cargo. Belgium is one of those countries, and yet the freights have not been raised against Belgium or the other signatory states that have adopted The Hague rules for inward cargo. Why, therefore, should we be afraid to make these rules applicable to inward cargo when they are actually a protection to our importers? There has been, on account of the exclusion of inward cargo by the other Commonwealth countries, unfortunate litigation already. There has been an appeal before the Privy Council. I am assured by no less an authority than one of the Secretaries-General of the International Maritime Committee which produced these rules, that it is hoped that in the very near future the other Commonwealth countries and Britain will incorporate provisions in their laws making The Hague rules applicable to inward cargo. I want the Minister to consider that matter. I do not see why we should always follow other countries, but we should rather lead in that and give protection to our importers.

I am in agreement with what the hon. member for Durban (Point) has said. He has covered the provisions of the Bill very fully, and it is not necessary for me to take up much more of the time of the House. But I will say that once this Bill is put on the statute book, I think we will have the finest shipping code in the world. It has been so thoroughly vetted and approved of by great shipping authorities in Britain and elsewhere, and we have gone a long way to making this the very best shipping code that will be on record. I think we can be very proud of this Bill. But Sir, I am glad that this Bill, when it is placed on the statute book, will give protection to our seamen. We know that as our laws stand at the present moment, the contracts made with South African Nationals by foreign ships are not of any legal effect beyond the three-mile limit, and the result is that our Nationals may be stranded in foreign countries without any protection at all. This Bill gives all the necessary protection in that respect. Another respect in which provision is now made and which is very essential is the enforcement of disputed claims against foreign ships for damage to or loss of cargo. The Hague rules incorporated under Chapter VIII provide now that a foreign ship cannot get clearance from our ports unless someone is appointed in South Africa who will be liable to payment of all claims that arise under bills of lading; and if no agent is appointed, then sufficient security must be given to the satisfaction of the ship's officer appointed to act in these matters. These provisions will be very helpful to South

Africa and I am very glad that these provisions have now been made.

We want to try and build up a mercantile marine as soon as we can. We are not a shipbuilding nation, and there are certain clauses in this Bill which I think should receive careful consideration with the object, if not of deleting them from the Bill then by amendments at a later stage, to make them as flexible as possible. I refer in particular to Section 161 which makes provision for apartheid on ships. We all accept the principle of apartheid, but one realises that a ship is a very different thing from anything else and that we shall largely be dependent, for some time at any rate, on the purchase of ships to build up our mercantile marine; and while I have no objection to that principle remaining in the Bill, I would like the Minister to make it as flexible as possible until such times as it can be enforced. At the moment it must be left to the good sense of the shipowner to apply apartheid as far as can be possibly done on a ship. We do not want anything under our Bill that will stop the building up of our mercantile marine, because we want to build it up as soon as we can. I think flexibility, as the Minister has put it, should be one of the things aimed at in this Bill.

There is one other clause I would like to ask the Minister to look at. That is Clause 347 of the Bill. This clause provides—

If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage shall be deemed to have been caused by the wilful default of the person in charge of the deck of the ship at the time, unless it is proved that the circumstances of the case made a departure from the regulations necessary.

It has been found that this presumption of culpability in such a wide sense creates hardship and you might have in case of a collision the blowing of a whistle as one of the necessary things under the regulations, and the failure to blow the whistle may not have anything at all to do with the collision or the accident. Yet there is the presumption against the ship for wilful default, which may carry with it very grave liability and create very grave hardship. I have referred that matter to the Department, and the advisers point out that this was simply incorporated from Clause 419 of the British Merchant Shipping Act. But I think they probably must have overlooked the fact that that particular statutory presumption was removed by the Maritime Conventions Act of 1911, which is an international Convention. I think we should not incorporate it in our Bill in those circumstances, as it has been eliminated from the British Merchant Shipping Act by this later Act of 1911.

reserves. This system is to be extended to all of them and developed, thus gradually giving the Bantu more and more control over their own affairs. Eventually this must lead up to a Central Bantu Council to deal with matters common to all the reserves. Machinery for very close contact and consultation between the Government and the reserve councils, eventually the Central Council . . .

which is written in capital letters—

. . . must be evolved.

He goes on to say—

What I have sketched broadly must necessarily be a long process . . . How, in this process details will need working out; how conditions may change and experience may necessitate amendments to the system; how, when the Bantu eventually reach a stage of development which justifies it, a system can be developed to give the Bantu in the reserves an adequate say in the central government of their country — these are questions which no one at this stage can answer.

The point I want to know about is, what is this Central Council? We haven't heard about it, but an English audience is told it as if it were in effect — as it should be — the natural corollary to the development of local government which this Government is proposing. And what, also, are the Government's intentions in regard to this matter of giving the Bantu in the reserves an adequate say in the central governments of their country? That is not what we have been told either in this House or in this country. It is what is told to an English audience and put out in an English journal, but it is not what is told in the South African Parliament or to a South African audience. We have been told in effect, so far as we can gather from these numerous statements — the ex-Minister of Native Affairs told us before he departed to higher spheres — that this Parliament is a European affair, that the Europeans are the trustees of the Africans, and that it was not customary for trustees to give their wards any say in the trustees' affairs — a most curious interpretation of the business of government. When we pressed him to tell us at what stage and to what extent and in what way the African population were in fact going to be allowed a say in the laws by which they were governed, we got no reply at all; and we have had no reply from this Minister. So what in effect I am asking him is this, I think, exactly what the hon. member for South Coast has asked him and what various other people have asked him: What is to be the share of the Native population in the making

of the laws of this country, and at what stage are they to earn that share? It is a pertinent question, because the hon. Minister of the Interior when he was discussing the Coloured Bill said that this Government had not changed its policy . . .

The MINISTER OF FINANCE: Not the Government.

Mrs. BALLINGER: Not the Government?

Mr. KAHN: He said the Nationalist Party.

Mrs. BALLINGER: Oh, He simply said, when we asked what the policy was in regard to the Native people, "We have not changed our policy". I appreciate the intervention of the hon. the Minister of Finance, because we all know that he is committed to the principle of keeping this representation which was established by Gen. Hertzog. We all know that. But the Nationalist Party said that they went to the country and that they got a mandate in that regard. But they had not the strength to carry it through, because the hon. the Minister of Finance would not allow it. But we have asked the Nationalist Party what their policy was, and they have distinctly said that their policy had not changed.

An HON. MEMBER: The Minister repeated that today.

Mrs. BALLINGER: Oh, did he? I did not hear that, because it was a long speech, and there were two or three other calls on my time, so that is a bit I missed. But in any case it has been said time and time again here, which leaves this essential point still to be answered on which we are entitled to ask for a specific reply in view of the Minister's statement to the Natives' Representative Council . . . [Time limit.]

Mr. HEPPLÉ: I want to raise two matters with the hon. the Minister. The first is in connection with the pass laws. It has been the policy for a good number of years to encourage law-abiding and respectable Natives to apply for exemption from the pass laws and a considerable number of Natives particularly in the urban areas, have always made that their goal by keeping their slates clean and observing the behaviour required of a law-abiding citizen. During recent years, there has been a vital change in the statistics of applications for exemptions and I would like the Minister to inform this House whether it is the policy of his Government to encourage the granting of exemptions from the pass laws, or whether it is the policy to ultimately do away with these exemptions altogether. In the absence of a clear statement from the Government, there is a lot of uncertainty

as to what the policy of the Government really is in this connection. Among Natives themselves there is uncertainty as to whether there is anything to be gained by making these applications. I asked a question of the Minister earlier in the Session. I asked what was the total number of applications for exemption from the pass laws for (a) the Union, (b) the Witwatersrand, (c) Johannesburg, (d) Durban, (e) Cape Town, (f) Port Elizabeth and (g) Pretoria for the years 1948, 1949 and 1950, and the reply I got was that unfortunately the figures for the Union were not available, but the figures for the various centres were given. They were most illuminating. For the Witwatersrand in 1948 the applications were 11,044 and of those 7,405 were granted; in 1949 the number of applications dropped from 11,044 to 2,826, of which 674 were granted and in 1950 it went up slightly to 3,848 applications, of which 934 were granted. I would like the Minister in reply to this debate to inform us first of all of the reasons for the sharp drop in the number of applications for exemptions and secondly the reasons for the correspondingly sharp drop in the number of applications that were granted. In my experience in dealing with urban Natives, I have always found that exemption has been a great attraction to them and Natives who had been in the employ of one particular employer for a considerable number of years, have taken great pride in the fact that their employers have supported their applications for exemption. They carry the exemption certificates—they feel that that is a mark that sets them above the ordinary Native, they feel that it gives them some standing among their fellow Natives. In view of the figures I have given, supplied to me in reply to my question, it would appear first of all that for some reason or other Natives are being discouraged from making application, or if that is not so, that Natives for some reason or other are abstaining from making these applications and secondly that for some other reason, the applications are not being looked upon very favourably. The previous Minister of Native Affairs informed this House last year that the conditions under which these exemptions would be granted, would be made more difficult. He was not able to give the House the reasons why or to what extent to which they were being made more difficult, but certainly the figures point to the fact that great changes have taken place. I think that this Government owes it to the country to state whether the old policy has fallen out of favour and whether it is in future going to be the case that Natives are to be discouraged from making these applications. Are Natives in future to be treated all on the same basis, that they must all be pass-bearing Natives? This is a very important matter in so far as urban Natives are concerned, and I hope that the Minister and his Department have

examined the effect of these exemptions upon the law-abiding Natives in urban areas. I do hope that the Minister will deal with this particular point, because I am quite sure that the existence of these exemptions can go a long way towards encouraging the majority of Natives to fit in with the laws, particularly in the urban areas. The second point I want to raise with the Minister is the question that I do not think has been raised before. It is the question of something that occurred at Witzieshoek and that was the stopping of certain pensions of Natives. I want to quote here a report that appeared in "The Star" of the 17th November of last year. It says—

The Secretary for Native Affairs, Dr. Eiselen, has this morning asked the Additional Native Commissioner at Witzieshoek, Mr. H. P. Smit, for a report on yesterday's news message that he had stopped the payment of pensions to Natives in the Witzieshoek reserve. A Sapa message from Witzieshoek states that payments were resumed today. Mr. Smit's authority for temporarily stopping the payment of pensions is not known. He himself was reported as saying in an interview that he had taken this step because it had come to his notice that pensioners were using the money to contribute to to fund to fight the case of a Native teacher who had been suspended from the Bantu Mission School on Monday.

I do not know whether the facts as reported here are correct, but this report appeared in the paper and it shocked me when I saw it, because I think if there is an un-Christian thing to do it is to attack pensioners, because rightly or wrongly they use the small pittance that they get as pensions in order to support some cause which they believe is correct. I think the most cowardly thing to do is to attack pensioners, particularly pensioners of the standard of education and understanding of these Natives at Witzieshoek. I do hope that this is an exaggerated report because if it is true then I think that it is a scandal and it is certainly not going to raise the prestige of the European in this country. On reading this report, my blood went cold. I wondered how it was possible for any individual, however angry he might have been at the turn of events, however angry he might have been at the behaviour of a certain group of Natives, to bring himself to use a cowardly weapon such as this, in order to prevent those Natives from supporting a case which to their mind was right. I do hope that the Minister will give us some clear explanation as to the real facts of this particular case.

Mr. ROBINSON: This afternoon the hon. the Minister, in his speech, tried to tell



Party in the light of this legislation. This attitude of theirs is another nail in their coffin. The people will know that in this hour when the whole world is fighting communism, the United Party is saying: "No, we are also in favour of fighting it but we do not want to do anything".

**Mr. HEPPLÉ:** Mr. Speaker, the hon. member for Lydenburg (Mr. Liebenberg) has shown this House that even he does not realise the extent to which the amendment to this Suppression of Communism Act goes. When the hon. member for Springs (Mr. Sutter) was speaking I was not so much interested in the foul background that he was trying to produce against an hon. member of the Other Place; what I was concerned about was that he was illustrating to me, at least, how this amending Bill can be used against so many good citizens in South Africa today. I don't know the hon. Senator about whom he has been speaking; I know his political reputation and that he has consistently opposed and fought the Labour Party in Durban. But what I do see from what the hon. member for Springs has so clearly illustrated to this House today is that we are now elevating the besmirchers of decent people, the poisoned pens, the blackmailers, and all those who use despicable means in order to gain some personal advantage for themselves; and the hon. Minister is enshrining that in this particular amending Bill. The hon. member for Lydenburg has supported my point of view, because he has pointed out that there was evidence — whatever that evidence may have been — that the Senator concerned has changed his mind. But the Minister says, Once a communist, always a communist. This Bill says so. That is one of the strong reasons why I ask hon. members over there to consider the repercussions that will flow out of this amending Bill.

We of the Labour Party have good cause to understand this particular problem. We, as Socialists, have come in conflict with a considerable number of people, some of whom we have termed cranks, some of whom we have termed adventurers, and some who have gone by names such as International Socialists, Anarchists, Syndicalists, and we have (which has become a more cogent force in recent years), the name of communist. I want to say to this House that most of the objects for which any true Socialist strives are objects for which the communists also strive. Where we of the Labour Party disagree with the communists is first of all that we don't believe that it is inevitable that these things have to be achieved by force, if necessary, or by revolution, or by the proletariat overthrowing their exploiters. We say that evolution can achieve these things, and we accuse the communists of wanting to achieve it by revolution. That is the difference between the communists

and the Socialists. I think in the consideration of a law to deal with communists who may be undermining society today, it is necessary for hon. members — especially on the Government side of the House — to understand what is communism. I see from the definition here that even the Minister and his law advisers do not know what communism is, and in an attempt to get over their difficulty they have given a broad definition here which can, in fact, include every man who has an original or clear or honest thought in his mind. The definition reads as follows—

"Communist" means a person who . . . is deemed by the Governor-General . . . to be a communist on the ground that he is advocating, advising, defending or encouraging or has at any time before or after the commencement of this Act, whether within or outside the Union, advocated, advised, defended or encouraged the achievement of any of the objects of communism or any act or omission which is calculated to further the achievement of any such object . . .

I want to give an illustration how this can quite readily be applied. We of the Labour Party publicly declare, and have always done — it is a platform of our programme and always has been — we publicly declare that we stand for socialism, and we say that socialism envisages public ownership by the people of the great key industries, such as transport, mining, engineering, electricity, etc. By that we believe in the nationalisation of big industries. We say that in South Africa we want the nationalisation of the gold mines. The hon. member for Ermelo (Dr. Hertzog) agrees with me. He and I agree on the economic approach to these problems. Under this Act will the position be that if the hon. member for Ermelo and I stand on a platform and jointly advocate the nationalisation of the gold mines, we are not furthering the objects of communism; yet if the hon. member for Cape Western (Mr. Kahn), on an adjoining platform, also advocates that, he is furthering the objects of communism? The hon. member for Cape Western supported this party when we advocated in this House that the gold mines should be nationalised. We say that on public platforms, as we have done — I have done that since my boyhood days and I can tell the House that we of the Labour Party have advocated the nationalisation of the gold mines, and in that we have been associated with a number of prominent members on that side. It was because of their outlook on socialism that we made a pact in 1924 with the Nationalist Party . . .

**Mr. DU PISANIE:** Not you.

**Mr. HEPPLÉ:** Not me? The Labour Party's principles on socialism were supported by

the Nationalist Party of that time, which did not have the same outlook as the Nationalist Party of today. [Interruptions.]

Mr. CHRISTIE: I was there.

Mr. HEPPLE: My hon. Leader reminds me that he was there. Yes, and I was in the Labour Party at that time, too, and I know what happened. The hon. member may not have been in politics in those days and does not know what he is talking about. [Interruptions.]

Mr. SPEAKER: Order, order!

Mr. HEPPLE: I illustrate that as a point. If the Labour Party continues to advocate these things, it will be within the power of the Minister or the liquidator to pick and choose. We are conferring powers now that will enable the Government, through various instruments (the liquidator or other persons) to pick and choose. If I go out and advocate certain socialist objectives in order to raise the standard of the people of South Africa they will not object as long as it does not embarrass the Nationalist Party or it does not threaten one of their parliamentary seats. But let the time come when our strength is such that it begins to threaten the safety of the Nationalist Party parliamentary seats the law is there on the Statute Book for us to be removed. We can be liquidated. This is irrefutable; the Act itself says so.

