

want to say, too, that if the gold mining industry feels this burden is too great, if it feels that it cannot carry on the struggle any longer, there is the solution offered by me and the hon. member for Krugersdorp and the hon. member for Ermelo (Dr. A. Hertzog), and that is, nationalize the mines. . . .

An HON. MEMBER: You are a bad leader of your party.

Mr. HEPPLÉ: Now, Mr. Speaker, I come to some alternative proposals. . . .

An HON. MEMBER: Let us hear them,

Mr. HEPPLÉ: I want to say to the Minister that when drawing this Budget, why did he not consider alternatives; instead of dealing with the people's bread, for instance, he could have looked for other luxury articles which he could have taxed. For the amount involved he could quite easily have gone for other luxury articles—there are many luxury articles that could have been taxed. I wonder whether the Minister considered the question of the expenditure on Defence? In 1950, before the Korean War broke out, our defence vote was £8,250,000. After this war broke out the amount was increased. Now I do not only raise this question because an armistice was signed to-day in Korea. I would have raised it in any case. South Africa, under the present Budget as presented by the Minister, is spending £23,000,000 on its Defence Vote. There has been a cut of £2,250,000 on last year's vote, but at the same time there is a grave danger in this enormous amount that is being voted. In the first place, it looks as if South Africa is going blindly ahead accumulating stocks that will soon become obsolete. There is a danger that it will accumulate stocks that will be useless to the country in time of need. In addition, of this amount that is being spent on armaments, a great deal of it comes from overseas, and we are importing, in our armaments, highly inflated prices that are not in line with the standards existing in this country. I say that the Government could quite easily have chopped off some of its defence vote rather than reduce the living standards of a large section of the people of this country. But I must assume now, in view of the changed conditions in the East, that the Government will definitely and certainly make a big reduction in its Defence Vote, and as a result of that it will be able to alleviate some of the heavy burden bearing down upon the masses of the people of this country. I say that we cannot afford these enormous sums to be spent on defence. We have to provide for defence, and we must not be shortsighted about it. . . .

The MINISTER OF FINANCE: You want to have your cake and eat it.

Mr. HEPPLÉ: I hope the hon. the Minister will deal with this point more clearly than merely by interjecting, when he replies to the debate. It is a very important point that I

have raised, and I think that the Minister owes it to the country to state very clearly what the Government's policy is for the future in relation to this enormous amount that is being voted.

Mr. Speaker, in conclusion I want to say that while we support the amendment moved by the hon. member for Constantia (Mr. Waterson), we feel that it does not contain enough. We feel that it should go further in pointing out to the Government some of the matters which I have raised. We feel that it should cover the question of the cost-of-living allowances which now seem to be coming to an end, and, also, the question of increased prices of commodities as a result of this Budget. And so I move as a further amendment to the amendment moved by the hon. member for Constantia—

To add at the end "and ensures—

- (i) that all workers shall be guaranteed cost-of-living allowances commensurate with increased living costs; and
- (ii) that increased costs resulting from new taxes will not be passed on to the consumer."

In the light of what I have said, Mr. Speaker, we want some assurance from the Government that workers will be protected from rising living costs by the granting of further cost-of-living allowances where necessary and, secondly, that any prices which flow out of this Budget will not be passed on to the consumer, so that the ordinary tax payer has to carry the major burden. We can see the extreme dangers in this Budget. We can see, from the statement of the Minister in which he has said that Escom and other public utilities must raise their own capital—presumably by increased charges for their services—we can see that those increases will be charged to the consumer. The new, increased railway rates will be passed on to the consumer. The taxes on motor-cars and on petrol will be passed on to the consumer. The Minister has made no statement in this House as to what the attitude of the Government will be in this regard, and therefore we add to the amendment of the hon. member for Constantia, our own amendment in order to show what we desire. We want the people of this country to be protected against budgets of this kind, which I think must go down as one of the worst budgets in our history. I move.

Mr. EATON: I second the amendment.

Dr. FRIEDMAN: Mr. Speaker, this Budget is a post-election Budget. It is instructive to compare it with the post-election Budget of 1948. Indeed, Sir, the contrast between the two post-election Budgets is very significant. When the Minister presented his Budget in 1948, after nine years of United Party rule. . . .

An HON. MEMBER: Misrule.

Dr. FRIEDMAN: . . . this country was at the peak of its prosperity. For a while this Government was able to bask in the after-glow of that prosperity. The Minister found the Treasury full to overflowing, and he celebrated his return to office by tax remissions on a lordly scale. Indeed, he behaved like the prodigal who makes free with an inherited fortune. But he did not tell the tax-payers that they owed these benefactions to the prudence of his predecessors. No, he gracefully accepted the kudos for himself and for his party.

May I remind the House that that was the first and the last time in the history of this Government that the hon. the Minister was in a position to remit taxes. Scarcely six months later, in his next Budget, he had to reimpose the taxes which he had previously remitted and, indeed, he had to impose fresh burdens upon the community. To-day we have another post-election Budget. This time, after five years of Nationalist rule. What a dismal contrast to the post-election Budget of 1948! What a melancholy tale the Minister had to tell, and what a sombre prospect opens up before us! This time there are no tax remissions. On the contrary, the general level of taxation is now far above the war-time level. Yet the Minister calls upon the tax-payers to bear fresh exactions to the tune of £11,500,000.

The hon. the Minister objects to us talking about a tax on bread. The Minister reacted very sharply when the hon. member for Constantia (Mr. Waterson) spoke about a tax on bread. But I must remind the Minister that in his Budget speech, which I have before me, he made a special appeal to the lower income groups, did he not? He asked them to make sacrifices. These are his words:

We must also appeal to them—that is the lower income groups—to contribute their share to the solution of the financial problems with which we are confronted.

Now, Mr. Speaker, if the Minister did not have to raise this £18,000,000 for capital purposes, he would have been able to subsidise the increase in the price of bread without adding one penny to existing taxes. Can the Minister deny that? In other words, the increase in the price of bread is their contribution to the solution of the financial problems which confront us. Can the Minister deny that? If that is a contribution, it is a tax; a contribution is a tax.

The MINISTER OF FINANCE: Your explanation does not make the statement that it is a tax less disgraceful.

Dr. FRIEDMAN: Mr. Speaker, the hon. the Minister cannot escape from the logic of the situation. This is the contribution that the lower income groups are making towards solving the Minister's financial problems, and, as I say, a contribution is a tax.

An HON. MEMBER: Your speech is a tax.

Dr. FRIEDMAN: Yes, it taxes your mental resources, I have no doubt about that. All these exactions, the increase in the price of bread, the indirect taxes, the savings levy—they are all burdens which the community, and particularly the lower income group, should not be called upon to bear. They have to bear these exaction in order to provide funds for capital works which posterity will enjoy. And the position is even worse than that. The Minister tells us that, in future, organizations like Escom and the Railways will have to provide their own capital resources out of current income. This means that everyday necessities such as transport and electricity will cost more. Mr. Speaker, for the man in the street, for John Citizen, this Budget means the postponement of legitimate satisfaction. It means reduced consumption and a lower standard of life. For the lower income groups it means bitter hardship and privations. It means, quite literally, less bread for a greater proportion of sweat. It is quite clear that the Minister is now administering the castor oil and spare diet which the Minister of Economic Affairs once prescribed for us.

This Budget will have far-reaching repercussions on the economy. Consumption will be reduced, and business returns which are already on the decline, will be seriously affected. This Budget will expedite the readjustments in our economy, and the consequent unemployment, which the Minister says are inevitable. To put the matter in a nutshell, the Minister, through this Budget, is deliberately creating a recession in the private sector of the economy in order to make resources available to the public sector for the provision of basic services. This Budget is a desperate remedy for a difficult situation . . .

The MINISTER OF FINANCE: I suppose the public sector is also entitled to some consideration?

Dr. FRIEDMAN: You see how illogical the Minister is? The public sector supplies services to the private sector, but if the Minister creates a depression in the private sector, how will the public sector and the basic services prosper?

No, Mr. Speaker, the question I ask is this: do conditions in this country really warrant such a drastic Budget as this one? Is this Budget carefully designed to suit the economic needs of this country? I have always held that the Budget as an instrument of policy, as a means of regulating the economy as a whole, is of paramount importance. It seems to me that this conception of the Budget must prevail if we are to place the health of the economy as a whole above mere national bookkeeping. I know that the Minister has very little time for this conception of the

tries, this budget would not have been necessary. If there had not been the need for making provision for services for those industries, this budget would not have been necessary. It became, however, necessary to introduce this budget for the very reason that the factories and the mines require power, that they need railway facilities, and because there are the requirements of public services, a natural corollary of South Africa's expansion in the economic field. That made it necessary to introduce this budget, so that we may be able to provide those services, those capital goods, those utilities which are required by the expanding industries of South Africa. In our case it is a sign of growth. Hence this budget. Mr. Speaker, I also remember something else which happened at the time. Last year, as a result of the budget of the British Government, the value of securities on the London Stock Exchange fell by £3,610,000,000 within a period of five months. As a result of the budget the value of securities on the Stock Exchange fell by £545,000,000 in one day. What, however, was the reaction of the people in Britain? In spite of a fall in values of £3,610,000,000 within five months, we read the following report written by Reuter's financial correspondent—

Yet the Stock Exchange people vie with one another to praise the Budget which brought yesterday's climax.

The business people vied with one another to praise that austerity budget. For what reason? Here it is—

They for once seemed to be taking a long-term view.

For once they had something in the nature of a long-term view. If my hon. friends on that side would not always refuse to look further than their nose is long and if they would only for one moment forget trying to make party political capital out of a budget of this kind, if for just one moment they would also have that long-term view, they would possibly also vie with one another to praise this present Budget. Last year my hon. friends on the other side were looking for a slogan with which to attack the budget and how grateful they were when they did find a slogan with which to attack the budget. Last year their slogan was: "Candy for children." "Candy and cool drinks" were in danger. Needless to say that they totally misunderstood that taxation. Nevertheless they had some kind of a slogan, and how pleased they were this year when they could find another war cry: "Bread for the hungry; bread out of our mouths; the staff of life is in danger." They invented this slogan in order to be able to appeal emotionally to the people. They are the persons who do not want any emotionalism in politics.

I want to ask them now to follow me in the solving of a simple arithmetic problem. In this case an amount of £3,000,000 is at stake—not a tax, as they call it, on bread,

but a position which arises from the fact that the Minister did not impose a tax. An amount of £3,000,000 is at stake. In our country we have a total population of 13 million souls. That amount spread over our 13 million people, means 5s. per person during this year. And if you want to argue that the people are not all well-to-do, let us assume that 3 million are wealthy and 10 million are poor and that this amount affects the poor people only. £3,000,000 spread over 10 million people, means 6s. per head during this year.

Mr. HEPPLER: That is a lot of money when you are poor.

*Dr. DIEDERICH: Mr. Speaker, I want to go still further. If this had not happened, if bread had had to be kept at its old price, the Minister would have been compelled to increase our taxation by an amount of £3,000,000, direct or indirect. What would have been the position then? It would merely have meant that he would have to take £3,000,000 out of the pockets of the people in order to put £3,000,000 back into the pockets of the people. What is the difference? You take £3,000,000 with your left hand from your left pocket and you put it back with your right hand into your right-hand pocket. But now the taxation has been increased by an amount of £3,000,000. Last year Great Britain decreased its food subsidies from £400,000,000 to £250,000,000. They reduced it by £150,000,000—by more than £3 per head of the population. That is how Britain reduced its food subsidies. Here it is only 6s. per individual. Britain's budget was a courageous budget; ours is a desperation budget. If my friends on the other side would look a bit further than party politics, they would have to go into the consequences of a subsidy policy. The latest experience indicates that subsidies do not in actual fact lower the cost of living, but perhaps tend to increase the cost of living. For subsidies have to be paid out of taxation money; taxes have to be levied. What one gives on the one hand by way of subsidies on an article, you have to collect on the other hand in the form of taxation. I just want to read a few words from an article in the *Economic Digest*, written by Graham Dorrant—

Food subsidies lower the cost of the subsidized foods. By themselves they do nothing more or less, but they must be financed and taxes raised to pay them. Any system of subsidies financed by indirect taxation does not produce equal effects on the price of the subsidized article. It raises the price of the taxed article more than it reduces the price of the subsidized article; in other words, it raises the cost of living.

Even if this had not been the case and even if the burden of the higher price of bread would fall entirely on the shoulders of the bread consumer, which is not correct, but supposing this was so, would it not have been

their duty as responsible people to tell the consumer and the man in the street: "Look here, it is fair that every citizen should now also contribute his share towards promoting the economic health of the country as a whole, of which they are also members and citizens." Surely this is the tenor of this Budget, the most balanced and most solid Budget which has been introduced in this House for many a year. The purport of this Budget is to make the economic position of South Africa healthier and to safeguard it against a depression which may come, against future shocks, and the consumer, the worker and even the poorest man will benefit from that. For a moment he may perhaps feel the pinch, but in future he will derive the benefit from it. Those few shillings which he will now have to pay are his insurance premium for the economic stability and soundness of the country. And after these first propaganda storms have blown over—as they always blow over—the worker and the consumer will realize it. This is the first time for many years that the lower income groups are also asked to contribute something. But the lower income groups of to-day are no longer the lower income groups of 10 or 15 years ago, for their wages and salaries have increased tremendously in the meantime. We on this side and this Government see matters in an entirely different light. This side when viewing matters does so as a responsible Government looking years ahead for the welfare of the country, whereas those friends on the other side, being an irresponsible Opposition, do not look beyond the next election. We have already found them to be that type; that is also how we got to know them during the last election. In that election campaign they tried to create the impression throughout the country—and they want to do it again now—that a State merely exists to dish out and that the citizen is only there to receive. They want to make the people believe that a State has at its disposal inexhaustible sources of money and that it is merely the result of callousness and heartlessness that the State does not distribute it lavishly, as they promised they would do. They want to give the impression that the citizen should only receive, that he should not give anything, that he possesses rights only and has no responsibilities towards the State. I am accusing those friends on the other side that with their agitation they are engaged in undermining the people's morals; they are busy trying to create a spirit among the people of being dependent on the receipt of alms. I am accusing them of undermining our democracy. [Laughter.] The hon. member for Green Point (Maj. van der Byl) is still of the opinion that laughing loudly is a sign of intelligence. Democracy can only exist when citizens are imbued with a sense of responsibility and duty towards the community. The hon. members on the other side maintain that they are in favour of private initiative, but I am telling them that they are busy, in collaboration with the Labour Party, to create a mentality of Socialism in this country, they are busy attempting to socialize the people by and by through undermining its sense of independence

and self-reliance and cultivating a sense of subordination to the State. That is this "philosophy of gradualness" to which the hon. Minister referred a few years ago. They are now sowing what they will one day reap with tears.

I am now coming to the actual Budget figures. I think we should analyse some of the figures for their benefit. Hon. members on the other side referred to the enormously high Budget and to the colossal expenditure of this country. I want to dwell for a moment on those figures. It is well known that the country's expenditure from revenue account was £207,000,000 last year; this year it is £241,000,000, of which £18,000,000 must be deducted as being for capital purposes. In other words the expenditure from current account is £16,000,000 more than last year, i.e. an increase of 7½ per cent over the expenditure of last year. I believe my hon. friends will agree with me that this corresponds with the growth of the national income of our country during this year.

Now we want to ask them, and I shall be pleased, Mr. Speaker, if you will give them the opportunity to reply to this question—we want to ask them which item in the Estimates of Expenditure they would like to have abolished. What do they want cancelled in that expenditure? In previous years we put that question to them every year, but from their side there was never any concrete proposal for eliminating any proposed expenditure in the Estimates. Now I want to put some questions to them more specifically. The difference in the estimates of current expenditure for 1948 and those for this year amounts to £86,000,000, i.e. the difference between £137,000,000 in 1948 and £223,000,000 this year. What does the difference consist of? Did the hon. gentlemen on the other side ever take the trouble to work that out? I want to mention a few things. First of all the difference exists in regard to salaries, wages and allowances; those items alone amounted to £37,800,000 in 1948, whereas they now run into £57,200,000, a difference of £19,400,000 as far as salaries, wages and allowances are concerned. Do hon. members on the other side want to suggest that the salaries of public servants should be decreased? Is that a suggestion on their part? No, they do not reply. We therefore assume that they agree with this increase in expenditure. The second item concerns "Defence." In 1948 the expenditure was £10,250,000 and now it is approximately £23,000,000; but if we deduct the salaries, the amount is £17,000,000, i.e. an increase of £7,000,000. Do hon. members suggest that the expenditure for defence should be decreased. Will the hon. member for Kensington (Mr. Moore) propose such a reduction? He advocated in this House that the expenditure on defence should be increased. I therefore assume that they are satisfied that "Defence" is now costing us £7,000,000 more than in 1948. The third item is the subsidies to the provinces. The difference between 1948 and the present amounts to £16,000,000. Do my friends on the other side wish to reduce those subsidies? No, they do not want to

not our object. We want to increase productivity and lower costs and so raise the living standard.

The MINISTER OF LABOUR: That has been accomplished in numerous instances now.

Mr. H. J. WILLIAMS: The overall picture in the country does not seem to indicate that, because the overall picture is that the cost of living and the reduced value of the earnings of the workers combined as a general rule to force down the standard of living.

The MINISTER OF LABOUR: In a large number of industries, productivity was increased by as much as 60 per cent.

Mr. H. J. WILLIAMS: I agree with the Minister that that may have happened in certain cases, but I think it is due to increased mechanization.

The MINISTER OF LABOUR: No, to incentive bonuses.

Mr. H. J. WILLIAMS: That is the point I mentioned but he cannot apply it all round.

The MINISTER OF LABOUR: I am getting the support now.

Mr. H. J. WILLIAMS: I am glad the Minister is getting support, because it is along those lines that we would progress.

The MINISTER OF LABOUR: Except, of course, from the Labour Party.

Mr. H. J. WILLIAMS: Then there is another way in which we can achieve this object of increasing productivity, and that is by close consultation and liaison between management and labour. As the hon. member for Florida (Mr. Tighy) has pointed out, the old conditions no longer apply to-day. To-day there is very close co-operation between management and labour and if this method and this system could be extended it would bring about very beneficial results. There is to-day a tendency for management and labour to come closer together. Consultative bodies are set up and these people come together and discuss problems common to both of them in order to bring about increased productivity and to improve conditions for the workers themselves. Therefore, when we come to consider this problem, it is essential that we should not look at it just in a platitudinous way. We should get down to basic facts and see what can be done. So much for the motion in so far as it deals with the hazards of capitalism. I have dealt, of course, with planning for increased productivity and I have shown that the Labour Party as such have not offered very concrete suggestions in that direction.

Then the motion talks about providing homes for the homeless. Here again, we are up against the same problem, the problem of

the high cost structure. Labour itself must bear its due proportion of blame for the position which has come about, because it is easy enough to say to-day that the cost of building a house is far too high. Labour itself played its part in bringing about that position by their restrictive measures. In many cases they would not allow the training of artisans. Of course that is past now but it did bring about a state of affairs that there was a very grave shortage of workmen to do the necessary work. The result was that there developed a tendency for the workmen to turn out a great deal less than he was capable of doing. I do not need to stress that point, but when the average number of bricks laid by an artisan before the war was about 1,000, and after the war it was in the region of 300 to 400, it means that in that respect immediately the cost structure rose out of all proportion, and at the same time these people were trying for ever greater rates of wages and shorter working hours. I do not say that applies to all workers. The genuine worker is still giving due value for the money he received and to their credit let it be said that there are many thousands of them still to-day, but nevertheless throughout the whole building industry there has been such a tendency. So it comes back to this, that if the workers are to get homes they must also play their part and put in a little bit more and do their share. Because, after all, when the costs of erecting a building runs into something like 50 per cent in respect of labour, surely we can reduce that if the workers are prepared to put in a little extra effort in their working hours. So much for the question of building houses. I suppose the money can be provided, but it is also a question of cutting down the cost. A house that could be built before the war for something like £800 to-day costs in the region of £2,800, and the money which you could borrow then at 3½ per cent you now have to borrow at 6 per cent, so that one can see the fantastic position we have reached. These are big problems and it is no good coming along and simply saying that housing must be provided. We have to get down to basic fundamentals and see whether we cannot get the co-operation of all people concerned. It would have been far better if the Labour Party had come along with some concrete suggestions in regard to the matters I have mentioned.

Mr. EATON: You were not listening.

Mr. H. J. WILLIAMS: The next point they made is the establishment of a national pension scheme with adequate pensions for all and no means test. We brought forward such a scheme. The Minister of Labour has rather ridiculed it. It was rather beneath him, I think. Of course it is a practical thing. To-day the Minister knows that the Unemployment Insurance Fund stands at about £50,000,000 and it is increasing at the rate of about £6,000,000 per annum. Of course it is of great use to the Government because they will utilize it to help out in their loan fund and they get it for about 3 per cent, but nevertheless the fact remains

that this fund could easily be made available, and if this Government is confident that there is not going to be any serious unemployment, in other words, if what they claim is correct and that there is not likely to be any serious unemployment in the foreseeable future, this fund will shortly amount to about £70,000,000. Therefore it seems to me that there is no valid reason why the Government should not put its pride in its pocket and examine the proposals which the United Party has made in regard to this fund. It is a perfectly logical scheme. The position to-day is, of course, that the workers and the employers and the Government are making joint contributions to this scheme. They all have a stake in it. But the general feeling of the vast body of workers is that they are being forced to make these contributions with no chance in the future of ever getting any direct benefit from it. In other words, they want to feel that when they come to the time when they have to give up their work for any cause, the funds to which they have contributed will become available to them, and that in essence is what the United Party has suggested. I am perfectly sure that it could be done with little adjustment of details. I think the Government would be doing well by the country if they gave favourable consideration to such a scheme.

The next point in the motion before the House is the consolidation of basic wages and cost-of-living allowances. We were also of opinion that the time had come that something should be done in that direction. It was part of the policy we put out when we went to the country, and it is the logical thing to do. The Government has now, of course, recognized that the United Party were right, in the measures which the Minister of Finance has just placed before the House and provision has been made to consolidate cost-of-living allowances and basic wages, showing once again that the United Party's view was the correct one. But when we come to the consideration of whether the Government's lead should be followed by private industry, the problem is not quite so easy, because we in the outside spheres are subject to things like recessions and periods of unemployment. We do not know just how far bad times are going to affect us whereas in the Government service things are more or less on a fixed basis.

An HON. MEMBER: In other words, you do not practise what you preach.

Mr. H. J. WILLIAMS: No, I do not think that is right. That is not what I said. I said we had to be a little more careful. The United Party as such is in favour of it, but to what extent is a matter for discussion and investigation, because I am not satisfied that we have reached the end of the inflationary sphere. I am not satisfied that a wage level has been reached which will not rise in the future. If we consolidate it at this stage and prices rise still further, we will find ourselves in the position that on top of the consolidation we will

have to pay further cost-of-living allowances, which is a position one wishes to avoid if possible. So, as far as that is concerned, we stand by what the United Party advocated during the election, and that is that we advocate, after due consideration and investigation, the consolidation of part, at least, of the cost-of-living allowances into basic wages.

So I find that while there are points in the motion which the Labour Party has placed before the House which we do find possible to support, there are undesirable features in it which are quite impossible for us to give our support to. Therefore we have moved the amendment, and we propose, on this side of the House to support the amendment which has been moved by the United Party.

Mr. HEPPLÉ: Mr. Speaker, the purpose behind the motion of the Labour Party was not to find common ground between the Government and the United Party. Its purpose was to have discussed in this House some very important problems, and we were able to see, throughout the several days in which it has been discussed, that the Government was not particularly interested in these problems. The hon. the Minister of Labour has very religiously remained in his seat and has been very attentive, but he is a lone wolf on the ministerial benches, and for that reason I may say that the Government is contemptuous of the very important issues raised in this particular motion.

In introducing this motion I deliberately put the whole question on very wide grounds because I wanted to give this House the opportunity of expressing all points of view. It was not my purpose to dogmatically state the Labour Party's policy. That we can do at any time. My purpose was to get these very important problems discussed in this House in order that the people outside would be able to see the attitudes of the parties in this House towards these problems. If we have done nothing else, we have been able to draw from both the major parties in this House amendments which reveal a great deal of uneasiness on their parts in regard to some of the pressing burdens that lie upon the people of South Africa to-day. I think it also established very clearly the anxiety of both parties to establish their respective roles as capitalist parties. I want to say, however, that listening to the speeches, one must grant that at least the United Party is more welded to the idea of *laissez faire*, while the hon. member for Randfontein (Dr. Diederichs), is more inclined to follow the economics of the corporate state. He believes that the state is everything and that the individual is nothing. He believes that if the state demands that certain things shall be done, they shall be done whether it is in the interest or good of the majority or not.

Now the hon. member for Randfontein took the first point of my motion in which I deplored that the Government places the emphasis upon emotional issues instead of concentrating

HEPPLE
 IN SPEECH REPLY TO DEBATE
 IMPROVING LIVING STANDARDS
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upon measures to provide for the welfare of the people and their security against the hazards of capitalism. His reply was that South Africa has been built on emotion, that I do not understand the people who voted for the Nationalist Party in the last election if I believe that we can divorce emotion from their every day existence. But it is because I understand the political capital which the Nationalist Party makes out of emotion that I included that in the motion. It is deplorable that human emotions are played upon to such an exaggerated extent merely in order to frighten the people into voting in a certain direction. I say that in our society to-day, with our mixed racial groups in South Africa, that the Nationalist Party is playing with fire if it believes that it can maintain its position of pre-eminence and power in this country by frightening the people of this country with these various bogeys, the emotional issues. And despite what any of the economic theorists of the Nationalist Party would like to have us believe, I say that the basis of man's existence is his bread and butter, and while man cannot live by bread alone, he needs bread to live. The Nationalist Party wants to give the people of this country something far different from what is good for the well-being of the people in South Africa.

Now I would like to briefly examine the two amendments that have been brought before this House. In the first place, the amendment by the hon. member for Randfontein is an amendment which is full of praise for the so-called wonderful actions of this Government, the successes of this Government. He says—

This House desires to place on record its appreciation of the achievements of the Government and the constructive policy pursued by it during its first five years term of office whereby the prosperity of the people has been promoted.

Now I want to say to the Government that they must not shout until they are out of the woods. The prosperity of the people, such as it is, is the result of fortuitous circumstances, and let us all admit that. What we are concerned about is how this Government, with its policies, will fare under conditions of free competition, how the Government will fare when South Africa has to compete in world markets. Let us accept, or at least understand that South Africa has been fortunate enough to develop an export trade as a result of general world conditions. We all want to expand and to develop those export markets, but for the Government to come here and crow and pretend that these are permanent conditions, is to frighten us. It makes us wonder whether the Government really believes that these conditions will continue. And I say they can only continue if the Government understands the reason why we had those beneficial times, and if steps are taken in an endeavour to preserve them.

Then this amendment thanks the Government

for maintaining maximum employment. But those maximum employment conditions also flowed out of fortuitous circumstances. What we want to know from this Government, and which we have not heard yet, is what plans this Government has to take care of conditions of unemployment? When unemployment develops in South Africa, what plans has the Government made to protect the people of this country?

An HON. MEMBER: What about the unemployment insurance fund?

Mr. HEPPLE: The hon. member talks about the unemployment insurance fund. I want to say that the unemployment insurance fund is a petty insurance in the light of what it would have to accommodate in bad times. But not only that, one of the first steps which this Government took was to exclude all the good risks from the unemployment insurance fund. This fund could have been not just £50,000,000 but probably a £100,000,000 to-day if the Government had maintained the unemployment insurance fund on the proper basis. But it looked upon the fund as being an embarrassment, particularly because a large number of non-Europeans were contributors to it. I say that would have been conserving money and resources for bad times, because in bad times the Government will have to provide for all sections of the community.

Now this amendment by the hon. member for Randfontein continues—

This House further notes with special appreciation what has been done in respect of housing, social welfare and nutrition, and the improvement of old age, disability and other pensions.

Now I cannot discuss it here, but I do want to say, why then, the Budget that we got this year? That is the answer to this fulsome praise. That proves the hollowness of it. No, this Government cannot exist merely by patting itself upon the back and saying what a lot of fine fellows they are. It has got to rest on firmer foundations than that.

Now I turn to the amendment by the United Party. The United Party has introduced an amendment which, in the main, accepts the motion by the Labour Party, putting it in different words, but excludes that fearful phrase "the hazards of capitalism". The United Party does not like us to refer to "the hazards of capitalism". That brings me back to what I have just said regarding the fortuitous circumstances for which the Nationalist Party wishes to take the credit. Those fortuitous circumstances have, to a large degree, temporarily removed from our economic scene the hazards of capitalism. But I think that members on both sides of the House must admit that the major hazards of capitalism are the periodic booms and slumps. In times of the so-called normal conditions it is either

a feast or a famine. One day there is plenty of work and the next day there is no work. But over all these periods the working man of this country is always exposed to the danger of unemployment, the danger of poverty, the danger of having to live in slums. Those are the hazards that we are asking the Government to remove, and those are the hazards to which we are drawing the attention of the United Party.

In the United Party amendment they have stated that they are in favour of the consolidation of portion of the cost-of-living allowance with basic wages and salaries. Now I am interested to know why they are only in favour of consolidation of a portion of the cost-of-living allowance, and also whether it is a minor portion or a major portion. I am very anxious to discover the basis of their argument. It is difficult to understand, from their amendment, why they want only a portion of the consolidation to be made. Further, in their amendment they want a charter to provide for the freedom of association of all workers belonging to registered trade unions. Why do they restrict this to registered trade unions? I want to know why they do not want to extend this freedom of association to all workers. Freedom of association cannot be restricted to a favoured few. In order to make our democracy healthy, in order to make the relationship between employer and employee completely democratic, there must be the right of freedom of association of all workers, whatever their colour may be. The problems of the non-European workers in South Africa to-day are no different from the problems of the White workers, and they are no different from the problems of the White workers a century ago. The same arguments were used then to deny the right of freedom of association to other workers in other parts of the world, and the result of that has been revolution. We do not want to create the conditions of revolution in South Africa. It is on this very important point that the United Party will have to make up its mind; it will have to decide whether it reserves the right of freedom of association merely for one section of the working class or for all of it.

Now the hon. member for Randfontein has said that free enterprise is the only type of society that will bring the best out of everyone and in dealing with the question of employment he says—

But the experience of European countries and of South Africa has proved that where you have over-employment as we have here, a decrease in productivity is found. I challenge the Labour Party to refute the assertion that the system for which they are striving, that planning, that Socialism and distribution of the dole leads to the weakening of the initiative of the worker, to the lessening of his productivity and eventually it leads to the enslavement of the people.

He says that what we propose, and that is a better life for all, leads to the enslavement of

the people. I wonder if the hon. member knows what it is to be a slave of a society that offers you very little while you have the ability to work and almost nothing when you have burnt yourself out in the process of making profits for your employer. The hon. member for Boksburg (Mr. H. J. Williams) followed along the same pattern, and he said that the relationship between employer and employee in South Africa to-day is very healthy, and therefore we should stick to the system that we have got to-day; that those relationships are so wonderful. Yet, a few minutes later, he says "Why is it the worker does not work hard enough?" and he made an attack on the poor old bricklayer. It is always the bricklayer who does not lay enough bricks! There is never any accusation against any other section of the community; we never hear a charge in this House against the employers who are able to go on to the golf course three and four afternoons a week. There is no charge made in this House against the employers who themselves waste a lot of time in talking and in tea drinking. We know the waste that obtains at the top, yet it is always the poor worker, the poor bricklayer that is assailed. And that is the philosophy that will persist so long as the guiding factor is the making of profits.

Now I would like to refresh the minds of members of this House and I would like to bring them back to the experience that we have had in our own country in relation to the waste by private enterprise. I would like to remind members of this House of what happened in the case of the Klipfontein Organic Products Factory. The Klipfontein Organic Products Factory was established for the manufacture of certain insecticides and chemicals. At the beginning, when the Government put it into production, it was losing a considerable amount of money. It lost enormous sums of money, and I would like to read to this House an extract of the evidence that was given before the Select Committee on Public Accounts on this question on 23 February 1950. It was shown that enormous losses were being incurred in that organization because the Government did not want to compete with private enterprise. And how much was involved? I will read to you the evidence of Mr. de Waal-Meyer. He says—

When this factory was taken over, the Department was told to make D.D.T. and B.H.C. and not to sell the by-products, that is really the trouble. Take hydrochloric acid for instance, we could sell it at from £8 to £12 a ton. Instead of getting £8 a ton for the hydrochloric acid, we had to buy lime in order to neutralize the hydrochloric acid because you could not let the hydrochloric acid flow around the countryside. It would damage everything. It is estimated that we wasted not less than £100,000 a year by letting our by-products either be dissipated or by spending money to get rid of what was a potential asset. If that estimate is correct you should increase this amount of £20,000 by £300,000 . . .

Dr. Luttig. Can you tell us why this policy in regard to the hydrochloric acid was followed?—(Mr. Meyer.) It was felt that a Government factory should not compete unduly with private enterprise.

The Government was wasting money in order not to compete with private enterprise. That was a policy which cost the country £300,000, a sum with which the Government could well do to-day.

That is only one example, there are many others. In these circumstances the arguments of the hon. member for Randfontein are absolutely hollow.

Now there are a lot of other arguments that I would like to reply to, which have arisen during the course of this debate, but in accordance with the arrangements that have been reached between the Whips, there is other business to be attended to, and I would like to move—

That the debate be now adjourned.

Mr. LOVELL: I second.

Agreed to.

Debate adjourned; to be resumed on 7 August.

BUSINESS OF THE HOUSE

Precedence of Government Business.

*The MINISTER OF FINANCE: I move—

That on and after Tuesday, 4 August, Government business shall have precedence on Tuesday and Fridays after Notices of Questions have been disposed of; and that on Tuesdays the proceedings of the House shall be suspended at Half past Six o'clock p.m. and resumed at Eight o'clock p.m. but shall not be so suspended on Fridays.

Mr. Speaker, this motion speaks for itself. It is customary to introduce this motion during every Session after a certain number of sitting days have passed. In this connection I only want to remind hon. members that in certain respects this Session can be called an extraordinary Session. The time at which we are now in session, owing to the interruption caused by the general election, will have the result of very much shortening the recess before we have to meet again, if this Session of Parliament now lasts longer—longer than is absolutely necessary. I think it is the wish and desire of hon. members on both sides of the House that we should do everything in our power to speed up the business that has to be completed during this Session.

There have been discussions between the Whips on both sides of the House and it has been agreed that it will not be unreasonable to request the House to give precedence to Government business as from Tuesday next. I take it that hon. members will perhaps want

to know what business still has to be completed. At this stage it is quite impossible to reply to that. In any case some considerable time will still have to elapse before the Budget has been completely dealt with in Committee and there is certain legislation that will still have to be dealt with. So in any case it will not be possible at this stage to give the House an indication of the programme that will have to be completed. I think hon. members will have to be satisfied to wait for a later occasion when an opportunity will occur to give that information to the House.

*Mr. TIGHY: Not many additional Bills will be introduced?

*The MINISTER OF FINANCE: We do not intend making the programme unnecessarily long so that the Session will have to be protracted. In these circumstances, seeing that agreement has been reached regarding the principal aim of the motion and because, as I have already stated, I think we may accept that that we all wish to speed up the business to enable us at least to have a reasonably long recess before we have to be back here again, I think hon. members will support this motion.

Mr. LAWRENCE: Mr. Speaker, as the hon. the Minister of Finance has said, an agreement has been come to between the Whips on both sides of the House regarding this motion, and in those circumstances the United Party will naturally not oppose it.

The hon. the Minister of Finance has pointed out that it is customary at a certain stage of the Session for a motion of this sort to be introduced which, in effect, takes away the rights of private members. This is the first Session after a general election, and the custom has been that such a Session is a short one, and therefore there is an added reason for coming forward with a motion of this sort at an early stage. But I think that, while saying that we on this side of the House will not raise any opposition to the motion, I should like to enter a *caveat* to-day on behalf of private members. The tendency in recent times has been to make more and more intrusion into the rights of the private members; rights which are jealously guarded by private members; and I hope that when we come to the normal Session which will begin next year, full and adequate opportunity will be given to hon. members to exercise their rights.

On the other hand, I think I might also observe to-day that if private members wish to make full use of and really value the rights which they enjoy under the rules of the House, they should show a lively appreciation of those rights. If we are going to find that on private members' days the opportunities given to private members are not used by such members, and private members' days are virtually treated as half-holidays, it certainly will give an incentive to the Government to take away that opportunity which has been given to them.

I am sorry that the hon. the Minister of Finance has not been able to give us more

definite information about the work of the Session. After all, the main purpose of this Session was to place before the House the Budget proposals of the Minister of Finance and of the Minister of Transport. One also knows that there is probably a measure arising out of the Railways waiting-room apartheid case, which requires the consideration of this House. But apart from that, one would have expected that during this short post-election Session the House would not have been kept for a long time, and that the major work of the Government would have been kept for next year. Perhaps I might ask the Minister, as he is not able to give us more detailed information about legislation this afternoon, whether he can give us any estimate as to the length of the Session. That, after all, is something in respect of which not only members of this House, but members of the Other Place, the Senate, take a great interest. It is a matter of importance to members of Parliament; it is a matter of importance to public officials and to other officials outside. So far as one can estimate, the Budget should take us into the first week of September; and with the debate on the Railway Budget, and possibly debates on one or two of these Bills which we have on the Order Paper at the present time, we see ourselves getting into the middle of September. There have been rumours of the Session going into the middle of October. But so far as I can see, there appears to be no reason for the Government extending the Session until that date unless the Government has some measure up its sleeve which it wishes to present to us at the last moment. I would like to feel that the Minister can give us some assurance that, whatever may happen in the course of this Session and whatever may happen in the further deliberations of the Joint Sitting, we are not going to be kept here for an inordinate time during the present Session. I think the Minister, on behalf of the Government, owes it not only to this side of the House, but owes it to Parliament as a whole and owes it to the country to give us some indication as to the length of the Session. Subject to those reservations we have no objection to the motion and we shall be pleased to give it our support.

Mr. MOORE: I should like to register my humble protest against the motion which has been introduced by the hon. the Minister of Finance. But in doing so I should like to explain that I am protesting in my capacity as a private member. We all attend these sittings in a dual capacity—as loyal members of our respective parties and also as private members. And as private members we have certain rights that we should assert in common. That is why I shall make an appeal to hon. members on the other side of the House and I shall make an appeal to the hon. the Minister of Finance. Can he not amend his motion and take one day, Friday, and leave Tuesday for private members? Indeed, I am in the most select company in putting up this argument. Our Standing Orders Nos. 41 and 42 lay down that after the 51st day, as the hon.

the Minister of Finance has said, the privilege of private members' days will be withdrawn, and now after the 15th or 16th day we find that private members' days are being withdrawn.

In 1944, during a war session, after 41 days, the Leader of the Opposition of those days, the present Prime Minister, protested that ten days were being confiscated and that was during a war debate! Then in 1945 the Leader of the Opposition of those days, the hon. the Prime Minister, who was ably supported by the hon. the Minister of Transport who, I hope, is going to support me to-day in the same manner . . .

The MINISTER OF TRANSPORT: *O tempora! O mores!*

Mr. MOORE: Oh, yes, the dead hand of the past coming to light again. After they had opposed the motion they called for a division. I am not going to take such drastic steps to-day, but I do appeal to the hon. the Minister of Finance to give us one day. The argument, we know, is the short-session argument. We have been elected to Parliament to represent the people of this country and I regard Parliament as an institution which should really be in continuous session . . .

The MINISTER OF FINANCE: Save us!

Mr. MOORE: . . . with reasonable intervals when we can recuperate, with a reasonable interval of, say, six weeks in the winter months, so that we can go to the Bushveld and two months or, at the most, three months at Christmas. We could at least spend as much time here as they do in the University. But our system to-day has become this . . .

An HON. MEMBER: What about the dual capital?

Mr. MOORE: . . . that we meet for five months at the beginning of the year and adjourn for seven.

The MINISTER OF JUSTICE: Where do you want to sit—in Cape Town or Pretoria?

Mr. MOORE: If the hon. member would like to ask a question I shall be very glad to reply to it.

The MINISTER OF JUSTICE: Where do you want to sit—in Cape Town or Pretoria?

Mr. MOORE: I am very glad the Minister is following me so closely, but that cogent remark of his leads me to my next point. We shall have to make arrangements in this country so that we can conduct the affairs of Parliament properly. I do say that we should not take from private members the rights they have to-day. That is all they have left. I want to make an appeal to hon. members on the other side in their capacity as private mem-

bers. Some very fine motions were put on the Order Paper by them this Session. We have had only one private motion debate. We cannot regard the motion of the Leader of the Labour Party as a strictly private motion. We have had a motion on State lotteries, but there are good motions on the other side which have been withdrawn and there are good motions on this side. Why should hon. members there have to respond to the crack of the whip, like the osse of Jan Cilliers: "Geduldig, gedienstig, gedwee"? That is how they have to live their lives in the serried ranks behind the Ministry. I want them to respond to the appeal of another great poet: To be not like dumb, driven cattle, to be heroes in this political strife.

The MINISTER OF TRANSPORT: You seem to quote that with feeling.

Mr. MOORE: Mr. Speaker, I should like to strike a personal note. [Interjection.] No, I have been speaking on your behalf. Mine has not been a personal note; it has been on behalf of the rights of private members. Parliament is an institution of private members. The oldest Parliament in Europe to-day has no parties. They are all private members. I want to strike a private note in this discussion. I, too, had a motion on the Order Paper, and I know just how far I can go in this, because I have read the speech made by the Minister of Transport in 1945. I choose my models well; I like to keep in good company.

Mr. LAWRENCE: Be careful that you keep on the rails.

Mr. MOORE: The motion I have on the Order Paper is of very great importance to this country. It would modify the Budget of the hon. the Minister of Finance; financially it would save millions of pounds for this country. Not a word of protest has come from the hon. the Minister of Education. My motion would revolutionize education in our schools.

Mr. SPEAKER: Order! The hon. member cannot discuss his motion now.

Mr. MOORE: I am not going to discuss the motion, Sir. I am merely giving a classic example to show what the effect would be. I am not giving the content of the motion. May I continue on those lines, Sir, to show what would happen if my motion were accepted. May I continue to describe the Utopia that I have in mind? I wish to say this, that the motion for the decimalization of our coinage is of vital importance to this country and hon. members over there agree with me. Why cannot we continue to have our Tuesday and give the Minister his Fridays? We will help him for the rest of the Session.

*Capt. G. H. F. STRYDOM: I only want to say a few words. The hon. member for Kensington (Mr. Moore) need not be concerned; we are also jealous of our private days.

We are anxious to promote the interests of this country and we do not stand under a Whip on this side. I do not even ask a Whip's permission if I want to speak. The Opposition is grateful and everybody is grateful that the hon. the Minister is shortening this Session because they have nothing to say. Everything has been taken out of their hands as a result of the last election and they are thankful that the Session is being cut short. We could notice it in the speech made by the hon. member for Salt River (Mr. Lawrence). I want to say that I am one of those who believe that we should remain in session all the year round and the time will come when this will happen, but that will be at Bloemfontein and not in Pretoria. I do not want to take up the time of the House but I only want to say this. We are not concerned over what we are doing here; we have the people with us and behind us and on our side because we are in touch with the people. We therefore know that the people will say that members should not sit here during the winter months, that they should go and take a rest because they have a great task to fulfil; they have to save the people. We are therefore all very glad that the hon. the Minister is shortening the Session and the Opposition is also glad that the Minister is helping them out of their difficulty because they no longer have any opposition to offer to-day.

Mr. HEPPLÉ: We are not opposing this motion moved by the hon. Minister of Finance, but at the same time we would like it to go on record that we are opposed to the early taking away of private members' days. Year after year we have registered our protest because we believe that private members' days are very sacred. Unfortunately through practice in this House, private members' days are becoming rather a joke. The attitude of Government members themselves towards private members' days seems to be that those days are days upon which members can relax and forget about the affairs of State. But the original intention and the purpose of private members' days, as the hon. member for Kensington (Mr. Moore) has said was in order to give the ordinary members of this House, apart from their party political outlook, an opportunity of raising matters that would not normally be discussed in the House. If we are going to allow private members' days to be taken away earlier and earlier every session, we are in fact admitting that we do not attach much importance to them.

Mr. MOORE: Are you for the motion or against it.

Mr. HEPPLÉ: If hon. members of this House will remember what the meaning of private members' days is, members on the Government side would also get up and register their protest. To the hon. member for Kensington who seems to have become a little hard of hearing after his own effort, I want to say

HEPPLÉ
(PRIVATE MEMBERS DAYS)

that while we are not opposing this motion we want it to go on record that we are against the principle of taking away private members' days.

The MINISTER OF FINANCE: Duly noted.

Mr. HEPPLE: The hon. the Minister of Finance says: "Don't worry about the ball, let us get on with the game". I want to say in conclusion that we of the Labour Party will always oppose the taking away of private members' days and we will always be in favour of extending private members' days.

Mrs. BALLINGER: My protest follows the line taken by the hon. member for Salt River (Mr. Lawrence) or let me put it this way. The disappointment I wish to express is that the hon. the Minister brought forward this motion without being in a position to tell us what the work of the rest of the Session is going to be.

The MINISTER OF TRANSPORT: It is never done at this stage of the Session.

Mrs. BALLINGER: Does the Minister mean that we do not know what we are going to do in a short Session like this?

The MINISTER OF TRANSPORT: That information is given but it is given at a later stage.

Mrs. BALLINGER: I do not accept that proposition.

The MINISTER OF TRANSPORT: You need not accept but it is correct.

Mrs. BALLINGER: I very much doubt whether it is in fact correct, and in any case, I beg to state that if it is correct, it is time the practice was changed. I myself am very grateful that this decision was come to without a full and free discussion amongst the Whips about it. The decision was come to by individual negotiation with the Whips which prevented a discussion of the business of the Session, which I hoped would take place. I wish to say that I am not opposed to the motion, but I hope that the intention of the hon. the Minister is exactly what he has said here to-day, that he is anxious to bring the Session to an end, so that people will be fresh enough to face a full session next year. I hope that we are not going to find that we are sacrificing private members' days in order to rush contentious legislation through the House at the end of the Session. I, of course, have very special reasons for feeling concerned about this, because our experience throughout practically the whole history of this Government has been that we are faced at the end of a session with highly contentious legislation, which the Government then pushes through at top speed without giving us either rest or an adequate opportunity to consider it. Already there is adumbrated in the press considerable

legislation, all of which affect our constituents and I would urge the hon. the Minister to give us some indication in the near future, of what he intends to do in this regard, and to give us a guarantee that he will not in fact close down the Session unduly early if legislation of this kind has to be put forward; that he will guarantee us adequate time to consider any measure which the Government does feel must be put through before the end of this year.

*The MINISTER OF FINANCE: Of course this motion is nothing new. We always expect this sort of protest when we introduce a motion like this. It always happens. I only want to say here that it was not unreasonable on the part of the Whips to come to this agreement in 1948 the Government took away the private members' days after the thirteenth day. Now it will happen after the seventeenth day.

I wondered why the hon. member for Kensington (Mr. Moore) pleaded his case so enthusiastically. I was not surprised at his eloquence; he is always eloquent, but toward the end of his speech he told us his reason and I sympathize with him. He will not have the opportunity of pleading that case of his and we shall not have the privilege of listening to him. However, I am afraid that even if it were to get a private members' day his plea for that cause will not exactly lead to great results. This country will still have to do a little educating before we can have that ideal state of affairs which he wishes to advocate.

Mr. LAWRENCE: It will have to be a record current motion.

*The MINISTER OF FINANCE: I am afraid that is true. My hon. friend is such an old parliamentarian that he knows exactly what the result will be. I am sorry that I am unable to give the House more information regarding the Government's programme. More Bills will be introduced and I am not as optimistic as the hon. member for Salt River to think that we shall be able to go home by the middle of September. I think it will probably still take a considerable part of October to finish the work; therefore it is so essential that we should receive this co-operation from hon. members to speed up the work and I am very grateful for it. I hope the House will adopt the motion.

Motion put and agreed to.

RESERVATION OF SEPARATE AMENITIES BILL

Leave was granted to the Minister of Justice to introduce the Reservation of Separate Amenities Bill.

Bill brought up and read a first time; second reading on 4 August.

On the motion of the Minister of Finance the House adjourned at 4.50 p.m.

the world in other quarters of the Western democracies have taken steps to come together on a defensive basis such as in the Pacific, in the Western hemisphere, in the European Basin and in the Mediterranean Basin, then surely in our interests we should come together with these other territories, with the Western powers in Africa, and say "We are prepared to get together with you and lay down training programmes. We are prepared to make certain manpower available as divisional commanders, battalion commanders, men who know Africa, who can understand its problems, who are aware of the Native mind and the Native psychology. Men who know these territories". Then you will not have to take a raw man out of London or Paris or Brussels and put him in Africa to officer troops. But we have men here who know Africa; we can develop training programmes along those lines—on a defensive basis, not on an aggressive basis. [Time limit.]

*Dr. HERTZOG: The hon. the Prime Minister pointed out to us with force that the position of the White man in Africa is not without danger, and it cannot be otherwise when one takes into consideration that the proportion of Europeans to Natives and Coloureds south of Tanganyika, according to the 1946 figures, is in the ratio of only 2,500,000 Europeans to 16,000,000 non-Europeans. As a result one thing is essential and that is that among the White people of Southern Africa there should be the greatest friendship and solidarity. In the first instance we must strive not towards friendship between White and Black, as the hon. member for South Coast (Mr. Mitchell) among others, advocated, but towards friendship between White man and White man south of Tanganyika. But now, unfortunately there are forces at work which bring about the exact opposite. Notwithstanding the fact that the Union of South Africa has always evinced the greatest goodwill towards the territories to the north, notwithstanding the fact that the Union of South Africa has always most willingly given aid to those territories, there are forces at work which are still trying to sow ill-will and suspicion between White man and White man. Strange things indeed have happened as a result. It is a principle that one State should refrain from any action which could in any way be construed as a deed of enmity towards another State, and if that applies between ordinary States, then it applies to a greater degree between allied States and it applies more especially between members of the same Commonwealth. But despite this fundamental principle of co-operation in the body politic, there were forces which openly took action in England and Central Africa, not in the first instance in the interests of the countries of Central Africa or even in the interests of England, but in the first instance as acts of enmity towards the Union. They proclaimed it openly. Mr. Chairman, the federation of the Central African States was

broached a good few years ago, and year after year it has failed. Each year it was brought up it failed. And suddenly we witness the phenomenon that a short while ago federation was granted by the British Government—the federation of Southern and Northern Rhodesia and Nyasaland—and the sudden establishing of it was done in the first place as a deed of enmity towards the White man in the Union. Allow me just to remind the House of an article which appeared in that authoritative English paper, *The Economist*. *The Economist* of two years ago, that of 16 June 1951, says the following—

Why then if closer union is more difficult than it used to be, does the Imperial Government which has always been content in the past to postpone the issue, now put its weight, however tentatively, behind a project of unification? The answer is not to be found in the official report. The reasons they give are the reverse of convincing and the real reason is only hinted at. The compelling and urgent reason is the course of Native policy in the Union of South Africa, the pressure of Afrikaner nationalism and the growing immigration of Afrikaners into the two Rhodesias. The establishment of a strong central government in the three territories would, it is hoped, go far towards withstanding the spread of Boer influence to the north. The British Government and the Governments of the two Colonies fear that a time might come when Southern Rhodesia might tend to look more and more towards the Union and possibly seek incorporation in it.

I say that in the first place we have this strange position that within the British Commonwealth of Nations a deed is done which is obviously aimed against the Union. On the face of it it is aimed at "the Boer influence" as the article says, but the true meaning of it lies in the close of the paragraph which I read, namely to prevent the Europeans of Southern Africa from forming a unit, and it is to prevent the possibility that "the Europeans might look more and more towards the Union". This strange state of affairs needs an explanation. The forces which are at work to prevent the White men in Southern Africa, who according to all principles should stand together, from forming a union, were partially revealed by another British newspaper of standing, *The New Statesman and Nation* of 9 August 1952. Behind the federation of Central Africa—that federation which must prevent the White men in Southern Africa from forming a united front—stand large mining interests and large financial interests, those large mining interests and financial interests which are busy exploiting Central Africa. *The New Statesman* says—

We are faced indeed with a well-prepared plan to saddle the whole of British Central Africa with a financial oligarchy designed to carry imperialistic venture into a new phase.

They wish to accomplish the exploitation of Central Africa as *The New Statesman* says, especially "with cheap African labour". It is in the interests of those large financial concerns who want to lay hands on the profits and riches of Central Africa, for their own gain, that the Europeans in those territories should remain weak. One can remain master only while the other is weak. *The New Statesman* says—

They want to be able to extend to Northern Rhodesia and Nyasaland the virtual guarantee of supremacy forever which they believe they already possess in Southern Rhodesia.

And now it is important to look into the matter a bit further and to ask oneself who these large mining and financial interests actually are that are behind the breaking up of the power of the White man in Southern Africa? *The New Statesman* analyses the situation step by step. *The New Statesman* says that the first great power in the background is concentrated round an institution which they call "Tanganyika Concessions"—

On the face of it no doubt a purely commercial company called Tanganyika Concessions might be expected to have little to do with Central Africa, but the *Stock Exchange Year Book* tells a different story. "Tanks" is the biggest financial holding corporation in tropical Africa.

Then it explains why it is such a powerful body. But now we come to the important point. Who are "Tanganyika Concessions"? Allow me to quote once more. [Time limit.]

*The PRIME MINISTER: I think I should just reply to a few questions which have been put. They deal more especially with administration, although they also concern a few things with which I have dealt here previously. The hon. member for South Coast (Mr. Mitchell) asked a question in regard to local authorities. As far as I could make out the matter on which he asked for information touches on relations between the Provincial Administration and the local authorities. It is not actually a matter with which I have anything to do; it falls more particularly under the jurisdiction of the Minister of the Interior, and if the hon. member would ask for the information when that Vote is under discussion, it will of course be discussed in more detail.

The hon. member for Bezuidenhout (Mr. A. E. Trollip) asked a question in connection with the vacancy for the post of High Commissioner to Australia. With regard to this I have already said on a previous occasion that the post will be filled. It is a pity that under the circumstances it remained vacant for a year, but we hope to fill the vacancy as soon as possible, before the end of the year. Then he asked for the reason for the decrease in the allowance for technical and scientific co-

operation in South Africa. The answer to this is that the figures in connection with those organizations are obtained from those organizations themselves, and if they decrease their figure then of course our contribution is decreased too.

*Mr. A. E. TROLLIP: I asked a question in regard to the decrease to U.N.

*The PRIME MINISTER: The contributions of the various member States of the United Nations are calculated on a percentage basis. The percentage basis for South Africa was decreased and the amount is £20,000. That is the explanation.

The hon. member for Bethlehem (Mr. Knobel) was so kind as to try and protect me from a certain woman in Canada, a Miss Aitken. I can inform him that I have never had an interview with any such person, that recently when it appeared in the newspapers, I heard the name of such a person for the first time. I never knew of the existence of such a person, let alone grant her an interview, and to judge from what she wrote in the newspaper about me, I can come to no other conclusion than that she is a person who has escaped from a lunatic asylum. I may just say that this information, that I know of no such person, that I did not meet her and know nothing about her, has been given to the High Commissioner for Canada, and I take it that he has put his country in possession of the true facts.

In regard to Suez, some member or other protested that if Suez were to come under the control of an international board of control, representatives of communistic countries would be appointed to it by the United Nations Organization, and that it might give rise to trouble such as we fear. Perhaps I should not actually have mentioned U.N.O., because in connection with similar matters it is usual to nominate to such a board of control, countries who have an immediate interest in the matter. A striking example of this is Panama. Panama is also internationally controlled because it is an international waterway, but the board of control over Panama, which is international, includes only countries which are more directly concerned, and I take it that the same would apply in the case of Suez. I think that those are more or less all the important points which were raised and that is the information I wish to give.

*Mr. HEPPLÉ: I want to refer to the statement made by the Prime Minister yesterday in connection with Korea. In deference to his request that because of the delicate situation we should not have a long discussion on this subject, I do not intend to go into the details of it, but I do not think I can let this opportunity pass without making a few comments. The first is this, that in the statement that has been issued by the 16 nations there appeared the following remark—

The consequences of such a breach of the armistice will be so grave that in all probability it will not be possible to confine hostilities within the frontiers of Korea.

I do not want to guess what the purpose of this public announcement was. I do not know whether it was a threat to the communist countries, but it implies the danger of a third world war if there is a breach of the armistice. I feel that we here in South Africa should take cognizance of the implications of that statement because it seems to be prejudging any breach that might take place. I do not think if there is a breach, that it is a *sine quo non* that there should be a third world war. But the point I want to bring to the Prime Minister's notice is this: The Prime Minister has pointed out in so far as South Africa's position is concerned, that any future obligations assumed by the Union must be decided by the Union Government itself within the limits of our capacity and in the light of our commitments within the immediate sphere of South Africa's interests. In this regard I hope that the Prime Minister will follow the safest procedure and that is that before South Africa is committed to any new obligation in any part of the world this Parliament will be consulted. I hope an opportunity will be given to this House to debate any developments of that nature. We know that in our past history that has usually been the case and I hope it will be the case in the future, and that the Prime Minister will give this House an undertaking that it will have an opportunity of debating the issue before we are committed to military ventures in other parts of the world. The Prime Minister, in referring to the delicate situation, promised that he would take the Leader of the Opposition, the hon. member for Germiston (District) (Mr. Strauss) into his confidence. While I am making no appeal at this stage—I do not know whether this statement was made deliberately—I would like to remind the Prime Minister that there are other groups in the Opposition besides the United Party.

The PRIME MINISTER: You will be welcomed.

Mr. HEPPLE: Thank you. I want now to leave this question that I have raised with the Prime Minister and I want to deal very briefly with the speech that was made this afternoon by the hon. member for Hospital (Mr. Barlow.) I do not think we can allow the charges that he has made against the Press to pass without comment. I cannot understand why the hon. member for Hospital singled out the English Press in this country for his attack. While there may be in this country, as there are in all other countries in the world, irresponsible people who may make irresponsible statements and give irresponsible reports, I want to say that the South African Press in comparison with the Press in other parts of the world has a fine record. The English-speaking Press in this country has a fine

record. With one or two comparisons they have a fine record . . . [Interjections.]

The DEPUTY - CHAIRMAN: Order! order!

Mr. HEPPLE: I say that this attack on the Press this afternoon seems to have some ulterior motive. I cannot understand what prompted the hon. member for Hospital to do it, unless he was suffering from an overdose of coffee. But I hope that some of his colleagues will take the opportunity of repudiating the things that he has said this afternoon against the English-language Press.

Mr. S. J. M. STEYN: It has been done.

Mr. HEPPLE: I am very glad to hear that.

Dr. VAN NIEROP: [Inaudible.]

Mr. HEPPLE: As far as the interjection from the hon. member over there is concerned, I am dealing with the Press which was attacked by the hon. member for Hospital. I have no charge against the Afrikaans Press in this country. The Afrikaans Press in this country also has a fine record. But I want to say that as far as we of the Labour Party are concerned, as a minority party without our own daily newspaper we are in a position to judge on the treatment we get . . . [Interjections.]

Mr. STUART: On a point of order, is it possible to get the hon. member for Namaqualand (Mr. Scholtz) and the hon. member for Mossel Bay (Dr. van Nierop) to shut up?

*Dr. VAN NIEROP: Is he drunk?

The DEPUTY-CHAIRMAN: Order! The hon. member may proceed.

*Mr. S. J. M. STEYN: On a point of order, is the hon. member for Mossel Bay entitled to ask whether another member of this House is drunk?

The DEPUTY-CHAIRMAN: Order! Hon. members must give the hon. member an opportunity to speak. The hon. member may proceed.

Mr. HEPPLE: The point I am raising is that if members of this House make unwarranted and unjustifiable attacks on the Press then they must not complain if the name of South Africa becomes worse overseas than it is, because this very attack on the South African Press is one of the things that is taken note of overseas. It gives the impression quite naturally that the morality of our Press is very low. I hope therefore that we will hear no more of this type of attack as far as the Press is concerned. Of course, the Press is not without blemish. On occasion the Press does deal with matters in a partisan manner,

but the sort of attack made by the hon. member for Hospital on the Press is no credit either to himself or to the House.

*Mr. D. J. POTGIETER: I have listened attentively to all the speeches that were made and it was most encouraging to detect a change of tone amongst some members on the other side. It was obvious that a heartfelt desire is arising, not only on this side of the House but also among some members on the other side of the House. In the first instance there is the desire for the establishment of an Africa Charter with a view to the safeguarding and perpetuating of White civilization in Africa, and the desire is that the hon. the Prime Minister should take the initiative in the creation of such a charter. But in expressing that desire it was also very obvious that members on this side of the House as well as on the other side of the House had at the back of their minds not a fear for the Native, not a fear for the aborigines in Africa, but a fear of the consequences of the activities of the Indians and of India in Africa. The hon. the Prime Minister very succinctly put the position some time ago, viz., "Out with the White man and in with the Indian." On a previous occasion I said that it was a great pity, seeing that so many White people in the north were looking more and more to our Prime Minister for guidance in this matter, that there were still many Europeans in South Africa who have not yet ranged themselves behind his leadership as far as this problem is concerned. In view of the fact that the desire exists in this House that there should be unity and united action as far as this Africa Charter is concerned, I want to express the hope that it will be of an enduring nature this time, that it will not last only a few days and that we will not have a repetition of what happened here a short time ago. Last year the Indian Prime Minister made the following important statement, in which he showed his hand plainly and outlined the aim which he envisages in regard to Africa. He said [translation]—

The Natives are at present becoming conscious politically. They no longer want to take things lying down but want to have it their own way. We have clearly stated that we must assist the Natives in their demands. As long as the Indian in Africa will do that, he will be welcome. If he does not do it, he has no right to be there.

In other words, the sole purpose of the Indian in Africa is to mobilize the Native against the European. The hon. the Prime Minister, being a worthy Prime Minister with a backbone, immediately reacted to those challenging words of the Prime Minister of India. He rapped Nehru over the knuckles and told him: "Look here, keep your hands off South Africa and your nose out of the domestic affairs of South Africa." One would have expected every White man and woman in this country to have backed the Prime Minister, for he did not speak in his capacity as Leader of the Nationalist Party; he spoke on behalf of South

Africa as a whole, and especially on behalf of the Europeans in South Africa. What happened thereafter? One would have expected that particularly Natal, where the Indian danger is most noticeable, would have ranged itself behind the Prime Minister. One would have expected that the United Party leader in Natal would have supported the Prime Minister when he reprimanded Nehru about this matter. But what did happen? Instead of getting the support of that province which is suffering most of the problems created by the Indian with its borders, the Natal leader of the United Party went along and used these words—

Referring to the Prime Minister's recent statement attacking India . . .

I just want to point out that the Prime Minister did not attack India—he only reprimanded it—

. . . referring to the Prime Minister's recent statement attacking India, Mr. D. E. Mitchell, United Party chairman in Natal, declared yesterday that Dr. Malan was making a mess of things and if he carries on we may well find ourselves at war with India.

Mr. MITCHELL: What are you quoting from?

*Mr. D. J. POTGIETER: From the *Natal Witness*.

Mr. MITCHELL: Why don't you quote from a Nationalist newspaper?

*Mr. G. F. H. BEKKER: What a denial!

*Mr. D. J. POTGIETER: Mr. Chairman, you throw a stone in a bush and a dog yelp you can be sure that you have hit him. One would expect that there would be support from Natal and especially from the United Party leader in Natal, and that he would support the Prime Minister and would join in putting India in its place.

A second desire to which expression was given concerned the transfer of the Protectorates. We all know that this would have been an accomplished fact if England had not looked for an excuse in now saying that according to promises made the people there must be consulted. In 1936, when the matter was spotlighted by the late Gen. Hertzog, I went to the trouble of going into the Protectorates and investigating whether it was true that those Natives did not want to be incorporated into the Union. Do you know what the reply was? The majority said: "How can we put the lid on the pot from which we are eating?" It is not the Natives who do not want to join us, but the White agitators who promote the Natives. What happened last year when the Prime Minister declared that the time had come for the Union? A storm broke in South Africa over the transferring of the Protectorates. I need only refer to some of the newspapers—the *Cape Times* and the *Natal Mercury*. What

trol; otherwise the country will reap very bitter fruits. For that reason this Bill makes provision that even in those times the Minister will have the board and regional committees consisting of responsible people, for he will know whom to appoint and will not take people imbued with false ideologies, who incite the Natives. It has become customary in South Africa whenever Native organizations spring up, whether trade unions or other associations, as soon as the Natives belong to any form of organization, that their first, their primary lesson taught them is equal rights for Europeans and non-Europeans. That is the first thing which is taught them, and unless the Minister appoints a high standard of official and agents, for which he makes provision, you will get those "glorified debt collectors" who always have up to this stage exploited the Natives in the most horrible manner. Do you know of the Natives who go to Johannesburg to lodge complaints about wages? These people are only too keen to take such a Native into their confidence and take money from him and go to court with him and that Native is in danger of falling a prey to this type of exploiter; I do trust that the bulk of hon. members on the other side are responsible people and that they do not want to see this happen. There is no other solution. There is no other fully effective agitator-proof remedy except the machinery proposed by the Minister in this Bill. [Time limit.]

Mr. HEPPLE: Mr. Speaker, the hon. member for Krugersdorp has succeeded in driving the Minister out of the House. I am not surprised, but it is rather difficult to discuss the Minister's Bill if he is not in the House. It is quite obvious that the main argument in connection with this Bill is whether Native trade unions are to be recognized or not, and, further, if they are to be recognized, in what form. The Minister, in introducing this measure, started off very well in a fine ministerial manner. He explained to the House that the purpose of this measure was to replace War Measure No. 145 of 1942, which has operated all these years to deal with the disputes concerning Native labour in industry. But as the Minister went along, he let his emotions supersede his logic. He began to argue about witchdoctors and cannibalism and all sorts of extraneous matters. It was quite obvious that the Minister, like so many of his colleagues, is beset by a fear in dealing with problems concerning the Native people of this country in a reasonable and logical manner, because they are afraid of the consequences of treating the Natives as a progressive people. Now Mr. Speaker, this argument of the hon. the Minister that to grant recognition to Native trade unions would be to commit race suicide, is an emotional argument. It is not based on facts, it is only a fear in the mind. The Minister fears that if he recognizes Native trade unions he will, in fact, be responsible for the suicide of white South Africans, and on that basis he has attempted to draw up this legislation.

The example that was set by the Minister in his introductory speech for this measure, has unfortunately been followed by a number of

members in this House when they have been making their speeches. We have heard all the old cries, all the old scare stories that have always been raised against workers of whatever colour they may be, whenever they have wanted to organize in order to protect their interests and to raise their standard of living. We have heard, in speeches from the Government side of the House the old sorry story of the old I.C.U. of Clements Kadalje. We have heard of the Dar-es-Salaam witchdoctors. We heard somebody quoting here a story that Natives believe that a strike means to strike people dead. We have heard a distorted story of the 1946 Native mineworkers' strike. Generally there was a lot of hysteria engendered in the debate instead of a rational discussion of a subject which is very important indeed.

Now in 1949 the hon. the Minister appointed a Commission of Enquiry into Industrial Legislation, and he placed a great deal of faith in what that Commission would achieve. At the time when he appointed that Commission, he asked us to delay all criticism of Labour matters, pending the submission of the report of that Commission, and he then promised us that we would get a considerable amount of improvement in Industrial Legislation in this country. That Commission sat for a long time. It did a considerable amount of work, and finally it produced its report, and this is the first piece of legislation that we have had flowing out of that report. And what is the first thing that the Minister does? He throws the report aside.

The MINISTER OF LABOUR: Do you want me to accept all their recommendations?

Mr. HEPPLE: I will deal with that. If the Minister wants a direct reply, no, I don't. The Minister knows that I disagree with a considerable number of those recommendations. But what I am saying is that this is the first piece of legislation that the Minister produces in this House as a result of that report from the Commission—and one-third of that report dealt with the question of Native trade unions. The Minister casts that report aside. And the Minister says that he disagrees with their recommendations in this regard.

I would like to quote to the Minister one or two of the facts that are embodied in this report. In paragraph 1637, the Commission says:

The Commission recommends, therefore, that the proposal to grant Native trade unions recognition in legislation, separate from that applicable to other races, and to provide special measures for their control and guidance, should be adopted.

I want to say to the Minister that I do not agree, entirely, with that recommendation. But nor does the Minister. The Minister takes the other extreme. I say that they should be granted recognition in the same way as European trade unions and European workers are granted recognition. The Commission recommends that they should be recognized under

special legislation, but the Minister says that they should not be recognized at all.

In paragraph 1795, this is said:

The Commission further recommends that the machinery for collective bargaining should be in the form of a Conciliation Board consisting of equal numbers of employers, whether collectively organized or not, and representatives of the Native trade unions concerned, which should function under the Chairmanship of a senior Government official.

And again, in paragraph 1789 it says:

To prohibit negotiation between employers and Native workers would, in the Commission's opinion, constitute a serious injustice to those Native workers who in the past have proved themselves reasonable and responsible trade unionists.

The Minister has completely ignored that. He has ignored it, I presume, because the policy of his party is not to grant recognition of Native trade unions. Therefore, in pursuance of that policy, he now disregards the evidence and the recommendations of that Commission entirely.

But, there are other opinions which are worth quoting. We have the Trades and Labour Council—which the Minister is not very fond but which, nevertheless, is a responsible trade union and co-ordinating body. It says:

The examples quoted out of this Bill and other sections of this Bill which have been lifted from the Industrial Conciliation Act, confirm our opinion that this Bill is unnecessary and its object could better be achieved by including Native workers in the definition of "employee" under the Industrial Conciliation Act.

Then, further, we have the South African Federation of Trade Unions. Mr. Downes, speaking on behalf of the Federation, says:

It was felt that the proposed Regional Boards, which would consist of representatives of Native workers with a European Chairman, would not be effective unless the nomination of Native members came from organized bodies of Natives

That is, Native trade unions. He goes on—

We have urged that some recognition should be given to trade unions of Natives. They should be permitted to organize and be given some official recognition which would allow them to nominate members to the Regional Boards.

And then there is the Institute of Race Relations which recommends as follows—

(1) That Africans be no longer excluded from the definition of "employee" under the Industrial Conciliation Act.

(2) As a consequence, the recognition of trade unions, which in other respects fulfil the requirements of the law, be not withheld from unions admitting or consisting of African members.

And then we have the United Party also supporting the principle of the recognition of Native trade unions. They have stated so in the House. They do not want to recognize Natives under the definition of "employee", in the Industrial Conciliation Act, but they support the principle of recognition . . .

An HON. MEMBER: Are you sure?