The next point I want to take in this programme of socialism of the Labour Party is that we believe in the national ownership of the banks and other financial institutions. I am quite sure there are hon. members on that side of the House who agree that that is desirable, and I presume that there are some on that side of the House who will also agree with me. But I want to point out that the communists also advocate that; that is one of the objects of communism.

I want to get on to another point, the co-operative ownership of farming industries such as creameries, grain mills and food distribution services, etc. The Labour Party has advocated for many years that the only salvation of the small farmer in South Africa is to encourage co-operative farming. We say that by collective and co-operative farming the small poor farmer and the smallholder will then be in a position to enjoy the same amenities as the big and rich farmer. We say that that will save farming in South Africa. But the communists also say that collective farming is a great thing; Russia in all her advertisements and all her propaganda throughout the world talks about the success of collective farming in Russia. Therefore it can be said that our advocacy of collective or co-operative farming in South Africa is one of the objects of communism. I could

go on for hours illustrating other points of similarity and how this Act could be applied. The danger, as we see it, lies in this, that the hon. Minister and his colleagues in replying to this debate will say: "We don't aim at you; we are not going to interfere with you; you are a democratic party." But we of the Labour Party say that powers are being conferred here that need not be applied as long as we are not a threat to the Government party, as long as there is no danger of our capturing some of their seats; but immediately we become a political threat to them, or that we may assist or may be the means of wresting power from them at elections in this country, they can then apply this law against any one or all of us.

But it goes further than that. It goes considerably further than that. Anyone who has an intelligent understanding of communism and who knows of the development of communist and similar ideologies throughout the world in recent years, knows that there are a considerable number of people who have for some reason or other deserted the communist cause. Either through unhappy experience or through disappointment or through the acquisition of further knowledge they have decided that communism is not the good thing that they originally thought it was. The Western democracies are making great use of these people throughout the world in order to win converts against communism. In our own library of Parliament we are receiving by every mail books by people who say: "I was once a communist; I have changed my mind"; and they expose communism. In South Africa there is a considerable number of people—like the hon. Senator who has been quoted—who have for some reason or other decided to turn against communism. But what the Minister says in this Act is "Once a communist, always a communist". By this Act he says: "You have no right to change your mind; we don't want any converts from communism." This is a means of political propaganda to strengthen the Nationalist Party and to tell their followers all over the country that they are taking steps against communism; and for that reason they are refusing anybody the right to change their minds. What they are saying to people in this country is: "The opinions you held as a young man must remain fixed, and on those opinions you will be judged." Support of my argument, Mr. Speaker, is proved in this Act that the Minister wants that to be the position; in other words, he wants to punish people for opinions they may have held 25, 35, 40, 50 years ago; because in other amendments to this Act have been included the words—

At any time before or after the commencement of this Act.

At any time before or after the commencement of this Act. He has made it retrospective.

I would like to quote to the Minister something which I read in a book which recently arrived in the library. It is entitled "The Only Way", and it deals, as so much of our literature does these days, with ways and means by which we can rally the mass of the people into a united front to resist communism. Most of the experts who have studied this problem are agreed that one of the most stupid things we can do is to restrict liberty or to curb thought, because by doing that we are, in fact, playing into the hands of communism. The author of this book — a Mr. A. Loveday, late Director of the Economic and Financial Department of the League of Nations — sub-titles his book "A Study of Democracy in Danger", and he deals with a point that is relative to the Bill before the House. He says—

The rights assuring free mental activity have evolved logically, like the others, from small beginnings. Those claimed in all democratic countries today and written into many constitutions are the rights to think, to form opinions, to hold beliefs, to worship, to speak, to write and publish, to discuss. Thus the mind must be allowed to work; discussion — the aid to reason — must be unhampered; the utterance of the results reached must not be impeded, for without this freedom the human being as a rational person cannot function effectively. These are rights that distinguish civilised men from the beast. Without the power to formulate and express opinion, thought itself becomes inhibited and perverted; without the power of unhampered thought man ceases to be a rational being. Without the power to believe and give expression to his belief, to join with others in worship of what he believes commands worship, he becomes an inhibited and will-less being.

That expresses better than I could the effect of this Bill upon South Africa. This Bill seeks to destroy the very things which we want to maintain. This Bill seeks to say to the people of South Africa, "You dare not think, because in thinking you may think dangerous thoughts; you shall not think, because if you think you may think of policies and beliefs that are contrary to the doctrines of the Nationalist Party; and in so thinking you are violating the laws of South Africa." That is what this Bill means — it means nothing else.

When the hon. Minister introduced this amending Bill last night he said: "Hon. members may think it remarkable that I am moving for these amendments such a short time after the introduction of the original Act." I agree with him, I think it is remark-

able, and in my examination of the Bill I endeavoured to discover what events had occurred that have caused the Minister to go to the extent to which he has gone.

Business suspended at 12.45 p.m. and resumed at 2.20 p.m.

*Afternoon Sitting.*

Mr. HEPPLÉ: When business was suspended I had argued that this amending Bill now places additional extreme powers in the hands of the Minister in order to deal with all classes of people and to embrace all his political enemies. Under this legislation, the power is given for the Government, whichever Government happens to be in power, to pick and choose who shall be placed on the list and who shall be excluded from the political life of this country. This Bill strikes at the heart of our Parliamentary system because it means that under the application of this Act innocent people who may be enemies of the Government which is controlling the legislation may be excluded from all spheres of political activity and will be prohibited from representing any section of the people in this House. I have given the example of an hon. Senator who was today assailed here by the hon. member for Springs (Mr. Sutter) for things which he did from 1916 up to 1929. According to hon. members on the other side who made him a Senator, the gentleman concerned changed his opinion and decided that revolutionary socialism was not the thing for South Africa and was certainly not the thing for him. Evidently those hon. members are losing sight of one thing. This amending Bill which is before the House does not give that hon. Senator a choice. This Bill says "Once a communist always a communist" and "once a defender of communism always a defender of communism", and so it goes on right throughout the Bill. In terms of this amending Bill the hon. Senator concerned will have no alternative. If the Minister names anybody else who held those views he must in justice apply that same rule to that hon. Senator. The argument of the Labour Party is that if there is going to be discrimination it makes this Bill even worse; it makes it dishonest; it makes it quite out of keeping with decent legislation. The mere fact that the hon. Senator in question decided to join forces with the Nationalist Party surely cannot exonerate him from views which he held in the past any more than it might exonerate somebody who may have decided to abandon the communist cause and to join the Labour Party or the United Party.

The MINISTER OF JUSTICE: For example?

Mr. ROBINSON: The Prime Minister.

Mr. HEPPLÉ: My argument is that if there is a law for one there must be a law for all. Everyone must be equal under the law. Surely the Minister of Justice will be the last person to tell South Africa, that because a man chooses to link up with the Nationalist Party, he is to be given favoured treatment, but if he links up with the Labour Party or the United Party, he must be named or branded under this Act for actions committed by him or thoughts which he may have held as far back as 1916, or as the Bill says, at any time before or after the commencement of this Act. But worse than that is the fact that the new Clause 17 (bis) throws such people to the mercy of blackmailers, defamers and slanderers. This morning we have had the past of the hon. Senator whose name has been mentioned here, flung across the floor of the House. When this Bill becomes an Act, if the Minister persists with it, it will entitle people to throw slanders all over the country and it means that the poison pens, the blackmailers and the slanderers can pry into the lives of thousands of people in public life in South Africa, and quote opinions which they may have held and statements which they may have made in the exuberance of their revolutionary youth to be held against them for all time. This is aggravated by another clause in the Bill which means in effect that the Minister is determined not to allow anybody at any time to change his views, and also that he wants to encourage slanderers and blackmailers to do their dirty work. In the amendment to Section 12 of the Bill it is proposed to delete the word "publicly". The section previously read, *inter alia*, as follows —

If in any prosecution under this Act or any civil proceedings arising from the application of the provisions of this Act, in which it is alleged that any person is or was a supporter of any organisation, it is proved that he attended any meeting of that organisation or has publicly advocated, advised, defended or encouraged the promotion of its purposes . . .

It is now proposed to delete the word "publicly". In other words, if a man in private conversation in his drawing-room says, as many of us have said and will probably say again in the future, "I am a republican", "I am a socialist", "I am a revolutionary", "I am a rebel", or if he goes so far as to say what I have heard members of this House say that a man who was never a socialist was never anything else, then steps may be taken against him under this Bill when it becomes law. I have heard members in this House quote a lecture delivered by the hon. the Prime Minister in his

younger days on the question of Marxism and socialism. I have heard that distorted. The Prime Minister may be in a position to defend himself. He may have the protection of a majority Government, but the poor unfortunate individual who only happens to be an average citizen subject to prosecution under this Act, will have no defence. Words, as we have found in this Parliament, are what people choose them to mean. If it so happens that the authorities who are going to decide whether a man meant what he said and whether his views were really in support of communism and are so today, have particularly strong views on this matter, what is his position then? The view has been expressed in this House by the Minister "once a communist always a communist", and in such circumstances this law becomes an extremely dangerous weapon in the hands of any government which uses the powers under this Act. It means that they will not deal with communism; they will deal with democracy and they will deal with it in such a manner that for all practical purposes this Parliament may as well dissolve itself. I am not exaggerating when I said that. We in the Labour Party expressed our opposition to the main Act last year because we saw in it many dangerous features. These amendments make it even more dangerous, and if the Minister persists with these amendments which he has now brought before the House, I say that no political opponent of any party in power, which has the control of this law, will be safe. It may even react against hon. members sitting on the Government side of the House now. Political events happen very rapidly, particularly in South Africa, and hon. members on the Government side of the House may be the victim of the iniquities that can be perpetrated under this particular Act.

I want to deal now with another aspect. We have had some discussion on the question of the Declaration of Human Rights. Because South Africa is a multi-racial society, South Africa has found it difficult to agree to a number of the provisions in that Declaration of Human Rights. But there were other provisions, such as the rights of an individual before the law in connection with which South Africa had no difficulty. I want to say that this Bill violates some of the most important articles of this Declaration which was supported by South Africa. In enacting this particular type of legislation, we are denying our signature to that declaration. I would like to give one or two examples. The Minister, in the final clause of this Bill, makes it retrospective to the 17th July, 1950. In Article 11 of the Declaration of Human Rights which was argued at great length and in which South Africa participated, we

find the following — and let me remind the House that there were no objections to this article and there were no abstentions in the voting—

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

The second paragraph of the final text reads—

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence under national or international law at the time when it was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

That Declaration says that if a man committed any act or omission, in other words, under this Act if he supported, advised, defended communism or did any of the other things mentioned in the definition, if he committed those acts when it was not illegal, this Declaration to which South Africa is a signatory demands that he shall be treated as innocent unless he commits such an act after the date on which that law came into operation in this country.

Mr. LOVELL: Another broken pledge.

Mr. HEPPLER: Clause 3, which amends Section 4 (x) of the Act, which says that once a man has been a communist, he will always be a communist, violates this declaration. I quote again the case of the hon. Senator who was referred to earlier. That hon. Senator will therefore be branded as a communist and he is guilty under a law which we are passing today of acts which he committed at a time when they did not constitute offences, that is to say, 25 years ago. Then I want to deal with other sections of the Declaration of Human Rights in which South Africa participated. When U.N.O. was discussing the Declaration with particular reference to the right of everyone to recognition before the law, Mr. C. T. de Water, who was representing South Africa at the time, proposed an amendment to delete from this article the words "against any discrimination in violation of this Declaration and against any incitement to such discrimination". In support of his amendment, Mr. de Water said that the Declaration which the Committee was engaged in drafting represented an attempt to codify the rights of man. He went on to say—

However, it could not be claimed that the Declaration included all rights. For

that reason, the concept of equality before the law could not be limited to the principles laid down in the Declaration. He cited the example of the Union of South Africa, a highly developed country with legislation which combined harmoniously certain elements of Roman law and of Dutch law in a very modern system. That legislation guaranteed to everyone, without discrimination on the grounds of race, age, sex or religion, the most complete equality before the law. The judges, whose professional competence and high moral quality were beyond question, equitably protected all citizens. The object of his remarks, he added, was to clarify the meaning of Article 7. Should the Committee not share his point of view, however, he would not press his amendment.

As most other countries objected, Mr. de Water withdrew his amendment, and it was then unanimously agreed that the article should be divided into two sections and so become Article 7 and Article 8. I should like to read these to the House—

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such declaration.

Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law.

What we are doing in this Act is this. People will be placed on a list: they will be branded and certain action will be taken against them and they will have no recourse to law. The only time that they will have recourse to law will be when they are prosecuted for subsequent violation. They will have no defence and no recourse to the law of this country in respect of the act of being named and blackmailed and branded throughout the country. They will be faced with a position where they will be hounded out of political life, not because they are guilty of anything that will undermine the democratic system in South Africa, but because they have become a thorn in the side of the Government in power. That is what will happen. We have had a very sorry political history in South Africa. Ever since I have been a member of Parliament I have heard complaints and probably many of them justified, from members of the Government side of the House. We have passed through stages in this country where people have been branded for things of which they were not guilty. I have heard the accusation made, for example, that

members on that side of the House blew up bridges, or that they sabotaged the war effort. But on the other hand I have heard hon. members deny it. I know that there is a frame of mind which delights in mass condemnation of people. If Mr. A does not agree with them they damn him and defame him. We are now passing legislation to elevate such people to a high status where they are protected under the law. We are now reaching a stage in South Africa where we are legislating to make the political opportunist, the racketeer and the gangster the only men who will face up to the public searchlight, in order to represent people in Parliament. We have had it before; it has been one of the weaknesses of our democratic system, that a lot of people who would be desirable members of Parliament have shrunk from the prospect of facing all the abuse and the insults which are hurled against a man because he stands for public office. But what are we doing now? We are reaching a stage where no decent, self-respecting citizen will expose himself to the insults and the abuse of slanderers who are going to be protected under this law. That is the type of legislation we are enacting in this House. I am quite sure that the Minister has brought this Bill forward under pressure from somebody who has not explained to the Minister its very serious repercussions. This is a very serious state of affairs. I now want to come to the relationship of South Africa to the Western democracies. [Time limit.]

\*Mr. FULLARD: I did not want to take part in this debate, but the hon. member for Springs (Mr. Sutter) drew me into the debate when he referred to the nomination which we in Natal made in the case of Senator Pettersen. The information which he gave about a warning which I am supposed to have had, is very much like the information which he gave in connection with the Mine Workers' Union, where he also did not have all the information correct. I would just like to explain briefly how Senator Pettersen was elected. I am not going to say that the hon. member for Newcastle (Mr. Maree) and the hon. member for Klip River (Mr. Labuschagne) cajoled me into doing what I did. I am the oldest of the three, and I take all the responsibility for having succeeded in getting Senator Pettersen elected. The accusation has been made here that he is a communist. I took the word of Senator Pettersen. He said to me that he belongs to the Socialist Party. He spoke English to me, and he said to me: "I am more Labour-inclined." I took his word. [Interjections.]

\*Mr. SPEAKER: Order, order! I am not going to allow interjections in this debate like those we had here yesterday.

\*Mr. FULLARD: I can tell hon. members that Mr. Pettersen said that he is not prepared to join the Nationalist Party or the Afrikaner Party, but he made one promise to me and for that reason I voted for him, and that was that if there is a motion of no-confidence in the Government then he would not vote for it. I was placed in the position in which the hon. member for Springs and his party were placed in 1939 when the late Gen. Smuts asked that we must bless the weapons of Russia; that the people must pray that the weapons of Russia would be blessed so that they would not lose the war. I was placed in the same position. At that time, in 1939, the United Party thought that Germany was a very much greater danger than Russia. I was in the same position in Maritzburg when I voted for Senator Pettersen. They were, in my opinion, a very much greater danger than Senator Pettersen. I did not even have a chance to ask someone to pray to get him in to keep them out, but I knew in that terrible danger the people would be if that party came into power again, because they are so communistically inclined. To show that Senator Pettersen kept the promise he made to me, I just want to mention that last year when the principle Act was introduced, he voted for the Bill, whether he was a communist or not. It is today the first time that I have heard that he is a communist; I heard that he was a Socialist. As I said, he voted for this Bill last year, and if he was a communist, then he could never have voted for the Bill last year. I have not spoken to Senator Pettersen this year, but I am sure that he is going to vote for this Bill again. If he was a communist he would not do it.