Mr. HEPPLÉ: Then we have the International Labour Organization which states that there should be no exclusion of any worker from the right to organize and be legally recognized. South Africa is a member of the International Labour Organization, and we will have some difficulty in explaining our position to them.

Mr. Speaker, in advancing these arguments in relation to Native trade unions, the Minister has said that Natives are not qualified to negotiate. But what did the commission say? In paragraph 1753 of their report, the commission says this—

In many cases, however, employers found it desirable to enter into negotiations with their Native workers before there was a stoppage of work. A number of collective agreements between organized employers and Native trade unions were concluded as a result of such negotiations and although not enforceable at law, have been observed as "gentlemen's agreements". These agreements appear to have given mutual satisfaction, and the opportunity of entering into such negotiations has been greatly prized by the Native workers concerned and their union. One union pointed out that the conclusion of such an agreement had led to peace in the industry concerned, whereas there had been continual unrest previously. Some employers are, however, not prepared to negotiate with their Native workers.

There the Industrial Legislation Commission states very clearly that it had evidence that there had been negotiations between Native trade unions and the employers, and that the results had been satisfactory. This is actual evidence that had been presented to the commission. But the Minister says that Natives are too irresponsible, that they have not yet reached that stage of development which will enable them to conduct these negotiations. Well, the answer to that statement is given in paragraph 1753 which I have just quoted, and again in paragraph 1789, where the commission says—

To prohibit negotiations between employers and Native workers would, in the commission's opinion, constitute a serious injustice to those Native workers who, in the past, proved themselves reasonable and responsible trade unionists.

That is their record. That is the record based on the evidence placed before the commission, but the Minister has apparently decided to take no notice of that at all.

The whole basis of the objection that comes from the Government side of the House is fear. And while fear is the overriding force it must be impossible for the Government to draw up a reasonable and workable Bill. While the members on the Government side are beset by fear, they are unable to be logical. I have heard, in speeches by not only one member of the Government side of the House, but by many, references to agitators. The suggestion has been that Native trade unions get into the hands of agitators. But that is nothing new. Who are agitators? They are men with ideals and men who are prepared to fight for those ideals. Those are the agitators, those are the extremists.

Mr. Speaker, as an example, I read in this morning's paper a report making reference to an extremist of the Nationalist Party, the Minister of Native Affairs. He is an extremist. Who is South Africa's greatest extremist, according to his political opponents? The Minister of Lands. Is his party ashamed of him because of his views? I want to say more. I want to say that if it had not been for the agitators, the pioneers of the trade union movement of South Africa, men who were deported and who were shot in the streets of the Witwatersrand, there would not have been the trade union movement which there is to-day. There would not be the standards for White workers in South Africa that there are to-day, if it had not been for the White agitators of those days; those men who were victimized, deported and shot. Those are the men who were able to build up a trade union movement, and as a result we got our Industrial Conciliation Act. We got our labour legislation in this country and the protection for our workers . . .

An HON. MEMBER: Are you pleading for the agitators?

Mr. HEPPLE: The hon. member asks if I am pleading for the agitators. Let me say right away, yes I am. I am pleading for the agitators, I am pleading for him, I am pleading for the Minister of Lands and for the Minister of Native Affairs, and for myself, and for every agitator. I plead for them all.

I think it was the hon. member for Alberton (Mr. Viljoen) who got up in this House and quoted as an authority the Chamber of Mines. Now, Mr. Speaker, would he expect the Chamber of Mines to take the part of the workers, whether Black or White or any other colour? The Chamber of Mines were the ones who victimized the White workers. They victimized my own father. They victimized the White workers who were fighting for a better standard of living, and so to-day they would do it with other workers. What is being enacted in this House is once again a repetition of history that happened in the industrial revolution of Great Britain. I want

to quote to hon. members here what happened 130 years ago in Britain. In the course of the industrial revolution there was the same thing; peasants drifting from the countryside to the towns to take work in industry. They were brutally exploited. They tried to fight for their rights and over a period of about a century there were about 30 or 40 special laws brought in to prevent workers from fighting for better rights. In 1801 the Combination Acts were enacted to prevent the workers from organizing. And those workers of those days, let me remind hon. members on the Government side of the House, were also uneducated, illiterate, unable to read.

The MINISTER OF LABOUR: On the same level as the Natives?

Mr. HEPPLE: They were pretty well on the same level.

The MINISTER OF LABOUR: That is stupid.

Mr. HEPPLE: But they were. Their standards were very, very low. And those arguments were used against those workers in just the same way. After 25 years Britain found itself in such industrial turmoil that they had to take some steps and they set up a Select Committee of the House of Commons to deal with these Combination Acts. That Select Committee decided what should be done about them. I will now read from the debates of the House of Commons on 21 May 1824. This is Hansard, column 812. There is a long report of 11 clauses in which the resolutions of the Select Committee on Artisans and Machinery are submitted. I will quote only one of them. Clause 6 says—

That the laws . . .

That is the Combination laws—

. . . have not only not been efficient to prevent combinations either of masters or workmen; but, on the contrary, have, in the opinion of many of both parties, had a tendency to produce mutual irritation and distrust, and to give a violent character to the combinations, and to render them highly dangerous to the peace of the community.

And as a result of that they repealed the Combination laws.

The MINISTER OF LABOUR: Surely you don't suggest that this Bill is similar to the Combination laws?

Mr. HEPPLE: It is not far different. I am going to deal with that point very shortly. That is a very important point which the Minister has raised. Those Combination Acts were designed to prevent workers, especially those on the lower scales, from fighting for a better standard of life. And history has shown that no law, even the wildest of laws, the most ingenious of laws could ever prevent

workers from fighting for their rights and improving their living standards, no matter what their colour might be.

In relation to the same thing, I want to come to more recent history. The hon. member for Port Elizabeth (North) (Mr. J. A. F. Nel) yesterday referred to the Trades Disputes Act of 1927, which was also an attempt to prevent the more enlightened British trade unionist from fighting for their rights, an attempt to hamstring them. That was known as the "Blacklegs Charter". But what did it do? It was the thing that was responsible for the most rapid growth of the British trade union movement, and as a result of it the British Labour Party, in 1945, became the Government of Britain, through the strength of the trade union movement. It made them close their ranks and fight all the harder. And that is what this legislation which is envisaged by this Bill is going to do. It is going to compel the Natives of this country to say to White South Africa: "You don't like your own laws. Your Industrial Conciliation Act of which you boast so much, you think is not good enough for us. You believe that we need something special. Very well, we will have something special." And they will organize in their own way and they will spurn European methods, the methods of Western civilization which we are supposed to be teaching them. If we do not teach them the methods of Western civilization, then they will adopt the methods of other civilization, or should I say of other societies. Let us be warned by that.

It was also said by the hon. member for Port Elizabeth (North) that this Bill is in the best traditions of the Natives because they are used to chiefs and headmen. But surely, coming from an industrial centre the hon. member should know that the majority of the Natives in industry to-day are detribalized and are quite away from the control of their chiefs and their headmen. But, more important than that, surely he must realize that the traditions of the Natives are primitive, and industry of South Africa is something of the mid-twentieth century. How can you apply primitive tribal discipline to modern industrialized society? It is inconceivable that anybody should think that that is possible.

Now the hon. the Minister made a point when introducing this measure, of saying that he is not banning Native trade unions. That is very significant. He said that he is going to let them bleed to death. But I cannot understand the Minister's reasoning. I can suspect his motive but I cannot understand his reasoning. The Minister is afraid to ban Native trade unions, and he is afraid for very good reasons. On the other hand, he is hoping—and I suppose he is praying as well as hoping—that they will bleed to death. But that won't happen at all. I suspect that the reason why the Minister does not want to ban Native trade unions is because, quite rightly, he is very nervous of world opinion. The big trouble that South Africa has had since the accession to power of the Nationalist Party in 1948 has been the deterioration of South Africa's name overseas . . .

Mr. SPEAKER: Order! Order! That argument has been used very often. I have warned hon. members not to repeat those arguments, and I hope the hon. member will not continue with that argument.

Mr. HEPPLÉ: Mr. Speaker, I am just referring to it in passing. I want to deal with the International Labour Organization. The trade union movement in all parts of the world takes a very great interest in the trade union movement of all countries. There are international confederations of trade unions, and through the International Labour Office there is consultation between the workers' movements and the employers' movements of all countries. The Industrial Legislation Commission was at great pains to point out in its report in paragraph 1590 that South Africa was a signatory to the Declaration of Philadelphia, which, amongst other things, contains in Article 3—

The conference recognizes the solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve—

- (a) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures.

Further, in Article 5—

The conference affirms that the principles set forth in this declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people . . .

The MINISTER OF LABOUR: Remember that part.

Mr. HEPPLÉ: I am specially quoting that for the Minister. Listen to what follows—

. . . their progressive application to peoples who are still dependent as well as to those who have already achieved self-government, is a matter of concern to the whole civilized world.

They state that cognizance must be taken of the state of development of the people, but there is no provision in the Minister's Bill, nor is there any promise of progressive movement towards the standards that are applicable to other trade unionists all over the world. That is what is missing, and that is why I have specially quoted this. South Africa will be questioned overseas, in the I.L.O., by the International Confederation of Trade Unions, as to what its attitude is with regard to making these applications progressive. And that is

acking. Now, on the basis of the Declaration of Philadelphia, the commission examined the various proposals. It says in para. 1591—

The Commission has made a careful study of all the evidence placed before it in regard to the recognition of Native trade unions. It has deliberated at considerable length on the pros and cons of the various proposals submitted to it in evidence, and it has tested them by careful analysis from every possible angle. The Commission has, in particular, applied the following fundamental principles to each proposal and it holds that these principles form the basis of an examination of the problem of Native trade unions, viz.—

- (1) Whether it is in the general economic, social and political interests of South Africa as a whole;
- (2) whether it ensures at least elementary justice to Natives without undermining European standards;
- (3) whether, having regard to the divergence between European public opinion and Native public opinion, it commands that measure of public support from both sides which makes it sufficiently acceptable to be a practical proposition;
- (4) whether it takes sufficient cognizance of such irresistible economic tendencies as are apparent to the Commission, such as the tendency towards urbanization and the urge amongst workers to organize and bargain collectively, and the extent to which these tendencies have become accomplished facts; and
- (5) whether it takes into account international opinions and South Africa's international undertakings.

The MINISTER OF LABOUR: Yes, I have said all that. It is no use repeating it.

Mr. HEPPLÉ: But it is very necessary to ring it to the notice of this House, because the Minister has very carefully skirted around it. In paragraph 1623, the Commission says, on the basis of this analysis—

The Commission has come to the conclusion, therefore, that the proposals put forward by these witnesses that Native trade unions should not be granted recognition, but that other means should be found to safeguard the interests of Native workers, failed in most respects when measured by the basic principles mentioned in paragraph 1591. It cannot, therefore, recommend their adoption.

Now, Mr. Speaker, I also want to remind the hon. the Minister of what he has read—and hope every other member of this House has read—in connection with the Declaration of Philadelphia, and that is that South Africa is bound entirely to its application. Since South Africa is a signatory to the I.L.O. Convention,

its actions come under the purview of trade unions everywhere. And what is South Africa's trade union record overseas? We find, just recently—I quote here from the *Cape Times* of 13 July—a report from Stockholm where the International Confederation of Free Trade Unions was meeting. They took a resolution condemning South Africa for the attitude adopted towards the working people of South Africa. They took a very strong resolution. This resolution says . . .

The MINISTER OF LABOUR: What has that got to do with the Bill? That has nothing to do with this Bill.

Mr. HEPPLÉ: I will explain to the hon. the Minister what it has got to do with the Bill. It criticizes—

The attempt of the Malan Government to force its policy of apartheid on the labour movement of the Union of South Africa . . .

This is the actual report—

It commented on the action of the South African trade union movement in resisting the legislation designed to weaken and divide it, and it expressed once again the deepest abhorrence of the policies of the Malan Government which are in violation of our human rights.

Let me remind the Minister that this is the anti-communist confederation of trade unions, comprising mainly the two big federations of America and the Trade Union Congress of Britain, and all the Western trade unions of the world. They sat together in conference and they condemned South Africa.

The MINISTER OF LABOUR: Based on ignorance.

Mr. HEPPLÉ: It may be based on ignorance, but I want to say to the Minister that it won't be ignorance once they see this Bill. When they read this Bill they will want no further evidence. They won't need misguided Press correspondents to write that; they will simply quote the clauses of this Bill.

The MINISTER OF LABOUR: They will probably support it.

Mr. HEPPLÉ: But there is another thing they will do. They will want to know how far the principles of the I.L.O. Charter are applicable to the people of this country. There South Africa is going to be found wanting. On this question of the recognition of Native trade unions, I would like the Minister when he replies to this debate, to tell us whether he will accept it, where there are Native trade unions existing to-day or where Native trade unions come into existence, if the workers in any factory or industry insist upon negotiating through those trade unions under the machinery provided here.

The MINISTER OF LABOUR: No.

Mr. HEPPLE: That is a very significant answer.

The MINISTER OF LABOUR: It is a straight answer.

Mr. HEPPLE: It is a straight answer but it is a very significant one because not only does the Minister want trade unions to bleed to death but he is to set up pressure and irritations among the Native workers in this country that is going to lead to a considerable amount of industrial unrest.

The MINISTER OF LABOUR: That is rubbish.

An HON. MEMBER: We have laws to deal with it.

Mr. HEPPLE: The hon. member says that we have laws to deal with it and I suppose that is the answer that the Minister wants to give. We have the guns and we have the marksmen. Well, if that is the way in which they are going to solve this problem it is not going to be a lasting solution.

Dr. J.H. O. DU PLESSIS: Why should other countries dictate to us?

Mr. LOVELL: Because you signed agreements with them.

Mr. HEPPLE: The hon. member asks me why other countries should dictate to us. I do not say they should dictate to us. I would be the last to allow myself to be dictated to, but I say that South Africa is living in a shrinking world. We are living in a world, as the Prime Minister himself said the other day, in which we want friends; we do not want enemies. By legislation of this nature, we are making enemies. That is the point.

Let us look at the whole picture. This Bill is going to be applicable to two-thirds of the industrial labour force of South Africa. The Minister himself quoted the figures. He says he believes that to-day there are about 1,000,000 Natives in industry and just under 500,000 whites in industry and 160,000 Coloureds and Asiatics. Two-thirds of our industrial labour force, therefore, will be controlled under this despotic measure. One-third or probably less than one-third, will have the benefits of our Industrial Conciliation Act of which we boast so much. How can reasonable people believe that we are going to have industrial peace, that we are going to have co-operation and maximum production in this country when we are setting up these conflicting mechanisms, because there is going to be a great deal of conflict as a result of the separation of industrial workers into two categories with completely different machineries. There is going to be sown the seeds of distrust, suspicion and hate.

An HON. MEMBER: That is what you want.

Mr. HEPPLE: That is what is going to happen as a result of this legislation.

Mr. G. F. H. BEKKER: You are the enemy of the white worker.

Mr. HEPPLE: Instead of seizing this as an opportunity to bring on the Native workers in this country so that they will not be a threat to European standards we are forcing them into their own camps, so that they will bear the greatest animosity to the white worker and blame the white worker for their disabilities. That is what is going to happen.

It is very interesting to look at the machinery that the Minister is setting up under this measure in contrast to the machinery which is operating under the Industrial Conciliation Act. It is almost amusing. First of all there is going to be a Native labour officer, a European, who if he finds a dispute, will report it to an inspector, who is going to be defined by regulation, and that inspector will report to the regional committee set up under Clause 4. This regional committee is an amazing body because it is going to consist of a European chairman and not less than three Natives. The Minister in reply to an interjection I made said that he would decide which interests these Natives would represent. Then this committee will have to refer it, where there is an Industrial Council, to an Industrial Council, and if all these people together cannot solve the dispute then they will refer it to the Central Labour Board. When it gets to the Central Labour Board they will consider it with all these other bodies, and then if they still cannot settle the dispute, they will refer it to the Minister of Labour, and the Minister of Labour, if the Board recommends it, will ask the Wage Board to investigate the dispute and make recommendations to him and then he will publish an order. This complicated, involved machinery looks bad enough in theory, but let us examine it in practice.

The MINISTER OF LABOUR: You have never seen it in practice; how can you examine it?

Mr. HEPPLE: I want to tell the Minister that I have had some bitter experience of war measure No. 145. I have seen that measure in operation. The Minister must not forget that war measure No. 145 operated when there was plenty of work, so that rather than become involved in a dispute, workers went and got another job because jobs were plentiful. It will be a different story when such a measure operates at a time when work is not plentiful, when friction can really arise.

The MINISTER OF LABOUR: Give us an example.

Mr. HEPPLE: Let me tell the Minister of my experience under war measure 145. A dispute or a disagreement may arise in a factory between a Native employee and a foreman or the employer, or there may be an

argument between a Native and the foreman. Other Natives decide to support the Native who is having the argument; the employer rings up the Department of Labour and the police arrive with a pick-up van. Then after the Natives have been lodged in gaol, a report goes to the Department of Labour and then the Department of Labour has to unravel the difficulties that have arisen.

The MINISTER OF LABOUR: But this machinery prevents that.

Mr. HEPPLE: I will deal with this machinery. As I have explained to the Minister, that measure operated when either the boss fired the Native right away or the Native put on his coat and walked out. But when jobs are not so plentiful it can lead to complications.

Now I want to deal with the present machinery. Something happens in a factory; there is an argument about a torn overall or about a 6d. short in the pay or the Native was insolent to the employer; the Native employees stand together. If they now go on strike they are guilty of an offence and they can be put in gaol. But let us assume that they know of this complicated machinery. Can the Minister tell me how the Natives in that factory are going to inform the Native labour officer or the inspector or the regional committee that they are having a dispute with the boss?

The MINISTER OF LABOUR: When this machinery is in operation you will see.

Mr. HEPPLE: That is no answer. Surely the Minister must know. The inspector will have to stand on duty at every factory all day long, because these things arise at a moment's notice. [Extension of time.] I thank the House. I am very keen to know how Native workers in any factory, especially where they have no trade unions, will be able to convey to the Native labour officer or the inspector, whoever the responsible party may be, that they are having a dispute with their employers. It is easy enough for the employer because he has his staff and he has education and he merely picks up the telephone and rings up the Department of Labour and says: "Send out an inspector; I am having trouble with the Natives in my factory." In 99 cases out of a 100 these disputes arise out of trivialities. How are the Natives going to notify the inspector? There is no provision for that in this Bill. I say to the Minister that if Native trade unions were recognized, then they would know a way, through their trade unions, in which they could convey their complaints to the inspector or the Department of Labour.

The MINISTER OF LABOUR: Why plead that when you do not want it.

Mr. LOVELL: Who said so?

The MINISTER OF LABOUR: Read your amendment.

Mr. HEPPLE: The Minister does not understand what I am saying. I am saying to the Minister that there is no provision in this Bill for Natives to inform anybody that they are in dispute, because during the hours that they are at work the Department of Labour is at work, but if they try to go after working hours the Department of Labour is closed. If they walk out during working hours they are on strike and they are committing a punishable offence. It is for the Minister to answer. There is a great body of opinion against this Bill. The hon. member for Cape Eastern (Mrs. Ballinger) made the point previously and made it again this session, that at no stage have the Natives themselves been consulted, so immediately there is a cause of friction. I want to quote to this House for record purposes the decisions of two Native trade union bodies in relation to this Bill. The Council of non-European Trade Unions in the Transvaal passed the following resolution at a meeting which they held on 25 July, 1953. The resolution reads—

This special conference of trade unions held in Johannesburg this 25th day of July, 1953, has examined and noted the obvious and extreme dangers contained in the Native Labour (Settlement of Disputes) Bill. Realizing that this Bill purports to fulfil and answer the claim by the South African trades union movement that the African workers are, like all other workers, entitled to participate freely in the present machinery for collective bargaining and knowing that the object of this Bill is not to provide for the prevention and settlement of African labour disputes and for the regulation of their conditions, but is intended to frustrate a healthy growth of normal trade unionism amongst African workers by creating machinery to suppress and stultify the present African trade unions, Conference places on record its total rejection of the Bill and condemns it as a fraud designed to place African workers in a state of perpetual slavery.

The other resolution was taken by the Co-ordinating Committee of the African trade unions of the Western Province at a mass meeting held on Sunday, 2 August, 1953, and reads as follows—

That in view of the rapid increase in the number of African workers in industry this meeting requests the hon. the Minister of Labour, Mr. Schoeman, to withdraw the Native Labour (Settlement of Disputes) Bill, as the Bill is not good for African workers nor other workers, and amend the definition of "employee" in the Industrial Conciliation Act to include all African workers.

That is Native opinion. I want to conclude by telling the Minister that there is a very clear alternative and a very simple alternative.

That alternative is to recognize Native trade unions under the definition of "employee" under the Industrial Conciliation Act. By doing that he will bring under control, just as European trade unions are under control, Native workers' organizations. They will be subject to the law of the land. They would have to submit their returns to the Registrar. They will have to abide by all the provisions of the Industrial Conciliation Act, which will ensure not only their recognition and their protection, but will also give them the responsibility of self-discipline and of obeying the law. By doing that the Minister will be paving the way for peace and harmony in industry in this country. If he does not do that, if he persists in what he is attempting to do here, he will be preparing the ground for secret organizations. He will be preparing the ground for gangster movements amongst Africans, anarchism and perhaps even revolution. That will be the ultimate outcome if people are prevented from organizing in a legally recognized manner. That is the dangerous position in which the Minister is placing South Africa to-day.

I also want to make this point, although I do not want to go into it in great detail; I merely want to reply to one of the hon. members on the other side of the House who raised this question of equal pay for equal work. Actually he revealed another of the fears—and a legitimate fear—on the part of European workers, that their standards will be undermined by the majority of Natives unless there is some kind of protection.

The MINISTER OF LABOUR: That will happen if your policy is adopted.

Mr. HEPPLE: It will certainly not happen if our policy is adopted. Our policy of equal pay for equal work is the only salvation for the white workers in South Africa. The policy put forward by the Nationalist Party is a policy of suicide.

The MINISTER OF LABOUR: I am speaking about your policy in regard to the amendment of the Industrial Conciliation Act to bring in Natives. That will undermine the European workers' standards.

Mr. HEPPLE: It will do nothing of the sort because what that will do will be that the white trade unionists will be the leaders and the guides of the Native workers and will see that they organize on sound trade union lines. But what you are doing now is to separate the workers and to deprive the Native workers of the opportunity of learning from the experience of white trade unionists, and you are driving them to establish their own secret organizations.

The MINISTER OF LABOUR: That is rubbish.

Mr. HEPPLE: But on this question of equal pay for equal work, the Minister is in a very

difficult position. He is in an extremely difficult position because South Africa is committed to this principle under the I.L.O. Charter. Here again, although the Minister has read it, I want to remind him what the preamble to the I.L.O. Charter says. I remind him of this because I think he is ignoring it. The preamble says—

Whereas universal and lasting peace can be established only if it is based upon social justice, and whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled and an improvement of those conditions urgently required

Then they give some examples, including—

The recognition of the principle of equal remuneration for work of equal value and recognition of the principle of freedom of association . . . the High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure permanent peace of the world and with a view to obtaining the objective set forth in this preamble

To which we are signatories—

. . . . agree to the following constitution of the International Labour Organization.

The MINISTER OF LABOUR: How many countries are applying the principle of equal pay for equal work?

Mr. HEPPLE: I cannot give the Minister an accurate number.

The MINISTER OF LABOUR: Not even Britain.

Mr. HEPPLE: That is so far as women are concerned, but in the majority of occupations in Britain it is applied. I think it is only in about 10 per cent of the occupations that women do not get the same pay for the same work.

The MINISTER OF LABOUR: You are wrong.

Mr. HEPPLE: I am not wrong. But that is not the point. Do we so lightly put our names to a charter merely to find a way out of our difficulty? It is no reply to say that other countries do not apply it. Is that going to be the basis of South Africa's international policy, to put out our tongues and to say "Of course, we all signed it but none of us meant it"? I say the Labour Party has made out a case against this Bill. We have moved our amendment and our amendment very clearly sets out our specific objections to it. We warn this House and we warn the Minister that if they proceed with this Bill in its present form they are asking for trouble.

would like to direct a few words to the Minister in the form of a question in regard to this phantom", namely the coming depression.

Hon. members were to ask me what I know about a coming depression, I would tell them that I know nothing about it. I do not know when it will come. I do not know in what form it will come, and I do not know how seriously it will affect us and how long it will last, but I do know one thing, namely, that this depression will come. However optimistic we might be in our economic life, the history of economics has shown us that there are upward and downward curves in economic trends and that they appear in certain regular cycles. The time-lag between one peak and another peak in economic life, or one low level and another low level, may be either long or short;

it may be that a war or an approaching war or something else delays an approaching depression; it may be that a drought or some other catastrophe hastens an approaching depression—the time between the two differs, but one thing is sure, and I think we can accept the fact, that there will be a depression. Our hope is that it will not come soon, and our expectation in South Africa is also that it will not come soon. We can take all kinds of measures to delay its arrival or to limit its effect, but in order to be realistic we have to keep in mind that in future we shall have to deal with a depression. The practical question I want to put to the Minister is this, whether we as a State and as Government are prepared to deal with an approaching depression. When one notices what is happening in other countries to-day—and I am thinking of a country like the United States of America—we will find that governments to-day devote much attention to the possibility of an approaching depression, and even in times of great prosperity, as we had in recent years, the governments of various countries like Britain and America, devoted serious attention to the methods the State should use now, and also then, to reduce the degree and effect of a depression. It is especially in these times, when peace has been made in Korea, when the speed of rearmament has been reduced and the danger exists that, for example, in a country like America the rearmament tempo will be considerably reduced within a year or two, that statesmen, economists and thinkers are increasingly thinking about a possible depression and about the measures that should be adopted to combat the upset in economic life as far as possible and to reduce its effects so as to make it as little of a catastrophe as possible. The question I want to ask the hon. the Minister is whether he, or the Government, has given attention to that possibility of an approaching depression and the measures we ought to take at this stage, the plans we should make now or the steps which we shall have to take then to counteract the bad effects of that depression.

Economic literature in recent years abounds with instances of investigations in this regard. Theoreticians, economists and governments are to-day busy investigating this matter and publishing white papers and other documents to

prepare the nation and the State for the approaching depression. Hon. members will remember that the great depression we had in 1930 and subsequent years was especially an agricultural depression. We consoled ourselves with the thought that there would perhaps not be another such agricultural depression in our country because of the increasing local consumption of agricultural produce and because of the fact that our prices for agricultural products in general are below world prices, but the possibility is that the next depression may more particularly be an industrial depression, which will fall within the sphere of the Minister of Economic Affairs. In view of the fact that a large section of our population is to-day employed in industry either as industrialists or as workers, we can expect an industrial depression to affect adversely a large percentage of our population. We console ourselves with the thought that if we are to have a depression in South Africa we at least have a means and a weapon in South Africa to counteract its effect. We possess gold and uranium and we also console ourselves with the thought that if there is a depression the production costs of gold will be reduced and that we will produce more gold, or that we will perhaps have an increase in the price of gold and that the gold production will perhaps be the means of stabilizing our economy. We console ourselves with the thought that our economy is not based on rearmament to the same extent as that of Britain and the United States and of other countries and that the gradual relaxation of our rearmament programme will not affect us as much as the other countries. But we have to take care that we do not console ourselves with false hopes and that we should not go into danger with our eyes closed. Gold no longer plays the role in South Africa which it played in the 'thirties. Gold forms only a small portion of our exports to-day. But apart from that, a depression in other parts of the world will affect us seriously because of the fact that we have become an exporting country and will still export more in future. Depressions are like diseases which know no boundaries. A depression will blow over the sea to South Africa from overseas countries. Our economic life is very much like that of people in time of drought. When it is dry we think of the dams we ought to build, and we congregate from all points of the compass and hold meetings and take resolutions and make plans to build dams and to dig canals and to conserve water. But as soon as the first rains have fallen, people forget all these plans and think that their prosperity will last forever. We in South Africa, and perhaps in many countries of the world, live in that fool's paradise and this catastrophe will not befall us again. It is a fool's paradise. It is the duty of a responsible Government, such as this Government is, in times of prosperity to take precautions and to frame plans which can be used in times of depression. Therefore, I would ask the Government whether it, like other countries, by means of its departments or by means of investigations by various committees, has al-

ready investigated—that is all I ask—how a possible depression may possibly affect South Africa, and if it can affect South Africa, what should be done to combat that depression. [Time limit.]

Mr. HEPPLÉ: I think it is time that we talked about the high cost of living. The matter which the hon. member for Randfontein (Dr. Diederichs) has raised, is, I agree with him, a very important subject for discussion, but I think more urgent is a discussion on the high cost of living, particularly in view of what the hon. member for Randfontein has said. While the wage and salary earners in South Africa are struggling to catch up with the high cost of living, they are now being warned of a coming depression. The hon. Minister of Finance told the House when he introduced his Budget that it was aimed at price deflation. He said that South Africa could not continue with soaring prices and that if the wage and salary earners of South Africa were to gain any benefits, he had to take action to bring prices down. But apparently they are not going to have the pleasure of enjoying that period of lowering prices. Before that happens, they are going to have a depression.

Mr. G. F. H. BEKKER: Why misconstrue what the hon. member said?

Mr. HEPPLÉ: The Minister of Economic Affairs this afternoon, made a very interesting revelation. We discovered this afternoon that for six years we have been going for the Minister of Economic Affairs, because of rising prices and really what he has been doing, was to bring down prices. He gave us figures this afternoon and said that in the last six months the articles that fell under this control, have come down 1.6 over the last six months. Over that period the retail price index has gone up 4.1. In January this year, the retail price index was 189.5 and in June it was 193.6.

The MINISTER OF ECONOMIC AFFAIRS: Of all items?

Mr. HEPPLÉ: Yes, all items, the retail price index for the nine main areas. While prices under the Minister's control came down 1.6, the overall price index has gone up 4.1. Therefore it is quite obvious that the Minister of Economic Affairs is not to blame. The Minister of Agriculture is responsible for food prices. The Minister of Housing is responsible for rents; the Minister of Railways is responsible for fares and for tariffs going up. So we have the position that no longer is it the Minister of Economic Affairs to whom we must look for some relief, but to all the other Ministers. No longer can the Minister of Economic Affairs come into this House as the stalking horse to mislead the House and take all the blows. This is something that we have to discuss with all the Ministers.

Mr. MENTZ: He has told you so year after year.

Mr. HEPPLÉ: Yes, but I want to say that the Minister of Economic Affairs himself carries a great deal of blame, despite the figures that he gave this afternoon. When I raised this question of increased commodity prices recently, I said that it is very easy for manufacturers and distributors to get increases in their prices. They have merely to go to the Price Controller and tell a hard luck story and if their faces are long enough and their stories are ingenious enough, they get increased prices.

The MINISTER OF ECONOMIC AFFAIRS: You might give us some examples.

Mr. HEPPLÉ: Yes, I will give the Minister an immediate example. I asked the hon. the Minister a question regarding cinema prices...

The MINISTER OF ECONOMIC AFFAIRS: Is that commodity?

Mr. HEPPLÉ: That is a very important commodity in the life of the people of this country. People must also include entertainment in their cost of living as well as anything else. If it is not something that is counted in the cost of living, then why does the Minister then control those prices? For the very reason that this is something that has to be controlled just like anything else. But I do not want to be taken off the track. On 4 August I asked a question regarding cinema prices and the Minister gave me a reply. His reply was mainly an attack on the United Party, because he said that they had pressure brought to bear upon them to withdraw the question originally placed on the Order Paper by a member of the United Party. I presume that what he meant was that the people concerned, African Theatres, had brought pressure to bear upon the United Party.

The DEPUTY-CHAIRMAN: Order! The hon. member must come back to the Vote.

Mr. HEPPLÉ: I am dealing with the cost of living, Mr. Chairman. It was a reply given in connection with the cost of living. This is the only opportunity I have to deal with the matter. The Minister replied—

Investigations showed that there had been increases in labour and other costs. I declined to agree to a general price increase, but in view of the increased cost already mentioned, I was agreeable to an overall increase of 12½ per cent on admission charges, exclusive of provincial entertainment tax, to be applicable to Saturday night performances only.

Then he said—

In view of the fact that Messrs. African Consolidated Theatres Limited engaged in several other types of business, it was difficult to ascertain what the profits or losses are on cinema performances. I have requested the company to separate their ac-

counts in the future so as to give a clear picture of the profits or losses on cinema performances separately and the company has undertaken to do so.

But if the Minister was really concerned about protecting the public he would have looked at their composite balance sheet and whether they were engaged in one or a thousand enterprises, he would have been able to see how well this company has been doing. No matter whether their labour and other costs have gone up, this company has been able to make very large profits and has been able to pay a steady and high dividend over many years.

THE MINISTER OF ECONOMIC AFFAIRS: These profits may have been in respect of other undertakings, other than cinemas.

Mr. HEPPLÉ: That is a very easy answer for the hon. the Minister. I don't believe that the hon. the Minister has any interest in this company, but no director in this company could have done more for that company than the Minister has done. The Minister's failure to dissect the composite balance sheet must be worth tens of thousands of pounds to this company. This company, every year since 1948, has paid a dividend of 6s. on £1 shares, and it paid the same last year. In 1948, it had a net profit of £180,000, in 1951 a net profit of £190,000. It is very significant and I don't know how they managed it, but in 1948 their taxes amounted to £67,000 and dropped to £40,000 in 1951, when they had a larger profit than before. This company has also accumulated reserves of £1,288,000. Surely, these figures must have meant something to the hon. the Minister.

THE MINISTER OF ECONOMIC AFFAIRS: Is that African Theatres?

Mr. HEPPLÉ: Yes. I am arguing with the hon. the Minister on the basis that if a big store with nine departments comes to the hon. the Minister and shows that they are losing on one department and making profits on the other eight . . .

THE MINISTER OF ECONOMIC AFFAIRS: That is quite a different matter.

Mr. HEPPLÉ: But that is hon. Minister's argument. He says that he can't do anything about it. When the Minister replied to that question of mine he tried to throw the blame on the United Party. He was in a hole and tried to get out of it in that way. But I did not ask the United Party, I asked the hon. the Minister and the Minister has given me an evasive answer. What the hon. Minister must explain to the House is how he was able to grant these increases to a company that is making large profits, very large profits indeed. The hon. the Minister has given an evasive answer. I want to say to the hon. the Minister in regard to the shows on Saturday night, that the

hon. the Minister apparently has no understanding of family life in the urban areas. [Time limit.]

***Dr. J. H. O. DU PLESSIS:** With reference to the provision for an amount of £55,000 on this Vote for our trade representatives overseas, I should like to use this opportunity to draw the attention of the hon. the Minister and of the Committee to the difficult task of our trade representatives overseas, a difficult task as a result of the subtle campaign of economic sabotage which is continually being waged against South Africa. I want to confine myself to my own personal observations during the Coronation Week in London towards the end of May and the beginning of June, and I want to inform the Committee of what I observed there, namely, certain forces which were at work in order to create confidence in South Africa, and other forces which were busy creating suspicion and prejudice against the Union.

Hon. members will remember that the Government decided that the hon. the Prime Minister and the hon. the Minister of Finance and the hon. the Minister of Education, Arts and Science would attend the Coronation and the Conference of Prime Ministers in London. I had the privilege of accompanying the Prime Minister. I arrived in London by air a day before him. On my arrival, my attention was immediately directed to a very subtle campaign being waged to sow suspicion against South Africa. There were various incidents which I want to mention here tonight. While the hon. the Prime Minister was *en route* to London, as well as the Minister of Finance, in order to go and create confidence in South Africa, the following incidents took place there.