Mr. KAHN: May I ask you a question?

Mr. SPEAKER: Order, order! I am not going to allow any interjections. The hon. member must resume his seat.

Mr. KAHN: I wanted to ask the hon. member a question. Will he allow me to do so?

\*Mr. FULLARD: No, my time is limited. The hon. member for Springs did not tell the whole story. It has been said here that I was warned that Senator Pettersen is a communist. I only met Senator Pettersen the following morning at 9 o'clock; then they still did not know who was going to be the candidate. That was after they had been struggling the previous evening to get Senator Pettersen elected. They first wanted his vote themselves. When they could not get his vote — I am sure that they will take my word for this; they are men of honour, and I am also — they tried to get his vote because it so happened that one of their Senators, Senator van Rooyen, was

make the definition of communism wide enough so that the Minister can take the necessary action. The hon. member says that any Minister can abuse his powers. Of course, a Minister can abuse his powers, but then he will be held responsible for it. Do hon. members opposite want to maintain that the Minister will simply name any person as a communist? There is no such possibility. No responsible Minister will act in such an irresponsible way, especially not after he has seen what has happened to the party opposite. They simply interned people in an irresponsible way and that is the reason why they find themselves in opposition today. If the United Party is seriously of opinion that communism is as great a danger in South Africa, as we think it is, and as they pretend they think it is, then they should entrust the Minister with the necessary powers to fight that danger, and they should trust him not to abuse those powers. The present Minister has been Minister for the past three years and I do not think there is a single member opposite who can accuse him of having abused any power with which he has been entrusted. If he has not done it, why should he do it now?

\*Mr. BARLOW: We have said nothing against the Minister.

\*Mr. MENTZ: They said that the Minister would abuse his powers. If the Minister acts irresponsibly, the people of South Africa will deal with him as they have dealt with the party opposite. If a Minister abuses such powers he will very soon find himself on the other side and not on this side. We are dealing here with a serious and a threatening danger and therefore we cannot do otherwise but grant wide powers to the Minister. The Minister will act as it becomes a responsible Minister. He will act judiciously; give him the chance. He will not put a person who has been a communist years ago, who does not associate himself with the movement any longer and who behaves himself quietly and peacefully, unnecessarily on the list. How can hon. members hold the view that the Minister will place any person whom he dislikes on the list? We know that that list contains the names of persons who are actually communists and whose past records are known to us.

\*An HON. MEMBER: Where is the list?

\*Mr. MENTZ: Do hon. members not know that the documents of the Communist Party have been confiscated and that the membership list is in the hands of the authorities? No, we on this side are prepared to give the Minister the necessary powers. They are vast powers, but the Minister requires those wide powers since we are dealing with a serious matter. We know that he has not

abused his powers in the past, and we know that in future he will also act in a responsible manner. The Minister knows very well that if he abuses these powers, the people will deal with him and that he will have to take his seat on the other side and not on this side.

Mr. HEPPLÉ: I wish to move the following amendment to this clause—

In lines 19 and 20, to omit "whether within or outside the Union"; in lines 21 and 22, to omit "of any of the objects"; in line 24, to omit "any such object" and to substitute "communism"; and in line 34, to omit "any of the objects of".

I move this amendment in pursuance of the comments and criticisms I made on the Bill during the second-reading debate. I hope that at this stage the hon. the Minister will lift the iron curtain in his mind and listen to the arguments which I want to put forward. We of the Labour Party have pointed out on many occasions that a Bill of this nature contains so many dangers to the average citizen of South Africa that the question of the Minister's prejudices or his personal character should not enter into the argument at any stage. We are not dealing with the hon. the Minister of Justice. If I had to trust the hon. the Minister personally, let me assure him that I would feel quite confident that he personally would not abuse his powers. But that is not what we are dealing with. We are dealing here with a law which will be administered by other people than the Minister. In his reply to the second-reading debate, the Minister said to this House that it was the liquidator who handles the list, and not he; and he asked the House whether we wanted him to interfere with the liquidator in the course of his duties. On the strength of that we on these benches believe that we are now placing on the Statute Book a law which is going to create untold unhappiness, which will result in acts of vindictiveness against large sections of the community, and it is putting in the hands of certain individuals in this country an instrument whereby they can destroy any of their political opponents. As I said to the Minister during the second-reading debate, in his new definition of communism it will be quite simple for anybody in South Africa to point at least to us on these benches as communists, because we are during the course of our fight for a better life for the majority of the people in this country, we are advocating not some of the objects but many of the objects of communism; but that does not make communists of us. There are a considerable number of people in this country who at some time or other have advocated some of the objects of communism. While the Minister may give assurances here of what he won't do, the liquidator or persons who

are responsible for the application of this Act will not be concerned with sentiment or with individuals, they will be concerned with the facts of the law. Any such person is going to look at it always, as a civil servant must, that "Here I am entrusted to apply a law; I don't want to be accused of not applying this law strictly to the letter, and this law orders me, as the liquidator or as the servant entrusted with the work of applying this Act, to see that everybody who is guilty under this Act is dealt with." In the course of applying his mind to that, the liquidator, or any other civil servant, would be neglecting his duty if he did not bring into the net hundreds of thousands of decent law-abiding citizens who, in terms of this Act, are guilty of a felony. In terms of the definition of "communism" as put forward here by the Minister, the servant of the Government, who is entrusted with the application of this Act would be failing in his duty if he did not place at least every member of the Labour Party on that list . . .

An HON. MEMBER: And the Prime Minister.

Mr. HEPPLÉ: I don't want to go as far as referring to the Prime Minister, but I do want to go from the Labour Party to other people. We have, for instance, several members on the Nationalist Party benches who have preached socialism, some of them have preached national socialism. [Interruptions.] Some of them have preached socialism as we of the Labour Party have preached it . . .

Mr. LUDICK: Mention one.

Mr. BLOOMBERG: The hon. member for Krugersdorp (Mr. van den Berg).

Mr. HEPPLÉ: Mr. Chairman, I hope you will allow me to make my speech. The hon. member for Lichtenburg (Mr. Ludick) has many opportunities of participating in the debate, but he never does so. He attempts it by means of interjection. [Interruptions.]

The CHAIRMAN: Order, order!

Mr. HEPPLÉ: The position is that we are living in a world that is rapidly changing from the old order and that is approaching a new order. The general trend throughout the world is towards a planned society, towards socialism. Most countries are trying to resist that march to a better life. What is happening in this country is that, by means of this so-called Suppression of Communism Act and under the definition of communism, the Nationalist Party are in fact doing the work of the capitalist classes, of the privileged classes, who are trying to resist the march to a better life. They are now attempting to make it illegal

for any man who belongs to the lower and the middle classes of this country, to prevent him from advocating and fighting for a better way of life. Once he starts fighting for a better way of life he can be dealt with under the definition of communism. That is all right for the hon. member for Cradock (Mr. G. F. H. Bekker), who is a rich wool farmer, because it is to protect his interests that that Bill is being passed; it is in order to protect the rich farmers and the capitalists of South Africa that this law is being introduced in this country. The hon. Minister of Justice may not concede it, but I can tell him that anyone who is entrusted with the care of this Act can ensure that capitalist vested interests are enshrined for all time, and that any man who dares to oppose these vested interests and these classes can be thrown into prison — he can be thrown out of society. That is the danger that we see in this Act.

I appeal once more to the hon. Minister. I have moved this amendment to this particular clause in the hope that the Minister will see the substance of my earlier argument. There is a desire to deal with communists who may menace the security of our society, but that does not mean that we must use totalitarian methods, that we must now make every man an outlaw because he demands a better way of life. That is what the Minister's definition of communism means. This definition of communism means, as I said once before, that if I advocate the nationalisation of the gold mines — which I have always done and which I believe to be in the public interest — the mine magnates of South Africa can insist that my name be placed on the list; they can insist, as a consequence of that, that I be excluded from this Parliament; the mine magnates can insist and almost order the Government to see that I am not entitled to stand for public office again. They can do all that because I advocate the nationalisation of the gold mining industry in this country. That is what this Bill means in simple language. It means that because the communists advocate nationalisation, and because I advocate it — and because certain hon. members who may have changed their minds also advocate it — the individual who applies this Act can place us on the list and can deal with us. That is what the logical application of this particular clause will mean. I hope the hon. Minister has understood that. [Time limit.]

\*Dr. VAN NIEROP: I shall be very brief because I should not like to hold up a subject and delay a Bill which the country outside wants to have. The country outside is willing to go very far to eradicate communism. What is so sad to me is that, whereas it used to be a pleasure to listen



We pressed him to give us some evidence of the dangers that were threatening us. He resisted the question for a very long time. Ultimately he yielded to that pressure and he gave us as the justification for his urgency that a grave great plot was being hatched in the country under which sections of the Native population on a given day and at a given time were going to destroy all the power plant in this country, to poison all the wells and generally to wreck the security of life in this country.

Dr. FRIEDMAN: What would the Natives drink — Champagne.

Mrs. BALLINGER: That he did not say. Well, Sir, a whole year has passed and the hon. the Minister himself has had to acknowledge that he has not been under any necessity to arrest anybody for any of these offences.

Mr. LAWRENCE: A case of Malice in Blunderland.

Mrs. BALLINGER: We have heard no more of this fantastic story, of the ramifications of communism in South Africa. That scare is past; I do not think even the hon. the Minister is dreaming about it any longer. In the circumstances, perhaps he will tell us why apart from the fact that he has encountered some difficulty in getting rid of the hon. member for Cape Western (Mr. Kahn) from this House, he has come forward with this amending measure. I want particularly to focus attention for a moment on a clause which I did not have a chance to discuss earlier on, Clause 1. I had hoped that time would allow me to say on that clause what I felt about the hon. the Minister's amendment to make it possible for him to pursue the members of an organisation declared unlawful right back to their earliest activities. I want to express my complete opposition to that proposition in relation to the last section of the hon. the Minister's amendment. Under this amendment the hon. the Minister is spreading desolation. In any case under the terms of the Act, with its menace to any organisation in the country, apart from the Communist Party, the hon. the Minister is spreading fear and distrust right throughout this land. But what is the position going to be when the terms of this amending Bill come into operation? Any and every organisation will be at the mercy of these gentlemen sitting over there.

Dr. VAN NIEROP: Thank God they will not be at the mercy of those members.

Mrs. BALLINGER: You would not be at the mercy of this side. The hon. member, as usual, is talking without thinking. Perhaps he can't help that. He

is never going to be asked to be at the mercy of this side of the House, because this side of the House whatever the shade of its political opinion, is determined to stand by the authority of the courts as a protection of the liberties of the people of this country. I have no hesitation in saying that. But every organisation in this country under the terms of this Bill is being put at the mercy of these gentlemen. I say "gentlemen" by courtesy. That in itself is a very alarming prospect for anybody to face. It has already had a very serious affect on a great deal of the social welfare services of this country. As the hon. member for Rosettenville (Mr. Hepple) stated this morning, these organisations are at the mercy of this type of legislation — every single person whose interests lie in the improvement of social conditions in this country. I would emphasise particularly that in this type of legislation lies the liberty of every person who is concerned with the people whom I represent in this House. Anybody who is prepared to work for the improvement of the position of the Native population must face the sort of accusation which constantly comes from that side of the House, and always has done, that "you are a communist;" and with the fantastic approach of the hon. the Minister last year to the whole of this situation, it is quite clear that the real drive is to create a control over policies which would run counter to the apartheid policy of the Government; that anyone who does not stand on the Government's platform in this regard, has practically no chance of escaping the accusation of being a communist. I say that the influence of this type of legislation has already been seriously felt by social welfare organisations in this country — by any organisation which is concerned with the progress of the Native population. In that regard this legislation is not only undermining the liberties of the people but it is putting back the clock in the matter of social progress. It is preventing the forward movement which should be the characteristic of any democratic community. But when this Bill comes into operation the people who have in the past devoted their energies and interests to this type of work are not going to be able to escape. They are already threatened with the danger of persecution in terms of this Act. In the circumstances I think that the mere proposal to extend the powers of control over organisations other than the Communist Party is an iniquity, and in the circumstances I do not think that the provision which the Minister seeks to make here is one which any right-minded person in this House, can possibly support.

Mr. HEPPLE: The Minister's objection to the amendment moved by the hon. member for Benoni (Mr. Lovell) is in fact an objection to the judicial system of South

Africa. The Minister is impatient at the law's delays. He says that at a time of crisis when he wants to take action against communists who are out to disrupt the services and the social order in South Africa he will be prevented from so doing because of the judicial system that operates in South Africa. Because he holds that view, the Minister then said that these powers should be vested in him and those he may nominate because they will not allow any delays to take place, but will then take action immediately. I do not agree with the Minister, but let us assume that he is correct. If the Minister is correct, why does he then say that he is not going to allow anybody subsequently, after he has taken action, to review his decision? Why is he not going to allow judicial minds to operate to discover whether he was right or wrong? That is our objection to this type of legislation, and that is the reason why we moved this amendment. We say that if the Minister has to act quickly as he says he has to act, he may do so but after that let judicial minds apply themselves as to whether or not he acted rightly. The Minister in replying to the objections which we have raised has constantly given us answers which would indicate that the Minister himself has not applied his mind to this particular legislation. May I say to the Minister if he or the liquidator is going to apply his mind to listing people in the manner in which they have applied their minds to this legislation. God help every one of us in this country. We are all in danger when we see this sort of thing.

Mr. G. F. H. BEKKER: Are you guilty?

Mr. HEPPLE: The hon. member for Cradock (Mr. G. F. H. Bekker) asks whether I am guilty.

An HON. MEMBER: Why are you afraid, then?

Mr. HEPPLE: I will tell the hon. member why I am afraid and why every decent democratic person in this country is afraid. We are afraid because he and his pals are going to make the decision and not the judiciary. We who sit in this corner of the House have the privilege of hearing interjections which are not heard at the top end of the House. When I hear such interjections as I have heard here for years, and the interjections which I hear at the moment, I fear that these warped minds are going to decide the fate of South Africa, and I say "God help all of us and all South Africa". The Minister in replying to the amendment moved by the hon. member for Benoni said: "But we argued this thing out last year."

Dr. VAN NIEROP: Hear, hear.

Mr. HEPPLE: The hon. member for Mossel Bay (Dr. van Nierop), who is an authority on these matters, says "Hear, hear," but I want to remind the House and the country that last year we operated under a guillotine on the second reading, the Committee Stage and the third reading. I was allowed about seven minutes. We did not debate half the amendments that were on the Order Paper, and it is wrong for the Minister to say that this matter was debated last year. This matter was guillotined in this House. Members were denied the right to express their opinions on it. Now the hon. member for Mossel Bay as junior Whip has the first taste of authority and autocracy in this debate by moving the closure on this discussion. He delights in the guillotine because he has an authoritarian mind.

The DEPUTY CHAIRMAN: Order, order! I think the hon. member should come back to the clause.

Mr. HEPPLE: I want to say that the hon. member for Mossel Bay is not only impatient with the amendments that we have moved; he not only wants to move the closure here but he would like also to move the closure on the judges of South Africa. That is what we are doing with legislation of this nature.

Dr. VAN NIEROP: I would like to move the closure on communism.

Dr. FRIEDMAN: Will you decide what communism is?

Mr. HEPPLE: The hon. member for Benoni moved this amendment because we know there are people like the hon. member for Mossel Bay . . .

Mr. KAHN: No, he is unique; he is the only one of his kind.

Mr. HEPPLE: . . . we of the Labour Party know that there are people like the hon. member for Mossel Bay who say "Like the Minister, I want to exterminate communism; let us start with everyone who is against the Nationalist Party".

An HON. MEMBER: Nonsense.

Mr. LAWRENCE: I should like to move the closure on the Broederbond.

The MINISTER OF JUSTICE: You did.