***The DEPUTY-CHAIRMAN:** I do not think that can be discussed under this Vote. The hon. member should have discussed it under the Prime Minister's Vote.

***Dr. J. H. O. DU PLESSIS:** Mr. Chairman, my idea is to indicate how these incidents made the task of our trade representatives more difficult. *Inter alia*, I want to refer to the actions here of the hon. Senator Nicholls and the propaganda he made there, sabotaging the economic position of South Africa.

***The DEPUTY-CHAIRMAN:** The hon. member cannot discuss that matter here. It falls under the Prime Minister's Vote.

***Dr. J. H. O. DU PLESSIS:** Mr. Chairman, I abide by your ruling.

Mr. HEPPLÉ: To continue with this question of cinema prices, I want to say that the hon. the Minister of Economic Affairs apparently has no understanding of family life in the towns. The early Saturday night show is the only show where a family can go to the cinema. It is a family show. That is the night when parents take their young children to the show, because they can still

get home early. Those performances are well-attended. The Minister has chosen the very worst night for the additional charges. This will strike at the family man. Now in reply to my question the Minister has said that the public can go any night during the week. I want to tell the hon. the Minister that families cannot go any night of the week; they can't take young children to a show that comes out at half-past ten or eleven o'clock. The early shows on Saturday evening are very useful to families, and so the hon. the Minister has struck at the family man. In so far as the whole matter is concerned, I say that the Minister was too quick to agree to these price increases. I don't blame the company for trying for higher prices. After all we are living under the profit system and everybody wants to make as much profit as possible, and if they can get increased prices merely by asking for it, there is no crime in them doing so. This company has done what everybody else does, they have gone to the price controller and put up a case and apparently it has been such a convincing case that the Minister has agreed to increase these prices.

I want to come back to the figures of this company. £1 shares are paying 6s. dividend every year. They paid that in 1948, 1949, 1950, 1951 and 1952—6s. every year on £1 shares—a very healthy dividend.

An HON. MEMBER: Why don't you buy shares?

Mr. HEPPLE: To show how valuable these shares have become—and they have only become valuable because of high trading profits and the soundness of the company—in 1947 they sold 250 shares to the Rank Organization for £619,000.

An HON. MEMBER: For how many shares?

Mr. HEPPLE: 250 only. Of course there are different shares, different types of shares. That is not the argument. The point is this, that this is a very wealthy company making large profits, and surely the hon. the Minister could have asked them to make a sacrifice. The hon. the Minister of Finance comes along and says that the many in the street, the wage and salary earner, has to make sacrifices in the interest of the nation. Cannot those people make a sacrifice in the interest of the country? Cannot that company make a sacrifice? No, this big party that says that it talks for the workers is prepared to grant an increase in cinema charges to a company that is making huge profits and building up big reserves. The hon. the Minister tried to get out of the difficulty by pointing a finger at the United Party. I am not interested in the United Party. They are not the Government. They are not granting these increases. The hon. Minister had the composite balance sheet which shows that the company has done very well and in the light of that he should have refused the increase.

I now want to deal with prices generally. The Minister by the figures he gave us this afternoon, has passed the buck on to the other Departments. He says he is not responsible. So when we deal with questions of milk and butter and cheese and vegetables, it is not the Minister concerned at all. When we deal with transport, that is not the Minister's concern either. Transport charges are passed on and because they are increased the hon. the Minister says he is duty bound to increase the prices for distributors and manufacturers, and so the vicious circle is completed all the time.

I want to ask the Minister a question about laundry prices. On what basis did the Minister find it fitting to increase these prices 10 per cent? Is it because labour costs have gone up? Did he have a thorough investigation into those costs? Did he have a thorough investigation into the management and control of laundry companies? Does he merely give increased prices to manufacturers and industrialists on their figures showing that labour and transport charges have gone up? Or does he really make a thorough investigation? Because I am beginning to suspect that it has become too easy to get increased prices in this country. It has become fit too easy. If the Minister is going to treat this always as a political matter as he did this afternoon, when he said that I only want to talk about increased prices from my soap-box, I would not say another word. But it is not who is drawing the attention of the public to this scandalous state of affairs. It is the public which draws our attention to it. The Minister says he can do nothing. I hope that the Minister will give a satisfactory reply to the question of the cost of living generally and particularly on this question of the increased cinema prices.

Mr. T. O. WILLIAMS: Mr. Chairman, everyone will welcome the assurance of the Minister that he will continue import control. I do not know whether this will hurt the Minister and the country more than it hurts me, but I am going to admit that the Minister does sometimes keep his promises and that the matter of relaxation of control over the last two years, he has pretty fairly kept his promise. I would like at this stage to talk up the introduction to a preface to a work on trade cycles put forward by the hon. member for Randfontein (Dr. Diederich) but there is one matter in connection with the cost of living which comes under the Minister's control. I agree with the hon. member for Rosettenville (Mr. Hepple) that the major part of the control of the cost of living does not come within the purview of the Minister of Economic Affairs. He does not control the price of food. He does not control wages, and food and money wages determine real wages and the whole cost of production. He does not determine the cost of transport or of raw materials entering the country. The most that he can do is to control the demand.

The CHAIRMAN: I think the hon. Minister should not do that.

The MINISTER OF ECONOMIC AFFAIRS: I will put it this way: it is a rule of the House with which I personally do not agree, that one has to retract something that—well . . .!

I can give the House this information . . .

Mr. LAWRENCE: You mean that you are extraordinary.

The MINISTER OF ECONOMIC AFFAIRS: . . . that the hon. Deputy Opposition Whip came and told me that the question would not be put. And I have the further information that the hon. member for Florida was in the precincts of the House when the question was being put. And I have further information which I cannot disclose.

Sir DE VILLIERS GRAAFF: That is very poor.

The MINISTER OF ECONOMIC AFFAIRS: That's as may be! The hon. member tried to make a great point that instead of replying to his question, I tried to attack the Opposition. I replied to his question in exactly the same way as was on my table when the question should have been put by the hon. member for Florida.

Mr. HEPPLE: I accept that.

The MINISTER OF ECONOMIC AFFAIRS: The hon. member for Rosettenville (Mr. Hepple) comes along and quotes from certain balance sheets from African Theatres. If the hon. member imagines that I hold any brief for African Theatres he is very much mistaken. I treat them in exactly the same way as I treat any other business organization.

Mr. HEPPLE: That must be costing the country millions.

The MINISTER OF ECONOMIC AFFAIRS: Mr. Chairman, African Theatres had applied to me previously for an increase in prices, and I refused. Then we examined their accounts, and we found that they did not keep separate accounts for the cinema shows. All I had to deal with—please remember this—was the cinema performance. I had nothing to do with their making of films, or with the other companies in which African Theatres is interested. I was interested from the point of view of price control only in the prices charged for cinema performances. The Price Controller, after going through their accounts, found from information which he had, and which he substantiated, that there had been a considerable increase in their actual costs. On the strength of that increase, he recommended an increase in prices. I declined, and then representations were again made. As far as the books and accounts of

the cinema performances are concerned, and for that part of the business, they were actually showing a loss.

An HON. MEMBER: Did you tell Rank that?

The MINISTER OF ECONOMIC AFFAIRS: The hon. member need not believe me, and it does not worry me. Let me assure the hon. member that the fact that he does not believe me is probably more complimentary than otherwise. The Price Controller found that on actual admission charges for cinema performances they were showing a loss, and that had it not been for the fact that they were getting income from the advertisements and from the business connected with the performances, they would be losing. The hon. member may or may not know that African Theatres is an holding company. Anybody who has any knowledge of business knows that on actual admission charges for subsidiary companies by the position of a holding company. The hon. member has heard of the Tiger Oats Company. The hon. member probably labours under the delusion that Tiger Oats is concerned only with the processing of oats. Nothing of the sort. I am sorry I did not think of asking the Price Controller which companies are under the control of the Tiger Oats Company and which have no relation whatsoever to the oats business! They have never seen oats! They have seen neither the tiger nor the oats! If the hon. member were to go into the books of Tiger Oats which is a holding company, and say that on the strength of that company the other companies are making big profits or losses, he would be very wide of the mark. I satisfied myself that as far as cinema performances only are concerned, African Theatres had reason to ask for an increase, because there had been an increase in their operating costs. But even then I granted an increase only on the Saturday night performances.

An HON. MEMBER: Don't you go on Saturday?

The MINISTER OF ECONOMIC AFFAIRS: If I go on Saturday I go by choice. As a matter of fact, since the price has gone up, I generally go on Fridays! If the hon. member is so concerned about the increased price, he can do the same. When I was at school I generally did not do my homework on Friday nights. That was my night off.

Mr. HEPPLE: I don't think you ever did your homework.

The MINISTER OF ECONOMIC AFFAIRS: If the hon. member wants to go to the cinema he can go on Monday, Tuesday, Wednesday, Thursday and Friday. He can do his homework, such as it is, on Saturday and Sunday.

No, Sir, I have no qualms whatsoever. I refused to agree to an increase of admission charges in the past, and on this occasion I agreed to an increase on Saturday nights for the same reason that I agreed to an increase in the price of a boy's haircut on Saturdays. If the hon. member's youngster wants to have a haircut on Saturday he has to pay more. But he can have his hair cut every other day of the week at the old price.

I am glad to have the admission from the hon. member that as far as goods falling under my control are concerned, there has been a decrease in the index figure since January of 1952. As far as that is concerned, I have done my job, and I have done it satisfactorily.

Mr. WARING: I never imagined that the hon. the Minister of Economic Affairs would get up here and accuse the hon. member for Rosettnville (Mr. Hepple) of making a soapbox speech on the cost of living, because we on this side of the House remember the many soapbox speeches made by the Minister of Economic Affairs on that subject.

Mrs. BALLINGER: He is still making them.

Mr. WARING: He used to accuse the then Minister of Economic Affairs of doing nothing to alleviate the hardships of the poor. Sir, there are many new members in this House, and I think I should quote to them just a few extracts from speeches that the Minister used to make, this Minister who is now so anxious to justify the rise in the price of cinema tickets on Saturdays. Let us see who is the real soapbox orator. This is what the hon. the Minister said when he talked on this particular vote on 12 March, 1947 (col. 818)—

The small man, the lower-paid man, will have to bear the burden of the high cost of living for still another year, so that he may be sacrificed on the altar of political expediency.

HON. MEMBERS: Quite true.

Mr. LAWRENCE: He can make a good cinema documentary on that.

Mr. WARING: Then he went on to say—
The small man, the lower-income group, will be bowed down by the increased cost of living. They are having a hard time and virtually no relief is given to them in the Minister's Budget speech. He could have given them relief.

Then he went on to say—

In January of this year—the last figure we have—the cost-of-living index had risen to 135.02. And allow me to say, in connection with the index figures, that it is generally admitted that the index figures are not a true reflection of the increase in the cost of living.

He ended up by saying—

Everyone knows, every housewife knows, the Minister knows, that in reality the cost of living has risen much more than 35.02 per cent.

We know that to-day the retail index figure is 193.6, I think, and we were such terrible fellows; the United Party Government was such a terrible Government. My hon. friends on the other side went about during the election campaign and shouted about the high cost of living. We recall what political capital was made prior to 1948 by the Minister about the cost of living and where does the index stand to-day? I remember that Mr. Mushet, the then Minister of Economic Development, used to say: "I do not control the whole cost of living; I only control 23 per cent or 30 per cent . . ."

The MINISTER OF ECONOMIC AFFAIRS: Thirty-eight per cent.

Mr. WARING: The present Minister then got up and said: "That is absolute nonsense; it is your responsibility and you must take it". But what do we hear to-day? He says that the hon. member for Rosettnville realizes that he has only a little bit to do with the cost of living; the other Ministers control other prices. This Minister used to tell the then Minister that the responsibility was entirely his. I remember that when he used to talk about fruit the Minister in charge used to say: "That does not come under my vote; it falls under Agriculture". But that did not satisfy the Minister. What is his reply? He said: "Oh no, you control the export of fruit; you allow the fruit to go out of the country and the result is that there are shortages in the country; prices go up, so you are also responsible for the increase in the price of fruit". Now he turns round when the hon. member for Rosettnville talks about the cost of living and says that he has never heard such a soapbox speech in his life.

The MINISTER OF ECONOMIC AFFAIRS: You can be glad that you are allowed by your caucus to make a speech again.

Mr. WARING: Sir, whenever the Minister is in trouble he immediately thinks of some-how out of the difficulty and he tries a new approach. But we will not allow him to get away with that. However, I shall leave him to the hon. member for Rosettnville. But I would point out to the Minister that I remember the days when he used to refer to certain companies and say: "Look at the profits of these companies. In 1946 they made a profit of so much, so much in 1947, so much in 1948; what are you doing about the cost of living?"

The MINISTER OF ECONOMIC AFFAIRS: Not a holding company.

farming operations, it would be absolutely impossible to control it or to implement it. With our far-flung, outlying farms, it would be impossible to introduce any inspection services and it would be quite impracticable to apply this machinery. Hon. members know that we have no intensive farming in South Africa. We have farms of 15,000 to 20,000 morgen, we have farms that are miles and miles away from each other. With regard to the government service, the Government is an employer and administers this Act, and I think it would be most unwise where the Government is the employer and is administering the Act, and is responsible for this machinery, that the machinery created by Parliament and administered by the Government should apply to Government employees. That has always been accepted in the past and this Bill merely conforms to the existing practice. The hon. member for Benoni wants to know why War Measure 145 should remain in operation. This War Measure lapses at the beginning of next year. Its life was prolonged for two years in 1952. So in any case, by lapse of time, it will not operate after April next year and it won't be before April—at the very earliest—that we can have this machinery in operation.

Mr. BUNTING: The Minister justifies Clause 2 on the grounds that it is customary in our industrial legislation to exclude domestic servants, government servants, Africans working on farms and on the mines from the Industrial Conciliation Act and the Wage Act. But the fact that they had been excluded in the past constitutes, I think, one of the greatest defects of our industrial legislation. The effect of this is that the largest group of African workers are not subject to industrial legislation at all, they do not have the advantages of the safeguards which are provided in our industrial legislation. The result is that precisely those groups of workers which are excluded from these Acts are the lowest paid workers in the country. The African miners, domestic servants, farm labourers, are the lowest paid workers in the country, and the effect of their exclusion from the Industrial Conciliation Act and the Wage Act is that their wages are at that low level, and the effect of that in turn is that those industries are suffering to-day from a severe shortage of labour. We have just had a report from the Chamber of Mines to the effect that they are suffering from an extreme shortage of Native labour. They have almost 100,000 workers less than they had in 1941, when the industry was at its peak. The position on the farms is exactly the same. The farmers are constantly crying out that they cannot get labour. Of course, the whole purpose of our industrial legislation, the whole point of our industrial legislation, is to drive the Natives from the towns and from industry to the farms and to the mines. That is why it has been Government policy over all these years to exclude these Natives from industrial legislation. But there is no justification for that

principle. The hon. the Minister says that he has no intention of applying this Act to the mining industry. I am certainly opposed to the Act. I do not see any purpose in applying it to any section of workers. I am not going to argue about that and I am not going to support any of the amendments which have been moved, but nevertheless the fact remains that the mining workers and the African farm labourers still to-day are dissatisfied with their wages, as dissatisfied as they were many years ago. The mine Natives in 1946 came out in support of their demand for higher wages, which was at that time 10s. a day. They received a beggarly increase at the time of the devaluation of the £, and now this year the Chamber of Mines has been forced to increase their wages because of the shortage of labour. That situation arose from the fact that these workers were deliberately excluded from the industrial legislation. I would argue and urge the Minister to support the principle that all workers, irrespective of where they are employed, should be subject to industrial legislation and should have the advantage of collective bargaining so that they can take part in discussions about the improvement of their wages, and not until all workers are included under our industrial laws will we be able to have industrial peace. The African mineworkers' strike of 1946 was the best possible proof of that, because demands for higher wages were summarily rejected by the employers, and when the mine Natives came out on strike, they were shot down and clubbed back to work in the most revolting fashion. This is due to the fact that no adequate machinery is available for these workers to state their case and to enter into negotiations with their employers to raise their wages and to improve their conditions of work. A strike of that sort, which ended in bloodshed, that sort of thing can happen when workers are excluded from the normal processes of the industrial legislation, where they do not have the advantage of meeting their employers and discussing matters. Not until that is done will we have the possibility of industrial peace in this country.

Mr. HEPPLÉ: Sub-section (3) of this clause makes it permissible for the Minister to extend the provisions of this Bill to the gold-mining industry. The hon. member for Green Point (Maj. van der Byl) wants it obligatory on the Minister to exclude it in the Bill.

Maj. VAN DER BYL: You do not understand me.

Mr. HEPPLÉ: He wants it excluded.

Maj. VAN DER BYL: No.

Mr. HEPPLÉ: It amounts to the same thing. The hon. member for Green Point wants the gold-mining industry excluded from the operation of this Act. In simple language, he does not want this Act to apply to the gold-mining industry. I have not heard a

good case made out for this and I am surprised that the hon. the Minister of Labour abandons his powers with such facility. In introducing this measure the other day, the Minister spoke about Native trade unions bleeding to death, but the Department of Labour is going to bleed to death if he keeps on handing over the powers of his department to other departments. I cannot understand why the Minister is so anxious to fob off the administration of labour matters to other departments.

The MINISTER OF LABOUR: I am not accepting the amendment.

Mr. HEPPLÉ: I am glad the hon. the Minister is not accepting it. I wish he would accept our proposal and not accept this Bill at all. I only rise to say to the Minister that he is making a mistake when he follows the old way of thinking that the Department of Labour cannot have anything to do with Native workers. The Minister must re-orientate his thinking to modern conditions, and if the Labour Department is going to be a healthy department, the labour laws must apply to all workers and the Minister must have jurisdiction. I am doing the Minister a favour. I want to make him one of the most powerful Ministers in this House, but he does not want it. I am not supporting the hon. member for Florida (Mr. Tighy), who wants the hon. member for Krugersdorp (Mr. M. J. van den Berg) to be Minister of Labour. I say the Minister of Labour makes a mistake when he so easily falls into the bad old ways of believing that one section of labour can be excluded from the operations of his Department. The sooner the Department of Labour has complete jurisdiction over all labour the healthier it will be for labour conditions in this country. I hope that the Minister will have nothing to do with this proposal and that he will retain the power in the Bill to do what he wants to do, but let me conclude by saying that it would have been better still if the whole Bill had been scrapped.

Mr. STUART: I hope that the Minister, however much he may be disinclined to do so, will realize the fundamental advantage of taking under his protective wings the Natives employed by the farming community. He knows as well as I do that there is no healthier life than life on the land, and I am in no way desirous of throwing any bricks at the farming community in regard to their relations with their Native employees, any more than I would at the Native commissioners in the Transkei in regard to the Natives living on the land there. My point is this, that the small, settled, semi-peasant community of proprietors which cannot exist in vaster numbers than they do at present in the Native reserves which are over-crowded, can grow up and have in many parts all over South Africa a life on the allotments that they have been given on the farms. Under those circumstances, they can get all the advantages of

that type of life. We hear about the Native getting urbanized and detribalized. Well, here is your chance. If you take control and pay them a wage which will attract them, they will stay on the farms for choice. If you pay them a wage which does not attract them they will not do so.

The CHAIRMAN: Order! The hon. member must confine himself to the clause.

Mr. STUART: I am confining myself to my amendment, which deletes the exception of the Native working on the farm, and I am giving the Minister enthusiastic and reasonable reasons why he should let the Bill include the Natives who are on the farms. It will be of tremendous advantage, both to the farmer and to the Native on the farm, if the farmer will know that if any disputes arise in any particular area where there is Native labour the rather arrogant Minister—not now, but in time to come—who operates this Bill will be in a position to interfere. If the Natives cannot be found, if areas have no farm Natives and the Natives become less and gloriously less as the time goes on and are attracted to the towns, then the Minister can draw them back by the obvious method of saying there is a leakage here and he is going to give a better wage; he will set up a wage board and make inquiries; the Native boards he established for this area can now co-opt good farming Natives to give him their opinion and advice and information. It would mean that he would be able to do something which I think the next generation of farmers, when they realize the advantages, will bless him for. Mr. Chairman, we are asked to assume that this Bill, although it will not help the farmers, will be of benefit to the industrial people. I am prepared, for the purposes of this argument, to assume that that is so. But let us have it for the farmers also and for the Natives under the farmers. I ask the Minister quite seriously to realize the fundamental instinct of the farmer, which is to regard his farm as a castle, a sort of very flat and elongated castle, but his property, where people can only come with his permission and no one can do things without his consent, that that is not a form of safety, and the more he finds that the State is co-operating with the farming Native and the farmer, the better for all concerned. I think it can be rightly said to-day by the hon. member sitting behind me that the time is coming when all employees of every description should belong to an organization like this. That is one of the advantages of having a very authoritarian—I will use that word—centralization of authority with regard to labour. If you have that, then the original reason for not allowing Government employees or essential service people or provincial hospital employees, or employees of this, that or the other class to be affected at all in their relations in regard to trade and not allowing them joint trade unions, goes by the board. The trade union is slated for death by inanition. The whole of the control

Consequently, when the members of the Board attend these meetings, they have consultations with the employers.

Dr. SMIT: What if there is no Industrial Council?

The MINISTER OF LABOUR: Then they must negotiate direct with the employers. If a dispute arises and the regional committee cannot handle it, it is reported to the Board. Then the Board, in collaboration with the inspector or the Native Labour Relations Officer, negotiates with the employers direct on behalf of the Native employees. That is the sole intention of the Bill.

An HON. MEMBER: Where is that provided for?

The MINISTER OF LABOUR: What?

An HON. MEMBER: That they must consult the employers.

The MINISTER OF LABOUR: They do not consult the employers. They negotiate with the employers. They must settle the dispute. That is the function of the Board and of the Regional Committee. Obviously, you cannot settle a dispute unless you negotiate with the employer. That should be obvious. But the body that actually lays down the wages and conditions of work is the Wage Board, and the Wage Board of course negotiates and consults with employers as well as employees. That is the final board of appeal and that is a final arbitration. This whole machinery is designed to be the mouthpiece of the Native employees. I am giving this in the place of fair trade unions. So I think the hon. member will understand that his amendment, if adopted, will really serve no purpose.

Mr. HEPPLE: Mr. Chairman, the hon. minister said that the Labour Board will be the mouthpiece of the Native workers. It is amazing how this mouthpiece of the Native workers will have no representatives of the workers themselves upon it. I fail to understand how this can be the mouthpiece of the Native workers if they have no delegates or representatives on the Board. In this clause, under sub-section (2) (b), it says—

The remaining members shall be appointed by the Minister after consultation with the Regional Committees

the Regional Committees being one European and not less than three Native workers appointed by the Minister—

. . . .and shall be Europeans who in the opinion of the Minister are competent to represent the interests of the employees.

Now, I do not know whether the Minister contemplated the basis upon which the appointments are going to be made. I would

like the Minister to tell us whether he contemplates drawing these so-called representatives of the Natives from the ex-Native trade unions or the Native trade unions which are bleeding to death, or whether they will come in as officials from the Native Affairs Department, or whether they will be appointed on the recommendation of some organization or body of some description. The Minister, in introducing this measure, did not make it clear from what source he is going to draw these representatives of Natives. I think it is very important to know that, because upon that will hinge how successful this measure is going to be. It will also be the measure to what extent the Natives' mouthpiece is really going to be a Natives' mouthpiece. In this Clause 3, read in conjunction with Clause 9, which lays down the functions of the Board, the Board is going to perform not only the duties of a mouthpiece but they are going to be the negotiators on behalf of the Native workers. This brings me back to the point I raised at the Second Reading, namely, that without representation from the bottom up, in other words, without representation of the Natives in the workshop on the lowest bodies and committees, the Minister is completely cutting off the Natives from functioning in a healthy manner within the orbit of this Bill. I hope the Minister will explain to us from where he expects to draw the representatives of the Natives who will serve on the Regional Committees because firstly they are the people who will recommend who will be their representatives on the Central Native Labour Board, and secondly, these Natives who will be the majority on the Regional Committees are going to recommend Europeans to represent their interests. Therefore it is important for the Natives to know who will be the appointees of the Minister and whom they will recommend. Will they recommend people who will really be acting in the interests of Native workers generally? I hope the Minister will clear up this point.

Mr. STUART: Mr. Chairman, I hope to move an amendment, but I do not know whether the hon. the Minister will accept it. I almost fear not. But it will certainly clear up the difficulties of the hon. member for Rosettnville. Clause 3, as it stands at present, says—

The board shall consist of so many members as the Minister may determine from time to time, of whom—

(a) one shall be a European appointed by the Minister to be chairman of the board; and

(b) the remaining members shall be appointed by the Minister after consultation with the regional committees and shall be Europeans who, in the opinion of the Minister, are competent to represent the interests of the employees.

Well, I cannot say that in a country like this one can object to a European being appointed by the Minister as the chairman of the board. But I do think that the Minister, seeing that he is all-powerful and can appoint anybody he cares to to represent the employees, might find himself in a position of difficulty afterwards, in that he will not be able to get any real contact with the employees. He will find the people he has appointed are bored stiff with the job, are not getting sufficient remuneration; the board is dead from the ears up, or something like that and knows nothing about the whole subject; and he might get to the stage where he will be in despair. Then, if the hon. the Minister accepts my amendment, the position will be much better. My amendment is:

In line 54, to omit "Europeans" and to substitute "persons".

That would leave the Minister with complete freedom to appoint anybody whom he really thought was good. Because "persons" would then be conditioned entirely by the more devastating and stronger words "who, in the opinion of the Minister, are competent to represent the interests of the employees".

Mr. Chairman, we are passing a Bill which really is not just a means to enable the present Government to deal with its labour problems, but it is supposed to be a permanent contribution to the law of South Africa. And other Ministers will arise in time to come, and we have to take the long view, as the member for Kensington (Mr. Moore) pointed out the other day. That is absolutely essential. Well, taking the long view and considering the life of some unfortunate Minister of Labour years from now, he might even find that the people that he wanted to nominate were too proud to serve. Then he will, at any rate, be able to get a few people who will be prepared to act. In those circumstances, I move.

Mrs. BALLINGER: Mr. Chairman, I would naturally like to support the amendment of the hon. member for Transkei (Mr. Stuart). The hon. the Minister of Labour of course knows what our attitude is towards this Native labour board. The intention of this Bill, as we understand it, was to provide machinery for the settlement of disputes affecting Native workers and for the establishment of their conditions of employment acceptable to Native workers. We have held that it is impossible to achieve that objective unless that machinery does in fact represent the Native workers themselves.

This is the primation of the whole system which the hon. the Minister is proposing to set up, and its outstanding feature is that the machinery is entirely manned by Europeans, without any obvious line of contact with the Native workers themselves. The moment one reads this proposition, the establishment of a board of this kind which is designed to control the conditions of employment of Native

workers, then one asks immediately, how are they to know what the conditions of the Native workers are? What is to be their contact with those Native workers so that they can know what their views or their problems are? There is no liaison established in this clause for the central board between the workers for whom they are supposed to act and the board itself. And the powers of this board are enormous.

In the circumstances, I think it is obvious that it is desirable that at the very least it should be possible for the Minister to appoint some representatives of the workers themselves on this board: that it should not be, at any rate, an entirely European board. Therefore it is quite clear that I must support the amendment put forward by the hon. member for the Transkei.

But, Mr. Chairman, supposing the hon. the Minister is not prepared to accept the amendment—which I am afraid will be the case—will he explain to us how he is going to do this, or why, at least, he does not establish some liaison in membership between this board and the committee that he is going to appoint? Why should he maintain all the power to select the members of this board without consultation with the workers who they are supposed to represent? I trust the hon. the Minister will give us some indication of the reasons which induced him to establish a system of this kind?

The MINISTER OF LABOUR: Mr. Chairman, I had expected the hon. member for Cape Eastern (Mrs. Ballinger) to be more realistic in regard to this matter. The hon. member must realize that members of the board will attend Industrial Council meetings. It is all very well, in theory, to say the Natives should be permitted to attend those meetings and take part in the discussions, but the hon. member should know that in practice practically no Industrial Council will allow that. Surely it would be ridiculous to insert a provision such as that or to say that we are going to allow Natives to attend Industrial Council meetings while we know that in practice the Industrial Councils will not allow it.

The hon. member should also know that the overwhelming majority of employers will not negotiate with Native members of a board. They will simply refuse to do it.

Mrs. BALLINGER: Employers?

The MINISTER OF LABOUR: Yes, employers. So we have to be realistic, and the hon. member for Cape Eastern should be realistic, too. I thought she was. That is why it is, of course, out of the question to accept the amendment of the hon. member for the Transkei (Mr. Stuart). And, in regard to the appointment of members of this board, who will I consult? Well, that is a matter to be left to me. I can only give hon. members the assurance that I will endeavour to appoint members who have the confidence of the Natives.

ons. And this Labour Board is just what the Minister promised in those labour councils. Those labour councils would affect not only Native employees but also European employees. If we allow this to pass as it is, we fear that the procedure will be continued and will apply itself to the European workers. We know that the Minister has the right in terms of Section 13 of this Bill to make provisions of this Bill applicable to European workers. Therein lies the danger. That is why we must object.

The MINISTER OF LABOUR: Have you not seen the amendment on the Order Paper to Clause 13?

Mr. DAVIDOFF: Yes, I have, but it makes very little difference. The danger to trade unionism is in the whole of this Bill, and the start of it is in Clause 3, the creation of a board similar to that suggested by the Minister as a labour council. In other words, if we allow this to be adopted, it is the start of State control of labour in the Union of South Africa. And if....

The MINISTER OF LABOUR: That is the most arrant nonsense.

Mr. DAVIDOFF: The Minister is concerned about it because he knows it is true. The Minister knows full well that this Bill is a direct attack on everything connected with trade unionism. It is not arrant nonsense. It is, I reiterate, arrant nonsense on the part of the Minister to pretend that he is not attacking trade unionism in this Bill.

The MINISTER OF LABOUR: I gave you credit for more intelligence than that.

Mr. DAVIDOFF: I am prepared to match my intelligence with the Minister at any time.

The position is quite clear. We have here, in terms of Clause 3, the establishment of a board which the Minister professes will be the mouthpiece of the workers. That board is not representative of the workers in any shape or form whatsoever.

The CHAIRMAN: The hon. member has said that several times, and other hon. members have said that, too.

Mr. DAVIDOFF: Mr. Chairman, will you excuse me if I just say that it is so important that it is worthy of repetition. I am replying to the argument of the hon. the Minister himself. He says this board—and we know that this board is very important—is a very important part of the Bill. The Minister says that this board is going to be the mouthpiece of the workers. How can it possibly be the mouthpiece of the workers, who have not

and will not have any say in its representation?

The CHAIRMAN: The hon. member must not repeat that argument again.

Mr. DAVIDOFF: I do not intend to, Sir. I hope that the Minister, having heard us, will withdraw this clause altogether and that he will withdraw the Bill.

Mrs. BALLINGER: I am not going to hold this up any longer. The Minister knows that we do not like this machinery at all. I want to make it clear that even if he accepted the amendment to substitute "persons" for "Europeans"—which I think would be quite ridiculous from the point of view of the intentions of the Minister's Bill—it would not make the clause or this machinery acceptable to us.

Before the clause is passed I would like to ask the Minister one or two questions about the operation of it, because this is the only opportunity we shall get to ask these questions and to elicit information as to how the machinery is going to work. What sort of time does the Minister visualize the members of this board spending on the job? To what extent is it going to be a full-time or almost full-time board? It's going to be a fairly continuous job, it is going to operate over the whole country, and in the circumstances the people who are on it are, practically, going to become employees of the Government, are they not? That is one thing I would like information on. And the other thing is what I asked, incidentally, when I said before how is it intended that this board shall keep contact with the Native workers and their problems? The only contact that is provided for in the Bill is that the Native labour officer who is the chairman of the Native committee, can come and talk to the board about possible labour disputes in an industry. But the members of this board are going to be appointed, so far as the Native workers are concerned, after consultation with the Native labour committee. Now the Native labour committee is going to be an appointed committee, so there is no guarantee that the membership of the regional committees will be in close contact with the workers. It is a very referred connection with the Native workers that is involved in the composition of this committee. At what point does the Minister assume that this board will get its contact with the immediate problems of the Native workers. I think that these are pertinent questions.

The MINISTER OF LABOUR: I do not want to put the functions of this board into water-tight compartments. The machinery must be elastic. I told hon. members during the second reading debate that this was in the nature of an experiment, and at the beginning at least it will be a question of trial and error. What I visualize is this: The regional committees in the first instance will

maintain the necessary contact with the Native workers. The regional committees will endeavour to settle disputes as far as they possibly can in collaboration with the inspector who is appointed in terms of the Bill. Most of the disputes that arise are over small matters and small disputes might be settled by the regional committees. It is only when the disputes are more serious that they will be referred to the central board. This board will make an effort in collaboration with the chairman or the members of the regional committees together with the inspector to settle that dispute. The board, therefore, will have continuous contact with the regional committees although it is not provided for specifically in the Bill. But the board will also attend all industrial council meetings where conditions of labour affecting Native workers are discussed.

Mrs. BALLINGER: So it will be pretty well a full-time board.

The MINISTER OF LABOUR: It will be. As the hon. member will realize we will have to start in a small way; we will have to go very slowly and build up the machinery gradually. We won't immediately appoint dozens of regional committees. We will have to build up the machinery gradually as is being done with the Native Building Workers Act. I do not deny for a moment that eventually the members will become full-time members. That is how I visualize that the whole machinery will actually work. But she can rest assured that continual contact will be maintained between the regional committees and the central board.

Mr. HEPPLER: I would like to ask the Minister if he intends to have one central Native Labour Board for the whole Union?

The MINISTER OF LABOUR: Yes, that is what the Bill provides for.

Mr. HEPPLER: Does the Minister not think that this will be insufficient to deal with the problems that will arise? Let us assume that the board is consulting with the Regional Committee of the Western Province and that there are large numbers of disputes waiting to be settled in the Transvaal. This committee will have to be travelling around day and night in order to attend to its work. The Minister knows very well that the Wage Board is a couple of years behind with its work already. The Wage Board has been quite unable to cope with the work that has cropped up and that has been the complaint of workers in this country for many years. In the light of the experience of the Wage Board, I should have thought that the Minister would not have attempted to set up one central Native Labour Board to operate for the whole of the Union. The Minister need not experiment as far as that is concerned. One board will not be

enough, unless, of course, a considerable number of the disputes never reach that board which I am afraid is going to happen under this machinery. If this operates as the Minister has told the House it is going to operate I say that that one board will not be enough and I think this is the time for the Minister to consider seriously the question of having more than one central Native Labour Board otherwise this thing becomes more farcical as we go along.

Mr. STUART: I want to say that I do agree with the Minister and accept his proposition that this was intended to be a board of employees and for that reason I differ from the view expressed by the hon. member for East London (City) (Dr. D. L. Smit). But I do hope that the Minister will use only employees and not employers, as suggested in the amendment of the hon. member for East London (City). The Minister has explained that and I accept that explanation. The other point which I have not had an opportunity of dealing with yet, is the point raised by the hon. member for Benoni (Mr. Lovell). He raises the question of the proviso in sub-section (4) of this clause. There are three words there that really are, if I might put it that way, intolerably stupid in my opinion. I says—

Provided that the Minister may at any time cancel the appointment of any member of the board if in his opinion there are good grounds for doing so.