Mr. HEPPLE: That is their attitude. We can see that from their amending Bill and from the speeches which have been made by hon. members on that side of the House. They are afraid of the judiciary and I can tell you why they are afraid of the judiciary. The judiciary will not stand against them as candidates in public elections, but God

help any citizen who stands against a Nationalist. If anyone stands against the Nationalist Party and look like winning the election they will see that that candidate's name is put on the list. That is what they will do, and then they will see that that member is either removed from candidacy or if he is elected, that he is unable to take his seat in this House. That is the naked and unashamed policy that the Nationalist Party are pursuing. All this talk about trying to deal with communism is sheer hypocrisy; it is sheer eyewash; they are not attempting to do that at all; what they are attempting to do is to have perpetual political power in this country. If they were not afraid of the judiciary they would accept our amendment to allow the Minister first of all to take action if he has to take action, in a hurry, and then to allow his decision to come under judicial review. But they do not want judicial review; they want to be able to take action against their political opponents and prevent their political opponents from defeating them in public elections. They want to lower the final curtain iron curtain on democracy in this country.

Mr. G. F. H. BEKKER: Oh, no.

Mr. HEPPLÉ: My hon. friends cry "Oh, no," but we know that is the position. I hear these interjections here all day, and these interjections reveal the true minds of hon. members over there.

Dr. FRIEDMAN: What did you call it—minds?

Mr. HEPPLÉ: The object of these people is to see that never again will the Nationalist Party be in danger of being defeated at public elections. The Minister himself on the second reading of this measure, when we criticised it, said to this House: "Why do you complain now; I am not the liquidator; it is not I who does that. The liquidator has a list and he deals with the people on that list. I would not go to the liquidator and interfere with him." The hon. member for Cape Western (Mr. Kahn) pointed out that a junior official is going to decide the fate of every politician in this country and I agree that is exactly what is going to happen. When we plead with the Minister to listen to our appeal to reason and see that the judiciary have the final say in this matter, in order to assure not only that the Nationalist Party but any other political party does not use this measure in order to serve their own political ends, the Minister simply ignores us. I do not know why the Minister is so adamant and refuses to listen to our reasonable request. In the first amendment that I moved on the first clause, I made a reasonable appeal to the Minister. I think I put reasoned case to him. Yet the Minister got

up and replied not to my appeal but he replied to some imaginary argument which he thought I had put forward. I hope the Minister will deal with this amendment on its merits, and the fact that he has replied to the hon. member for Benoni does not mean to say that he has replied to the amendment. I hope that he will apply his mind to it and that he will give us a more reasonable reply than he has given hitherto.

\*Mr. VAN DEN HEEVER: It was really astonishing to witness the spectacle which was enacted in the House this afternoon. It seems to me the hon. member who has just spoken is seeing ghosts. And he has been seeing ghosts since he came to this House.

Mr. TIGHY: He has been looking at you all the time. Are you surprised?

\*Mr. VAN DEN HEEVER: The ghost he sees is the deathly fear that he and his colleagues will never again govern this country. The people he should blame for that, if there is any question of blame, is the electorate of South Africa, the same people we are grateful to for keeping those members out of the Government benches.

\*Mr. KAHN: The people outside?

\*Mr. VAN DEN HEEVER: Yes, the people outside, Sam Kahn included.

\*Dr. VAN NIEROP: His people are black.

\*Mr. VAN DEN HEEVER: Just imagine a grown-up person who is supposed to have a normal intelligence—and perhaps slightly more than a normal intelligence to be able to get into this House—saying here that we want to utilise this law in order to eliminate Opposition candidates during elections. Admittedly that is precisely what the people whose henchmen they are are today doing in other countries. That is precisely what is being done in Russia. In Russia there is only one party, and what is happening here is that our friends over there in the corner want to hide continually behind democracy and by doing so they want to come into power in this country and if they should succeed they will come here and apply the one-party system which is tantamount to a dictatorship. But they accuse this party of wanting to do so.

\*Dr. JONKER: Where is your proof?

\*Mr. VAN DEN HEEVER: It seems to me that the hon. member for Gardens (Dr. Jonker) is joining those friends. We thank him for admitting it, although we suspected it for a long time already.

\*Dr. JONKER: Where is your proof?

\*Mr. VAN DEN HEEVER: One does not need proof for what has happened in Russia. Everybody knows what happened in Russia. I just want to tell the hon. member for Cape Eastern (Mrs. Ballinger) something. We will continue calling her a lady although she declared that she was calling us gentlemen only for the sake of courtesy. She maintained that any person advocating the case of the non-Europeans in South Africa would, under this law, be in danger of being declared a communist, of being eliminated by this Government and this side of the House and being placed on the black list.

\*Mr. BARLOW: And being liquidated.

\*Mr. VAN DEN HEEVER: I wonder whether a guilty conscience is not behind their arguments. Nobody on this side of the House has ever raised any objection against any person who advocated the cause of the non-European races, but objection has frequently been raised against people starting an agitation and putting unjustified ideas into the heads of non-European people. That is what the communists are doing and I am convinced that the Natives of South Africa will not send a communist again to this House in future. I am confident that the persons which they will send here in future will really act in the interests of the Natives. Her fears are unfounded. The undermining of democracy in South Africa is continuing and if we do not place legislation of this nature on the Statute Book, democracy will be undermined to such an extent that ultimately the communists will govern this country. The persons who want to have an autocratic state in South Africa are the members sitting in the corner over there. They are the people who maintain that we should adopt measures to keep this world dictatorship, which pries on all nations, out of South Africa, and I want to warn hon. members over there that they should stop the agitation which is taking place now. The greatest fear of the hon. member for Rosettenville (Mr. Hepple) is that the Nationalists will decide who are communists, and according to him the Nationalists are a lot of wholly irresponsible people who harbour ideas at the back of their minds to kill off our friends on the other side. That is at least the impression one gets from his speeches here. I just want to tell him that we on this side of the House are not afraid of this Bill.

\*HON. MEMBERS: Of course not.

Mr. VAN DEN HEEVER: We are not afraid of the Suppression of Communism Act, even if there should be a change of Government and even if the Minister of Internment of the previous Government should again become Minister of Justice; even then we will not be afraid of this Act.

Mr. BARLOW: The hon. member for Pretoria (Central) (Mr. Van den Heever) always gets very excited. I do not know why he gets excited. He always gets excited and he talks about communism and every second word is democracy. Of course, he recognises quite well that when Lenin and Cromwell and Charles and all the great powers of the world wanted to do something they mouthed the word "democracy." What I cannot understand as far as the Minister is concerned, is that he has gone out of his way or his advisers have, to use a word in a Bill which was invented by Lenin and that is the word "liquidate." That word was never known in the English language before. According to the communist outlook, if you want to get rid of your opponent, you liquidate them. Lenin appointed a liquidator.

Mr. VAN DEN HEEVER: What happened to "Barlow's Weekly." Was that liquidated?

Mr. BARLOW: Lenin coined that word, and the Minister has taken it over. Sir, as we go on, the gentlemen on the other side are becoming more communistic every day. They are now liquidating their friends. The Voortrekkers never talked about liquidating anyone. They said: "Ons gaan ons vyand platskiet (we are going to shoot down the enemy) or, "ons gaan hom doodskiet" (we are going to shoot him dead) or "ons gaan hom ophang" (we are going to hang him). But these Nationalists want to follow their old friend Lenin, and they talk about a liquidator.

The MINISTER OF JUSTICE: Your own Bill talks about a liquidator.

Mr. BARLOW: Of course it was taken over from the Minister's Bill. The time will come when the black man will liquidate us all. There is no doubt about that. The time will come when he will liquidate us all if we go on like this; if we pass Bills such as the Bill before the House. We will make more and more communists every day. As the "New York Times" pointed out this Bill is calculated to make communists not to stop communism. And let me say that the only communist I have ever spoken to in my life, as far as I know, is the hon. member for Cape Western (Mr. Kahn). But if he is a Russian communist then God save us. I do not believe he is a communist. I do not think this country knows what is happening under communism. I have been told by people who think they know that if the Russians come to this country the first people whose throat they will cut will be the present members of the Communist Party in South Africa. I was a reporter for many years in that gallery and I heard speeches in the Cape House, and in this House, and I have never heard the hon.

the cost of living from time to time and which cost-of-living allowances were paid until September, 1948, then the maximum amount of cost-of-living allowance which an official would have been able to get today would have been £224 per annum, whereas that same official is now drawing £256. Those points are lost sight of by the people who say that they want it unpegged again. They forget that the formula has been changed since the present Government came into power, in order to meet the employees to a large extent. These figures are most important. I feel that we cannot emphasise that point enough as regards the average public servant. I am referring now to the person earning a salary of from £350 to £600 per annum. That person can today draw in allowances an amount of £316 under the revised formula, as against only £140 in May-June, 1948. Of that amount £256 is the general cost-of-living allowance. With all due respect I want to say that as far as the person on that scale of salary, i.e. between £350 and £600 per annum, is concerned, and who is living a normal life, I do not believe that his cost of living during this short period has increased by more than the monthly amount of £14 13s. 4d. with which his allowance has been increased since then. The increase has been round about £15 per month.

\*HON. MEMBERS: Oh.

\*Mr. VAN DEN HEEVER: Hon. members can say what they like. The officials with whom I have been in touch in regard to this question agree with me. Hon. members should not forget that certain things have not gone up in price. There has been no tremendous increase in house rents. [Time limit.]

Mr. HEPPLÉ: Mr. Chairman, as we have to do every year, at this time we must raise the question of the cost of living with the hon. Minister of Economic Affairs. I hope that this year he will try and give the House something more than the pretty speeches which he has given in the past. Other hon. members have raised the question with him, but in view of the fact that hon. members like the hon. member who has just sat down, hold the view that cost-of-living allowances are more than adequate to meet existing conditions, I would like from the Labour Party benches to say that just as quickly as workers are getting higher cost-of-living allowances they are being thieved away by the rapidly rising cost of living. The cost-of-living allowances which the workers are getting in South Africa today are falling further and further behind. Every time the Minister of Labour gazettes slight increases in the cost-of-living allowances for workers, and every time employers give their workers increases in

cost-of-living allowances, they are always behind the cost-of-living index, and wage- and salary-earners are finding it harder and harder to make ends meet.

I am like the hon. Minister of Economic Affairs, I like Press cuttings. I could quote hundreds of letters that are appearing in the papers day after day, people complaining about further increases in the cost of living, but I will stick to the official figures which I make it my business to obtain from the hon. Minister himself by way of question every year. I would like to quote to the Minister and to the House some of these figures, which I think are better than anything else. They tell the true story. I want to quote the figures for July, 1949, May, 1950, and March, 1951, to show the progressive upward trend.

First of all I will give the retail price index for the nine principal areas of the Union for all items. In July, 1949, it was 153.2; in May, 1950—that is a year ago—it was 159.2; in March, 1951, the latest figures we have got, it was 167.5; then I have April also, which was 168.8. Not a month goes by but that the retail price index goes up further. For food alone the figures are 161.6 in July, 1949, 172.7 in May, 1950, and 178.6 in March, 1951. For clothing 254.4 in July, 1949, 257 in May, 1950, and 271.8 in March, 1951. Then rents and rates, 122.1, 123.2, and in March, 1951, 132.1. These figures show that despite the pretty speeches by the Minister there has been a steady increase in the cost of living all the time. In reply to a debate in this House the year before last the hon. Minister told the House, "I can't help it if agricultural prices rise," and he accused members of the Opposition for not tackling the Minister of Agriculture on this particular question. He said: "I can't help agricultural prices," and so he had the answer for that. Then last year, the Minister when replying to the same debate—it seems to have become a habit because of the rising cost of living—the Minister said this on the 22nd May, 1950 (Hansard, Vol. 72, col. 6898-6899)—

Today we have been getting the same old story from the other side—they almost believe it themselves—the story of the "daily rising cost of living". "Every day the cost of living is going up." It is untrue and hon. members know that it is untrue.

That is what the Minister said, in the face of figures. Then he went on to say this—

There are increases in prices . . .

Then the Minister went on to give a very valuable contribution to the economic position in South Africa. He said this—

I believe that possibly, at the end of this month, there would have been a reduction in the cost of living . . . There are increases in prices, but I can tell hon. members this, that while increases have happened now in the prices of agricultural products and petrol, which will have an effect on the index, on the other hand clothing is going down in price, and if it were not for the increases in the prices of agricultural products and petrol, I believe that possibly, at the end of this month, there would have been a reduction in the cost-of-living index. In all the speeches this afternoon, I heard nothing about clothing.

The MINISTER OF ECONOMIC AFFAIRS: It was going down.

Mr. HEPPLE: The Minister said it was going down, that is why when I quoted the figures I specially gave three columns. I have given July, 1949, when the index for clothing was 161.6. In May, 1950, when the Minister made this statement that the cost of clothing was going down it had risen to 172.7. So what the Minister said last year is not true. But what is even more untrue is that in March, 1951, the figure is 178.6. Now the Minister is going to have the answer again this year . . .

Mr. VAN DEN HEEVER: What was it in May?

Mr. HEPPLE: Oh, I am sorry, it was 254.4 in July, 1949; 257 in May, 1950 (it had gone up almost three points), and in March, 1951, it is 271.8. These are the correct figures for clothing. There is a steady increase all the time, and what the Minister gives us are speeches and excuses. He blames devaluation, he blames the war in Korea, he blames stock-piling, he blames the Minister of Agriculture, he blames the Opposition, he blames the Labour Party, and so it goes on; and the Minister seems to be under the impression that so long as he is able to attach the blame to somebody, all is well with the poor wage- and salary-earner in this country. This is the Minister who had the reply to the vexed problem of the rising cost of living, and I think this is his opportunity now to make a clearer statement than he has made in the past. I see he yawns, I know he would rather not deal with it . . .

The MINISTER OF ECONOMIC AFFAIRS: Your figures are not correct. Why don't you quote figures correctly?

Mr. HEPPLE: Have I quoted wrong figures? Well, these are the figures that I have been given . . .

The MINISTER OF ECONOMIC AFFAIRS: I will deal with them.

Mr. HEPPLE: I can tell the Minister what I will give him. I will give him the official figures that I quoted which were given by his department.

The MINISTER OF ECONOMIC AFFAIRS: I have got them here, too.

Mr. HEPPLE: These are typewritten answers to questions which I got from the Minister's department. Mr. Chairman, there hangs a very interesting . . . [Time limit.]

\*Mr. G. F. H. BEKKER: There are two points which I would like to raise. The one is in connection with the bag position and the other in connection with the position of our hides. The previous speaker (Mr. Hepple) again launched an attack on the farmers and spoke about the price of the products.

\*Mr. HEPPLE: It is not true.

\*Mr. G. F. H. BEKKER: I want to say to the hon. member that the farmers in South Africa supply food to the population today cheaper than any other country in the world. Furthermore, I want to point out to the hon. member what losses are sustained by farmers in South Africa. The industries in the country are protected; our shoe industry for instance is protected and safeguarded. The farmers are quite prepared to assist that industry. They realise that the industry should be protected. We feel, however, that a point is reached where the farmers can no longer bear the burden of subsidising that industry. I am speaking about the hides which the farmers supply to the shoe industry. I remember that during the war years 40 per cent. of the skins supplied by the farmers were sufficient for the requirements of the shoe industry; 1,000,000 pairs of shoes were exported to the Middle East during that time. At the moment the industry states that it is impossible to manage on 75 per cent of the quota. I am afraid that a shocking scandal is taking place in our country and that the hides which the farmers supply at a very low price for processing in the factories are being stolen by scoundrels in the country. I would like the Minister to make a statement with regard to this alarming disappearance of hides in our country while the farmers are subsidising the shoe industry by supplying hides at a low price. I read in the newspaper that two scoundrels were allowed out on £5,000 bail. I would like . . .

\*The DEPUTY CHAIRMAN: I think that matter is sub judice and the hon. member should not refer to it.

\*Mr. G. F. H. BEKKER: I do not know whether it is sub judice or not, but I would

on that side of the House, have made quite a feature of the economic situation in other parts of the world and then compared it with the situation in South Africa. They said that from the South African point of view the comparison was a very favourable one. The hon. member for Randfontein, in the course of what he said, a little later on in his speech answered himself. He spoke of the "geweldige moontlikhede", the tremendous opportunities in South Africa. I think, Mr. Chairman, that that is the answer unless, of course, the Nationalist Party is claiming that the natural resources of the country are there by virtue of the Nationalist Party. I do not know whether the hon. member for Randfontein is going to claim that the gold in the Free State, for instance, the coal resources in the Transvaal, the chrome and the manganese — all those tremendously wealthy potential resources under the soil — those "geweldige moontlikhede" are part and parcel of what the Nationalist Party has brought to South Africa. The truth of the matter, of course, is that the economic situation, such as it is, reasonably buoyant, such as it is, is one that you find in spite of the Nationalist Party. Can they mention any other country in the world where there are these unexploited natural resources? Will the hon. member for Randfontein or the hon. the Minister tell us where there is so much energy locked up under the soil in any other country in the world? Is there any other country in the world, any big land mass, which provides the potential that South Africa does? And that is the answer. I say to him that the test of the situation is not what the present Government is doing because, let us recognise it, they are good politicians but very poor administrators.

An HON. MEMBER: What did you do when you were in power?

Mr. P. B. BEKKER: I say that the test should be what would be the situation under good guidance and under good administration such as the United Party can give.

An HON. MEMBER: What does your record show when you were in power?

Mr. P. B. BEKKER: Yes, that may be the situation but let me tell my friend that economics is common sense made difficult, and if ever there was need for common sense it is in this country at the present time; with its wealth under the soil and human resources above the soil and capital waiting to come in to perhaps the only great land mass left in the world for exploitation. But the hon. the Minister owes this House an explanation of what his true policy is for the future. We have heard a great deal as to the present economic situation, as to the dividends, which, as usual, he has

referred to and the whole question of import control, which we say could have been better handled by the Minister. But the point of significance is this that during the consideration of the Vote of the hon. the Minister of Native Affairs he gave us a lengthy dissertation on apartheid economics. It is most important if the hon. the Minister means what he said as to foreign capital coming into this country and potential investors coming to South Africa that he should tell the industrialists of tomorrow exactly what the Nationalist Party has in mind as to the future of industries in South Africa. Now the hon. Minister of Economic Affairs appears to be very busy at the moment.

An HON. MEMBER: He is always busy.

Mr. P. B. BEKKER: I do suggest he should say whether he agrees with the policy enunciated by his colleague the hon. the Minister of Native Affairs that industries, in the future, will have to be moved out of the towns, that European industries will have to be established around the perimeters of the Native reserves. He will have to tell us and he will have to tell the industrialists of tomorrow, who want to come to South Africa to establish industries here, whether, in spite of the fact that 80 per cent. of the labour on the mines and in farming is Native labour and 50 per cent. in industry is Native labour, he is going to disturb that integration of labour . . .

An HON. MEMBER: You are talking nonsense.

Mr. P. B. BEKKER: Oh, no. Those are the facts. Is he going to disturb it? So far the economic swing of South Africa has been the swing of the policy followed by previous governments. Let us recognise that. The potential is under the soil. It is there. The point in regard to the future, however, is whether the hon. the Minister of Economic Affairs is guiding the hon. the Minister of Native Affairs or is the hon. the Minister of Economic Affairs guided by the hon. the Minister of Native Affairs. One hears a lot about a trinity, but in this case it is the three musketeers actually consisting of four, the Minister of Lands, the Minister of Justice, the Minister of Economic Affairs and the latest acquisition, the Minister of Native Affairs. It is most important and I think the hon. the Minister will agree that an industrialist overseas who may be thinking of coming to South Africa, who may be thinking of investing his money here, that he should know what the attitude of the Minister of Economic Affairs is as to this industrial policy that we have heard so much about from the Minister of Native Affairs. Does the hon. the Minister subscribe to the view that the Native labour force should

be moved back to the Native reserves, does he subscribe to the view that industry in future will be compelled to go to the perimeters I referred to just now. If so, will he tell us what provision he has made for railway facilities, for power facilities, for water facilities? Is it going to be by dint of force taking the industries there, or will he be simply providing all the amenities, allowing the industrialists to go and put the industries where they belong? When you consider, Mr. Chairman, that coal overseas would cost probably £7 or £8 a ton and you can get it for as many shillings at the pit-head in South Africa today, you will realise how important it is where an industry is established. We know that problem is water. When you think of the chrome and the manganese and the resources locked up there and the ore deposits we have in this country. I say that the only common-sense approach is one where you will try to exploit the riches under the soil by using all available labour resources above it, integrating them in an economic pattern and developing the national income in South Africa in that way, so as to give it the buoyancy of taxation to build up all our social services. I invite the Minister to tell us whether it is the same policy that he is carrying out as to the industrialisation in the future as the one which was indicated by the Minister of Native Affairs during the last ten days or so?

Mr. UECKERMANN: I want to raise two points with the hon. the Minister. The first one deals with the very great shortage of motor vehicles in this country, new motor vehicles

The MINISTER OF ECONOMIC AFFAIRS: Are you referring to passenger cars or commercial vehicles?

Mr. UECKERMANN: Mainly commercial vehicles.

Mr. TIGHY: And the terrific prices.

Mr. UECKERMANN: I am going to make the suggestion this afternoon that the Minister should consider some permit system. There are many people today in the country who rely on motor transport to make their livelihood, and in addition to that there are many people who use motor transport generally speaking for pleasure. There are people again, like farmers, who require motor transport very urgently and the demand today is so great that the position today is the same as it was during the last war. Now I do hope that the Minister will give us some idea of whether he thinks it is practicable for a permit system to be worked out on the basis of the present supply. The demand is very great and I hope the hon. the Minister will give

us some idea of what he thinks about the position.

I have another point to raise under price control. It also deals with this very vexed question of the charges made by garages for services rendered. First of all let me read to the committee some of the figures for the year 1946/47. Those are the latest figures I can get. Union Garages for that period earned £65,707,800. The gross profit during that particular year was £15,053,700 and the nett was £8,280,300, and this large volume of business was spread over 2,208 garages at that particular time. Well, Sir, that is a lot of money, but the point I want to make is this: There are good and bad garages in this country and my remarks must not be taken to mean that all garages are out to fleece the public. When a man takes his car to a garage, he does not know what he is going to get back sometimes. The fact of the matter is that if he is mechanically minded and has the time to do so, he can check the work that has been undertaken by that particular garage, but many times you will find that the car is not serviced properly and not as it should be. Let me repeat again that I am not criticising the garage business as a whole. I want to get at the garages that are not properly equipped. You have the case of the man who sets up business in a backyard and in that way competes with a garage that is trying to set up an efficient business. I firmly believe that the time has now come when a garage should furnish a certificate to the owner of the car when that car leaves the garage. In due course, as things are now, the owner gets an account from the garage and he has to pay. The garage indicates on that account exactly what has been done, but that is about six weeks later and the point I want to make is that when the vehicle is taken away by the man, that same day he must be given a certificate from the garage indicating that the work has been conscientiously carried out. That, Sir, I think is very important and I think the hon. the Minister may wish to agree with me that there is some cause for an investigation, and that there is some cause for complaints. I do not want to take up the time of the committee by detailing my own experience or the experiences of others, but I think it is sufficient to say that a case can be made out and I hope that the hon. the Minister will give some thought to my suggestions.

Mr. HEPPLE: I hope the hon. the Minister will not allow this debate to pass without giving some assurance to the workers of South Africa that he will not allow the ever-rising cost of living to take away from them the small increases which they may get in the form of increased cost-of-living allowances. The Minister has in the past told



this House that he will take the necessary steps to limit profit margins and that he will keep a very careful watch on profits in order to ensure that we don't have runaway inflation. So far what has happened has been that prices have gone up and continue to go up, and every day we see gazetted more and more increases in the price of goods and services. The average wage and salary earner in South Africa is suffering considerable hardship, and the Minister knows it. I don't want us, as happened last year, to have an acrimonious discussion as to whom is to blame. I spoke on this question yesterday and expected that the Minister might give some sort of reasoned reply, and I do hope that he will take the opportunity today to do so. The Minister should make a statement concerning his plans and his policy for the future, in order to see that this continuous rise in the retail price index is not going to be borne completely by the wage and salary earners. We had, as the Minister knows, the problem of the Government itself being forced to peg cost-of-living allowances, and the Government will be forced to peg them again in the future from what we have been told by the Minister of Finance. This problem will be with us as long as things continue along the lines they have in the past. The Minister in reply to some of the members yesterday pointed to the prosperous state of South Africa. He pointed out that there was buoyant revenue, that most concerns have shown increased profits. He was giving this demonstration to show how his Government had been able to bring the economy of South Africa to a healthy state. Now I would like the Minister, as he commented on that, to also make a comment upon the effect of those buoyant conditions upon wages and salaries in this country. It is being said by workers' organisations today, and with a great deal of justification, that any group of manufacturers or distributors can go along to the Price Controller and get increases. That is a complaint that is becoming more and more general, and I think that the Minister owes it to the wage and salary earners in this country to give them an assurance of a definite policy for the future, because there is no doubt that the spiralling of prices will continue for some considerable time and any increased cost-of-living allowances always lag a long way behind. Yesterday when the Minister was dealing with the cost of living in South Africa in reply to the hon. member for Berea (Mr. Sullivan), he quoted other countries, and showed that the retail prices in other countries compared unfavourably with those in South Africa, and he showed that we were, I think, fourth lowest in the world, but I want to tell the hon. the Minister that those figures he quoted are quite misleading unless they are quoted together with the indices of wage rates in those countries. To show him how ridiculous

comparisons can be, I want to quote to him from the monthly bulletin of statistics of the United Nations. In Italy, for instance, the retail price index for 1938 was 100, and in 1950 it was 4,735, more than 47 times as much.

Mr. S. E. WARREN: That is why they have all the unemployment.

The MINISTER OF ECONOMIC AFFAIRS: I did not compare countries devastated by the war.

Mr. HEPPLER: Even in Italy, which is a war-torn country, while the cost-of-living index went up 47 times, the wage rates went up 54 times. In other words, the workers to a certain extent were protected. Now the Minister says that I should not quote a country that was devastated during the war. I would like to quote Canada. The retail price index in Canada in 1945 was 118, in 1950 it rose to 169, but in the same time the average wage rates per hour in 1945 of 69.4 cents rose in 1950 to 105.3 cents. In other words, wages kept step with the cost-of-living index, and that is all that we are asking here in South Africa. I wish he would understand the problem as it affects the wage and salary earners in this country and realise that comparisons do not help to put food into any mouth, nor clothe anybody. What the workers would like to know is this. If it is impossible for this or any other Government to prevent prices from continually rising, what practical steps will the Government guarantee to take in order to see that wages keep pace with prices?

Mr. RUSSELL: Mr. Chairman, it was early in 1948 that the then Opposition, through the present Ministers of Economic Affairs and Interior attacked our government on the question of the cost of living. They asserted, they set out to prove statistically that the cost of living in South Africa was then the highest in the world. That was in February, 1948. In May, 1948, they came into the seats of the mighty, and by a strange juggling of figures set about proving that South Africa's cost of living was then the lowest in the world. From that time onwards the Minister has satisfied his own conscience, and apparently satisfied that of his party, by continuously asserting that the cost of living has been adequately pegged. In proof of that statement, which he has made repeatedly, he has made use of statistics, he has made use of the Union's cost-of-living index figures to prove that South Africa's cost of living was the second lowest in the world. Well, I have always distrusted the cost-of-living index as an accurate basis for proving whether the real cost of living has in fact increased or not. We admit that it is at best a rough guide — perhaps too rough a guide. It merely gives an indication of direction

or trend. I remember distinctly at a Chamber of Commerce Conference on October 16th, 1950, the Minister making use of these words. He was talking about the cost of living in this country in relation to that of other countries. He was comparing the Union's cost-of-living index with that of other countries. The Minister said this of the index—

It is an international system based on a universally identical method of calculation, and, for the purpose of comparison of living costs as between countries, is absolutely correct. This is true, too, with month-to-month comparisons of the cost of living in the Union.

He made that statement. He said, first of all that our cost-of-living index was an international system made upon universally identical methods of calculation; and secondly, that for purposes of comparison of living costs as between this country and other countries, the index was absolutely correct. Might I suggest that the Minister himself is absolutely incorrect, that the Minister, if he takes those comparisons as being authentic, is being grievously misled. There is no doubt about it that he is seriously wrong. In fact, he is leading this country "up the garden path" when he tries to persuade the average housewife and her husband who pays the bills that the cost of living is being adequately pegged.

In the first place, I think economists will agree with me to the same extent that housewives disagree with the Minister, that there is no "universally identical" method of calculation used in the compilation of indices in the different countries which the Minister used and still uses for comparison purposes. I ask the Minister, how could such a comparison system be feasible when there is such a great difference in the ways in which wage-earners spend their hard-earned wages in these different countries. That is the first point I want to make.

The second point is that you cannot have a basis of comparison when the basic year itself is so different in all these countries. In Ireland, for example, they take the basic year as 1947 in calculation of the average household needs of a non-agrarian worker or a salaried employee earning £7 7s. per week; in New Zealand the base year is 1949, and index figures are calculated with special reference to urban dwellers; in Norway it is 1949 and is based on the average family of 3.5 earning 8,000 kr. per annum; in the United Kingdom it is different again; in the United States of America it is also different. That is the second item on which these so-called international calculations differ.

The third point is this. The South African retail price index system covers a quite different assortment of commodities, goods and other items of expenditure from those

of say the United Kingdom or the United States. So we have a different basic year, we have different commodities, and we have different methods of spending money. We have, too, this point that each of these countries gives a different relative weight of importance to the different items that are reflected in their cost-of-living index. In South Africa food is given a "weight" of something like 34.7 per cent. In the United Kingdom it is something like 53 per cent. So, in all these respects it is shown that the Minister is incorrect in taking these figures as a basis of comparison. He uses faulty methods to analyse the situation and as a basis for saying that we have the second lowest cost of living in the world. His statement is, in fact, not true. The hon. member for Rosettenville (Mr. Hepple) has just referred to figures that were given by the hon. member for Durban (Berea) (Mr. Sullivan). He pointed out — quite rightly — that the only possible way in which you could use these comparative figures as a rough guide is to take each series of figures separately and use them to compare the "percentage increase" in the cost of living in relation to each of the different countries. Having adopted this method and scientifically examined international indices, the hon. member for Durban (Berea) gave the following figures for 1948, 1949 and the first half of 1950, which have never been convincingly refuted.

Mr. A. STEYN: He always gives wrong figures.

Mr. RUSSELL: The Minister did attempt in a newspaper war with the hon. member for Durban (Berea), to confute him, but did not succeed. In addition Prof. Robertson pointed out how erroneous the Minister was in the methods and conclusions he had used and drawn. The hon. member for Durban (Berea) showed — he took June, 1948, to June, 1950, for the purpose of his comparison — that in South Africa there had been a cost-of-living increase of 6.5 per cent. That compared very favourably with Australia which had an increase of 16.9 and the Netherlands which had an increase of 14 per cent.

The MINISTER OF ECONOMIC AFFAIRS: I thought they were not comparable. Have you just not proved they are not comparable?

Mr. RUSSELL: This proves that the Minister cannot follow any thought logically at all. I said they were not comparable by the Minister's method. We should not do as the Minister has done. He compares index figures regardless of their different bases, their different basic years and their different "weightings". The only way to compare them usefully would be to take each country separately and taking it from

the Minister would be wise to give second thoughts to this clause.

Mr. POTGIETER: There is no general restriction of the Press.

Mrs. BERTHA SOLOMON: The hon. member says that there is no complete restriction of the Press, but this clause, once it is passed, will in effect give the Minister that power. Take, for instance, a paper written by students. Students are notoriously idealistic in general, and let us assume a student writing an article which is published in their paper, saying, for instance, that we could take some points from the communists. That would be an article which inter alia espouses one of the things for which communism stands. If the hon. member will look and the Minister will look at the Bill, he will find that under this Bill the Minister will have the power arbitrarily to close down such a paper.

Mr. LAWRENCE: As happened in the Argentine.

Mrs. BERTHA SOLOMON: Exactly. The hon. member reminds me that a most eminent paper in the Argentine has been arbitrarily shut down under some such clause. Does the hon. the Minister really want to have that kind of reputation and does this Government, which protests bitterly against opinions expressed overseas, in overseas newspapers, desire to have such a reputation. Do they not realise that this is exactly the kind of clause and exactly the kind of action which justifies that bitter critical opinion that the world outside has of this Government? It has nothing to do with this side of the House, but by introducing clauses like this into a Bill which goes as far as this Bill goes, the Government invites such criticism and they cannot resent it, because such criticism would be justified. Quite frankly I am shocked that the Minister and his Government should ask for powers of this description in a Bill which goes as far as this Bill goes. It is essential for a free country that it should have a free Press, and if aggressive communism has led to such a state that we have to some extent in the interests of democracy to limit the complete freedom of the Press, then I say it is a wise Government that limits it only to the minimum necessary to preserve democracy against communism. This clause goes further in my opinion than is conceivably necessary in a free country, and I plead with the Minister for the sake of the reputation of his own Government and for the sake of democracy, for which we all stand, to leave the clause as it originally stood.