That would be one thing, but the words "in his opinion" make it a cast-iron affair. He need only say: "In my opinion there are good grounds." He need give no reasons. He becomes an absolute dictator. I think it is a mistake to retain that, for two reasons. One of them is the inherent weakness of a proviso of that description and the second is that I do not like the idea of any legislation passed in this House being pilloried, as it undoubtedly will be, before the trade unions of the world as being cast with a proviso which means absolute personal dominance and nothing else—an absolute denial of democracy *in toto*.

Amendments moved by Dr. D. L. Smit put and negatived.

The CHAIRMAN: Does the hon. member agree that that also disposes of the second amendment?

Mr. STUART: I have only one amendment there.

The CHAIRMAN: I am addressing the hon. member for East London (City).

Dr. D. L. SMIT: I do not intend proceeding any further with my amendment.

what I feel about it but his speech a moment ago has made the situation even more complicated to us than it was before. He has gone out of his way to say that he is perfectly prepared to consult any organization in the matter of the appointees to those regional committees, except Native trade unions. That is such an extraordinary exception. What is an organization in that case? The Minister must then define what he means by an organization. Does he mean a band of hope, a church society, a savings bank society or something like that? Why an organization like that rather than a workers' organization? This is a matter of workers' organization. My own conviction is that this Bill, as I said in the second reading debate, cannot be worked at all, except on the basis of workers' organizations. I believe that whatever the Minister's intention is, the moment he starts getting this machinery into operation, if it is going to work effectively, it must lead to workers' organizations. It must do so, because I do not see how on earth the members of this committee are going to do their work unless they gather the workers together and discuss problems with them, and the moment they do that they are on the way to organization. The issue arises pertinently in this connection because sub-clause (3) says—

The provisions of sub-sections (3) to (6) inclusive of section three shall *mutatis mutandis* apply in respect of a regional committee.

And those include the clause to which the hon. member for Benoni (Mr. Lovell) took exception in regard to Clause 3—that members of the Regional Committee may be dismissed by the Minister if the Minister feels that they are not doing their job. But the point I am trying to make in this connection is that if the men appointed to this committee go into a factory or a workshop, collect together the workers and begin by implication to get them organized so that they may know what they are doing, won't the Minister in the circumstances be called upon to get rid of them at once from the committee? It seems to me that that is a natural corollary.

The MINISTER OF LABOUR: We will consider that when the Labour Party moves its amendment.

Mrs. BALLINGER: I am quite willing to do so, but I think this is a serious issue that the Minister has raised. As I say, to me the clause was bad enough before in that it gives the workers no share in this representation. It becomes machinery imposed from above, but if he now takes up the stand that in all circumstances he refuses to consult the workers, I don't know where we are getting to.

Mr. HEPPLE: I want to straighten the Minister in relation to the point of view of

the Labour Party. I can assure the Minister that it is not our purpose to delay this Bill nor it is our purpose to move frivolous amendments. I think the Minister was not paying attention when the hon. member for Benoni (Mr. Lovell) made it quite clear that there were two things that made the Labour Party decide not to move a number of amendments to the Bill. The first was the Minister's reply to the second reading debate, when he made it quite clear to the House that he was not prepared to accept amendments that contradicted the main principles of this Bill, that is to say the non-recognition of Native trade unions. The other was his refusal to allow workers' officials to be elected. That is the reason why we have not moved amendments. I am terribly sorry that we should have embarrassed the hon. member for Florida (Mr. Tighy) but I would suggest to the hon. member for Florida and his party that if they concerned themselves with principles and not with strategy, they would not find themselves in any difficulty at all. We are fighting this measure purely on principle and I suggest that if he did the same, he would not find himself in an embarrassing position. I want to tell the Minister that there is one amendment which we shall move later on and it is not a frivolous amendment. We will try to introduce the necessary connecting link between the workers in the factories and these committees. I want the Minister to understand that we do not want to delay the passage of this Bill, but we notice that whenever the Minister has a Bill before the House we seem to come up against a great difficulty; it seems that the impression is given to the Leader of the House that the Minister's Bill is going through in half an hour. That does not happen and the Leader of the House then becomes impatient because the business of the House is being held up.

The MINISTER OF FINANCE: I have not complained at all.

Mr. HEPPLE: No, I am not saying that the Minister has complained, but I suspect that the Leader of the House becomes impatient . . .

The DEPUTY-CHAIRMAN: Order! The hon. member must confine himself to the clause.

Mr. HEPPLE: I was just clearing up the difficulty between the Minister and my party. This is a very lengthy and important Bill and I can assure the Minister that we want to help him as far as possible.

The DEPUTY-CHAIRMAN: Order! The hon. member must confine himself to the clause.

Mr. HEPPLÉ: As far as this clause is concerned, I asked the hon. the Minister in the second reading debate where he expected to co-opt the members referred to in subsection (4) of Clause 4, because members can be co-opted to this committee, and the Minister said that he would decide. I would like him to tell us—the hon. member for Cape Eastern (Mrs. Ballinger) has raised this point—if he has given any thought to the question from what source he will co-opt these members.

The MINISTER OF LABOUR: From the particular industry in which there is a dispute.

Mr. HEPPLÉ: From the particular industry or from the particular factory?

The MINISTER OF LABOUR: If there is a dispute in a factory obviously when the committee investigates the matter and endeavours to settle the dispute, they may co-opt workers in that factory.

Mr. HEPPLÉ: And will they only be members of this committee as long as the dispute lasts?

The MINISTER OF LABOUR: Yes.

Mr. HEPPLÉ: And once the dispute is settled, then they are removed from the committee?

The MINISTER OF LABOUR: Yes.

Mr. HEPPLÉ: Amazing.

Mr. BUNTING: I have been neither frivolous in this debate nor have I tried to waste time, but nevertheless the hon. the Minister and members on the other side have paid no attention to what I have tried to say. All I have done has been to represent the point of view of my constituents as to the merits or demerits of the particular clauses of this Bill. I raise this point because in this clause the whole question at issue is the form of representation which is to be accorded to the African people. The hon. the Minister said that he was not prepared to negotiate with African trade unions. He wants them to bleed to death. He says that the Africans are either too barbarous to manipulate trade unions properly or else so advanced that if they had the weapon of trade unionism they would dominate

the whole sphere of industrial relations in no time—two arguments which cancel each other out. The hon. the Minister is afraid of any form of organization amongst the African people, and that is why he does not want African trade unions, and that is why he does not want elections. The Africans are as capable of electing people as anybody else.

The DEPUTY-CHAIRMAN: Order! The hon. member is now dealing with trade unions; he is not dealing with the details of the clause.

Mr. BUNTING: The hon. the Minister dragged in the question of refusing to accept African trade unions, and I am replying to the specific point that has been raised by the hon. the Minister in the discussion on this clause.

The DEPUTY-CHAIRMAN: Order! The hon. member must confine himself to the details of the clause.

Mr. BUNTING: The clause provides for members to be nominated by the hon. the Minister, and I am suggesting that the objection to that is that there is no provision for elections. The Minister has replied to that that he does not want elections because he has no confidence in the ability of Africans to elect people, and I am trying to deal with that argument in order to further my argument against the nomination of people on these committees. The hon. the Minister, as I have said, opposes elections, because he does not regard the African as capable of electing people who will represent the hon. the Minister's point of view. Africans have elected people in the past to trade unions, to various boards, to committees and representatives to this House, but under all circumstances the hon. the Minister and his party have rejected everything that such representatives have said.

At 10.25 p.m. the Deputy-Chairman stated that, in accordance with the Sessional Order adopted on 24 July, he would report progress and ask leave to sit again.

House Resumed:

The DEPUTY-CHAIRMAN reported progress and asked leave to sit again.

House to resume in Committee on 19 August.

The DEPUTY-SPEAKER adjourned the House at 10.27 p.m.

The DEPUTY-CHAIRMAN: The hon. member can only propose amendments to the clause moved by the hon. the Minister. He cannot propose a new clause as an amendment to the Minister's clause.

Mr. EATON: The Minister has proposed a new clause and my purpose is to move an amendment to the new clause. To do that it is necessary for me to move the deletion of the Minister's amendment and to substitute in lieu thereof . . .

The DEPUTY-CHAIRMAN: The clause proposed by the hon. the Minister must be disposed of first. If the clause proposed by the Minister is negated, then the hon. member can move his new clause.

Mr. DAVIDOFF: On a point of order! Can we at this stage not move any amendment to the new clause proposed by the Minister?

The DEPUTY-CHAIRMAN: Yes, amendments can be moved.

Mr. DAVIDOFF: It is the intention of the hon. member for Umlazi to move an amendment to the proposed new clause of the hon. the Minister.

Mr. EATON: That is my intention.

The DEPUTY-CHAIRMAN: The hon. member can move amendments which fit in with the proposed new clause of the Minister, but he cannot move a new clause as an amendment.

Mr. EATON: Then I have to move as an amendment—

To delete all words after (1) of the Minister's proposed new clause and to substitute . . .

The DEPUTY-CHAIRMAN: Order! The hon. member is now evading my ruling.

Mr. EATON: Sir, your ruling was that I am not allowed to move a new clause at this stage. I am, however, moving an amendment to the hon. Minister's amendment.

The DEPUTY-CHAIRMAN: The hon. member can vote against the proposed new clause and if the new clause is defeated, he then can move a new clause to follow Clause 6.

Mr. HEPPLE: But if the Committee agrees to the Minister's new clause, there will be nothing before the Committee.

The DEPUTY-CHAIRMAN: If the clause is approved of.

Mr. HEPPLE: That is why the hon. member desires to move the amendment. He cannot move amendments line by line, but he desires to move an amendment to substitute the Minister's new clause by another clause.

The DEPUTY-CHAIRMAN: The hon. member cannot do that. He is allowed to move amendments, but they must be in the proper form.

Mr. HEPPLE: The hon. member for Umlazi (Mr. Eaton) has moved a new clause as an amendment to the Minister's clause, by moving the deletion of all the words after (1).

The DEPUTY-CHAIRMAN: I cannot accept that amendment.

Mr. HEPPLE: Is it your ruling that we cannot amend the clause moved by the hon. the Minister?

The DEPUTY-CHAIRMAN: No. Amendments in the proper form can be moved to the Minister's proposed new clause.

Mr. HEPPLE: But that is what we are doing.

Mr. A. E. TROLLIP: May I assist the hon. member. The hon. the Minister has moved a new clause and that clause has been put by the Chair. So that the only matter that is before the Committee is that clause which has been moved. Now the hon. member for Umlazi seeks to move a new clause himself.

Mr. HEPPLE: An amendment.

Mr. A. E. TROLLIP: It is a new clause and it appears on the Order Paper. That is what the hon. the member is seeking to move. The hon. member says that he is doing that for the purpose of discussing the amendment of the hon. Minister. It is quite unnecessary for him to move that as a new clause if he wishes to discuss the amendment of the hon. Minister. If he is vague and doubtful about the amendment of the hon. the Minister, then the right thing for him to do is to ask that the clause stand over until he has had an opportunity of considering the new clause. That is all he can do. But he obviously can't move a new clause as an amendment to a clause which is before the Committee. I think Mr. Chairman is perfectly correct. The Committee cannot have two clauses before it. Then on the other point: The hon. member seeks to move his clause as an amendment, but obviously it is not an amendment, it is a new clause which more or less, as far as I can see, embraces the same principles as the hon. the Minister's amendment. So that if the hon. member is doubtful, the correct procedure is to ask for the Committee to give leave that the clause stand over until he has had an opportunity of considering it.

Mr. STUART: Mr. Chairman, I propose to move an amendment to the new clause.

Mr. EATON: On a point of order, Mr. Chairman, I have the authority to proceed. Points of order have been taken and I now ought to continue, but you told the hon. member for Transkei (Mr. Stuart) to continue. I do not know whether he is rising on a point of order or not.

The DEPUTY-CHAIRMAN: But the hon. member sat down.

Mr. DAVIDOFF: On a point of order, Sir, I want to explain this clearly, that while the hon. member for Umlazi (Mr. Eaton) was addressing you, I first raised the point of order. Subsequently two or three other hon. members also raised points of order, but the hon. member for Umlazi had the floor. He had not yet sat down, nor had he finished addressing you, so it is my intention that having held the floor at that stage he should now be permitted to continue before you ask any other hon. member to continue.

The DEPUTY-CHAIRMAN: The hon. member sat down and after another hon. member had dealt with a point of order, the hon. member for Umlazi did not rise again. I had then already called upon the hon. member for Transkei to take the floor.

Mr. STUART: Procedure is one thing and intention is another matter, and in this case I do not think the two are very closely connected. I rise in order to move, as an amendment to the proposed new clause:

To omit all the words after "not less than" in the second line, to the end of the clause, and to substitute: "ten employees, such employees shall be entitled to elect from their number a committee (hereinafter called a "works committee") consisting of not less than two and not more than five members, one of whom (hereinafter called a "liaison member") shall in particular be deputed to act as a link with any regional committee that has been appointed in respect of the area concerned, or where no regional committee is in existence in such area, with the inspector carrying out the functions of a regional committee in such area.

- (2) (a) As soon as a works committee has been elected in terms of sub-section (1) the liaison member shall without delay inform the regional committee concerned, or the inspector, as the case may be, either in writing or by word of mouth, that such a works committee is in existence and that any communications with such works committee may be made through him.
- (b) A regional committee, or inspector, as the case may be, shall keep a true and proper record of all works committees of which notification is given, in terms of paragraph (a), together with the name and address of the liaison member.
- (3) Whenever a labour dispute occurs in which the employees represented by a works committee are involved, the regional committee, or the inspector (as the case may be) shall consult such

works committee in regard to such dispute, and the regional committee may co-opt a member of such works committee in terms of sub-section (4) of Section 4, for the purpose of carrying out its functions under this Act in relation to such dispute."

I submit that as far as procedure is concerned, this is an absolutely fit and proper amendment for me to move.

Mr. LOVELL: On a point of order, the hon. member for Umlazi (Mr. Eaton) had an amendment on the Order Paper in his name to the new clause. Has not that amendment precedence over any amendment moved by the Minister from the floor? It seems to me that if it is on the Order Paper it should have preference.

The DEPUTY-CHAIRMAN: No notice is required.

Mr. LOVELL: I know that, Sir, but the fact is that the hon. member for Umlazi had his amendment printed on the Order Paper. Should that not take precedence?

The DEPUTY-CHAIRMAN: The hon. the Minister moved his new clause first.

Mr. LOVELL: But his amendment was not on the Order Paper.

The DEPUTY-CHAIRMAN: It does not matter.

Mr. EATON: The position having been somewhat clarified, Mr. Chairman, I now proceed to debate the question whether or not it is desirable to have this works committee. Now, the purpose of the Minister's new clause and also the amendment that I have printed on the Order Paper, was to create some liaison between the workers and the regional committee. The Minister, in replying to the Second Reading debate, indicated that he would have no objection to the formation of works committees but he did not indicate that he was toying with the idea of introducing an amendment to give effect to that wish. In considering this measure from the practical point of view, it became quite obvious that unless such a works committee, such liaison, were established, it would be very difficult to make this measure work at all. It is necessary because unless there is some direct machinery between the workers and the regional committee, it is difficult to see how a dispute could come to the ears of the regional committee except by a cessation of work, and publicity in the Press to that effect, but then the damage would have been done. The dispute would have been carried on to the point where those who have ceased to work would have been liable under this Bill to certain penalties. It is because of that that I foresaw the difficulty which the Minister has now given effect to by providing provision for this works committee.

The other point in connection with the Bill as it was before this amendment was moved, was that the spokesman for the workers would be in a very invidious position if he were asked to communicate the fact of a dispute to the regional committee. At a later stage I intend moving an amendment to give some protection to the members of this liaison or works committee against victimization. That is necessary now that the Minister has moved this amendment, because the actual mechanics of the dispute make it necessary that the workers elect a speaker or spokesman to represent their grievances to the employer, in the first instance, and then to the regional committee in the second instance, and it would appear that if the workers did elect such a spokesman, that spokesman is open to victimization if we have no protection given in this Bill. Now in the mechanics of a dispute it is hard to realize or to anticipate a dispute arising without someone being in the lead. Someone has to act as the spokesman. There has to be a meeting of some sort to determine whether or not any sort of action should be taken against any decision which may have been taken, or any grievance which may be felt. Therefore, without this clause which the Minister has proposed, the Bill could not really work without grave risk to the workers themselves in deciding that they should take some action against the employer or against the conditions of work with which they are dissatisfied. Therefore, the thing develops in this way, that the workers, after having decided amongst themselves that they have reason to be dissatisfied, would then have to take some steps to bring that dissatisfaction to the notice of the employer or of this regional committee, and to do that they have to elect or propose a leader. Now the Minister has given way on this point and they will be able to do this in the normal way before the dispute occurs. That being the case, on that portion of the Minister's amendment I have nothing to say. He has accepted the principle of the election of works committees. The difficulty that I now see, is how to give the information to the workers that they have the right to elect these works committees. I envisaged the dispute doing that. The dispute would drive them to take some action which, in turn, would lead to further action, and the Minister has now said that before a dispute exists, if the workers themselves want to have this works committee formed, they must approach the employer, and the employer will contact the regional committee or the inspector, who will come down and take the chair at such a meeting for the purpose of electing this liaison committee or works committee.

If that is to be the position, I will ask the Minister whether he intends displaying these conditions in some very prominent place in the factories where there are workers, more than 20 workers, so that the workers will be aware of the position and thus be in a position to take advantage of the Minister's amendment. If the Minister is not going to do that,

then I say that the workers' wishes would lie in the discretion of the management. The management would have no incentive and no legal imperative to approach the regional committee and thus have this machine set up. I think it is important that the Minister should indicate now what he intends doing in this regard, and if necessary introduce a further amendment to give effect to what I have suggested, namely, the display in a prominent place of the provisions of this Bill or the new clause, in factories where Natives are employed. Otherwise the ends the Minister has in mind will be defeated.

The establishment of these committees, I think, is a big step forward, because without them I cannot see how disputes will be prevented. I can see disputes arising in ignorance of the provisions of this Bill, and that is why I ask the Minister to give some clear indication of what he is going to do to bring the provisions of this particular clause to the notice of the workers concerned.

Mr. HEPPLE: Mr. Chairman, at the Second Reading of this Bill I pointed out a very grave deficiency, and that was a link between workers in a factory and the machinery set up by the Minister, i.e. the Regional Committees and inspectors and the Native labour officers. In an attempt to rectify this deficiency, the Labour Party decide to move its one amendment to this very distasteful Bill. We hope to provide this missing link. As the result of that, the hon. member for Umlazi (Mr. Eaton) had a new Clause 7 placed on the Order Paper. The Minister, having studied that clause, has now moved his own new Clause 7, which is now before this committee. In the very short time available to us to consider all the implications of the new clause moved by the Minister, and to compare it with the proposal that came from the Labour Party, I want to say that immediately two grave defects strike one. There are two grave defects in this proposed new clause by the Minister.

The Minister proposes that in any establishment in which there are employed not less than 20 employees, the employees shall advise their employer that they are desirous of electing a works committee, and the employer shall then take certain steps. This is placing the workers in an undesirable position, an intolerable position. It places them in the position that before they can take any action in their own interests, they are compelled to inform their employers that they are desirous of forming themselves into a works committee. This immediately sets up an iron curtain between the workers and the Regional Committees and the inspectors set up under this Bill. An unsympathetic employer can immediately deter the workers from setting up such a committee. We know what the practice is. In many establishments employers have certain favoured workers who look after their interests among especially the lower class of workers. These employers will put every obstacle in the way of workers in setting up

these committees. In other cases employers will use this machinery in order to set up company unions, because it will enable the employers, when application comes to them from the employees, to hand-pick certain favoured employees and tell them to get busy and to get this works committee going, and they will have their own people elected to these committees. Then we will have company unions, and instead of the workers having duly and properly elected representatives, democratically elected representatives, to speak on their behalf, they will have individuals who will be virtually nominated by the employers. The new clause provides that the employer shall notify the inspector defined by the regulation that such a workers committee has been set up. But how will the employees know that the employer has carried out the instructions, unless inspectors or committees demand from every employer of labour to know whether such opportunity has been given to the employees and whether these works committees have been set up? Unless that is done, there will be no means of determining whether such committees have been set up or whether the employees have been prevented or discouraged from doing so.

Another difficulty in this amendment moved by the Minister is in sub-clause (3), which reads—

The works committee so elected may in the presence of the Native labour officer concerned appoint one of its members, hereinafter referred to as a liaison member, to maintain contact with any Regional Committee established for the area.

I would like to know why the Minister thinks it is essential this works committee should elect this liaison officer in the presence of the Native labour officer? Why must the Native labour officer be present when they appoint one of their number to be their spokesman? What is in the Minister's mind? What is he afraid of? In this sub-clause the Minister must be afraid that certain things will happen which will be undesirable. I want to tell the Minister that this proviso itself is undesirable because immediately an official is present when workers have to perform a certain duty, like electing a certain person, there is a feeling of intimidation and pressure and a feeling of suspicion. The Minister knows as well as I do that, particularly among Native workers, immediately an official is in the vicinity, they suspect the motive. While this Native labour officer may be the greatest friend of these workers, they will immediately be suspicious of his motives in being present, and it will discourage the Natives from making the best choice. It will discourage them from utilizing the machinery provided for in this new clause submitted by the Minister. I think that nothing can be more designed to destroy the effect of this whole clause than to put in provisos in sub-clause (1) which says that the employees can only operate through the employers, and in sub-clause (3) that they have to make the appointment in the presence of the Native

labour officer. For these two obvious reasons I have advanced, this proposal by the Minister must be unacceptable. We have not had an opportunity of considering all its other implications. We have not had the time for that. But on those two points alone we find this proposal by the Minister unacceptable. It does not measure up to the standard which is contained in the proposed amendment which was on the Order Paper in the name of the hon. member for Umlazi, and I hope the Minister will realize the importance of the two points I have raised and give us some clarification on them and meet us on those points.

Mr. STUART: Mr. Chairman, there is more than was pointed out by the hon. member for Rosettenville (Mr. Hepple) in this Bill and there is an important and cogent reason underlying that amendment, starting at that particular moment by cutting out the word "twenty". The reason is that it is not a case in which the ten suggested originally by other hon. members in this House has been increased to twenty just by accident. It is actually a very carefully and skilfully drafted measure the Minister has now introduced, and I hope and pray that it is not intended to be as skilful and as clever as it actually is. Let me analyse the second line of it. If the amendment I move goes through, then the position will be this, that where an employer employs more than ten employees, such employees shall be entitled to elect from their number a committee. Actually, the Minister has not doubled the number. What he has done is to say that where there are employed not less than 20 employees—it may be any number—such employees may advise their employer that they want to elect someone. In other words, I have the same objection as the hon. member for Rosettenville to the fact that they cannot elect, that they have to advise the employer, and when they advise the employer I trust the Minister proposes to put into Clause 23 the non-victimization clause that anyone so advising the employer shall not be victimized, because that will be absolutely necessary, because when I look at that victimization clause I do not think it covers employers acting in this particular way. But the point put by the hon. member for Rosettenville is that under all circumstances people should be able to elect freely, and that they should be able to do it if there are 10 of them who want to, but there is no reason why they should not be more. The amendment is that where more than 10 employees are employed, they shall be entitled to elect a committee. As far as that is concerned, I wish with the leave of the House to withdraw the word "such" in the amendment standing in my name, and my reason is that I want the employees to be able to elect, lest it be suggested that "such employees" means 10, or that 20 employees in the amendment. Because it is not necessary that it should be 10. The 10 is the measure of the size of the business. The Minister has doubled the size of the business. In addition to that, can the Minister

The chairman of any regional committee . . . the chairman of such of those committees as may be designated by the Board, may likewise attend any such meeting.

In the first place you have the intrusion of officers from outside, designated by the Native Labour Board, who may attend any meeting of an Industrial Council. Although they may not vote there, they may take part in the discussions. Now an Industrial Council may reach a certain decision in regard to matters affecting employment of Africans, and that decision has no validity whatsoever, or may have no validity whatsoever because the chairman of the Board may submit to the Minister a report on the decision of the Industrial Council, and may point out that that decision is not a good one, is not acceptable, is not in the interests of the African workers—or for any other reason is not acceptable to the Native Labour Board. And he may suggest that a recommendation should be obtained on this specific point from the Wage Board. Now after the whole procedure has been gone through, the Minister is in a position to issue a recommendation from the Wage Board which will take precedence over any decision of the Industrial Council. There you have a process whereby an Industrial Council can engage in a discussion over matters affecting the workers in the industry, and their decision can be nullified by the intervention of parties from outside, who do not take part in the discussions of Industrial Councils on a free and equal basis. It is not as if the hon. Minister is bringing in a third party who will take part in Industrial Council discussions and who will be able to vote, if necessary, on those discussions, and abide by the decision of the Industrial Council. What is happening is that the hon. Minister is bringing in from outside an authority to which the Industrial Council must bow down. The Industrial Council can reach a decision which is valueless. The Minister can set it aside from outside on the recommendation of the Wage Board.

In those circumstances it seems to me to be pretty useless for an Industrial Council to discuss the conditions of employment of African workers at all. It is true that in the past, most Industrial Councils have not given adequate attention to the conditions of employment of African workers. There is no question about it that on the whole the wages and conditions of work of African workers have been neglected by Industrial Councils. But the machinery proposed by the hon. the Minister does not seem to me, and does not seem to the trade union movement, to be the best, under the circumstances, which could be designed to meet that difficulty. Under the circumstances the trade union movement is very much afraid that an invasion is going to be made of their right to discuss conditions pertaining in any industry, without any guarantee that they are going to have the same freedom to reach decisions which they have enjoyed in the past. And there is no

indication anywhere else in this Bill that the machinery which has been proposed by the hon. Minister will meet the difficulties which have arisen in the past. There is indication in other clauses that the Minister intends that certain rights and privileges which have been enjoyed by Industrial Councils in the past, shall be taken away from them. Clause 8, read with Clause 13 and with Clause 17, provides for very much more serious infringements of the rights of Industrial Councils to function freely and to engage in collective bargaining. And the objection of the trade union movement to Clause 8 is that something is taken away, and that nothing is given in return which provides equally for free discussion on Industrial Councils of wages and conditions of workers whereby a decision can be reached by the Industrial Council subject to no outside interference. If the hon. Minister had put forward a proposal whereby wages and conditions of work of African workers were to be discussed by an Industrial Council in the same way as any other matter, and a decision reached there should be respected in the same way as any other decision of the Industrial Council, then there would not have been the same objection from the trade unions; but the Minister has brought in this interference and has given no indication that what he is putting in its place is going to be any better in the interests of the African workers.

THE MINISTER OF LABOUR: Mr. Chairman, I don't know who that hon. member (Mr. Bunting) is really representing. Apparently he is now not concerned about justice being done to the Native workers in industry, he is merely concerned with the views of the trade union movement.

Now what has been the practice in the past? The Natives had no representation on Industrial Councils at all. They are represented in a way by one of the inspectors of my Department. He can attend Industrial Council meetings, he can take part in the discussions, but he has no vote. And that is where the matter rests. The Industrial Council has the right to lay down wages and conditions of work for all occupations, including the occupations in which Native are employed. At their request, I can extend the agreement to Natives. In other words, Natives have no protection at all unless that particular agreement, in terms of Section 48 (4) has been extended to Natives.

I have found in the past that occasionally agreements have been arrived at where the European wages had been increased and the Native wages decreased by an Industrial Council. I have refused to publish that agreement. The hon. member for Cape Western (Mr. Bunting) wants that state of affairs to continue.

Mr. BUNTING: No, I don't.

THE MINISTER OF LABOUR: Then he doesn't know what he is talking about.

Mr. BUNTING: You don't understand what I am talking about.

The MINISTER OF LABOUR: No, I don't think that any member in the House does. Mr. Chairman, the hon. member is concerned about the functions of the Industrial Council, but there is an identical provision in the War Measure, that any arbitration award takes precedence over any wage regulating instrument.

Mr. BUNTING: But you don't approve of the War Measure?

The MINISTER OF LABOUR: No, but there has been no objection from the trade union movement for the past 11 years as regards the provision. They have suddenly started objecting now. This is very necessary, and this will act as a spur on the Industrial Council to see that the Native workers are treated with justice. Because they know that if they do not do that the Wage Board can make investigations and lay down equitable conditions of work and decent wages. I envisage that it will very seldom be necessary to ask the Wage Board to make such an investigation. The Industrial Councils, knowing what can be done, will see that equitable conditions of work are laid down. It is therefore necessary that this provision should be there in spite of the objections of the trade unions.

Mr. HEPPLÉ: The Minister criticizes the Industrial Councils because they make agreements where Natives have no representation at all. But nor have they any representation under this Bill; they have no direct representation. They are going to have appointees from the Department to represent them under this Bill just as a representative of the Department of Labour at present attends Industrial Council meetings. I want to say that the Minister has now repeated for the umpteenth time that there has been no criticism of War Measure No. 145. I want to say that year after year we of the Labour Party have criticized War Measure No. 145. If the Minister refers to Hansard he will see that whenever that War Measure has come up for renewal in this House we have objected to it, and the last time that it came up the Minister of Finance replied that legislation was going to be introduced to do away with War Measure No. 145 and he suggested that we should postpone our criticism until that legislation came before us. I want it on record that we have objected year after year to War Measure No. 145. The Minister must remember that War Measure No. 145 has operated over a period of full employment and there is a vast difference between a measure like that operating over a period of full employment and a period when there is a slackness in trade, because the attitude of employers is quite different to-day to what it might be when there is plenty of labour. To-day employers will pay any wage; they will pay as much as they feel

compelled to pay. Employees, on the other hand, if they are dissatisfied, can move on to another job, but at a time when there is a slackness of trade the employers are much more independent and they are inclined to treat employees in a very unfair manner. This Clause 8, read with Clauses 13 and 17, reveals our basic objection to this Bill, and that is that the Minister is setting up conflicting machinery for two-thirds of the labour force in the country, that is to say, the Natives who are going to have this measure which is now before the Committee. For the other one-third of the labour force, i.e. the Europeans, we have the Industrial Conciliation Act. The Minister, in this measure, tries to provide clauses to eliminate over-lapping and friction as far as possible, and the more he tries the more difficult the job becomes, because it is almost impossible, humanly speaking, for him to do so. The present arrangement is that where Industrial Councils arrive at an agreement, they have the power to apply to the Minister to extend that agreement to employees not covered by the Industrial Conciliation Act. I have never heard it before, but it is deplorable if Industrial Councils have provided for improved conditions for European workers, and worse conditions for Native employees. If the Minister has examples of that, I think it will be illuminating if he let the country know where this has occurred.

The MINISTER OF LABOUR: I would not say so if it were not true.

Mr. HEPPLÉ: It will be interesting for the trade union movement to know which of its constituent members are busy improving the conditions of white workers and lowering the conditions of non-European workers. I believe that that may have happened in only one instance and probably only by accident. I do not think it could have been done by design.

What this machinery is going to set up is going to be friction. There will constantly be friction between the Industrial Council and the Native labour machinery set up under this Bill, and I am quite sure that the outcome of it will be that neither the European workers nor the Native workers will get justice.

The MINISTER OF LABOUR: That is a matter of opinion; you are entitled to your opinion.

Mr. HEPPLÉ: It is a matter of opinion based upon experience.

The MINISTER OF LABOUR: What experience have you had?

Mr. HEPPLÉ: The Minister asks what experience I have had. I am beginning to ask myself what experience the Minister has of anything because the legislation he brings before this House seems to indicate that he has no experience. He cannot envisage the

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further troubles may arise. When a dispute goes to the Wage Board, then the Minister issues an order and it is published. But when a dispute is settled by the regional committee or the Labour Board, no order is issued. Will that not be a possible weakness in the Act?

*The MINISTER OF LABOUR: If a dispute is settled, an industrial conciliation board may ask that it be published, but in many cases they say that it is not necessary. That has been our experience.

*Mr. TIGHY: In other words, the hon. the Minister works on the assumption that when there is a dispute about wages, for instance, and it is settled, say for example by the regional committee or the Labour Board, then they decide the question of its retrospective force by mutual agreement?

*The MINISTER OF LABOUR: Yes, then it is a gentlemen's agreement.

Mr. HEPPLE: The point raised by the hon. member for Umlazi and the hon. Minister's reaction to it, makes me feel that the hon. the Minister has not quite understood some of our objections earlier on.

The MINISTER OF LABOUR: I know all your objections to the Bill.

Mr. HEPPLE: I am now discussing the Wage Board. It is no good the Minister being short-tempered.

The MINISTER OF LABOUR: You'll be surprised to know how patient I am.

Mr. HEPPLE: We are, because the Minister has been in a bad temper ever since he brought this Bill to the House and I am not surprised at that. The reason why we raise the question of the Wage Board not being able to attend to these matters, is because according to the Bill, not only will the Wage Board have to deal with the question of wages and conditions of employment, but with all disputes. That is a new departure. At the second reading the hon. the Minister pointed out that the majority of disputes are really trivial ones, but the hon. the Minister also knows from experience that trivial disputes grow into major ones. An employee is dismissed, workers are called upon to do overtime or they feel that they are being called upon to do overtime too often; it may be a question of a foreman who has done something which the employees consider to be unjust. All these matters are matters of dispute and that is the reason why we raise the question of the Wage Board. It will be swamped by all these matters that may not be solved lower down the ladder. When we come to the application of Section 9 of this Bill, the Minister may himself be surprised at the tremendous amount of work that will be loaded onto the Wage Board. In considering this, the thought struck me that the difficulty that has been raised by the hon. member for Johannesburg (City) (Dr. Davidoff), may be solved by laying down a time limit for the

reporting of these disputes. Clause 9 (3) reads—

Whenever a settlement cannot be effected under sub-section (2) the Board shall report accordingly to the Minister and indicate whether in its opinion the matter should be referred to the Wage Board for a recommendation as to the conditions in accordance with which a settlement should be effected.

Now, if the Minister were to say that the Board shall report within so many days to the Minister . . .

The MINISTER OF LABOUR: Why?

Mr. HEPPLE: To ensure that the matter would be dealt with as a matter of urgency.

The MINISTER OF LABOUR: The Board surely would have enough sense of responsibility to know that it should do so immediately.

Mr. HEPPLE: I think the Minister has lived as long as I have and he knows as well as I know that people are apt to do extraordinary things, but when it is made obligatory, then the officials under this Act will see to it that they carry out their duty.

The MINISTER OF LABOUR: I will have a very responsible official as chairman of the Board, you may be sure of that.

Mr. HEPPLE: The Minister may have a very responsible officer, but I would advise the hon. the Minister never to take the responsibility for anybody else, because he may be very sadly let down. But we are making the law. We are not dealing with individuals. We must be impersonal. The Minister might find the most wonderful person in the world, but we don't know that, and the Minister may be acting as Minister of Labour on borrowed time. We have already heard members suggesting that the hon. member for Krugersdorp (Mr. M. J. van den Berg) should be Minister of Labour. We can't deal with persons. We have to make the law and we want to satisfy ourselves that it will be applied efficiently and justly to all those who are affected by it.