Mr. HEPPLE: Bad as the old clause was this clause is even worse. Previously the clause read—

Serves mainly as a means for expressing views or conveying information, the publication of which, is calculated to further the achievements of any of the objects of communism.

Now the Minister wishes to substitute the words "inter alia" for the words "mainly" and it will now read—

If the Governor-General is satisfied that any periodical or any other publication—

(d) Serves, inter alia, as a means for expressing views or conveying information . . .

What are we coming to? The Governor-General, in applying a clause of this nature, will be able to clamp down on every publication in this country, because in the course of conveying information, whether they intended it or not, they can be accused, under this particular clause, of conveying information of a communistic nature. There is a lot of confusion about what communism means. We see in this House that the elected representatives of groups of people in this House are themselves very hazy as to what communism is. For instance, the hon. member for Cape Eastern (Mrs. Ballinger) is called a communist because she preaches equality or equal opportunities for black and white.

Mrs. BALLINGER: Equal opportunities, not equality.

Mr. HEPPLE: We hear that all day long. She is accused of being a communist. But I have also heard communists refer to her as a reactionary. During the course of this debate, we of the Labour Party have been accused of being communists. This morning the hon. member for Vryheid (Mr. Fullard), who walked into the House and did not know about the confusion on the last clause, and what we were voting on, followed the lead of his colleagues and then looked at us and saw that the members of the Labour Party were using their intelligence and voting correctly on the last clause; because he saw the hon. member for Cape Western (Mr. Kahn) with us he said: "There you are, you say you are not communists but you are voting with Sam Kahn." And actually we were voting for the Minister's clause. That was the position. Mr. Chairman, we are inserting a clause here which means that every publication in this country can be caught. What will be the effect of it? The effect will be that we will have a dragooned Press. The editors of all publications will be afraid to convey information that may be interpreted as information which may further any of the objects of communism. This term "communism" is widely and loosely used. We, of the Labour Party, are called communists

on every occasion and everybody of capitalistic outlook looks upon socialism and communism as being one and the same thing — not everyone but a large number of them. I have heard it said that the British Labour Government is really communistic.

Mr. LABUSCHAGNE: They are not far wrong.

Mr. HEPPLE: There we have it. The hon. member says: "That is not far wrong." What is actually going to happen is that all those who dislike progress and change will be able to apply this law to prevent such progress and change. This is most dangerous because anyone who conveys information is going to be guilty under this clause. Editors of papers, as I said earlier, are not going to touch reports of progress so, in a way, we are going to dragoon the Press. We have a Press Commission sitting at the moment. I wonder if the Press Commission is going to consider the effect of a clause of this nature on the freedom of the Press. I myself do not believe that there should be any curb on the Press whatsoever, but this particular clause goes further than the most reactionary person could expect. This clause means, in effect, that the Press of South Africa will have to take every precaution and editors will reasonably be afraid of touching anything by which they can be accused of furthering any of the objects of communism. If I, as a socialist, were an editor, I could be caught out ten times a day and I think every progressive editor in this country could be found guilty under this particular clause for every issue of his publication.

\*The MINISTER OF JUSTICE: Of course, we seriously disagree with the hon. member for Rosettenville (Mr. Hepple) when he says that in his opinion no restriction whatever should be placed on the Press. If we honestly take the view that communism must be fought, then we certainly cannot allow newspapers to preach any communism or as much communism as they like. If the hon. member wants to allow those newspapers to keep on preaching communism day after day then I cannot believe that he wants to oppose communism. If we accept the principle that we should combat communism then we cannot allow the Press to propagate the principle of communism. So it is necessary to include this amendment seeing that we take this attitude that we have to combat communism as well as communistic publications. If we use the word "mainly" a newspaper can publish a hundred columns of which 99 contain news items while in the 100th column there is a constant commendation and propagation of communism.

Mr. KAHN: May I ask why you do not prosecute such a newspaper for a criminal

offence and send the editor to jail for three years?

\*The MINISTER OF JUSTICE: Then he is released and he again commits the same offence.

\*Mr. KAHN: But it will be three years before he can do so again.

\*The MINISTER OF JUSTICE: Surely we cannot oppose the principle. If it is clear that a newspaper propagates the principle of communism then the Government must have the power to take steps against that newspaper. It will be extremely difficult to define the meaning of "mainly". Does it mean 51 per cent? In other words, if he propagates the principles of communism in 49 per cent. of his columns he cannot be punished.

\*Mr. KAHN: What percentage is "inter alia"?

\*The MINISTER OF JUSTICE: But I want to draw attention to this point. There is no question of the Act seeking to stop a newspaper that occasionally publishes something that can be interpreted as being communistic. It states clearly—

... serves mainly as a means for expressing views or conveying information, the publication of which is calculated to further the achievement of any of the objects of communism.

Mr. HEPPLE: Read (d).

\*The MINISTER OF JUSTICE: In other words, such a newspaper must keep on doing it. It is not enough if it simply publishes something like that by chance. Surely that is what this clause means. If a newspaper, even in a single column, consistently serves as a means of giving information the publication of which is calculated to promote the realisation of any of the aims of communism then the Government must be able to take steps against that newspaper. That newspaper must serve as a means to that end. It must be the means by which such propaganda is continuously published. Then I want to point out that, as I have said before, this clause cannot be enforced until a fact-finding committee under the chairmanship of a senior magistrate has been appointed to submit a report. The finding of that committee must be that it is a fact that the newspaper in question serves as a means of propagating such propaganda. The Governor-General can only take action when he has received such a report from such a committee. So the matter has to be properly investigated and evidence must be given before that committee proving that the newspaper concerned serves as a means of

HEPPLE

SUPPRESSION OF COMMUNISM AMENDMENT  
(COMMITTEE STAGE)

impression that they are also against communism, but I have never before come across such hypocrisy and the sooner we make this Act so stringent that communism can be destroyed root and branch and that South Africa can be purified of communism, the better it will be for our country, and allow . . .

\*Mr. TIGHY: On a point of order. Is the hon. member allowed to accuse this side of "sheer hypocrisy"? The other day Mr. Speaker ruled it out of order, and that hon. member is accusing members on this side of sheer hypocrisy.

\*Comdt. PIETERSE: I said "political hypocrisy".

\*The CHAIRMAN: The hon. member must withdraw those words.

\*Comdt. PIETERSE: I shall withdraw the words, but they are distorting my words.

\*Mr. TIGHY: On a point of order. Must not the hon. member withdraw unconditionally?

\*The CHAIRMAN: The hon. member has withdrawn.

\*Comdt. PIETERSE: If those are not distortions on their part, then I do not know what they are. The hon. member for Pretoria (City) (Mr. Davis) has now read out something from a pamphlet and he tried to give the world the impression that they as a party are also opposed to communism. If they are against communism, why do they not co-operate with us? On every occasion they vote against us. I say that the time has come and that it is high time that communism must be destroyed root and branch in this country. If these things are allowed to go any further there will be more of these unpleasant events which we have already had and such things are being encouraged by the propaganda in this House. Such propaganda leads to that sort of thing. The law is disregarded in this country and the sooner we enforce this Act the better.

\*The CHAIRMAN: Order! I want to point out that Clause 9 deals with the Libel Act and not with communism.

Mr. HEPPLER: Mr. Chairman, this clause, like many other clauses in this Bill, is a complete violation of the universal Declaration of Human Rights. We have heard in this House from no less a person than the Prime Minister that South Africa was not able to subscribe to all the articles of the Charter of Human Rights because of our multi-racial society. On the 9th March, during the current Session, he laid a paper on the Table of the House in which he explained South Africa's attitude as follows—

The vast majority of the rights and freedoms described in the Human Rights Draft are in principle, and subject to details of drafting, acceptable to the Union Government for inclusion in an instrument of full legal validity, but there are certain articles to which the Union Government could not fully subscribe in their present form.

This is no doubt true of a number of other states.

The heterogeneous nature of the communities, traditions, customs and circumstances of the nations which comprise the United Nations' membership should be fully recognised.

Having regard to the very complex difficulties of finding a formula of words to cover all circumstances, the Union Government feel that most earnest consideration should be given to an arrangement whereby it would be possible for a member state to accede to the Covenant with reservations as to particular articles.

Article No. 12 of that Covenant reads as follows—

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

What we are doing is that we are not only failing to provide legal protection against slander and defamation but we are entrenching, in our legislation, protection for the defamers and slanderers. That is what we are in fact doing.

In view of the statement by the hon. the Prime Minister regarding the Covenant of Human Rights, are we to understand by this particular clause that South Africa also wants to make reservations regarding other clauses of the Covenant, apart from those affecting the various racial groups in this country? This is a very serious matter. What South Africa is doing is that she is signing and accepting a Covenant of Human Rights, and then proceeding to legislate to outlaw those rights. Where is the protection for people who are going to be defamed and slandered under this vicious legislation? Worse than that. Not only will they not get any protection, but their defamers and slanderers are going to receive the protection that those who are defamed should receive. How can South Africa say she is honestly and sincerely attempting to co-operate with the other nations of the world in order to establish a Covenant of Human Rights, when we are including in our legislation something to raise to a very high status above the decent people of this country all those who are morally unsound, those who should

really be prosecuted and dealt with under our legislation?

The hon. Minister has not attempted to explain to this House the meaning of this clause. During the second-reading debate, when the Minister said we may be surprised that he is introducing amending legislation so soon after the original Act was passed during last session, he failed to tell us what had happened to cause him to introduce these very far-reaching amendments. I would like the hon. Minister to tell this House — I think he owes it as a duty to this House and to South Africa — to tell us why he finds it necessary to give protection to slanderers and defamers, why he finds it necessary to introduce this revolutionary provision into this law which is proposed to be merely for the suppression of communism in South Africa?

Mr. LOVELL: A Bill of Rights for the Nationalist Party.

Mr. HEPPLÉ: I am quite sure that if the Minister, as I said before, was not so anxious to drop this iron curtain in his mind, he would agree with every word I said this afternoon. He must agree that this is a wicked provision to put in any law. Once again I want to say that this Act might prove to be a boomerang against the party that is putting it on our Statute Book.

Mrs. BERTHA SOLOMON: Mr. Chairman, I want to put it to the Minister that he was, after all, for very many years a practising lawyer, and I want to ask him whether he thinks a provision of this nature is sound. Take one small point. Take 17bis., which says—

No action for damages shall lie against any person who describes as a communist a person—

(a) whose name appears on a list in the custody of the officer referred to in Section 8.

How is the general public to know whose names do appear on that list? Supposing the Minister, or anybody else, were to call X a communist. It might be that the name would be on that list, and, therefore, he would not be committing an offence. But, on the other hand, if X's name is not on that list then obviously he is automatically committing an offence.

The MINISTER OF JUSTICE: Then he is taking a risk.

Mrs. BERTHA SOLOMON: The Minister says he is taking a risk, but by this clause the Minister is actually encouraging people to take a chance and to defame other people, and I think that the Minister, as a

lawyer of standing, should surely deprecate any provision like that if he considers the matter objectively.

Clause 9, 17bis. goes on to say—

No action shall lie against any person—

(b) who has at any time before or after the commencement of this Act professed to be a communist.

I would like to remind the Minister of a series of cases brought by a gentleman, the Secretary of the Garment Workers' Union. I haven't the pleasure of knowing that gentleman, but I should imagine that the number of libel actions that he has brought before the courts must be something of a record, because what seems to be happening is that anybody who doesn't like him for his successful work on the Garment Workers' Union, simply says he is a communist . . .

The MINISTER OF JUSTICE: One judge said he was a communist.

Mr. KAHN: But he was awarded damages.

Mrs. BERTHA SOLOMON: . . . but time and time again he has gone to the courts and obtained damages. Surely if a man is defamed and the courts find that under the normal law he would be defamed, is the Minister seriously going to give protection to the defamer? I find it difficult to believe that the Minister will really do that. It is difficult to believe that Government headed by an ex-predikant should find no room in its ranks for the "sinner that repenteth", for the man who twenty years ago might have been a communist and who, if he were to stand for office today and were slandered and attacked as a communist, would have no redress against his defamer because of this section.

An HON. MEMBER: He can always join the Nationalist Party.

Mrs. BERTHA SOLOMON: That is perfectly true, that obviously is the only line of defence. But if his principles forbid him to join the Nationalist Party then the fact that he may once have been a communist, twenty or twenty-five years ago, forbids him to defend himself against slanderous attacks, whether he seeks election, or just in ordinary walks of life.

I do appeal to the Minister really to think twice before he disgraces our law with a section like this. I should imagine it is one of the most disgraceful sections that has ever appeared in any law, and I ask the Minister to have second thoughts and withdraw that portion at least.

\*The MINISTER OF JUSTICE: In this measure there are many clauses which I as a jurist would not like to see in our laws. I

\*Mr. LAWRENCE: Was your original Bill futile?

\*The MINISTER OF JUSTICE: That is the difficulty which has arisen. The Communist Party was dissolved even before the commencement of the Act. Certain members resigned. The hon. member for Cape Western (Mr. Kahn) maintains that he resigned. Does that make him less of a communist? I should like to know whether any hon. member present here believes that the hon. member for Cape Western, by resigning from his party in order to escape the provisions of the Act, is less of a communist now. Nobody will believe it. I do not attack him personally in this regard, but I am merely quoting him as an instance. There are scores of other people who are the most dangerous communists, who would have resigned before the commencement of the Act, and if we were to agree to the amendment it would mean that one could never proceed against them.

\*Mr. LAWRENCE: Does he not fall under the amendment proposed last year, when the measure was retrospective to the 5th May?

\*The MINISTER OF JUSTICE: As you want it now, such a person would remain free to do as he likes. That amendment would mean that all these people would, as has been said before, be turned adrift, the gate would be opened and then they could run loose and we could never again be able to consider them to be communists. The hon. member for Mowbray (Mr. Brooke) raised the question of a time limit. I thoroughly considered that point, but it is simply impossible to lay it down. We know the communist tactics. There are many of them who for years already have no longer openly associated themselves with the party, who may have resigned from the party or even have been kicked out, but they still remain dangerous communists. It may, for instance, happen that a man resigns from the local Communist Party, but retains his overseas contacts, so that he is still an international communist, and he is much more dangerous than the other. If he resigned or had been kicked out say 10 years ago, it would mean that one could not do anything against him. You may get for instance a person who for the last 20 years has no longer been a member of the Communist Party, but who is still carrying on with his work as a communist. Then there may be another person who perhaps 10 years ago was a communist, but no longer believes in communism and no longer shows any interest in it. If you were to insert a time limit of 15 years it would mean that you would have to leave alone the man who resigned 20 years ago, but you would be able to rope in the much less dangerous one of 10 years non-partyship. That is the

difficulty one is faced with. As far as the hon. member for Musgrave (Mr. A. H. J. Eaton) is concerned, I have on a previous occasion already clearly stated that it is unfortunately true that this Act must be viewed in the light of a reasonable application thereof. The idea of the Government and my idea is not at all to make any person who in the past expressed communist tendencies suffer under the Act, unless we are convinced by the facts in our possession that such a person is still carrying on his dangerous work at the present day.

\*Dr. VAN RHYN: Their deeds.

\*The MINISTER OF JUSTICE: Yes, if today they are still carrying on their dangerous work. I want to tell the hon. member for Vasco (Mr. Mushet) that nobody will be so foolish as to go right back into the past and say that a young boy who years ago in speeches professed to be communistically inclined, should be prosecuted now. We want to tackle the danger that is existing today.

\*Mr. MUSHET: The parents of that boy are very worried.

\*The MINISTER OF JUSTICE: I can give you the assurance that if that boy has cast away his former sympathies, no steps whatsoever will be taken against him. But I also want to say this, that today at certain of our universities there are very dangerous young men who are strongly communistic and who are doing very dangerous work there in order to convert to communism the children of the same good friends of yours you were referring to. We want to be able to take steps against those people, if necessary, but because a person in his early student days said certain things, just as many of us have perhaps in the past done or said foolish things . . .

\*Mr. MUSHET: The Hollywood days.

\*The MINISTER OF JUSTICE: No, those were very sensible days, but we will not proceed against such persons. The test we apply is whether those people are still dangerous in their actions and activities today. For that reason I cannot accept the amendment, as it would render me absolutely powerless to take any action.

Question put: That the words "before or", in lines 9 and 18, respectively, proposed to be omitted, stand part of the Bill,

Upon which the House divided:

## AYES—68:

Abraham, J. H.	Malan, A. I.
Basson, J. D. du P.	Malan, D. F.
Bekker, G. F. H.	Maree, W. A.
Bekker, H. T. van G.	Mentz, F. E.
Bezuidenhout, J. T.	Mostert, D. J. J.
Botha, P. W.	Naudé, J. F. T.
Brink, W. D.	Nel, M. D. C. de W.
Brits, G. P.	Oost, H.
Conradie, D. G.	Papenfus, S. F.
Deyssel, A. J. B.	Pieterse, P. W. A.
Diederichs, N.	Potgieter, J. E.
Döhne, J. L. B.	Sauer, P. O.
Dönges, T. E.	Scholtz, D. J.
Du Pisanie, J.	Serfontein, J. J.
Du Plessis, P. J. C.	Steyn, A.
Du Plessis, W. C.	Strydom, G. H. F.
Erasmus, H. S.	Strydom, J. G.
Erlank, A. E.	Swart, C. R.
Eyssen, S. H.	Uys, D. C. H.
Faurie, W. H.	Van den Berg, M. J.
Fouché, J. H.	V. d. Heever, D. J. G.
Fouché, J. J.	Van Niekerk, A. J.
Frates, T. J.	Van Niekerk, J. G. W.
Fullard, G. J.	Van Rhyn, A. J. R.
Grobler, D. C. S.	Van Schoor, J. J. F.
Havenga, N. C.	Venter, M. J. de la R.
Hugo, P. J.	Viljoen, J. H.
Labuschagne, J. S.	Visser, De V.
Le Riche, R.	Visser, J. H.
Liebenberg, J. L. V.	Von Moltke, J. von S.
Loubser, J. A.	Warren, S. E.
Loubser, S. M.	Wilkens, Jacob.
Louw, E. H.	Wilkens, Jan.

Tellers: P. J. H. Luttig and P. J. van Nierop.

## NOES—56:

Abbott, C. B. M.	Kahn, S.
Allen, F. B.	Kentridge, M.
Ballinger, V. M. L.	Lawrence, H. G.
Bekker, P. B.	Lewis, J.
Bell, R. E.	Lovell, L.
Benson, E. A.	McMillan, N. D.
Bloomberg, A.	Mitchell, D. E.
Bowker, T. B.	Moore, P. A.
Brooke, R. S.	Mushet, J. W.
Butters, W. R.	Oppenheimer, H. F.
Christie, J.	Pocock, P. V.
Cock, C. H.	Russell, J. H.
Cull, J. A.	Shearer, O. L.
Davis, A.	Shearer, V. L.
Delpont, G. S. P.	Smit, D. L.
Durrant, R. B.	Solomon, B.
Du Toit, R. J.	Solomon, V. G. F.
Eaton, A. H. J.	Stuart, W. H.
Eaton, N. G.	Sullivan, J. R.
Frielinghaus, H. O.	Tighey, S. J.
Graaff, De V.	Tothill, H. A.
Henderson, E. J. W.	Trollip, A. E.
Henwood, B. H.	Ueckermann, K.
Hepple, A.	Van der Byl, P. V. G.
Higgerty, J. W.	Waring, F. W.
Hopewell, A.	Warren, C. M.
Jonker, A. H.	Waterson, S. F.

Tellers A. W. S. Mortifee and G. J. Sutter.

Questions accordingly affirmed and the amendments negatived.

Mr. HEPPLE: Mr. Speaker, I move the amendment standing in my name, as follows

In Clause 1, in lines 21 and 22, to omit "of any of the objects of"; in line 24, to omit "any such object" and to substitute "communism"; and in line 34, to omit "any of the objects of".

The clause, as it stands at present, reads—

"Communist" means a person who is deemed by the Governor-General to be a communist on the ground that he is advocating, advising, defending or encouraging or has at any time before or after the commencement of this Act, whether within or outside the Union, advocated, advised, defended or encouraged the achievement of any of the objects of communism or any act or omission which is calculated to further the achievement of any such object . . .

The purpose of my amendment is to remove the words "of any of the objects" and to make this clause applicable only to those who are advocating communism. I have at earlier stages in the discussion of this particular measure pointed out the extreme dangers that are contained in this wide and broad definition by inclusion now of "any of the objects of communism". I have given as an illustration the question of the demand for the nationalisation of the gold-mining industry. I have pointed out that that is a demand of the communists, but it is also a demand of the Labour Party, and we have often had the support of members on the Government side of the House for it, too. We also advocate the nationalisation of most key industries; so do the communists. There are many things that we, as socialists, advocate which can be deemed as one of the objects of communism. For instance, there are members of my party who, like myself, are republicans, who feel that it is in the interests of South Africa that we should be a republic.

An HON. MEMBER: That is something new.

Mr. HEPPLE: I am. I always have been . . .

An HON. MEMBER: What kind of republic?

Mr. HEPPLE: . . . but that applies to people of all parties.

The MINISTER OF JUSTICE: I feel much more kindly disposed towards you now.



Mr. HEPPLÉ: But the difference is this, that perhaps I will hang from the same gallows as hon. members there for having those views, because it may be that the people who are anti-republican can take over this Act and include in the definition of the word "communism" the word "republicanism", and they can hang us from the gallows on that. I use that as an illustration. In this country we have people with many different points of view, and if we are going to classify people whose views are repugnant to us and include that in the definition of "communism" we are going to strike at the very roots of democracy in this country. That is what we are going to do. I can agree to differ with people on various points of view. I can disagree with hon. members over on that side as to what form of republic we should have. I can disagree with the hon. member for Cape Western (Mr. Kahn) as to the type of republic he might want in this country. He actually moved a motion in this House for a republic. Does that mean that all others who want a republic must also be classed as being communists? That is the inherent danger in this particular clause. I have made several appeals to the Minister to realise the dangers that are contained in this clause. The looseness in this definition can result in any person in this country being described as a communist; it can result in that person being persecuted and hounded from place to place; it can result in a decent law-abiding citizen being dismissed from his employment; it can result in decent people being outcasts from society; it can result in their ultimate destruction. Not only will people be deprived of freedom of thought and freedom of action, but they will also be persecuted to a far greater extent. The inclusion of the words "any of the objects of communism" is so far-reaching that they can embrace almost anything, and when we have a diversity of opinion — which is inherent in any democratic society — we all want to make a better world in our own way and because the other chap wants to do it in his way and we want to stop him.

What is going to be the outcome of this type of legislation? One of the hon. members on these benches said to me only this morning, "I don't know what is going to happen when I report back to my constituents; I am going to leave out the word 'socialism', I am going to leave out the words "planned society", I am going to be very guarded as to what I say; because I can be tackled under this very broad definition."

The hon. Minister of Justice has repeatedly stated in this House: "Here we are attempting to take action to deal with communists in South Africa, and every time we want to tighten up the law in order to make those steps effective we get an outcry from the Opposition and they refuse

to assist us". But that is not the point at issue. The point at issue is that we are placing on the Statute Book something that is repugnant to very decent democrat. We are placing on our Statute Book laws that can be used by morons and sadists in order to destroy their political enemies. That is what we are doing; and I have not said it lightly when I said it before. I have warned hon. members on the Government side of the House that this can be a boomerang Act against a lot of members on that side, too. It can be used against a lot of people in this House and against the majority of people in this country.

The Minister of Justice has also said this: "I give this House my personal assurance that we will not use this Act—although we have the power—we will not use this Act against people who are not stirring up trouble and who are not pleading the cause of communism". But here again, as we have so often told the Minister, we are not dealing with the Minister in his personal capacity. The Minister is only a figurehead, a name that is used in the Act; in the same way as "Governor-General" is only a name that is used. We are dealing with the force and effect of law. We as a Parliament are passing a law here which is going to be administered by all kinds of people under all kinds of conditions. Let us assume, for example, that there is some disruption in the Government party of this House—we have seen that often in our politics in this country—and the group that remains in power can then turn on those who have fallen away, on those who are a minority, and they can kill them politically for all time. There is no need for anybody to exaggerate what the interpretation of "any of the objects of communism" may be. When I look back on all that I and my colleagues have advocated as socialists in our political lives, we are guilty, under this definition, right from the word Go. Nothing we can ever say, nothing we can ever do can wipe out what we have advocated in the past. I want to say to the Minister that despite the law, I could no more stop advocating socialism and the things I believe in than die. These things that I advocate are life to me—they are my life's blood. I know that when this Act goes through I will be a transgressor under the law. I am going to lay myself open now to all the penalties under this Act; and perhaps by the grace of the Minister, or by the grace of somebody else who is going to administer this Act, my time might be lengthened. That may be so, but I know that there are thousands of people in this country who think as I think, who are now becoming criminals under the law—people who have always upheld the law, people who have always defended the law—but because they have lived a life of trying to make a better life for those who

are under-privileged, because they have pleaded the cause of the poor, because they have tried to follow the policy of Christ and chased the money-changers from the temples—for all these things, because it is their ideal and their belief in life, they can fall foul of this Act. That is their position. No wide interpretation such as this can leave any man safe. That is this law we are now placing on the Statute Book. The Minister's assurances are welcome but his assurances are unavailing. They are a help and succour to no man in this country, because the Minister or the liquidator or whoever may be in charge of this Act, picks and chooses and if one happens to be unfortunate one is quickly destroyed under this Act. If people are fortunate to escape for a while, eventually they will be overtaken, because, like other Governments, the hon gentlemen there will pass on. Consider the irreparable damage that will have been done in this country to decent people before they do pass on. Consider the position that will arise when the Minister stands up in this House and tells us "I did not do that; I admit that injustices were done but in our endeavour to deal with the communist menace, which we despise, it is inevitable that some innocent people should have paid the extreme penalty. But I did not do it; can you accuse me of having done this wilfully?" We will then say: "No," but in the meantime in the application of an Act of this nature with its broad, wide definition of the word "communism" many people will have suffered. It is not a question of the Minister or the Governor-General; they are not the people who are going to commit crimes against innocent people. The law that this Parliament is passing is going to commit those crimes. Individuals will be of no account. This Parliament will have on its hands the guilt of destroying large numbers of decent, law-abiding people whose only crime might have been that they pleaded for a better life for less fortunate people. Their only crime may be that they disagreed with the Nationalist Party or some other party in power. Not only are they going to lose their freedom of speech and thought but they are going to lose their personal liberty as well. They are going to be hounded out of society first of all; they are going to be branded as criminals and they will go in fear of their security. Public opinion will be whipped up against them and in the course of time such people may first of all disappear from society and later disappear from life itself. We of the Labour Party detest this type of legislation and we warn the Government that it is going to have such wicked and shocking repercussions in South Africa, that perhaps they may live to regret it.

Mr. LOVELL: I second the amendment moved by the hon. member for Rosettenville

(Mr. Hepple) and I would like to support the argument which he was elaborating when he sat down. We all know that "communism" has a well-defined meaning and so has "communist". It would be very easy to establish a clear and definite meaning for these words, but the Minister has sought to rob the word "communist" of all its meaning by saying that a communist is a person who wishes to achieve any of the objects of communism, when he knows well that some of the objects of communism are common to practically all other political doctrines or creeds. This term "communist" as defined in this section merely becomes a term of abuse. It has no meaning any more. If I can be called a communist, if a member of the Nationalist Party can be called a communist, if a member of the United Party can be called a communist, if a Christian can be called a communist, if a heathen can be called a communist, the word loses its meaning. It just becomes a swear word and that is what the Minister is doing. He is emasculating the meaning of the word which is now being created into a new crime. If the Minister had done that with any of the existing crimes on the Statute Book then he would not have been able to stand up in this House, so ashamed would he have been of himself. If he took any other crime and attempted to destroy its meaning so that it would include anyone, he would be ashamed to get up in this House, but because he knows that we all fear communism, because he knows that we are all opposed to communism, because he knows that we are panic-stricken at the very mention of the word, he has the audacity to give it so wide a meaning that any single South African who has ever opened his mouth, can be included under that definition. I know that in the political struggle, in election campaigns, people lose their tempers and they lose their sense of proportion and they start using terms of abuse which they would not have used in ordinary private life, and this word "communist" is used by members of the Nationalist Party and their organisers ad lib. I remember that when the late Dr. Tommy Osborne was nominated as the Labour Party candidate for Benoni he was also called a communist. I remember going to the Nationalist candidate, a very fine gentleman, and asking him to stop his followers from shouting all over the town that Dr. Tommy Osborne was a communist when they well knew that he was not. That is what happens and it happens at election after election. I know the term "communist" is abused.

An HON. MEMBER: And fascist.

Mr. LOVELL: We are not dealing with fascism now. If we were I would discuss the matter with my hon. friend. The point is that the word has been use as a term of

up his mind to meet the needs of the situation in regard to those tenants who were harassed with the threat of eviction on the ground of reconstruction, reconstruction which was not in many cases fully established, this side of the House — in fact I think all sides of the House — were agreed that in full co-operation we should devise the most efficient, the most effective measure in dealing with a matter upon which there was a general consensus of agreement. The Minister has detailed not only the main amendments but also minor amendments, and I think I am correct in saying that the purpose of the main amendments proposed under this Bill is to clarify and to implement more fully the intentions of the Act of 1950. This House is largely responsible for the weaknesses in that Act. It has been the experience of this House, particularly in connection with rent control measures, that these measures are introduced in the closing stages of the Session and that, on that account, there is not always an adequate opportunity for members to make representations in the interests of both tenants and landlords. I do want to compliment the hon. the Minister on his readiness to make it possible for free consultation to take place between the members of his party and the members of other parties in this House, so that what is now done shall be, as far as possible, based up lines which are just and reasonable to all parties who are interested in this matter of rent control. I want to add that a tribute should be paid to the Department, whose doors have always been open to members of the House in connection with any difficulty experienced by them in the interpretation, not only of the Bill but of amendments which the Department had under consideration in consultation with all parties in this House. It is not only in connection with harassed business tenants that the groups concerned were consulted, but also in respect of dwellings. Sir, if other members of the House have not had sufficient time to go into the details of the Bill I hope they will be confident in their own minds that representatives from their own parties have been fully consulted. The Minister was wise in framing this amending legislation so as to differentiate between the reconstruction of a dwelling or of business premises and cases where demolition involving reconstruction from the ground up was involved. I think that differentiation is a step in the right direction. Since this Bill, with its White Paper was before the House, representations have come from different quarters in regard to the Bill as it stands and the groups concerned have met to discuss those representations and to meet them in so far as it was found practicable to do so. The Minister will, I think, in the Committee Stage, bring forward amendments which do not in the main affect the principles laid

down in the Bill itself. I do not wish to go into the details of the Bill. The White Paper gives a full explanation of what is entailed in the amendments proposed in the Bill and the Minister himself has drawn attention to the main features. But Sir, I think I will be failing in my duty to this House if I did not, before closing, say that in our discussions with the members on the Government side and the members of the Labour Party and others affected, one main thing emerged, and that is that the industrial development which has been taking place so rapidly in our country has far outstripped the provision of housing, with the result that we are faced today with a position which, in some areas, is worse than it was two or three years ago. The housing lag is very serious indeed in regard to all sections of the community and particularly among the Native people in the urban areas. Arising from that consideration I say this. We have co-operated in connection with this matter of rent control and I think the call has come to Parliament that there should be concentrated, co-operative action in regard to the housing of the community as a matter of national duty and importance, and that can only be given full effect by our co-operating in devising measures whereby as speedily as possible, in the matter of housing, which after all, lies at the root of rent control, this lag may be caught up. It is a national responsibility and being a national responsibility it behoves every section of the community to realise its responsibility, particularly to the underprivileged section of the community, to ensure that that serious lag shall in some measure be made up. This matter that I am bringing to the Minister's notice will be more fully emphasised when his own Vote comes under discussion. At this stage I merely wish to express my appreciation of the manner in which the Minister and members on his side of the House have co-operated with other parties in bringing this measure before the House. I hope that it will be expedited and that any amendments that are proposed will receive the same careful consideration that has been given to the Bill itself. I, therefore, support the second reading.