Mr. DAVIDOFF: I think the hon. the Minister must show a little more patience. By now he must realize that he cannot accuse us of just being frivolous or talking nonsense. This is an important Bill and the Minister must recognize that some flaw does exist here, and he should think of some way out. We cannot help him in the matter to suggest something to rectify what we consider to be altogether wrong. But he has got this imaginary machinery for the settlement of disputes, and we have pointed it out to him that there is something lacking, that there is something that is incomplete. The hon. members for Umlazi (Mr. Eaton) and Rosetenville (Mr. Hepple) have raised the point that the Board

may decide that the matter should not go to the Wage Board, and nevertheless the Board cannot settle the dispute on different issues. The Minister's reply was that the Board would consist of responsible men and that they would make some recommendation. That is the point that I want to impress upon the hon. the Minister. He should give them an alternative, but he should not leave the gap as it exists now. He should be prepared to say to the Board: If you yourselves cannot settle the dispute, then you must indicate to me whether I should refer it to the Wage Board, or if in your opinion it is not of so serious a nature, or that for any other reason it should not be referred to the Wage Board, then the Minister should give them some other directive in the Bill. That is the point I want to make and I do so to assist the Minister and not just as a frivolous suggestion.

An HON. MEMBER: What is your suggestion?

Mr. DAVIDOFF: It is not for me to make any suggestion. Hon. members opposite should appreciate that I am pointing out that there is a gap, that there should be an alternative, that there should be a directive. I am pointing that out to members on the other side in an attempt . . .

The CHAIRMAN: The hon. member has already said that several times and he should not repeat himself.

Mr. DAVIDOFF: I am replying now to what the hon. the Minister said to me. His reply to me was that the Board would be responsible and would at all times indicate whether the matter should be sent to the Wage Board. Since then, further arguments have been adduced by this side of the House to point out to the hon. the Minister why in some cases there is no recommendation that it should go to the Wage Board. Then I asked the simple question as to what would be the position in such cases, and I suggest as a material solution that there should be contained in this clause some directive as to what the Board should do under such circumstances. The question was put to me what I am going to suggest? I did not introduce this Bill; I would never introduce such a Bill; but the hon. the Minister should find a way out.

Clause put and agreed to.

On Clause 10,

The MINISTER OF LABOUR: I desire to move two amendments to this clause. My first amendment is—

To add the following proviso at the end of sub-section (1):

Provided that any request made to the Wage Board in pursuance of a report under sub-section (4) of Section 8 may be withdrawn by the Minister if before

the Wage Board has submitted to him a recommendation in connection with any matter forming the subject of that request, he is advised in writing by the chairman of the board that it agrees with any revised decision arrived at by the industrial council concerned in regard to that matter after the date of the decision to which the report relates.

In other words, that the Wage Board will consult the Industrial Council. I have a further amendment—

In line 20, after "section" to insert "and every withdrawal of such a request, either wholly or in part,"; and to omit all the words after "consulted" in line 26, up to and including "concerned" in line 28, and to substitute "and, where an industrial council has been registered under the Industrial Conciliation Act in respect of the trade and area or any portion of the trade or area to which such request relates, also with that industrial council,".

These amendments have been moved at the request of the Chambers of Industry. This amendment amounts to this: It has been suggested that when an industrial council is negotiating an agreement and they lay down wages and conditions of work for occupations in which Natives are employed, the members of the Board might be dissatisfied, and, obviously, when they are dissatisfied, they would inform the Industrial Council at those discussions that they are not satisfied with the wages and conditions of work for the Native workers. Then in terms of the Bill they report to the Minister, and once they have reported to the Minister, the Minister is compelled to immediately instruct the Wage Board to make an investigation. I have no option. Now it has been suggested that after reporting to the Minister, the Industrial Council might see the light and agree to improve those conditions of work and to amend the agreement, and then it would be a waste of time after they have acceded to the request of the members of the National Board, that the Minister should order an investigation. To meet that position that after the Minister has received the report and the Industrial Council on its own motion decides to amend that agreement to the satisfaction of the Board, that it will not be necessary for the Wage Board to go on with its investigation.

Dr. D. L. SMIT: The action of the hon. the Minister in reading out these long amendments, without having given notice of these amendments, makes it quite impossible for us to follow what is going on. I must say that I do protest against that. It is impossible for anybody on this side of the House to follow really what is taking place or to gauge the significance of the amendments.

Mrs. BALLINGER: I entirely agree with the hon. member for East London (City) (Dr. D. L. Smit) that normally it would be quit

clause, any agreement reached under the Industrial Conciliation Act can be disregarded. That is the legal position, irrespective of whether it is in a war measure and what is in the Minister's mind or what he intends to do. In terms of this Bill, the whole labour structure of our country and the whole structure of wages and conditions of work can simply be upset by the dictate of the hon. the Minister. If the Minister can tell us that that is not so, I am sure the labour movement will be reassured.

The MINISTER OF LABOUR: I can give them that assurance.

Mr. BUNTING: The legal position is such that the power is there for the Minister to lay down wages and conditions of work for every section of the workers where Africans and non-Africans work together.

The MINISTER OF LABOUR: May I explain again? What happens in terms of Section 48 (4) of the Industrial Conciliation Act. There is an application from the Industrial Council that the agreement be extended to Natives. If that agreement is not extended to Natives, it means that in all those occupations in which wages have been laid down, Natives can be employed at a lower wage. Directly it is extended to the Natives it means that the employer of the Native has to pay him the wage laid down in the agreement. In regard to the provision in this Bill an order is made for wages in particular occupations in which Natives are employed. If this protection is not there, if this clause is eliminated, it will mean that the employer can discharge the Natives and replace them with any other race at a lower wage. There is no ulterior motive. There is no intention of laying down lower wages for Europeans.

Mr. BUNTING: But that can never happen.

The MINISTER OF LABOUR: Of course it can happen. They can employ them in semi-skilled occupations at a wage of £4 or £5 a week. The order can lay down wages of £5 a week for Natives in operative jobs. If there is no protection, the employer can discharge them and employ Asiatics at £3 a week. It is merely a protective measure. There is not the slightest intention of the Wage Board laying down wages for Europeans, but if Europeans are employed in those occupations where Natives are employed and an order is made, then those Europeans must receive the wages laid down in the order.

Mr. TIGHY: Mr. Chairman, there is one clause which has caused a lot of concern to the trade union movement, and it is this one. I want to say at once that this side of the House does not associate itself with the attitude of the Trades and Labour Council in so far as it threatens to report South Africa to UN over the Bill. I want to make it perfectly clear, and I hope the Trades and

Labour Council will understand it. I think it is most unpatriotic and most un-South African and a most ridiculous statement by a body like the Trades and Labour Council to threaten to report the Government to UN. But nevertheless there is some concern and fear with regard to this clause, not from the point of view as put by the hon. member over there a moment ago and as replied to by the hon. the Minister. There is the other side of the picture. Whether the Minister has thought about it or not, I do not know. It is very difficult to explain it, but let me give an example. Let us take the clothing industry in South Africa. A very large percentage, the majority, of workers in the industry are Europeans, but there is a certain percentage of non-Europeans and Natives, too, in that industry. Let us take pressing. Pressing in the old days, when the industry started in the depression years of 1932 and onwards, and until quite recently, was done mainly by Europeans and mostly by married men, but somehow Natives got into the job. In that industry, having got there, Europeans and non-Europeans, the position is to-day controlled to a large extent by the trade union for that industry, with the result that in any wage agreements protective measures are taken under the agreement to protect the interests of the Europeans.

The MINISTER OF LABOUR: They are not doing it in that industry. That is my quarrel with them. That is why the Europeans are being driven out.

Mr. TIGHY: I did not know that, but the fear they have is that whilst they as a union of employees negotiate an agreement under this Act a different body comes along and makes an agreement, either the Regional Committee or the Labour Board created by this Bill, or possibly by the Wage Board, which will then be made an order by the Minister. That wage level might be such that it might pay an employer rather to pay two Natives than one European to do the same work. I know it is a bone of contention in the labour world as to whether one should have equal pay for equal work. It is something we could never make up our minds on. But whilst you have not got that, there is this danger, and the only way I can see out of it is that the Minister, in applying this Act, should keep a watchful eye on the situation and see to it that the European standard of living is not undermined in terms of this clause. That is the main thing. I am not concerned about the other fear expressed here. I do not think that is a real fear, but there is a danger of undermining the standard of living and wages of the European where you have European and Native employees. The same applies in the tobacco industry, in the engineering industry. You have also a percentage. There, of course, your Natives are in the majority. But I do not think that the danger lies there, because your Europeans in the engineering industry do highly skilled work. However, when it comes to the clothing industry, and the tobacco industry and a number of other smaller indus-

tries, there are cases where the work which is done by Europeans can be done by Natives. And that is the real fear. I cannot quite see how the hon. the Minister can overcome it, under this clause, by means of an amendment.

The hon. the Minister asked the hon. member for Cape Western (Mr. Bunting) how he proposed to prevent it. Well, frankly, I cannot see what we can propose by way of amendment to prevent the fear that I have mentioned. We can only hope that the hon. Minister will keep a watchful eye on the situation as it progresses.

Mr. HEPPLÉ: Mr. Chairman, I want to call the attention of the hon. the Minister of Labour to dangers in this particular clause. The first is that the Minister must admit that this constitutes an interference with the free right of collective bargaining, because the Minister can extend an order, under this Act, to employees under the Industrial Conciliation Act. And where employees have arrived at an agreement, the Minister can now extend an order, and under sub-section (2) the Minister's order will become part and parcel of that Industrial Council agreement.

The MINISTER OF LABOUR: Only in occupations in which Natives are employed.

Mr. HEPPLÉ: Yes, only in occupations in which Natives are employed, but in the meantime the Minister has not removed the difficulty which he has mentioned in this House, and that is where Industrial Councils make an agreement in which injustices are committed against Natives—he has not prevented that. What he does now is that through this machinery he is reversing the process of Section 48 (4) of the Industrial Conciliation Act and therefore cancelling out the power of that section. Because he is now going to extend orders under this Bill to employees under the Industrial Conciliation Act.

I want to ask the hon. the Minister if he has considered the possibility of this interference creating grave injustices to European workers who are bound by an Industrial Council agreement or by a Wage Board? Section 65 of the Industrial Conciliation Act, dealing with strikes, clearly lays it down as follows—

No employee or other person shall take part in a strike or the continuation of a strike:

- (a) during the period of the currency of any agreement or award which in terms of Sections 48 and 49 is binding upon the employee, employer or other persons concerned.

The Minister may under this section extend an order to apply to a certain industry. That industry may have an agreement which has a currency of another six months to run. But the Minister's order may extend for another two or three years. Now those employees are

going to be exposed to committing a crime if they are unable to settle a dispute, or if they are unable to arrive at an agreement with their employers. There is no provision in this Bill to protect those workers from the effects of the extension of the order. Sub-section (2) of this clause merely lays down—

This order shall be applied as if the said provision of the order had been inserted in that wage-regulating measure in the stead of such inconsistent provision thereof.

What I would like the Minister to explain is, once this order has been extended to a wage-regulating measure and has become part and parcel of that, superseding what may have been contained in it before, what is going to be the period of the extension of that order? If the period is only going to be the currency of that wage-regulating measure, then there is going to be difficulty when that wage-regulating measure expires. But if the hon. the Minister is going to make that order applicable over the full currency of two or three years, then there is also going to be conflict. Because, immediately the European workers cannot come to a satisfactory settlement with the employers, they will be denied the advantage of Section 65 of the Industrial Conciliation Act. I hope that the hon. the Minister will consider this very important point and give me some information, because I am unable to discover from this Bill where protection will be afforded to employees as defined under the Industrial Conciliation Act, or where their rights will still be preserved.

Mrs. BALLINGER: Mr. Chairman, as I understand the operation of this clause, the hon. the Minister can have an investigation into the conditions of employment of Native workers, regardless of the classification into which their work falls. When the Minister has decided to issue an order on a basis of such an investigation, he can apply it to other sections of the industrial field. There are two points that I am particularly concerned about. The one, which I think the hon. member for Cape Western (Mr. Bunting) was making, is that while he was not sure about the security of the Native workers, this was going to mean, in effect, an invasion of the field now covered by the Industrial Conciliation Act, that workers who have got rights of collective bargaining can, under the application of this clause, lose those rights. In terms of this clause you can impose determinations for Native workers upon European, Coloured and Asiatic workers, who are supposed to have their rights guaranteed under the Industrial Conciliation Act. Now it is no use saying "don't we want protection for the African workers". Let me dispose of that point first.

We who have been interested in this industrial field have always taken up the position that it is our business to safeguard the rights, as well as we can, of European workers. We are not looking for the progress of the African workers at the expense of the

Hepple

South Africa and European civilization. That is the most pessimistic bit of nonsense that I have ever heard anybody commit himself to on the floor of this House. That really is the limit. He has only got to consider the type of European. I do not agree with the views of the type of person that elects the hon. member and his friends, but they are pretty tough. It's a good, tough stock. But there is nothing really the matter with the stock that elects a certain number of members on this side of the House either. And if a little bit of trade unionism is going to do that, then I am very sorry for him . . . [Interjections.]

In semi-conclusion, Mr. Speaker. I do not want to be driven into further talk by interruptions from the Government back benches . . .

An HON. MEMBER: Thank God.

Mr. STUART: Charming manners here on my left. I want to thank both the member for Salt River (Mr. Lawrence) and the member for East London (City) for putting the stress which they have put upon a most important feature of this Bill, and that is the implicit recognition of the integration of Natives with our industrial economy. They have both stressed that. I don't know who invented it. I find it first in Mr. Lawrence's speech, but it is a most important point and I like it enormously. I am very grateful that the Minister has impliedly recognized that. I suppose I must thank the Minister for not having executed the Native trade unions as such, and for merely having ignored them. I thank the Minister again, and enthusiastically, for having accepted the works committee clause. I would have liked it stronger; I would have liked it broader; I would have liked it initiated at will by a smaller number of people; but those are criticisms that he might possibly regard as captious. I won't press them.

Mr. Speaker, trade unions are not capable of being eliminated. They cannot be wiped out. I do not believe that they will be eliminated by anything that the Minister does. Under those circumstances I do hope that when the Minister finds that he has not laid the ghost or the scare or the spectre of the trade unions, that he will come back to this House and cope adequately with the necessary small adjustments which this Bill requires. They are small but vital adjustments which are required to make it work properly in connection with the Native trade unions of South Africa, in conformity with the habits of the world.

Mr. H. J. WILLIAMS: Mr. Speaker, now that the Bill has been reported from the Committee stage with certain amendments, there are a few points which I would like to put to the hon. the Minister. Before I do that I would ask him to pay heed to the eloquent appeal made by the hon. member for Durban (Central) (Col. McMillan) in regard to the question of administration and the employment of officials with an understanding of the

Natives and particularly their language. I think it is rather an important point. The Minister is breaking new ground here in the field of Native administration and I think that if he wants to make a success of this measure he should give attention to that particular point.

I have been associated with secondary industry in this country for the past thirty or thirty-five years, and in that connection I have seen the growth of the Native trade union movement. I have seen it growing during the last thirty years. I have seen the Native labour movement gradually integrated into our industrial economy, and for that reason I am under no illusions as to the immensity of the problem with which the hon. the Minister is faced in this particular issue. I have seen Native trade unions in their earlier stages aping, in one way and another, the European trade unions. As the Minister knows, these trade unions have been there for a number of years. They have received a certain amount of what we may call the defects of the movement. I do not need to go into that, it has been handled in the second reading.

In its final form this Bill seeks, I am afraid, in one way, to rather encourage the growth of those trade unions. I am aware that the Minister has said—he has made no secret about it—that it is his object to—using a rather inelegant phrase—“bleed the Native trade unions to death”. In other words, he quite frankly wants to kill Native trade unions. But has he studied this point, that by the acceptance of the amendment that was put in the Committee Stage, by the formation of these works committees and the appointment of two or three Natives, is it not possible that the two or three Natives that are appointed to these works committees may become the emissaries of the unofficial trade unions? The Minister is aware, as I have indicated, that the trade union movement is there and has been there for a long time. They have their own official shop stewards; they have their secretaries; they send out their notices, and so on. As I have said, they have aped the form that European trade unionism has taken in this country. I do not think that in this legislation the hon. the Minister is going to kill them in the very least. I think they are going to grow. I am concerned that in this measure the hon. the Minister may even go so far as to encourage their growth. For that reason I am wondering whether it was wise. I have said that the Minister has a difficult problem, and I think he has faced it courageously. We on this side of the House are prepared to accept that he did make a sincere and courageous attempt to face a difficult problem, and as far as the United Party is concerned, we are prepared to support the measure as it comes through now. We are not dealing with it in a political light. We regard it as a sincere and genuine and an honest attempt to meet a difficult situation. But the Minister is well aware that it is not a static situation. It has been developing over the last two or three generations, and it will continue to develop.

in relation to every sphere of activity. Because elected officials of any organization, the spokesmen of any organization, surely speak in the name of such organizations. If they did not speak in the name of their organizations they would be removed from office. But the hon. member for Krugersdorp wants to make out that the officials of the trade union movement do not represent the people who elected them.

Mr. Speaker, that is the old Nationalist Party attack upon the trade union movement in this country.

An HON. MEMBER: Nonsense.

Mr. HEPPLÉ: Of course that is correct. The hon. Minister need not say this is nonsense, it is quite true

The MINISTER OF LABOUR: I did not say a word.

Mr. HEPPLÉ: I beg your pardon. Mr. Speaker, I want to apologize to the hon. the Minister in a great hurry because it is the first time that he has not used that word.

This criticism, that the officials of the trade union movement have no right to speak for the trade unions, is just another attempt to undermine the trade union movement in this country. For the benefit of the hon. member for Krugersdorp I want to inform him that the South African Federation of Trade Unions took a different stand from the Government on this Bill, and expressed an opinion about this Bill; and they felt so strongly about it that they sent a telegram to the Minister. For the edification of the hon. member for Krugersdorp, let me read the text of that telegram. That telegram read as follows—

The South African Federation of Trade Unions executive committee meeting today

That was last Thursday—

. . . strongly reiterates its previous views regarding the Native Labour Bill, and urges the amendment of the following points—

Grant official recognition to Native trade unions, to enable them to nominate members of the regional boards and present the collective viewpoint.

Grant the right to strike subject to similar restrictions as applied to Europeans.

Reference to the Wage Board under Section 8 of the Bill should not unduly delay publication of agreements under the Industrial Conciliation Act.

Extensions of orders to Europeans under Section 13 of the Bill is not acceptable.

Now these recommendations of the South African Federation of Trade Unions do not go as far as we would like. We want the Native worker recognized under the Industrial Conciliation Act. The South African Federation

of Trade Unions want Native trade unions recognized, but not under the existing Industrial Conciliation Act machinery. But it is a very important difference from what the hon. member for Krugersdorp is looking for. I want to ask members on the Government side of this House, now that they see this amended Bill which is going to become law, do they really believe that this machinery is going to work when the million workers who are affected by it have no say in it whatsoever? Would they accept legislation to deal with their activities if they had no say? It is being unreasonable. It is quite unrealistic. I take exception to what the hon. the Minister said at the second reading, at the conclusion of his second reading debate. He made this charge against my party. He said of the Labour Party: "I admit that much prejudice will have to be eliminated. I am sure that attempts will be made by the Labour Party and the Left trade unions to ruin the scheme." I want to ask the Minister if he really thinks that we would be so stupid as to try and wreck anything where we would even hope to get some benefit, however miserable it may be, for the workers?

At 10.25 p.m., the business under consideration was interrupted by Mr. Speaker in accordance with the Sessional Order adopted on 24 July, and the debate was adjourned; to be resumed on 27 August.

Mr. SPEAKER adjourned the House at 10.26 p.m.

THURSDAY, 27 AUGUST 1953

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

NATIVE LABOUR (SETTLEMENT OF DISPUTES) BILL

First Order read: Adjourned debate on motion for third reading, Native Labour (Settlement of Disputes Bill, to be resumed.

[Debate on motion by the Minister of Labour, adjourned on 26 August, resumed.]

Mr. HEPPLÉ: When this debate was adjourned I was dealing with the Minister's charge that the Labour Party and certain Left trade unions would do their utmost to sabotage the Bill in its working. He said that European and Native agitators would do everything they possibly could to prevent this Bill from being successfully applied to Native labour in this country. I wonder whether the Minister stopped to consider the seriousness of the charge that he was making against us. Does the Minister really believe that it is the desire of the Labour Party or any of the trade unions to sabotage this law, however miserable it may be? The Minister knows full well that his real difficulty

is that this is a bad Bill; he knows that this will be a bad law and that he will run up against insurmountable difficulties. What he is trying to do is to find scapegoats upon whom to place the responsibility because this ridiculous machinery will not work. We told the Minister in the second reading debate that the main reason why it cannot work is that the million Natives to whom it is going to apply have no say in the election of those who are supposed to speak on their behalf. We also told him that this was a negation of usual trade union practice. It is an evasion of the system of collective bargaining and it violates the principles of the charter of the International Labour Organization. But, Sir, it has become a habit with the Minister in replying to debates, in dealing with Bills introduced by him in this House, to heap insults and abuse upon the Labour Party instead of replying to the points we have raised. In this particular instance he at least had the courage to accept a suggestion which came from these benches, and he introduced a new Clause 7 which in some degree will ameliorate the hardships against Natives in the application of this particular measure. But it was significant that in his uneasiness the Minister turned to his erstwhile enemies, the United Party, and he showered praise upon them. He concluded his speech on the second reading by saying that if the two major parties in this country, i.e. the Nationalist Party and the United Party, co-operate in regard to this very important matter, if they are going to assist in making a success of it, then he had not the least doubt that it would be a success. He said that after saying that it was going to be sabotaged. The Minister is becoming a master of inconsequential argument. He hurls all sorts of insults against the Labour Party, then turns to the United Party and says that if they help him this is going to be a great success. But it cannot be a success. The Minister does not need the support of the United Party; what the Minister needs is the support of the people who are going to be affected, the Natives. If he got the unanimous support of the United Party—and I am not sure that he will get it—he still would not have the Native support that is necessary. I am surprised that the Minister is now resorting to the tactics of giving the United Party his bear hug in order to get this measure through the House. I do not think that is going to help the Minister, but most important of all, it is certainly not going to help the non-Europeans of this country.

We reiterate what we said at the second reading and that is that this measure has no hope of success, because it is based on the fallacious argument that you can have one set of laws for the Native people and another set of laws for the whites. It is based on the principle that there is one economic standard for Native workers and a different economic standard for European workers. It sets up friction and conflict between workers which are not only not in the interests of the workers themselves but which will detrimentally affect the economy of the country as a whole. We are going to vote against this Bill at the third

reading, because in addition to the arguments that have been put forward by my colleague the hon. member for Benoni (Mr. Lovell) I moved an amendment at the second reading in which we put forward reasoned arguments against this measure and I want to compare those arguments with the Bill as it now appears before the House at the third reading.

We objected to the Bill because firstly it fails to give the legal right to Native workers to negotiate and settle disputes with their employers through trade unions. That is still lacking in the Bill. The Minister has not met that objection. Secondly it fails to apply the well-tried procedures of the Industrial Conciliation Act for the settlement of Native labour disputes, by excluding Natives from the Act. That position remains. Thirdly, it denies Native workers the right to choose their own delegates to negotiate on their own behalf, by imposing upon them representatives appointed by the Minister. To a very small degree the Minister met this objection by his new Clause 7 where he has agreed to recognize Native works committees in individual establishments and also shop stewards in the course of negotiations, but they have no powers. In the whole of this machinery there is room for only three Natives appointed by the Minister—not elected by the Natives themselves. Fourthly, it will compel Native workers to submit to the most intolerable conditions by its total prohibition, under harsh criminal penalties, of the right to strike. That is where the Minister is going to meet the greatest difficulty, because you cannot totally prohibit workers anywhere to exercise the right to strike. When they ultimately reach breaking point with the employer they must have some further machinery which they can utilize, some final weapon which they can utilize, in order to achieve what they are asking for. To deny them that right completely is asking for trouble. Our fifth objection was that this Bill grants arbitrary powers to the Minister to upset agreements arrived at between employers and European workers under the Industrial Conciliation Act. Despite the Minister's small amendment Clause 13, that objection has not been met. Sixthly, we said that it would engender rather than settle disputes between Native workers and their employers. The Minister has met none of these objections, so all the bad features of this Bill remain. For that reason we of the Labour Party are going to vote against it at the third reading.

In conclusion I want to take this opportunity of clearing up a point that has been raised here, a point which, it seems to me, has been gravely misunderstood in this House, and that is South Africa's international responsibility in its legislation. Hon. members on the Government side of the House seem to believe that any suggestion that we have international responsibility is an attack on South Africa and the right of South Africa to determine its own affairs. But that is not what is at stake here. The Minister is quite correct when he says that not only South Africa but many other countries have not carried out all t

conventions of the International Labour Organization. But that is not what is at stake here. What is of interest to the rest of the world and to the trade union movement all over the world, is whether South Africa is making a genuine attempt to move progressively towards applying those conventions, whether South Africa's philosophy is in the direction of honouring those conventions. In the preamble to the charter of the International Labour Organization special reference is made—and I want to quote here—

to the conditions of labour involving injustices to large numbers of people as to produce unrest so great that the peace and harmony of the world is imperilled.

That is the significance of South Africa's obligation internationally. We in the southern part of Africa cannot isolate ourselves and legislate in relation to the workers of South Africa, completely ignoring the rest of the workers in the African continent, to say nothing of the rest of the world. If we are going to apply legislation to African workers in South Africa, completely ignoring the attitude of the rest of Africa, then we are certainly going to throw the searchlight upon what we are doing here, and I emphasize—and the Minister must accept that fact—that South Africa has international obligations. We are going to be judged in the light of what we do to these black workers in South Africa.

An HON. MEMBER: By India.

Mr. HEPPLE: Not only by India by all nations. I want to remind the hon. member of what I quoted at the second reading and that was a decision taken at the International Confederation of Free Trade Unions in Stockholm recently, where they condemned the trend of labour legislation in South Africa. Those are South Africa's friends who are condemning us. That is why we feel that we must not antagonize our friends, that we must not legislate in this country in such a manner that we lose all the friends that South Africa has. It is no good the hon. member pointing to India and creating further complications in our international relations. We are going to be judged on the laws that we pass in this House. I am not suggesting that we must change our principles, because of what others say, but in framing legislation we must do so in the light of our responsibility to workers all over the world. I say that on this legislation South Africa is going to be judged and we are going to be judged adversely. We are inviting harsh criticism of ourselves as the result of this legislation, and when that criticism comes the Government must not point a finger at press correspondents; it must not point a finger at hostile non-white nations in the rest of the world; it will be its own legislation that will be responsible for that criticism.

Mr. EATON: During the Committee stage of this Bill I put a question to the Minister

in relation to the effects of the ban imposed by this measure upon African workers as far as strikes, etc., are concerned, and when the Minister replied he dealt specifically with the possibility of a danger existing between Africans and Europeans. He said that he could not visualize European employers or any employers for that matter, engaging Africans as strike breakers, thus undermining the strike action of European workers. But when I raised the issue I asked him to deal in his reply with all those who are at present entitled to go on strike in terms of the Industrial Conciliation Act, and in his reply he made a point of referring to Europeans. I want him to cast his mind back to the development that has taken place particularly in the Cape and Natal in relation to the employment of Coloured and Indian labour, and I want to ask him specifically whether this prevention of Africans to go on strike, is not a direct threat to the employment of Coloureds and Asiatics. He has met the point as far as Europeans are concerned in his own mind. I am not satisfied with that reply as far as the European trade unions are concerned, but I am less satisfied with the position that will develop in the Cape and in Natal in particular, when Coloureds or Asiatics who are in the position to go on strike do go on strike. I can imagine how weak their action will be if their employers under this Bill can engage Africans as strike breakers. It is a very pertinent point as far as the Cape and Natal are concerned, not only when it comes to the question of strike breaking but also to the employer who is looking for labour that cannot possibly disrupt his industry, and that labour in terms of this Bill, will be African labour. It is quite possible that employers will prefer, once this Bill has been passed, to engage Africans in preference to Coloureds and Asiatics, because they will know in advance that these people cannot go on strike and thus disrupt his industry. This is a very important matter particularly to the Coloureds and the Asiatics, and I think the Minister, even at this late stage, should give a clear indication as to whether he is not concerned about Coloureds and Asiatics, whether his interest is mainly to see whether Europeans are protected in every possible way. I think if that is the outlook it is extremely unfortunate for the thousands of Coloureds and Asiatic workers in this country. We on these benches are convinced that once the strike weapon is withheld from one section of the labour force in this country, the whole of the labour force is in danger, and I have highlighted the danger that must and will exist towards the Coloureds and Asiatics, because I want the Minister to give his particular attention to it when he replies to the third reading debate, because I think it is of paramount importance.

The MINISTER OF LABOUR: There is really very little to reply to. I think that the majority of speeches made by hon. members have merely been a repetition of the arguments they used during former stages of the Bill.

There are, however, one or two points which I think need clarification and to which I will reply. First of all, I want to deal with the speakers of the Labour Party. I want to say immediately that I am not going to be nasty to the Labour Party.

Mr. DAVIDOFF: You cannot help it.

The MINISTER OF LABOUR: Well, there are times and there are times. I think that on the whole they have behaved fairly well during the debate on this Bill. In spite of the fact that they were opposed to the Bill in principle, they nevertheless offered quite constructive criticism when the Bill was in committee of the House. There is, however, one illusion that I think they should get rid of and that is that they interpret the views of the workers of this country. I hate referring to the recent by-election in Mayfair—a working class constituency, where you had a Labour Party candidate who had the backing of the Labour Party as well as of the Trades and the Labour Council and who received the grand total of 172 votes, in a constituency where there are at least 7,000 to 8,000 voters of the working class. I think that should prove beyond any doubt that not only does the Labour Party not interpret the views of the workers, but that it has not the support of the workers of this country. I also agree with the hon. member for Krugersdorp (Mr. M. J. v. d. Berg) who said that very frequently the views of the leaders of the trade unions do not necessarily reflect the opinion of their members.

Mr. HEPPLE: Does that not apply to all organizations?

The MINISTER OF LABOUR: I think that is borne out by the results of the general election. This particular Bill was placed pertinently before the electorate.

Mr. HEPPLE: This one?

The MINISTER OF LABOUR: This Bill. I dealt with the Bill at almost every meeting which I addressed; I dealt with the Bill in the radio speech that I made; I dealt with the Bill in the newspaper articles that I wrote. There was no doubt in the mind of anybody that this Bill, in its present form, would be presented to Parliament at the first opportunity, and in spite of that the party which I represent, increased the number of working class seats held by it on the Witwatersrand from 8 to 14.

Mr. DAVIDOFF: Not on this issue.

The MINISTER OF LABOUR: Hon. members must bear in mind that the seats we represent are working class constituencies, mainly of the lower paid working classes. In my own constituency I received a majority of 2,700 from the workers. I think that should show beyond all shadow of doubt that the Labour Party does not represent the workers; that trade union officials very seldom reflect

the views of their members. I think if a referendum were held amongst trade union members I would receive overwhelming support for the principles of this Bill.

Mr. HEPPLE: That is only an opinion.

The MINISTER OF LABOUR: The hon. member for Benoni (Mr. Lovell) stated that employers were always hostile to trade unions. The difficulty with those hon. members is that their arguments are based on the assumption that all employers are rogues and scoundrels who are out to exploit the workers. It shows that those hon. members are completely out of touch with realities. That might have been the position in years gone by but I have found that employers welcome workers' organizations to-day; that they do everything in their power to encourage the workers to organize.

An HON. MEMBER: Why then don't you recognize Native trade unions?

The MINISTER OF LABOUR: Employers are concerned about the efficiency of their workers; they are concerned about the increased productivity of their workers, and they know that they can only obtain that by establishing good labour relations. Contented workers, workers who are satisfied, are workers who are efficient and workers whose productivity is usually very high.

Mr. HEPPLE: You are condemning your own Bill.

The MINISTER OF LABOUR: I should have thought that the hon. member for Benoni, Rosettenville (Mr. Hepple) and Johannesburg (City) (Mr. Davidoff) would know that. They are employers themselves, and I did not expect that they would condemn themselves.

The main objection of the hon. member for Benoni is that according to him this is the first time that wages will now be fixed on a racial basis instead of an occupational basis. Surely the hon. member knows that this is not so. Wages have been fixed in relation to Natives on a racial basis for the past eleven years. In terms of War Measure No. 145, arbitrators have fixed wages for Natives on a racial basis, so it is not the first time that this has been done.

Mr. LOVELL: You are now making it permanent.

The MINISTER OF LABOUR: The hon. member went on to say that the application of the principle of equal pay for equal work will now be destroyed and that that is the only protection for the European workers of this country. Again I say that that is not so. That might have been the position in years gone by but the application of the principle of equal pay for equal work is to-day no protection for European workers except for highly paid European workers. What happens in practice? In occupations in which Natives are employed,

wages are laid down and those wages laid down for those occupations usually conform to the standard of living of the Natives, consequently the Europeans are completely ousted from those occupations. But what is even worse is this. In practice it usually happens that in occupations in which Natives and Europeans are employed, the wages laid down are usually wages that conform to the Native's standard of living and gradually the Europeans are pushed out. I can quote examples to illustrate this. The motor vehicle driving trade used to be confined almost exclusively to Europeans. To-day the overwhelming majority of workers employed in that particular trade are non-Europeans.

Mr. LOVELL: There has been no change in wages.

The MINISTER OF LABOUR: I can also quote another example in the garment industry. There used to be European pressers in that industry, but as a result of the fact that wages have been laid down conforming to the Native's standard of living the Europeans have gradually been pushed out. The application of the principle of equal pay for equal work is no longer a protection for Europeans; they cannot withstand the competition of the Native and they are gradually pushed out.

An HON. MEMBER: Not necessarily.

The MINISTER OF LABOUR: If the hon. member doubts that I will show him the file I have in my possession of complaints that I have received about Europeans being pushed out of their occupations by Natives, in spite of the application of the principle of equal pay for equal work.

Mrs. BALLINGER: How are you going to guarantee the position of the Native?

The MINISTER OF LABOUR: There is only one method that can be adopted to avoid friction between European workers and Natives. To-day you have the position that European workers are continually living in fear of being pushed out of their occupations by Natives. There is only one possible way of protecting all races and allowing Natives to progress economically without instilling fear in the mind of the European worker, and that is by an extension on the lines of the provisions of the Mines and Works Act to all occupations.

An HON. MEMBER: Why don't you try it?

The MINISTER OF LABOUR: The hon. member for Benoni also again made a point about the strike prohibition. I do not want to go into that again; I dealt with it in the second reading debate. But I would like to refer him to the recent press reports in regard to a strike in Nyasaland. I do not think that any person would want the conditions which prevail in Nyasaland at the present time to prevail in South Africa.

Mr. HEPPLER: It happened in 1922, in 1913-4, in the case of white workers.

The MINISTER OF LABOUR: The hon. member apparently wants those conditions to prevail in South Africa. That is why he is pleading for the prohibition on Natives strikes to be removed.

The hon. member for Umbilo (Mr. Whiteley) raised the question of the employment of Natives when Europeans and Asiatics and Coloureds are on strike. To-day employers are at liberty to employ Natives when other workers are on strike. There is nothing to prevent them from doing so, and they have been in precisely the same position for the past eleven years. Under war measure 145 all Natives were prohibited from striking and employers were at liberty to employ Natives where the Europeans, Coloureds and Asiatics were on strike, but I do not know of one instance where that has been done. I do not think it will be done in the future. I do not think any employer will make use of Natives as scabs when other workers are legitimately on strike. The hon. members need have no fears on that score.

Mr. EATON: Were employers not afraid because of the fact that the war measure was a temporary one?

The MINISTER OF LABOUR: I do not know what went on in the minds of the employers, so I cannot reply to that question, but I do say that I do not think that there is any possibility that employers will make use of Natives as strike breakers in the future.

I come now to the hon. member for Cape Eastern (Mrs. Ballinger). I realize that the hon. member for Cape Eastern and the hon. member for Transkei (Mr. Stuart) are to a very great extent compelled to interpret the views of the extreme section of the Natives if they want to ensure their re-election. The hon. member for Cape Eastern was very concerned about the international repercussions as a result of the passing of this Bill by Parliament. She said that I would find myself in serious difficulties with the International Labour Organization. The hon. member for Rosettenville also spoke in that strain. I want to tell the hon. member that the constitution of the International Labour Organization and the Declaration of Philadelphia set out in the preamble the objects for which the organization was established, and the organization was established to promote these objects. This is done by framing conventions which members are free to ratify or not as they see fit. A proposal to frame the constitution in a manner which would bind every member state which accepts it forthwith to enact in its legislation each and every object, was specifically discarded when the constitution was revised in 1946. The reason for this is obvious as no member state could have accepted such a constitution. Furthermore, it is significant that the Declaration of Philadelphia itself in Part Five recognizes specifically that the manner of the

application of the principles must be determined with due regard to the state of social and economic development of its people and that progressive application is visualized. In short, the Declaration of Philadelphia itself recognizes that methods and practices which are suited to highly civilized people cannot similarly be applied to a primitive people. I can give the hon. member the assurance that we are quite prepared to meet any case that might be raised at the International Labour Organization Conference in this regard next year.

The hon. member for Cape Eastern, as well as the hon. member for Rosettenville, again predicted that this scheme was not going to work. They say that for various reasons I won't be able to obtain the support of the Natives who are mainly affected and that the whole scheme is cumbersome and unworkable and they predict a very early break-down of the scheme. My reply to that is this: I am going to make this scheme work and hon. members may rest assured that it will work unless members go out of their way. . . .

Mr. HEPPLÉ: Leave it unsaid.

The MINISTER OF LABOUR: . . . to sabotage the scheme and agitate against the scheme; to incite the Natives not to support it.

Mr. LOVELL: We will give you enough rope to hang yourself.

The MINISTER OF LABOUR: I can assure hon. members that the scheme will work, and the fact that this Bill has the support of the two main parties in this House will go a very long way to make this scheme work and to make it successful.

Mr. HEPPLÉ: What about the Natives themselves?

The MINISTER OF LABOUR: We are going to obtain the confidence of the Natives.

Mr. HEPPLÉ: How?

The MINISTER OF LABOUR: Hon. members will see that the Natives on the whole will accept this scheme. We are giving them something that they have never had before; we are not taking away any rights. They have never previously had any machinery that they could use to canalize their grievances and to bring their grievances to the attention of the authorities. The hon. member talks about Native trade unions but he knows that Native trade unions never carry any weight amongst the Native workers, and that very few of them are organized into Native trade unions. The Native trade unions have on the whole been ignored. The majority of employers refuse to negotiate with Native trade unions.

Mr. HEPPLÉ: That is not true.

The MINISTER OF LABOUR: I say the majority of employers refuse to negotiate with

Native trade unions. They want to have nothing to do with them; those are the facts and that is why the Native trade unions have never progressed. They are mushroom organizations; you find a number to-day and within a month or two you find that they have disappeared. Once the Native workers have confidence in this new machinery, once they see that they are treated with justice and equity they are going to support this scheme and they will have no further interest in Native trade unions. Hon. members are very fond of quoting the commission's report and its recommendations but it is very significant that in spite of the recommendations of the commission the nevertheless, in the annexures, attach an extract from a speech by one of the better-known employers. It is an extract from an address delivered before the Johannesburg Rotary Club by Mr. Vernon Atkinson of Africa Explosives and Chemical Industries Ltd. He gave practical hints on the formation of workers' councils. I am only going to quote one paragraph from his speech. He says—

The non-European is shrewd and likely to value for his money. Trade unions will be interested in him only as long as he pays his membership's subscription. Do not levy any fees for membership.

That is membership of the Native workers' council—

If the non-European finds that his requirements are met through this automatic membership of the council, he is not likely to remain a strong supporter of the trade union. On the other hand, there is no need to denounce openly trade unionism.

Now, Sir, in spite of their recommendation they nevertheless appended this extract from Mr. Atkinson's address to their report. That has been my argument too that once you create alternative machinery, machinery that will ensure justice and equity to the Native workers and they realize that their grievances can be brought to the attention of the authorities when they know there is a body dealing with their grievances and their disputes, they will have no interest in trade unions. I predict that within a year after this scheme has been in operation, there will be very few Native trade unions left. There might be a number of officials left, but they will be trade unionists without any members.

The hon. member for Durban-Central (C. McMillan) referred to the appointment of officials. I want to fully endorse what he said. It will be essential to appoint officers who can obtain the confidence of the Natives, and preferably officers who are conversant with one other Native language. I am quite prepared to recommend that an inducement should be offered to officers who are conversant in one or more Native languages. I think that is very necessary. That also is the reply to the hon. member for Boksburg (Mr. H. J. Williams) who made the same point.

Now, Mr. Speaker, I wonder if hon. members, and the public outside, realize the significance of the manner in which this Bill has passed through the House. I think it is the first time in many years that contentious legislation dealing with our vexed and complex racial problems has received so much general support and so many expressions of goodwill from all sides of the House. Even the hon. member for Rosettenville (Mr. Hepple) took the strongest exception to my statement that the Labour Party might attempt to sabotage this scheme. Even he admits that the scheme does confer some benefits on the Natives. I think this is a very good augury for the future. It shows that there is a lot of common ground between the two main parties in this respect, and I only trust that this approach will be continued in future when we deal with our racial problems. I want to say that the prerequisite to obtaining the support and co-operation of the non-Europeans is unity and co-operation among the Europeans. I think that above all unity and co-operation among the two sections of the European population when we are dealing with these complex racial problems are absolutely essential if we wish to maintain European civilization in South Africa.

Motion put and a division called.

As fewer than ten members (viz., Mrs. Ballinger, Messrs. Bunting, Davidoff, Eaton, Hepple, Lovell, Stuart and Whiteley) voted against the motion, Mr. Speaker declared it greed to.

Bill read a third time.

RESERVATION OF SEPARATE AMENITIES BILL

Second Order read: Report Stage, Reservation of Separate Amenities Bill.

Amendments considered.

Mr. STUART: I desire to move—

That the debate be adjourned.

do so for certain reasons which I want to state. They are these: The debate curiously concerns the African representatives in this House. At the moment there is a Committee sitting upstairs in which the position of one is being considered, one of the other members is sitting . . .

Mr. SPEAKER: Order! Under Standing Order 36 (2) I cannot accept such a motion.

Mr. STUART: Mr. Speaker, may I be heard a moment.

Mr. SPEAKER: No, I don't think so.

Mr. DAVIDOFF: On a point of order. Can member not move the adjournment of the debate?

Mr. SPEAKER: That is in the discretion of Mr. Speaker.

Mr. LAWRENCE: May I ask whether the hon. Minister of Justice will be prepared to let the discussion on Clause 1 stand over until the other clauses have been disposed of?

Mr. SPEAKER: The whole Bill is now before the House.

Mr. LAWRENCE: I was wondering whether that could not be done by the leave of the House as an unopposed motion. There are certain amendments on the Order Paper in my name in respect of Clause 1, and they are really consequential upon amendments which I have in respect of Clause 2. My difficulty is that I cannot speak on the merits of the amendments, which I have in my name on Clause 2, on the amendments in respect of Clause 1. I move—

In Clause 1, to insert the following definitions to precede the definition of "public premises":

"local authority" includes any municipal or divisional or borough or town or village council, town board, local board, village management board and also any board of management or committee or other body (including any body of persons which the Governor-General is authorized in terms of sub-section (4) of section seven of the Public Health Act, 1919 (Act No. 36 of 1919), as amended, to constitute as, and declare by proclamation in the Gazette to be, a rural local authority for all or any of the purposes of that Act), which is constituted in accordance with any law.

"public carrier" includes any person who lawfully carries or offers to carry for reward any passenger in any public vehicle having a seating capacity of not less than nine, excluding the driver and conductor.

I am sufficiently optimistic to feel that, because of the difficulties I am in at the present time, the hon. the Minister will be persuaded when we come to deal with my amendments on Clause 2 to accept those amendments; and in that fond hope I propose to address just a few remarks to the amendments in respect of Clause 1. It will be seen that these amendments seek to improve two new definitions into the definition clause, namely a definition of "local authority" and a definition of "public carrier". If these two new definitions are accepted, the way will then be paved for the amendments which I propose to move to Clause 2. The purpose of these amendments is to ensure that the permissive powers given under this Act should be exercised solely by "public bodies" in the accepted sense of the words should be characterized by public authorities in the generally accepted sense of those

words, namely, State Departments, Provincial authorities and local authorities. Now, Sir, "local authorities" is not defined in the Bill now before the House. Therefore, Sir, if the hon. the Minister is prepared to accept the limitation which I suggest national considerations demand, then it is necessary in advance, in Clause 1, to lay down specifically what one means by the term "local authority" if we are going to use that term in a later stage of the Bill. In terms of this definition, it will be seen that "local authority" includes all those bodies from village management boards to town boards, local boards, village councils, divisional councils up to city councils. The Bill, as it stands, confers powers on any person who may be in charge of or have control of any "public premises" or "public vehicle" as defined. In those circumstances it enables individuals who may be in charge of public premises, which includes any land or enclosure, to exercise the powers under the Bill, to decide to demarcate portions of public premises or public vehicles in such a way that they may be used only by one particular race or group of a community, or may set them aside in such a way as to provide separate facilities in respect of public premises or public vehicles. These are very far-reaching powers indeed. But this House at the second reading has accepted the principle that, because of the complexities of our multi-racial society in South Africa, it is not always possible, not always practicable and not always necessary that where a State Department or a public authority sets aside certain amenities in respect of public premises or in respect of public vehicles, for one section of the community, there should always be similar amenities for other sections. In fact, the House by accepting the principle of the Bill at the second reading went so far as to agree that there may be circumstances where special facilities may be provided, if such is in the interests of the country, for one section of the community, and that no facilities at all need be provided for other racial groups. One thinks of the example of the Native territories where the public amenities are used only by Natives and where a waiting-room or some public conveyance is required for the Native population, but where there is no need for any similar amenity for Europeans. In those circumstances it is accepted by the majority of the people of South Africa, not only by Europeans but by the non-Europeans as well, that in those circumstances it would be absurd to demand that because facilities are provided for the group which requires them, therefore some similar facilities should be provided for another group. The principle of differentiation is accepted, the principle is accepted that there may be differentiation without doing any injustice to those persons for whom no facilities are provided. But it is felt by the Opposition, and the point was brought to the notice of the hon. the Minister at the second-reading stage and was brought to the notice of the hon. the Minister during the Committee Stage

very forcibly, that where these powers of discrimination—although I do not like to use the word "discrimination" in this sense—that where these powers of setting aside separate amenities are given in a Bill of this sort, they should be exercised only by public authorities who are accountable to some form of electorate. State Departments are administered by Ministers of State. Those Ministers of State are responsible to Parliament, and if there is any criticism of the manner in which the Minister of Posts and Telegraphs, for instance, provides facilities for the various sections of the population in post offices, Members of Parliament can come to Parliament and can raise these matters in the House, and the Minister of Posts and Telegraphs will have to answer those criticisms. A similar argument can be applied in respect of Provincial authorities and of local authorities, such as city councils and town councils. But when it comes to allowing individuals to exercise the powers conferred under this Act, there is no over-riding authority, no public forum where public opinion can be expressed in regard to the administration of those powers; and it seems to members on this side of the House that, for those reasons, it is unwise to allow these very wide powers to be exercised by private individuals. They can be exercised in an arbitrary fashion, they can be exercised in a fashion which is grossly unfair, grossly unjust, manifestly inequitable and capricious. And yet in terms of this Bill there is no redress. If those powers are exercised in a manner which is manifestly inequitable or unjust, even though, as the Bill now stands, and in the absence of the acceptance of an amendment which I shall move at a later stage, and while the courts cannot interfere, there will yet be the forum of Parliament, the forum of the public authority to which the public can appeal in respect of these matters. But how can one deal with this matter in regard to a private individual? I repeat what I said to the hon. the Minister at the Committee Stage, that the definition of "public premises" is so wide as to include my private property, my home, a farm, a Native hut in a Native territory. The definition of "public premises" . . . —

. . . includes any land, enclosure, building, structure, hall, room, office or convenience to which the public has access, whether on the payment of an admission fee or not.

"To which the public has access." That is very wide. The public has access to my home. The milkman comes to my home.

Mr. SPEAKER: Is the hon. member now discussing the definition of "local authority"?

Mr. LAWRENCE: Mr. Speaker, with the greatest respect, in order to impress upon the Minister the need for accepting this amendment, I had to show how far the Bill goes in its present form, if there is no limitation placed in the Bill in respect of those persons who may exercise the powers under it.

R-H APPROPRIATION BILL
(3 R.)

HEPPLE

knows, the passengers were crowded enough in 1952, and it seems a pretty tough prospect for the additional 5,000,000 who have to get into this one coach to try to find accommodation this year. I know that the Minister is sympathetic. I know that he is going to do the best he can for his strapless hanging passengers; they haven't even a strap to hang on when they stand; they travel on their own feet. I trust that he will see that everything that can possibly be done will be done in connection with the very early implementation of the suggested improvements, and that everything will be done even at this stage with a view to anticipating the delivery dates. I hope that the Minister will be able to hold out some hope for the public that their long period of very patient waiting is at least nearing an end.

Mr. MOORE: I am sorry I cannot join wholeheartedly in the chorus of approval, but I wish to refer very briefly to the reply the hon. the Minister gave on the subject of language tests which I raised together with the hon. member for Florida (Mr. Tighy). I think the Minister has rather misunderstood the position. He says in his reply, referring to my remarks—

Now my hon. friend wishes to know why we do not accept Matriculation certificates.

I never made any reference to the Matriculation certificate. I have not stated that that should be the test. I am quite prepared to accept the test that the Railways use to-day, but this is the point: I want the objectivity which should go together with any tests. The test should not be associated with a special post. The Minister said that they required one kind of test for a driver. I agree; but at any time during a fireman's career he should be permitted to subject himself to the driver's language test and if five or ten years afterwards he is offered the post of driver, he would then be qualified to accept it without undergoing a test associated with the appointment. That is the point I am trying to make. The hon. the Minister refers to the fact that he does not know Latin or High Dutch to-day as he did in the days of his youth. I hope he does know a little about the logic that he learned in the days of his youth.

The MINISTER OF TRANSPORT: That is only because I have practised it ever since.

Mr. MOORE: That is exactly what I am trying to illustrate. I am glad that the Minister is following so attentively. The point is that

when we are dealing with Afrikaans and English we are dealing with two official languages which are in constant use, and therefore the arguments which the Minister applied to Latin and High Dutch do not apply.

The MINISTER OF TRANSPORT: It does in practice very much.

Mr. MOORE: I shall be very glad if the Minister will give me an opportunity of investigating these tests more closely so that I will be able to see eye to eye with him. The Minister uses the occasion to refer to what the policy was of these people on this side when they were in power. We know that Afrikaans did not become an official language until many years after Union. Afrikaans as we know it to-day was not established at the time of Union. There was a transition period, and during that transition period in the early twenties it was necessary to be more liberal in our outlook. Let me give one example. When the hon. the Prime Minister in those days became Minister of Education there was never any Minister who gave such complete satisfaction to his staff in this matter of language qualification. I should like some of the spirit which he infused into his Department in those days to be infused to-day into the Railway Department. When a man is in his fifty's, I do not think he should be subjected to a language test, if he has done his job well up till then. If he has done his job well and has an opportunity of a little promotion towards the end of his career to sweeten up his pension, I think the Minister should be in a position to grant it. Therefore I say that this system of tests can be persisted in but these tests should not be associated with the posts. They should not be subjected, because A is applying for a job and B might get it. They should be divorced from any particular job. That was my point and I hope I have explained it more carefully now to the Minister.

Mr. HEPPLE: I want to assure hon. members that I am going to be very brief. I want to ask the Minister a question. This afternoon I got a reply from him to a question I had asked about a special train that was run from Burghersdorp to carry spectators to the Rugby test at Ellis Park, and I was pleased to see that the result of the running of that special train was a profit to the Administration. In view of that I hope that the Minister will consider the question of restoring excursions for working people from the inland areas to the coast for their annual holiday. I am sure the Minister will be very sympathetic when I tell him that there are thousands of workers in up-

country towns who get a miserable two or three weeks' holiday once a year and who because of the high cost of travelling are unable to take their families to the coast. I hope that the Minister, in view of the fact that he can run such special excursion trains at a profit, will re-introduce excursion rates for holidaymakers from inland towns to the coast.

Motion put and agreed to.

Bill read a third time.

LOAN AGREEMENTS WITH INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

years ago. Since then no committee or commission has sat and where the newspapers got this information from, I do not know. But the Government is going to consider this matter during the recess. I can set the hon. member's mind at rest by saying that we do not intend doing anything with regard to the Durban workshops in the way of decreasing its capacity or the number of people working there; and as far as the Booth Line is concerned, that is a parochial matter which I do not propose to deal with here.

Motion put and agreed to.

Bill read a second time.

House in Committee:

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

House Resumed:

The CHAIRMAN reported the Bill without amendments.

The MINISTER OF TRANSPORT: I move as an unopposed motion—

That the Bill be now read a third time.

Mr. SERFONTEIN: I second.

Mr. EATON: I want to thank the Minister for the very courteous reply he gave me in connection with departmental reports. I am

glad that those reports will be made available and I will certainly avail myself of that opportunity.

Mr. GAY: I would like also to express appreciation to the Minister for having taken my advice and for having taken the matter into his confidence in the manner he has shown with regard to the suburban railways. I believe it is a step in the right direction, and will help us to get somewhere. I would like to say to the Minister that I have not yet had time to study the report which he kindly made available and I would like to reserve any discussion on that. I would say to him that he should anticipate that the audience to whom he issued that report will be a very critical one. It will be the eighty odd million passengers who have suffered severely in the last few years on the suburban railways and they are not likely to accept even a Ministerial report unless they see some tangible evidence coming into effect. I realize the difficulties of the Minister and I realize the difficulties of the Administration. I have no doubt that he will do all in his power to see that the suggestions put forward are carried into effect as soon as possible. But I would ask the Minister to continue to exert pressure in order, if possible, to anticipate some of the dates that he mentioned. In 1950, in reply to questions, certain suggestions were made by the Minister with regard to an improvement of the services. It was dependent on the electrification of other areas—the northern suburbs, the Tows River. Apparently difficulties have arisen and it has not been possible for the improvements forecast for 1952 to materialize. I know that to some extent the hon. Minister is dependent on overseas deliveries. We know that 92 coaches were ordered. The Peninsula itself quite a lot of work has to be done in order to get the benefit of new stock when it arrives, and we hope that work will be implemented now. I refer particularly to the track situation between Cape Town and Wynberg. It is quite clear from the replies given to questions a day or two ago that in the peak periods, whilst over a portion of that period additional trains can be introduced, there is a critical period of short duration but of tremendous importance to the passenger service where no additional trains can be introduced. It is true that the additional coaches will permit of longer trains. They will permit of full trains instead of half trains. But I think any work which is done now in advance will shorten the time that the public will have to wait. The passenger increase of just over 5,000,000 in the Cape Peninsula area alone in the past 12 months has been catered for by an increase of one additional first-class coach. Heaven or

Mr. LOUBSER: I said it was my personal view.

Mr. T. O. WILLIAMS: . . . you cannot succeed. You cannot prevent men from getting knowledge. The Minister has said that the policy of apartheid, if applied in the academic field, will be no limitation to academic freedom. I venture to take issue with the Minister on that. To my mind, a university in its own field is something greater than a democratic government. The Government represents the people here, but it is a university which provides the intellectual leadership of the people. The normal representatives of the people can hardly dictate to the cultural heads of the nation. I want to plead here for the principle of the universities being allowed to make their own individual choice in this matter. I am a member of the Council of the University of Natal, and it has already been mentioned here that in Natal a considerable measure of separation exists. I therefore do not plead for the fact; I plead rather for the principle that a university is sufficiently great to make its own decisions in this matter, and if you presume to dictate policy to it by reason of the fact that it receives a subsidy, it will cease to be a university and cease to have that cultural leadership which we desire it to have.

*Mr. DE VILLIERS: Mr. Chairman, it is a recognized fact that education is a powerful weapon or instrument, an instrument or a medium which can be utilized for the advancement, the improvement and the development of the State, but it is also an instrument which can be used to undermine the established and recognized way of life, to undermine existing values and also to undermine the authority of the State. In this respect, since we have our particular problems in South Africa, a multi-racial country, this aspect deserves our attention. We have millions of non-Europeans, the majority of whom are still undeveloped, people who as a result of their standard of living and their standard of civilization are more susceptible to wrong influences and over whom the Europeans still have to exercise guardianship. I say that in this respect it is a question which must receive our attention. It is therefore of the utmost importance that we should guard against these wrong influences, especially as far as education is concerned, influences which may lead not only to the undermining of the authority of the State, of our existing sense of values and way of life, but influences which may endanger our entire future and which may also spoil the future of the non-Europeans and harm their own cause. This is a serious matter and I should like to mention a few things to substantiate this statement. On 23 June 1947, E. C. Roberts, chairman of a non-European teachers' association, the Teachers' League of South Africa, made the following speech at Kimberley and I should like to quote a few extracts from it.

*The CHAIRMAN: What bearing has that on the Vote?

*Mr. DE VILLIERS: This is a matter of policy. I wish to point out that in the sphere of education we should guard against teachers who spread wrong ideas.

*The CHAIRMAN: That is not a question of policy and the hon. member cannot discuss it.

Mr. HEPPLER: Mr. Chairman, I want to pursue the matter dealt with by the hon. member for Musgrave (Mr. T. O. Williams), and that is the question which follows from the statement made by the hon. the Minister this evening that he intends to have an investigation into the question of segregation in the universities. I notice that a number of members on the Government side of the House have dealt with this matter. I agree with him that it is a matter of great importance, but I differ from the point of view which he put forward. In spite of what the Minister has said, this will constitute interference with the freedom of choice inside universities. The question of segregation is a burning one with the students in our universities as well as with leaders of thought in other sections of the community. I disagree with the Minister when he says that this is a violation of the traditional policy and outlook of South Africa. I want to remind the Minister that it has always been the policy of the University of Cape Town and of the Witwatersrand University to practice academic non-segregation. There have never been facilities at other universities for non-Europeans to acquire all higher learning that is necessary. In the past we had no trouble and no difficulty as the result of these non-European students attending the universities. But in recent years the position has been aggravated as the result of political pressure and political propaganda. The cry against non-European students at European universities is loudest outside the universities and amongst those who do not know what is going on at the universities. Unfortunately in the last year there have arisen at some of the universities small bodies of student opinion, which is whipping up racial feeling and which will lead to a great deal of trouble. I agree with the Minister that the generally accepted policy in South Africa is social and residential separation, but in so far as students attending universities are concerned, there has been no difficulty, but there will be considerable difficulty if we as legislators attempt to interfere with the attitude and the thinking of those in our universities. We must understand that the best of a nation comes out of free thought amongst students at the universities. If there is no free thought and free discussion amongst the students, we will produce men like sausages out of a sausage machine. We will not be producing the best minds. What we will be doing is to send our children to the universities with instructions that they should have one-track minds and no freedom of discussion. Does South Africa believe that we can get the best out of our universities if we put the minds of our students in chains, if we are going to prevent them from having free mental intercourse with those of other races? Many of

our best thinkers in South Africa have been to universities overseas, where they associated with people of different colours. There are Cabinet Ministers in this country who have been to overseas universities and who had intercourse with those of different colour. I say that we are now embarking upon a very dangerous path if we are going to interfere with the freedom of thought and discussion in our universities. I also want to add that there is another very important aspect which was dealt with by the hon. member for Transkei (Mr. Stuart), and that is the shortage of facilities. There are inadequate facilities at our universities for non-Europeans. We recently had great difficulty in regard to medical students at the Witwatersrand University which was unable to provide facilities for the training of those non-Europeans. In the apartheid policy of this Government, it is clearly stated that the non-European must be given an opportunity to develop and to serve the interests of his own people. How will they be able to serve their own people as doctors and dentists and other professional men if we are unable to train sufficient of them to render those services to their own people? That is an important aspect that has not been answered, and I hope that the Minister, before his Vote goes through, will elaborate on the point of the provision of adequate facilities for non-Europeans at the universities.

*The MINISTER OF EDUCATION, ARTS AND SCIENCE: Mr. Chairman, I think I have replied sufficiently to the references to apartheid at the universities. I do not intend replying to it any further, because I made my attitude very clear. But may I perhaps just add this. It is inconceivable that the Government will take action at the universities in connection with students who are there already, without creating the necessary facilities, there or elsewhere, for those students who are already there to continue with their studies. The Government will not be so malicious, and I think I can state on behalf of the Government that in this regard, as far as finances permit, care will be taken not to act too harshly towards those people. But the whole matter is under consideration and I hope that the universities themselves will tackle the matter and see to it that the necessary steps are taken to make provision and to give effect to public opinion and to the expectations of the country.

The hon. member for Pretoria (East) (Mr. H. C. de Kock) referred to the Afrikaans Dictionary and asked that more etymological information should be given in the dictionary. I want to tell him that we already find it difficult to afford to issue the dictionary in its present form, and we are in a hurry to issue it as soon as possible. The Board has therefore decided that it is impossible to extend it on the basis suggested by him, because we want that dictionary made available to the public as soon as possible.

The hon. member for Ventersdorp (Mr. Greyling) referred to technical education. The technical colleges and the technical high schools always do the same work, but the technical

colleges provide the educational facilities mostly in the bigger cities, while the technical high schools do it in the rural areas. In regard to undesirable courses at technical colleges, I just want to say that a committee has now been appointed which has been asked to make recommendations in regard to the subsidization of technical colleges and to devote attention to seeing that subsidies are not given to undesirable courses. He asked me three questions. I hope he will not blame me for not replying to them. The replies are contained in the report which he quoted and if there is anything which is not clear to him, the Department will give him the information.

The hon. member for Kensington (Mr. Moore) again raised the question of the subsidization of the University of South Africa. In dealing with the Estimates last year, I gave a detailed explanation of the position, and that position is still precisely the same to-day. There has been no change.

In regard to the National Theatre Organization, I can just say that a promise was made on the recommendation of National Council for Extra-mural Education to make £45,000 available for the National Theatre Organization over a period of three years. Those funds are used for the promotion of the drama in our country, to enable plays to be produced at lower cost for as many people as possible, in the same way as educational institutions they cannot stand on their own feet, and it is for that reason that the State is giving them that subsidy of £15,000 a year. The £20,000 to organizations is an amount which is made available annually to educational organizations through National Council for Extra-mural Education Organization. The Organization gives amounts to various organizations in the country. It is only at the end of the financial year that we know the full details of the amounts made available. If the hon. member is interested in what amounts are awarded, I will give him the information privately. The full information will be available only on 31 March 1954.

The hon. member for Albany (Mr. Bowker) asked a question in regard to the award to the National Monuments Commission. My reply is simply this, that owing to the accumulated funds of the Commission, it was decided to decrease the award. If the Commission cannot cover their expenditure from the accumulated funds plus the Government allowance of £1,000, the Department will make additional funds available in the Additional Estimates. He also referred to the Library for the Blind at Grahamstown. The £250 grant is not made for the purchase of new books, but only to cover administrative expenses. If the management of the library finds that it cannot manage on that £250, we will consider increasing it if they apply to us to that effect. But at the moment we think that they are satisfied with that amount. It is not for equipment. It is only for administrative expenses. I think I have replied to all the questions now. The others I have already replied to.

At 10.25 p.m. the Chairman stated that, in accordance with the Sessional Order adopted on 24 July, he would report progress and ask leave to sit again.

House Resumed:

The Chairman reported progress and asked leave to sit again.

House to resume in Committee on 1 September.

Mr. Speaker adjourned the House at 10.27 p.m.

TUESDAY, 1 SEPTEMBER 1953

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

REPORT OF SELECT COMMITTEE ON SUPPRESSION OF COMMUNISM ACT INQUIRY

Dr. HERTZOG, as Chairman, brought up the Report of the Select Committee on the Suppression of Communism Act Inquiry.

Report, proceedings and evidence to be printed and to be considered on 7 September.

QUESTIONS

I. Mr. BUNTING—Reply standing over.

Amount Collected under Native Services Levy Act

II. Mr. BUNTING asked the Minister of Native Affairs:

- (a) What amount has been collected under the Native Services Levy Act, 1952, and
- (b) what amount has been expended to date and for what purpose.

The MINISTER OF NATIVE AFFAIRS:

I would refer the hon. member to my reply to the hon. member for East London (City) on 14 July 1953, when I gave the collections under the Native Services Levy Act at certain centres up to 30 June, 1953.

I cannot ask local authorities to furnish statistics continuously whenever questions are asked, since full details of income and expenditure must now be supplied quarterly by them, viz., at the end of March, June, September and December in each year. The information asked for will reach my Department in due course for the period ending 30 September 1953, and can be supplied to the House on request during October next.

Mr. BUNTING: Arising from the hon. the Minister's reply, may I ask him whether any of this money has been spent?

The MINISTER OF NATIVE AFFAIRS: I shall reply to that when I receive these statistics.

Hospital Beds Available for T.B. Patients

III. Col. O. L. SHEARER asked the Acting Minister of Health:

- (1) What number of beds are available in the Union for the hospitalization of (a) Europeans and (b) non-Europeans suffering from pulmonary tuberculosis in Central Government hospitals, local authority hospitals, mission hospitals and tuberculosis settlements, respectively;
- (2) whether the number of beds available is adequate for (a) Europeans and (b) non-Europeans; if not, how many more beds are required for each race group;
- (3) what steps does he intend taking to provide additional accommodation;
- (4) whether the accommodation so provided will be adequate to hospitalize all active cases of tuberculosis; if not,
- (5) whether he has any plans for the domiciliary treatment of tuberculosis and what will the cost per patient per day be;
- (6) whether this cost includes provision for additional essential foodstuffs; and
- (7) whether he has any plans for the early detection of tuberculosis; if so, what plans.

The ACTING MINISTER OF HEALTH:

- (1) (a) 403 in Central Government hospitals,
283 in local authority hospitals,
2 in mission hospitals, and
18 in tuberculosis settlements;
- (b) 1,793 in Central Government hospitals,
1,731 in local authority hospitals,
866 in mission hospitals, and
386 in tuberculosis settlements.
- (2) (a) Yes.
- (b) No.

In the case of non-Europeans it is impossible to state with any degree of accuracy the number of beds required as no reliable statistics either of incidence or deaths from pulmonary tuberculosis are available.

(3) It is proposed—

- (i) to provide for additional ward accommodation at certain existing Government hospitals;
- (ii) to utilize for tuberculosis patients such accommodation as is no longer required for hospitalization of venereal disease patients;
- (iii) to utilize for tuberculosis patients such accommodation as is no longer required at certain leper institutions.

(4) No.

(5) Yes, for treatment of persons suffering from certain stages of the disease, at approximately 5s. per patient per day.

(6) Yes.

(7) Yes. In addition to the extension of the existing methods and facilities for early detection, the establishment of radiological facilities at selected centres and the operation of suitably equipped mobile mass X-Ray units.

IV. Mr. G. P. VAN DEN BERG (for Mr. M. Viljoen)—Reply standing over.

Percentage of Postal Votes

The MINISTER OF THE INTERIOR replied to Question No. XIII by Mr. Davidoff, standing over from 18 August:

Question:

- (1) What was the average percentage of voters who applied for postal votes in the recent general election in the Transvaal, Cape Province, Natal and the Orange Free State, respectively;
- (2) what was (a) the highest percentage in any constituency in each Province and (b) the number of postal votes issued in each of such constituencies;
- (3) whether he has had reports of alleged irregularities in regard to postal votes in the recent by-election in Johannesburg (City); if so, what is the nature of such reports; and
- (4) whether he intends introducing legislation to amend the relative sections of Act No. 46 of 1946, as amended, in regard to voting by post; if so, what amendments are contemplated; if not, why not.

Reply:

(1)	Transvaal	11.2%
	Cape Province	12.2%
	Natal	12.0%
	Orange Free State	12.6%

(2)	(a) Highest percentage	(b) Number of postal votes issued
Transvaal	19.2%	1,536
Cape Province	20.6%	1,918
Natal	20.1%	1,774
Orange Free State	17.0%	1,809

(3) No.

(4) No. Amendments are not considered necessary at this stage.

Average Consumption of Protein per Head of the Population

The ACTING MINISTER OF HEALTH replied to Question No. III by Col. O. L. Shearer, standing over from 21 August:

Question:

- (1) What is the average consumption of protein per head of the population by Europeans, Coloured persons, Asiatics and Natives, respectively, through the medium of (a) meat and (b) fish; and
- (2) what is the average consumption of fats per head of the population by Europeans, Coloured persons, Asiatics and Natives, respectively, through the medium of (a) milk, (b) butter, (c) margarine and (d) vegetable sources (excluding margarine).

Reply:

- (1) The information requested by the hon. member is not available. According to the most recent statistics the average per caput per diem consumption irrespective of racial groups is:— (a) meat, 14.29 grammes, (b) fish, 2.46 grammes.
- (2) Consumption by racial groups not available. Per caput per diem consumption irrespective of racial group is:— (a) 6.81 grammes, (b) 6.48 grammes, (c) Not available, (d) 21.95 grammes.

Calorific Value of Bremer Bread

The ACTING MINISTER OF HEALTH replied to Question No. IV by Col. O. L. Shearer, standing over from 21 August:

Question:

- (1) What is the calorific value of a loaf of Bremer bread;
- (2) what number of calories are derived from the various fortifying ingredients, namely, (a) proteins, (b) fats and (c) carbohydrates; and
- (3) whether the Department of Nutrition has carried out research to ascertain

Banning of Trade UnionsHepple
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criminals. There are a great number of these dealers in second-hand goods who are honest and decent people and I hope they will not raise objections to measures taken by us to compel them to comply with certain demands which will enable us to catch these receivers of stolen goods. What do the criminals do with all the goods they steal? They cannot sell them on the streets. Goods taken from a shop or from a house disappear overnight. Those goods must go somewhere and they go into the hands of receivers.

There are other matters in connection with the police which I shall rather discuss when we come to the Police Vote. I think I have now replied to all the questions that have thus far been put to me.

Mr. HEPPLE: The Minister has very briefly and in a very roundabout way replied to the questions raised in connection with his activities with regard to the Suppression of Communism Act. I would like to pursue this matter a little further with the Minister. I do not want to criticize the Act; we have done that already.

Mr. A. STEYN: Don't go too far, old chap.

Mr. HEPPLE: Mr. Chairman, I hope the hon. member for Kroonstad (Mr. A. Steyn) is not going to be allowed to continue in this way.

The DEPUTY-CHAIRMAN: Order! The hon. member may proceed.

Mr. HEPPLE: I do not know, Sir, whether you can hear what is going on in this corner. [Interjections.]

*The DEPUTY-CHAIRMAN: Order! I want to ask the hon. member for Kroonstad to stop making these interjections.

*Mr. A. STEYN: On a point of order, is the hon. member entitled to complain about interjections from this side when members from that side are continually making interjections.

*The DEPUTY-CHAIRMAN: That is not a point of order; the hon. member may proceed.

Mr. HEPPLE: I want to pursue this matter a little bit further with the Minister. On 21 of July the Minister replied to a question which I had put to him in connection with this Act.

The MINISTER OF JUSTICE: Last year?