Mr. S. E. WARREN: I think in principle everyone will agree with the changes made in this Bill either to make plain what the original Act of 1950 contemplated or to give relief where necessary. There is just one provision which I think should be redrafted. A lessee must first be in arrear with his rent for seven days before he can be sued and ejected from the house. That period is being extended to 14 days, if the tenant can advance good reasons. We know that there are good tenants and there are good landlords, and there are also bad tenants and bad landlords. I have heard people say

that there are more bad landlords than bad tenants. Under the common law if a man does not pay his rent on due date the agreement may be cancelled. There is no other law in which that right is taken away, but it may be a hardship to the poor man who for some reason beyond his control is not able to pay within seven days. For that reason he was given an extension of seven days in which to pay the rent. I want to make this quite plain. You have got a rotter as a lessee and he is seven days in arrear. Then you instruct your attorney to sue him for eviction and the arrear rent. It takes you probably a month and longer before you can get an order under the ordinary circumstances in a magistrate's court.

An HON. MEMBER: What is wrong with Swellendam?

Mr. S. E. WARREN: There is nothing wrong with me, but whatever is wrong is with you. Mr. Speaker, the position is simply this, that by the time you get the order for eviction, this man probably has nothing. Then he is two months in arrear with his rent. Now we are extending the date to 14 days. There are good reasons and I have no objection to the extension of time. Not at all. But I would like to know what are good reasons and why the owner of the premises—the lessor—should have to bear the costs of the extension granted. If a lessee is in arrear for seven days and there is some good reason why he cannot pay his rent, but that he would be able to pay it after seven days' extension, then I am quite prepared to accept that, in principle. But he has got to show the court a good reason for that, and the landlord may know nothing about it and may have to pay the costs. In other words, you are practically placing the landlord in this position that because he is shown some good reason or some reason accepted by the magistrate, he would have to pay the costs. Now I do not think that is fair. If the tenant is in trouble and if he has the hope of getting the money within another seven days for which the extension is granted, then let him go and make the ordinary application to the court and show the reasons. If the magistrate considers that the lessee has good reasons, then the landlord would have to wait, because he has a certain amount of security after the magistrate has gone into the matter, otherwise there may be difficulty in connection with this section, which looks easy. A good landlord will give the tenant 14 days without going to court. A bad landlord will go to court if he wants to get the tenant out. For that reason I feel that that provision ought to be changed so that the landlord is not unnecessarily mulcted with costs, nor the lessee. I have not had an opportunity of considering any better way of doing it, but I feel that that is the weakness in the

extension granted. Not that I feel that we should not help people to remain in their houses. We all, I suppose, have had letters from tenants who are being put out of their houses. In many instances they have been very hard cases. There have been cases in which one feels sorry for the people concerned. They have been paying their rent regularly but have got into arrear for some reason beyond their control. There is, for instance, the case of the ordinary labourer who is paid by the month, and the boss who has to pay him at the end of the month does not have the money, and he has to wait seven days. Now he may have to wait 14 days. Whenever you start shifting responsibility, for every rule of common law there has always been a very good reason, and if you are going to extend those reasons you must also have a very good reason. Although I agree in principle with the Bill that has been brought before the House—every member in the House will do so—yet I feel it may not be a very great thing or a principle on which one would throw out this amending measure or to make trouble, but still I feel that this is something which the hon. the Minister must consider to see whether he cannot make it a fairer proposition.

Mr. HEPPLÉ: Mr. Chairman, we of the Labour Party welcome this Bill to amend the Rents Act which was passed last year. We have particular reason for welcoming it because the provisions of this amending Bill show how right we of the Labour Party were when we so strongly contested the original Act. We foresaw a considerable number of weaknesses in the original Act and we knew that, society being such as it is, there would be a considerable number of abuses and that tenants would be the most to suffer. We want to congratulate the Minister on the speed with which he has dealt with this very serious position that has arisen in the application of the Rents Act of 1950. During the early part of this Session it did appear to us as though the Government was going to allow the position to deteriorate because it was then said that the Act had not yet had a sufficient time to operate in order for us to discern its effects. However, that position is now being overcome by this amending Bill, and we are very happy to see it before this House. It was about this time last year—it was during the dying days of the last session of Parliament, that we attempted from these Labour Party benches to introduce amendments such as are being introduced at this present stage. We do hope that these amendments before the House will be able to remove a lot of the hardships that have so badly hit considerable numbers of tenants of dwellings as well as tenants of business premises. We particularly welcome the provision in Section 2 whereby employees are excluded because we had had a considerable

number of examples of where this particular provision in the original Act was being very much abused. We also very much welcome the amendment to which the hon. member for Swellendam (Mr. S. E. Warren) takes exception, and that is to give a further period of seven days' grace to a tenant who may fall in arrear with the payment of his rent. We believe that this concession to the tenant is something that cannot be abused because the law provides that if a tenant does not pay his rent he can then be dealt with, and this merely serves to give a further opportunity to a tenant who may, through no cause of his own or because of fleeting circumstances, have failed to pay his rent on the due date. I do hope that the Minister will not listen to the plea from the hon. member for Swellendam and others to delete this new provision. We know it is a most important provision and we hope that the Minister will leave it where it is.

Mr. S. E. WARREN: I did not argue against it. I said I was prepared to accept it but that only the procedure was wrong.

Mr. HEPPLE: Mr. Speaker, I am very happy to hear that. I do not want to argue with the hon. member for Swellendam, and I am very happy to know that he is just content to voice his protest and to accept the new Bill. That is very good news indeed. I want to conclude by congratulating the hon. the Minister once more for taking speedy action to remove the bad parts of last year's Act. I would, however, like to conclude by warning the Minister and expressing the hope that as questions such as this are always left to the tail end of a parliamentary session, he will stake his claims with his colleagues and see that his legislation comes up at an early part of the next session, because, I believe, if that had happened with the Rents Act last year and in 1949, when it was held over, perhaps a lot of the things that were rushed through last year would not have had that fate.

Mr. KAHN: Mr. Speaker, the only criticism really in respect of this Bill is its omissions and its failure to deal with other sections of the Rents Act which caused great misgivings such as the provisions dealing with the increase of rentals. I had hoped that the hon. the Minister would have introduced a Bill of a more comprehensive character and that we would have seen rent falling as rapidly as English wickets do. We do complain that the Minister of Social Welfare year after year always gets us on a very sticky wicket and that is that at the end of the session any real effect of discussions is under peril of jeopardising the Bill as a whole. The Minister may get off very lightly with this measure but I would like to say that the rent racketeering which is going on is of such a widespread character that practically every application which

comes now before the Rents Board, results in an increase of rental. The hon. member for Swellendam (Mr. S. E. Warren) has raised this question of the extra seven days which is given to a tenant . . .

Mr. VAN DEN HEEVER: Does the City Council not also increase taxes?

Mr. KAHN: Yes, but under the Rents Act that is automatically passed on to the tenant.

Mr. VAN DEN HEEVER: Not for private houses.

Mr. KAHN: The hon. member who is interjecting has obviously not studied his Rents Act. He was so engrossed in the cricket score that he did not bother about the Rents Act. The fact still remains that the hon. member for Swellendam may know that last year when the Rents Act was passed it repealed certain provisions of the old rents regulations whereby a magistrate was given discretion to grant an order for ejection on the grounds of non-punctual payment of rent but he could suspend the order of ejection—the execution of it—provided the tenant paid on such terms as the magistrate may have laid down.

Mr. S. E. WARREN: Those regulations do not exist any more.

Mr. KAHN: No, they were repealed last year and today a magistrate has no discretion. I mean this is a very wide and a very human clause which the Minister has put in because I know of instances where people have been tenants for something like 20 years and they failed to pay their rent on the due date—that is they allowed their seven days grace of expire without paying their rent—and the landlord promptly whipped in a summons for ejection. I think everybody will agree that merely because on isolated occasions a tenant of such long standing should not lose possession of a house because of one lapse.

An HON. MEMBER: The score is now 108 for 8.

Mr. KAHN: Mr. Speaker, it is obvious that the whole M.C.C. will be out by the time I have finished my speech and I will therefore be very short. My criticism of the clause which the Minister has introduced is that it will only permit a magistrate to grant the extension of time in exceptional circumstances. I think that is a very unfortunate choice of language to insert in a Statute. It is so rare to find a magistrate holding that circumstances are exceptional that it will be of very little value to the tenant. I do hope in the committee stage the Minister will accept an amendment to

delete the words "and in exceptional circumstances". I think that the Minister will agree that during the coming year his Department might subject the whole of the Rents Act to further scrutiny, particularly those sections I mentioned earlier, and introduce it timeously and in the early part of the next session because I too would like to have an opportunity of discussing next year's Rents Act Amendment Bill.

Mrs. BENSON: Mr. Speaker, as one who has been keenly aware of the hardships caused throughout the country by the acute housing shortage and the suffering caused in family life because of that, I want to say that I welcome this Bill and also thank the Minister. Those people who were turned out of their houses under last year's Act suffered hardships under this Bill, but people will have a longer time period. I think one could go into many cases of extreme hardship which I will not do today, but it is within the knowledge of members here that only quite recently many people in Cape Town, I think it was, were actually turned out and had nowhere to go. I want to quote one instance—and I will leave it at one—of the extreme hardship that was caused and that concerns the case of one of the messengers employed in this House. He had occupied a house for about ten years

...  
Mr. SPEAKER: Order, order! That is a matter which the hon. member can discuss during the committee stage.

Mrs. BENSON: I only wanted to show one case of the extreme hardship that was suffered where these people had no redress but had to get out almost immediately after the notice was given. So today I want to join those who are thanking the Minister but I also want to say to the Government that there is still such a shortage of housing right throughout the country, that although I see there is quite an amount on the Estimates for the next year, I do hope the Government will take heed, and realise the absolute necessity that exists to get on with the building of houses, so as to create better home conditions and family life. On that note I again want to thank the Minister. I too, feel that he has carried out these amendments expeditiously and on behalf of the people who will benefit, I thank him.

\*Mr. TIGHY: The hon. the Minister has thanked all parties for their co-operation in making this an agreed measure. We can only express the hope that other members of the Cabinet will try to reach similar agreement on other occasions instead of applying the guillotine.

\*Mr. SPEAKER: The hon. member's remarks are not relevant.

\*Mr. TIGHY: I am trying to speak to the point, Mr. Speaker. I say that other Ministers should also try to place agreed Bills before us by discussing matters in advance. I only want to mention a few points in connection with this Bill very briefly. The first is a general point. We have repeatedly pointed out in the past that important measures like this one are introduced towards the very end of the Session. That is the reason why we had had all the trouble when this measure was introduced last year. The present Minister was not in the Cabinet then, but we also had the position last session that all sorts of Bills were introduced while the important legislation only came up at the end of the session. The Rents Bill was introduced practically during the last days of the session and in consequence members simply had to withdraw from the debate. The result was that we had a lot of difficulty about that measure. Now again we get this Bill towards the end of the Session, together practically with a threat that, if we don't treat it as an agreed measure, it will not go through the House. I do not think it is quite the right attitude towards us. When we get such bread-and-butter measures to deal with, they should be introduced early in the Session and hon. members should be given the opportunity to discuss such Bills properly. I hope the Government will realise the importance of such measures. Be that as it may be, however, the Opposition has decided to assist the Minister in regard to this Bill, although hon. members on the Government side will naturally see to it that the Opposition does not receive any thanks from the country for their attitude.

There is another aspect of the measure with which I also want to deal briefly. One of the primary objects of the Bill is that the rent inspectors be granted powers to inspect business premises. Now that the hon. the Minister has taken over this portfolio, he will find out that these inspectors have caused endless trouble in connection with dwelling houses. In most cases they have not investigated complaints, but they have looked for them. I hope the Minister appreciates the difference. They have not investigated complaints lodged with the Rents Board, but they have searched everywhere to try and find complaints on both sides. I trust the same sort of thing is not going to happen with regard to business premises. Generally speaking the business man has no time to waste on these rent inspectors. In most cases these inspectors are people who receive salaries on which they can hardly manage to come out and the system is open to all kinds of abuses. As it stands here, they are now to be given limited powers to interfere with business people. There is, however, no definition laid down of these so-called "limited powers". I hope that in his reply to the debate, the

# BIOGRAPHY

" A brilliant parliamentarian, Mr Hepple is admired by both sides of the House for the battle he wages on behalf of South Africa's workers - White and Black."  
Rand Daily Mail 15/3/1958

Born in Johannesburg, South Africa, August 28, 1904. Grew up amidst rapid industrialization of the city, experiencing its harsh impact upon a typical white working-class family.

Father was an active member of the Amalgamated Engineering Union, being blacklisted and victimized by the employers for his part in the 1913 and 1914 strikes and arrested in the bloody strike of 1922 in which Alex Hepple himself took part. Both parents were Rand Pioneers and foundation members of the South African Labour Party. Mother born Pietermaritzburg, Natal, 1872. Maternal grandparents arrived in South Africa 1849. Father came from England when gold was discovered on Witwatersrand.

Married in 1931 to Josephine (Girly) Ekstein. Their only son, Bob Alexander, born 1934. She is closely associated with all his work. Her father emigrated from Holland in time to fight for the Boers in the Boer War, and her mother was born in the Orange Free State Republic.

Alex Hepple, a lifelong member of the South African Labour Party and office bearer from 1935 onwards, began work as a messenger boy at £4-0-0 per month - eventually became a company secretary and factory manager. These positions he gave up when he was elected to Parliament in 1948. Member of Transvaal Provincial Council 1943-1948; Member of South African Parliament 1948-1958 when Labour Party was eliminated from Parliament

Parliamentary Leader from 1953 onwards. Served on numerous bodies fighting for human rights.

Has made a special study of labour laws and trade unionism, and is a strong opponent of those who seek to interfere in the affairs of

the trade unions, or curb their democratic rights. Well known for his labours on behalf of non-white workers and the repeal of discriminatory laws.

Chairman of the South African Treason Trial Defence Fund, 1956- 1961 (Dissolution) ;  
Chairman of the South African Defence and Aid Fund 1960 - 1964 ;  
Editor of Forward (Johannesburg) 1962 - 1964 ;  
Director and Editor of International Defence and Aid Information Service (London) 1967-1972 ;  
Assisted several trade unions in various capacities.

**Publications :-**

South Africa: A Political and Economic History (282 pp.) Pall Mall Press, London, 1966  
Verwoerd (253 pp.) Penguin Books, London. (Pelican Series - Political Leaders of the Twentieth Century) 1967

**Pamphlets :-**

Trade Unions in Travail (94pp.) Unity Publications, Johannesburg, 1954. (Story of Broederbond - Nationalist plan to control South African Trade Unions. )

The African Worker in South Africa (36pp) The Africa Bureau, London, 1955. (A study of Trade Unionism.)

A Trade Unions Guide for South African Workers (40pp.) S.A. Congress of Trade Unions, Johannesburg, 1957.

Poverty Wages (16pp.) Wages Committee, Johannesburg, 1959. ( An examination of wage policy in relation to South Africa's lowest paid workers.)



Censorship and Press Control in South Africa  
(78 pp.) published by the author, Johannesburg  
1960.

Pamphlets specially written for the International  
Defence and Aid Information Service :-

Transit Camps in South Africa (13pp.) 1967.  
(Deals with the beginnings of "resettlement  
of Africans from "White" areas.)

The Embargo on Arms for South Africa (9pp)  
1968

Workers under Apartheid (83pp.) 1969,  
2nd. ed. 1971. (88pp.) French translation -  
les travailleurs livrés à l'apartheid -  
(89pp.) 1973.

"Resettlement" - The New Violence to Africans  
(47pp.) 1969, French translation - Camps  
de réinstallation -(64pp.) 1970

Arms and Apartheid (18pp.) 1970

Apartheid Quiz (53pp.) 1972

The Press under Apartheid

Articles on political issues, industrial laws  
and trade unionism contributed to various  
periodicals, magazines and newspapers.

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