Mr. HEPPLE: No, this year. I asked the Minister how many persons had been placed on the Liquidator's list since the passing of the Suppression of Communism Act, and how many of the persons concerned were trade union officials or members. The Minister replied that 516 persons had been placed on the list up to that stage and that 53 were officials of trade unions but he was unable to state, as he had no records, how many of

these persons were members of trade unions. In connection with the 53 who are officials of trade unions, the Minister has tonight quoted a long list of trade unions which he said were in the hands of Communists or who had Communists as their secretaries or officials. What the Minister has said tonight shows an abysmal ignorance of the practice of trade unions. The members of trade unions elect their officials, and either these Communists are very, very clever or they are able to be so convincing and persuasive in their manner, that they can get thousands of members of trade unions to elect them to official posts. The Minister knows that that is absolute nonsense because that is not what happens. Despite our political disagreement with the Communists we must admit that in so far as the trade unions are concerned they have had the support of the rank and file because of their ability to do a good job of work in the trade union movement. What is happening to-day because of the action of the Minister under the tyrannical powers he possesses under this Act is that the trade union movement is being broken up; that is what is happening. Sooner or later the trade unions in South Africa will reach the position where the only type of trade union that will be allowed to remain will be those subservient to the policy of the Nationalist Party. That is what is happening very rapidly. I can tell the Minister that there are considerable numbers of very good people in the trade union movement who are afraid to open their mouths to-day because they do not want to fall foul of the Government. There is a reign of terror amongst the trade unions in this country.

Mr. A. STEYN: That is nonsense.

Mr. HEPPLE: That is quite true, and I want to tell the Minister that in some unions they are having a great deal of trouble to replace the officials who are removed by the edict of the Minister. These trade unions are placed in a very difficult position in bargaining with their employers. I speak very strongly in this matter because the Minister knows that I have taken up some of these cases with him with absolutely no success whatsoever. I have asked the Minister either to withdraw his ban on these trade union leaders or to postpone the application of such orders for a period of about six months in order to enable these trade unions to conclude negotiations with their employers. I want to draw attention now to a very serious development that has taken place. In reply to a request which I made to the Minister in relation to two trade union officials, the Minister very courteously listened to my plea and then he called for an up-to-date police report on the two officials concerned. I naturally assumed that on those grounds the Minister was amenable to reason and that if these up-to-date police reports showed that these two trade union officials had behaved themselves and were not in any way violating the laws of the land, the Minister would show some compassion in dealing with these matters. But what was the result? After receiving the police reports, the Minister decided that he could not change his original orders. This is a very sig-

nificant thing because behind this decision of the Minister's which he based upon up-to-date police reports is the sinister accusation against these people that they are guilty of some offence committed after the passing of the Act.

Mr. M. J. VAN DEN BERG: Are you acquainted with the reports?

Mr. HEPPLÉ: The hon. member for Krugersdorp (Mr. M. J. van den Berg) asks me whether I am acquainted with the report. No, that is the tyranny of this law. Nobody but the Minister is acquainted with these reports. This police report must contain some damning evidence against these officials.

Mr. MENTZ: Surely they know better than you do.

Mr. HEPPLÉ: I don't know if they do know better than I do, but I want to say that the tyranny of this law is that people are being judged and punished under secret orders and on the strength of secret reports. There is no means for these individuals to find out where they are transgressing the law; these people are being punished under the secrecy of the law.

Mr. M. J. VAN DEN BERG: No.

Mr. HEPPLÉ: Yes, they are and hon. members on the Government side who protested so vigorously against Star Chamber methods in South Africa, are to-day defending such methods. I am not concerned with the politics of these individuals but I do say that it is a disgrace to this country that people can be punished under secret laws, on secret reports, that are used under a law that gives the Minister tyrannical powers. The Minister is answerable to no one. He has powers under this Act to do whatever he likes and he is not even answerable to Parliament.

Mr. POTGIETER: That is the way to deal with Communists.

Mr. M. J. VAN DEN BERG: They will be able to get access to the report.

Mr. HEPPLÉ: I hope the Minister heard the interjection from the hon. member for Krugersdorp. I hope the Minister will tell us whether it is true that these individuals will be able to get access to these reports; whether they will be given an opportunity to read those reports and find out what it is in those reports that have put these individuals in this position. I want to make a plea to the Minister tonight. When I put my question to which he replied on 21 July, I specifically asked how many of these people were trade union officials. I further asked—

In how many cases did the Minister of Justice consult with the Minister of Labour in terms of Section 53 of the Suppression of Communism Act.

The Minister replied—

In all cases where trade union officials were concerned the provisions of the law were carried out.

I accept that, but I want to tell the Minister of Justice of my own experience. I went to the Minister of Labour with these cases to which I am referring and I said to the Minister of Labour: "Here is the information from these two trade unions; they are being put in a very difficult position as a result of these orders which have been served on their secretaries." The Minister of Labour replied: "I cannot do anything about it; once their names have been placed on the list it is entirely a matter for the Minister of Justice." Now we see the whole farce of that law because it remains in the hands of the Minister of Justice who is the judge and the jury and the executioner. He is everything rolled into one. [Time limit.]

*Mr. VORSTER: This evening I was informed that the hon. member for Hottentots-Holland (Sir de Villiers Graaff), referring to my contention last night that 91 persons were declared innocent by the Supreme Court and were afterwards arrested and interned by the previous Government, replied that Sachs, who was named as a Communist by the Minister of Justice, was declared by the Court not to be a Communist. What I know about the matter is the following, and I am addressing this to the leader of the Labour Party in this House as well, that in the case of *Sachs v. Du Preez*, the hon. Mr. Justice Nesor said of Solly Sachs who has often been defended by hon. members on that side of the House, and not only here, but also on the steps of the Johannesburg City Hall . . .

*Mr. LOVELL: That was a later case.

*Mr. VORSTER: I do not care if it was a later case or not. All I know is that in 1946 Judge Nesor gave this ruling . . .

*Mr. LOVELL: In 1950 there was another case.

*Mr. VORSTER: The hon. member wants to get away from this decision, but all the same I am going to read it to him, and rub it in. Judge Nesor said the following—

That plaintiff has used the *Garment Worker*, the official magazine of the Garment Workers' Union for the purpose of spreading Communism among the garment workers, was established by the production of numbers of issues of the *Garment Worker*, and it was admitted that plaintiff is the editor of the English portion of that magazine.

But the hon. judge went further and said this—

Plaintiff in evidence admitted that he was a Communist, but stated that Dr. Diederichs's views of Communism were nothing but propaganda.

take place, but I would say to that hon. member that he is not the only person who has had experiences of police forces in difficult times. The hon. the Minister, in an expansive moment, once admitted that he had been in prison on one occasion. I, Sir, have had unpleasant experiences with the Police in several countries of the world. Unlike the Minister, I once had a price on my head, but it was not in South Africa and I am not ashamed of it.

An HON. MEMBER: How much was it?

Sir DE VILLIERS GRAAFF: It was considerable. I heard it was in the region of 10,000 Marks. But I would say this, that as the result of that experience and certain other experiences, my respect for the South African Police Force and the administration of justice in South Africa is very great, and I am convinced that even if there were injustices in difficult times during the war, I think they were fewer in this country than in most other countries in the world involved in hostilities.

*Mr. MENTZ: Mr. Chairman, unlike the hon. member who has just resumed his seat, who gave some praise to the Police, the hon. member for Parktown (Mr. Cope) rose here and launched a tremendous attack on the Special Branch of the C.I.D. and on the Minister. In regard to the Special Branch, he said, *inter alia*, that—

The Minister is creating a dangerous weapon.

That is the respect the hon. member has for the Police, but that is typical of the United Party. One United Party member praises the Police and the other condemns them.

But the hon. member went much further. He is really condemning the Special Branch of the Police which has to deal essentially with Communism, because they are supposed to have cross-examined certain spiritual leaders. What is wrong with it?

*Mr. LOVELL: What is right about it?

*Mr. MENTZ: There are certain spiritual leaders who have to be watched. A man cannot be allowed to do just as he likes because of the fact that he is a spiritual leader. That is no excuse for the attack launched on the Police and on the Minister by that hon. member. In the same way as they have the right to interrogate any private person, they have the right to question a spiritual leader. Then he also told us about the other case where an individual was cross-examined and what a terrible night the man had. What about it? Many of us experienced even worse nights than that during the war. I myself was surrounded by detectives every day and if they had reason to cross-examine me I had no objection to it. But I do not blame that hon. member. We have known him for years. Is it not that same hon. member who, when he was

Editor of the *Forum* in 1947, wrote that the United Party should in future lay down as its policy firstly—

To review the colour bar in industry.

He recognizes absolutely no colour bar. Secondly, did he not in the same leading article write that he wants to abolish all passes in South Africa?

*The MINISTER OF JUSTICE: Then there will be crime.

*An HON. MEMBER: What has this to do with the Vote?

*Mr. MENTZ: The hon. member should rise if he wants to say something. Therefore I say that we will not take much notice of that hon. member.

But I want to deal with the hon. member for Albany (Mr. Bowker). He made an attack on the new members of the House who are now so precocious as to criticize the older members in the House. Were those new members elected to come and sit here with their hands around the necks of the United Party members? In passing, I just want to say that for the whole of this Session the House has been dead, even when the hon. member for Salt River (Mr. Lawrence) was present. What will it be like without him? Now he wants these new members to do the same. No, these new members have a responsibility towards their constituency and it is their duty to act here as they did. Now the hon. member for Albany blames the hon. member for Nigel (Mr. Vorster) for his speech. He says: In Heaven's name, let us forget the past, it was war-time. I want to tell the hon. member that if he has to experience what many of the Afrikaners have had to experience I wonder whether he would be prepared to forget it. If he were to experience what that hon. member experienced, he will say as I do, that we will forgive but never forget.

*Mr. B. COETZEE: Have you forgotten about the post offices you blew up?

*Mr. MENTZ: Just listen to the nonsensical remark of the hon. member for North Rand (Mr. B. Coetzee).

*Mr. B. COETZEE: Who blew up that post office?

*Mr. MENTZ: Let him rather look at "Fyn Goud". I just want to tell the hon. member for Albany this. He should not expect too much. We do not always ask you to forgive us. After all the injustices done to the Afrikaners—and they were thrown into gaol innocently—he complains to the Minister that his motor car was damaged. What he said further I could not even understand.

But I want to turn to the hon. member for Rosettenville (Mr. Hepple) and tell him this, that if ever an irresponsible speech was made,

he made it here, and he is the Leader of his Party. In the beginning of his speech he wanted to protect the people named as Communists on the list. [Interjections.] The hon. member for Benoni (Mr. Lovell) also said so. Now I want to know: How can one in a time of crisis such as we have in South Africa at present, in dangerous times, sit in the same House with such people, people who take the Communists under their wing? He complains and says the Minister should keep his hands off the trade unions. But it is just there where all the trouble starts in the country if there are Communists in control of the trade union.

*Mr. LOVELL: There is no trouble.

*Mr. MENTZ: If that hon. member were to know a little more about the workers, it would be a good thing. I do not believe that there ever before was a time when the trade unions were as satisfied with a Minister as the present. But I want to tell hon. members this. They can complain and do what they like. This Government is determined to eradicate Communism completely. However much we protect the trade unions and try to meet them, this Government will not allow any Communist to be the leader of a trade union. He complained about two trade union leaders and asked the Minister to take them off the list, but the Minister has the Police reports and according to those reports they cannot be assisted, and he now complains that the Minister does not want him to have the information. Is it in the interests of the country to publish all those reports? That is a reflection on the good faith of the Police who deal with the matter. His whole attitude to-night was protective towards the Communists in South Africa. I therefore say that the Government will not take any notice of it.

But I want to turn to a few of the hon. members who spoke last night, namely, the hon. member for Fort Beaufort (Mr. V. G. F. Solomon) and the hon. member for King William's Town (Mr. Warren). They attacked the Minister. The hon. member for King William's Town complained to the Minister because the penalties imposed on young Natives are not heavy enough. He should rather quarrel with the courts which impose those penalties, and not with the Minister, but he is a man who regards the courts as holy. But two years ago he and his whole party opposed the legislation submitted by the Minister to impose heavier penalties. He then had the opportunity to assist the Minister in this respect, but it just shows what the attitude of those members is. Then I want to deal with their real leader at present, the hon. member for Salt River (Mr. Lawrence). [Time limit.]

Mr. HEPPLÉ: The hon. member for Westdene (Mr. Mentz) has a facility for making a number of general statements and never trying to substantiate them. He has accused me of making an irresponsible speech here tonight. I want to tell him that I stand by every word I have said. I want to remind the hon. mem-

ber for Westdene that he is hiding behind a law which deprives people of the right of access to the courts. I want to know whether the Nationalists of South Africa are proud of that law and proud of hiding behind a law which does not give people the right to defend themselves in a court of law.

*Mr. J. E. POTGIETER: On a point of order, is the hon. member entitled to criticize an existing law?

The CHAIRMAN: The hon. member is not entitled to attack the law.

Mr. HEPPLÉ: I attacked the law when it came before this House. I am not attacking it now.

*Mr. MENTZ: On a point of order, the words of the hon. member were that we are hiding behind this law.

The CHAIRMAN: The hon. member should not say that.

Mr. HEPPLÉ: I say that this law makes it possible for the gentlemen on the Government side to deal with people in this country without giving them the right of access to the courts. That is what I said. Now I want to deal with the point raised by the hon. member for Nigel (Mr. Vorster). I sympathize with the hon. member for Nigel and others who have suffered from injustice in this country, but I appeal to them not to defend injustices today. [Interjections.]

The CHAIRMAN: Order!

Mr. HEPPLÉ: We do not want to perpetuate injustice in South Africa and the hon. gentleman at the back there should be reminded of the fact that it was the hon. member for Krugersdorp (Mr. M. J. van den Berg) who was the Deputy-Leader of the Labour Party in those days, and he should discuss the Labour Party's policy of those days with him and not with me. [Interjections.] Throughout the war years the hon. member for Krugersdorp was the Deputy-Leader of the Labour Party and he was a captain in those days so they should discuss it with him in their caucus. I want to tell the hon. member for Nigel that he is quite right in quoting the case he did, but one can keep on quoting cases in relation to Communism. The latest decision in that regard was taken in the Witwatersrand local division of the Supreme Court in May 1951. That was a case which the hon. member for Ermelo (Dr. Hertzog) should remember very well. Sachs sued the Werkerspers for heavy damages because that press had accused him of being a Communist, and this is what the judge said—

In this case I can but agree with the argument for the Plaintiff that the attack has throughout been defamatory because it was persisted in . . . up to and after the issue of summons . . . and it showed malice on the part of the Defendant.

Then in giving judgment, the judge said—

Claim No. 10 is, I consider, serious, not only because of the allegation that the Plaintiff (Sachs) is a Communist but because of the way in which this is made, by suggesting that he is a concealed one and because of the attributes given to such a person by the definition of 'Communist'.

And the damages were £500. I leave that matter there.

An HON. MEMBER: Was the man given damages because he is not a Communist?

Mr. HEPPLÉ: For the edification of the hon. member, let me tell him this. You are not dealing with Communists as Communists. You are dealing with statutory Communists.

An HON. MEMBER: How many types of Communists have you got?

Mr. HEPPLÉ: Under the definition of the Act . . . it is no good hon. members shaking their heads about it. The test as to who is a Communist is not if the man is really a Communist but whom the Government says is one. That can include anyone, because the power vested in the Government is to name anyone as a Communist. So we are not dealing with real Communists but with people who are called Communists by the Government, and that is our protest. The hon. member for Westdene cannot rebut that argument because that is a fact. The law says, and the courts have upheld it, that it is not for the courts to interpret it. Whoever is named by the liquidator as a Communist is a Communist.

At 10.25 o'clock p.m. the Chairman stated that, in accordance with the Sessional Order adopted on 24 July, he would report progress and ask leave to sit again.

House Resumed:

The CHAIRMAN reported progress and asked leave to sit again.

House to resume in Committee on 3 September.

Mr. SPEAKER adjourned the House at 10.27 p.m.

THURSDAY, 3 SEPTEMBER 1953

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

REPORT OF SELECT COMMITTEE ON CROWN LANDS

Mr. LOUBSER, for the Chairman (Mr. Liebenberg), brought up the Report of the Select Committee on Crown Lands.

Report to be considered in Committee of the whole House on 10 September.

IMMIGRANTS REGULATION AMENDMENT BILL

Leave was granted to the Minister of the Interior to introduce the Immigrants Regulation Amendment Bill.

Bill brought up and read a first time; second reading on 7 September.

COMMITTEE OF SUPPLY

First Order read: House to resume in Committee of Supply.

House in Committee:

[Progress reported on 2 September when Votes Nos. 1 to 19, 26 to 29, 40 to 43 and 47 had been agreed to; precedence had been given to Votes Nos. 20 to 24 and Vote No. 20—"Justice", £266,000, was under consideration.]

Mr. HEPPLÉ: When the Committee adjourned yesterday I was dealing with the question of the administration of the Suppression of Communism Act. I would like to ask the hon. the Minister if he would elaborate on the explanation which he made last night in regard to the changes which he has made in the notices which he is serving upon individuals in terms of the Suppression of Communism Act? Originally, under Section 9 of the Act, the Minister was serving a notice which read as follows:

Under the powers vested in me by Section 9 . . . you are hereby prohibited from attending any gathering whatever within the Union of South Africa or the territory of South-West Africa for a period of two years from date hereof, other than gatherings of a bona fide religious, recreational or social nature.

Very recently the hon. the Minister has changed the wording of that prohibition, and the prohibition to-day reads as follows:

Whereas in my opinion there is reason to believe that the achievement of the object of Communism would be furthered if you were to attend any gatherings in any place within the Union of South Africa, now therefore, I, Charles Robbert Swart, in my

capacity as Minister of Justice in the Union of South Africa, by virtue of the powers conferred upon me by Section 9 of the Suppression of Communism Act of 1950 (Act 44 of 1950) as amended, do hereby prohibit you from attending during the period of two years as from the date that this notice is delivered or tendered to you, any gathering in any place within the Union of South Africa.

Last night the hon. the Minister explained that there had been difficulty in the application of these orders because it had been found that where political gatherings were taking place, people suddenly began to pray at the appearance of the police, and that, therefore, it was difficult to implement that section of the notice dealing with religious and social gatherings. I fail to understand why the hon. the Minister has made this very peculiar change, because it does not seem to me to meet the difficulty that he has had in the past and might have had in the future. The Minister's blanket prohibition of the individual under the Suppression of Communism Act has been explained by the Minister as overcoming an administrative difficulty. I would like to quote what the hon. the Minister said in an interview with the Press recently. The Press suggested this:

It has been suggested that the orders in their new form would technically prevent people concerned not only from attending political or industrial meetings but also from going to church, the cinema, to the races, to dinner with their families, or joining a bus queue.

And the Minister explained as follows:

But Mr. Swart told me to-day that this was neither the purpose nor the intention. The purpose of the change was to overcome differences in the provisions of the Suppression of Communism Act and the Riotous Assemblies Act. People had had their activities restricted under both these measures, and because the two Acts said somewhat different things, the simpler and wider form of restriction was used for all. Mr. Swart said that anyone on whom this general restriction was placed might apply to him for such social, religious or recreational exceptions as he might require, and these applications would be sympathetically considered.

What I would like the hon. the Minister to explain to the House is this: If a person has this prohibition placed upon him, must he, in every single instance, if he wants to go to church or to the bioscope, or to the races or gatherings of that kind, must he in each single instance make an application to the Minister? [Time limit.]

*Mr. P. W. DU PLESSIS: Mr. Chairman, the day before yesterday the hon. member for Fort Beaufort (Mr. V. G. F. Solomon) expressed his regret in this House that young

members on this side dare rise here and say what they feel on the Justice Vote. He even went so far as to refer to the hon. member for Nigel (Mr. Vorster) as a young member who has been in the House hardly a month. He evidently wanted to create the impression that in order to qualify as a speaker in this House an hon. member should have years of experience and sit here for years before making a speech. I want to give the hon. member for Fort Beaufort the assurance that I respect his grey hairs. We younger members on this side have much respect for him and for his experience. But I just want to ask him this. I want to ask him to remember that this side of the House has expanded considerably during the last few years, so much so that we have overflowed to that corner over there. I want to draw his attention to the fact that thirty per cent of the new members on the Government side are legal men.

*An HON. MEMBER: What a pity.

*Mr. P. W. DU PLESSIS: I hear somebody who does not know much about law say that it is a pity. But we who are legal men take no notice of that. Those people will come to their senses, even though it takes a long time, and even if it does not happen in their lifetime it will happen in the hereafter. We who are in contact every day with the administration of justice in South Africa have got to know our Minister of Justice. We have got to know his officials, and when people living in glass houses continually throw stones and even mud at the hon. the Minister and his officials and the people who serve under him, we dare not remain quiet. It is not so much that we like to speak but it is our solemn duty. I can give that hon. member and others who continually say that the younger members should remain quiet the assurance that they are hearing the voice of young South Africa and they will never again be able to dam the stream of nationalism as long as they live.

The hon. member for Parktown (Mr. Cope) made a plea here. He was very serious and he complained about cases where members of the Criminal Investigation Department questioned certain people, people in the service of highly-placed persons. He referred, inter alia, to bishops and parsons. I do not want to attack the hon. member in any way, but as a member representing a Rand constituency, I want to ask him whether he realises what a difficult task the C.I.D., the Police and the Department of Justice have on the Rand, especially in view of the fact that even to-day still thousands of Natives are coming in; we can almost say that they are still daily flowing into the cities. I want to ask him whether he does not realize the danger of Communism in our country. If he realises it, I want to ask him whether he is opposed to the combating and eradication of Communism. If he is, I want to ask him to accept my assurance and to be satisfied that the combating of Communism is in the able hands of the C.I.D. in South Africa, that they do their work very well and that in that direction they have already rendered invaluable services to

Mr. HEPPLÉ: Yes, there are plenty.

The MINISTER OF JUSTICE: Let me ask him whether Mr. Sam Kahn was a Communist. No, he does not know. In this House and on the committee he and his party said that Mr. Sam Kahn was not a Communist and if Sam Kahn is not a Communist who on earth is a Communist?

Mr. HEPPLÉ: Not according to the definition of Communist in the Act.

The MINISTER OF JUSTICE: They tried to make the world believe last year that Sam Kahn was not a Communist.

Mr. HEPPLÉ: Not in terms of the definition—not a statutory Communist.

The MINISTER OF JUSTICE: No, my hon. friend cannot get away with that. In this House we find that they keep on defending Solly Sachs. It is very strange that the Opposition should be so concerned about Solly Sachs. One would swear that he was their close friend, one of their bosom friends, judging by the way they continually defend him.

Mr. DURRANT: Where do you get that from?

The MINISTER OF JUSTICE: Of course that is so. Whenever Solly Sach's name is mentioned they rush to his defence. Last night the hon. member for Nigel (Mr. Vorster) quoted from a judgment by Mr. Justice Nesor to show that Solly Sachs is a Communist. What happened? The hon. member over there got up and quoted another judgment to show that Solly Sachs was not a Communist. Last night I quoted from a report by the previous Government dealing with Solly Sachs and the Garment Workers' Union. In their own report they say—

The Garment Workers Union is under Communist control, under E. S. Sachs, a well known Communist member.

Now they come along and say that the courts have found that he is not a Communist. Of course, they always choose only those judgments which suit their book; what is said in other judgments they ignore.

The hon. member for Rosettenville dealt with the question of trade unions and the removal of Communists from trade unions. According to him that is a great sin. He says that members ought to be free to elect their secretaries. When I took steps against Mr. Sachs the South African Trades and Labour Council cabled the World Trade Union Organization urging them to protest against the rise of Fascism and to defend the South African trade unions. They called in the assistance of the whole world outside and amongst others, the assistance of the British Trade Union Congress. I quote from a report which

appeared in the *Cape Times* of 20 May, 1952. It is interesting to see the following report which appeared three years earlier, to the following effect—

The Central Council of the Trade Union Congress served notice last night on British Communist that they would be removed from positions in which they might influence trade union policy and activity.

That is what the British Trade Union Congress does, but when I do it here, it is a mortal sin.

Mr. HEPPLÉ: But they do it themselves.

The MINISTER OF JUSTICE: Yes, they do it themselves but the trade unions in South Africa won't do it so I have done it because it is in accordance with the policy of the Government and the policy of the country, a policy approved by the electorate. Here they appealed to the British Trade Unions for assistance but the British trade unions themselves realized that the position was so serious that they banned Communists from their own organizations. We have to be very careful of the Communists in South Africa. Hon. members pointed out at the time of the passing of the Act that the Communists would go underground. We were well aware of the fact that they would go underground, and to-day they have large numbers of societies and councils and committees, which have been established ostensibly for peaceful purposes, organizations with fine-sounding names and with lovely ideals. Now, of course, there is the Liberal Party. The hon. member for Cape Eastern (Mrs. Ballinger) would not refuse admission to her Party to Communists, would she? Let me mention a few of these organizations: You have the South African Society for Peace and Friendship with the U.S.S.R., you have the African National Congress, the African National Congress Youth League, the Indian Congress, the Coloured Franchise Action Council, various Indian congresses, the Congress of Democrats of South Africa, the People's Congress, the South African Peace Movement, the Transvaal Peace Council, the Cape Vigilance Assembly, the Springbok Legion, the United Action Committee, the Africa Club, the Modern Youth Society and other organizations with such sweet-sounding names and beautiful ideals. These are the methods to which the Communists are now resorting.

Mrs. BALLINGER: Would it not have been better to leave the Communist Party above ground?

The MINISTER OF JUSTICE: Certainly not. In our Orders we are now prohibiting named Communists from taking part in the deliberations and discussions and activities of any of these bodies because they are using these organizations merely as a blind to enable them to carry on with their Communist propa-

ganda. I repeat that it is not the policy of this Government to break up or to attack the trade unions, but to take out those Communists from positions of control within the trade unions, and in every case, according to the provisions of the Act, I have consulted the Minister of Labour, and in every case he has agreed that it is necessary to do so. If the Minister of Labour tells me that in his opinion an order should not be served on a particular trade union leader, I would certainly not do so.

Mr. HEPPLÉ: He will never say that.

The MINISTER OF JUSTICE: Why not?

Mr. HEPPLÉ: Because he is your colleague.

The MINISTER OF JUSTICE: I have more faith in the independence and common sense of my colleague. I have never been able to get a reply to this question but I want to ask the hon. member again, why is it that in so many of these trade unions we find that Communists occupy the controlling positions of secretary or some other post of control? Is it not strange? You have a trade union consisting of thousands of members and only 10 or 12 or 15 of the members are Communists, but you find that the man in control is a Communist. He holds the reins. Those are the internationally known tactics of the Communists. The hon. member can take it from me that we shall go on with this policy of removing Communists from the trade unions as far as possible.

Mr. SUTTER: All except Pettersen.

The MINISTER OF JUSTICE: He is not a member of a trade union; don't talk nonsense.

Mr. SUTTER: All except Pettersen.

*Mr. POTGIETER: On a point of order, is the hon. member for Springs (Mr. Sutter) in order in casting reflection on a member of the Other Place by suggesting that he is a Communist. I should like to have your ruling. He has cast a reflection on a member of the Other Place. He describes Senator Pettersen as a Communist.

*The CHAIRMAN: The hon. member has no right to make such accusations.

HON. MEMBERS: He must withdraw it.

Mr. SUTTER: I naturally bow to your ruling, but under the circumstances I would like enlightenment on the subject. If you are right on this occasion, how is it that on one occasion for forty minutes I was allowed to say identically the same thing in a speech while Mr. Speaker was in the Chair. If it was in order then why is it not in order now?

The CHAIRMAN: Is it not in order. It has been raised now as a point of order, and my ruling is that the hon. member is not in order.

Mr. SUTTER: So, we get two different rulings.

The CHAIRMAN: Order! The hon. member is now reflecting on the Chair.

Mr. SUTTER: No, I am not reflecting on the Chair; I am merely saying that there are two different rulings.

The CHAIRMAN: There was no ruling in that case but I have given a ruling now, and the hon. member must observe it.

Mr. SUTTER: With all respect, I bow to your ruling.

The MINISTER OF JUSTICE: No, you are not bowing to it.

Mr. SUTTER: I accept it but I am faced with the position that there are two rulings on this matter.

The CHAIRMAN: The hon. member must accept my ruling unconditionally. He must not argue the point.

Mr. SUTTER: I have said that I accept it unconditionally but I say that there are now two rulings.

*Mr. SERFONTEIN: On a further point of order, if your ruling is that what the hon. member has said here is not in order, then I take it that where a member of this House has accused a member of the Other Place of being a Communist he will then be asked by the Chair to withdraw that imputation and in the circumstances I should like to ask you to order the hon. member to withdraw what he said with regard to a member of the Other Place.

Mr. SUTTER: I have withdrawn it. I merely ask for an explanation. Mr. Chairman, am I not entitled to an explanation? I withdraw what I said unconditionally. I accept your ruling and if I am not entitled to an explanation, will you tell me so?

The CHAIRMAN: No further explanation is necessary. The hon. the Minister may proceed.

The MINISTER OF JUSTICE: I come now to the hon. member for Parktown (Mr. Cope) who raised the question last night of the Special Branch of the Police. The hon. member was quite fair in raising that point; he had every right to raise it and to mention incidents which he regarded as unjustifiable interference with the private affairs of the people. But I want to point out that there has been an agitation, especially in the newspapers and I believe by certain public speakers in the past few months against this special branch. I want to mention one incident which happened before the election to show how far people will go in fouling their own nests. The Special Branch has existed all these years; it has been used by both Governments and the Special Branch of

Mr. STARKE: Can the Minister not give them guidance?

The MINISTER OF JUSTICE: No, I have no say in the matter whatever.

Mr. STARKE: May I then refer to it in another way? I would like it to be regarded from the viewpoint of apartheid. I am thinking of a particular bottle store that was so situated that the Coloured people going from that bottle store to the areas in which they live had to by-pass the European area. There was then an application for the transfer of that licence to another site. Strenuous opposition from all sections of the community was brought to bear against its removal from that site, but to no effect. The position to-day is that this particular bottle store is now in the centre of a European area, and the traffic of the Coloured people coming to that bottle store is right through that area.

The MINISTER OF JUSTICE: I have no remedy for that. I have no say in it at all, it is a matter for the Liquor Licensing Board.

Mr. STARKE: I would then like to deal with another matter. I believe this matter has been dealt with before. I refer to the question of the slaughtering of dairy cattle in the Cape Flats. We know that this slaughtering of dairy cattle occurs everywhere, but the position has become extremely serious in the Cape Flats recently. Admittedly, it is not as bad to-day as it was a little while ago when there was a far greater number of cattle in that area, but with the squatting of Natives in the Cape Flats this has become a matter of considerable concern to the people in that area. Dairy cows are stolen from the kraals at night and before they can be traced they are slaughtered, the meat is disseminated and there is no evidence as to where that meat came from. Members of the Cape Flats Farmers' Association of which, until recently, I had the honour to be chairman, went as far as to say that if nothing could be done about the matter they would take the law into their own hands; they would arm themselves and they would shoot at sight. They were constrained not to take such drastic action, but the time will come when, unless something can be done, these people might take steps that they would not otherwise like to take. However, this matter has been dealt with before, and in view of the fact that I may not elaborate on the question of bottle stores, I shall leave it at that.

*Dr. J. H. O. DU PLESSIS: I am sorry that the hon. member for North Rand (Mr. B. Coetzee) is not here at the moment, because I would have liked to give him a brief reply. In passing I would like to tell him this, that our objection during the war was never that persons who had committed crimes or who were spies, were taken to court. What we objected to in particular was that during the war years, apart from the Police, they made use of a system of eavesdroppers who listened at key-

holes to make life unpleasant for innocent people, to persecute innocent people, as a result of which many of them landed in internment camps without a hearing. That was the system we objected to, a system which was the cause of many people in those days strutting around crying war, people who hid behind chairs and desks, took refuge behind the blood of men at the front, while they themselves were too cowardly to don uniform. Those people by their conduct were the cause of our legal system coming under suspicion during the war.

I rose in particular to reply to my hon. friend, the member for Parktown (Mr. Cope). Unfortunately he is not here either. He asked the hon. the Minister questions about the special branch of the Police and he referred to certain incidents which took place. Now I would just like to provide the Committee with proof of a Communist who to-day travels round in the United States of America and relates in public how he came here to South Africa to organize for the Communists. Mr. Chairman, I hope that you will allow me to touch on it briefly so as to demonstrate what the task is of this special branch of our Police. I quote here from a document that came from the South African Information Office in New York. It is a copy of a radio broadcast which took place in the United States on 15 June 1952. On that occasion a certain announcer, Fred Robbins, invited from the audience a person called Harvey Matusso—I take it that he was a non-European; he came to the microphone because he said from the audience that he had been a Communist but was no longer one. He came to the microphone and told the audience—and it was broadcast over the entire network of the United States—how the peoples of South America, Africa and other countries are treated and how they are discriminated against. I am going to read two paragraphs—

I've gone through Latin-America while I was a Communist, and they can't understand and they don't like the treatment that the people from those countries receive when they get there, and it's being used as a question of not only Negro people but the coloured peoples of the world are being discriminated against by the American "imperialists" . . . And at the same time that the Korean war started, Mr. Malan of South Africa said, well, I'm taking over South West Africa. You all remember the Seretse Khama incident. Well, at that point the United Nations, I believe the court, the world court in The Hague, said no, you can't. Mr. Malan said well, you can just try and stop me, and nobody stopped him. But we went into South Africa at that time. I was still in the Communist Party then, and the propaganda machine started rolling.

Now this Communist testifies in America that a few years ago he succeeded in infiltrating into the Union. Whether he came in under the name of Harvey Matusso or under an alias, we do not know, but he came in to come and help set the Communistic propaganda machine

going. He helped their organization here, and now he has returned and boasts about it in the United States. I quote it merely as a single piece of evidence, in reply to the statement of the hon. member for Parktown, to prove how essential it is to have that special branch of the Police Force to attend to Communistic activities in the Union. I think that the hon. the Minister deserves the thanks of our nation for the manner in which he called that special branch into being to deal with this danger in our national life.

Mr. HEPPLÉ: When the hon. the Minister of Justice got to his feet this afternoon he failed to reply to the two questions which I had raised with him. The first was in connection with his action on police reports and the other was in connection with the changes in the orders which he is serving on persons under the Suppression of Communism Act. I do not want to go into the whole question again, but I hope the hon. the Minister will reply to those questions. I presume that he lost his notes on them? Does the Minister remember the points I raised?

The MINISTER OF JUSTICE: Yes, I noted them down somewhere. I shall get them now.

Mr. HEPPLÉ: If the Minister likes, I will very briefly repeat them. The first question was in connection with the two cases which I took up with him and on which he called for up-to-date police reports. On those reports the Minister decided that he could not change or vary the orders that he had issued against the two persons concerned, and I said that his action following upon police reports left a slur on the persons concerned.

The other question I raised concerned the variation of the orders issued under the Suppression of Communism Act. I hope the hon. the Minister will reply to those questions.

Now, the hon. the Minister said that I had failed to explain to him why it is that so many of the trade unions have Communists as their officials. Well, that is only one of the millions of questions that I cannot answer. I am sorry, but there are a lot of questions I cannot answer. For instance, I cannot say why it is that so many people are foolish enough to vote for Nationalists.

The MINISTER OF JUSTICE: You ought to be able to answer that.

Mr. HEPPLÉ: However, I want to say to the Minister that the difficulty that I find in dealing with members of the Government in relation to the trade union movement is that they do not seem to have the foggiest idea of what happens in the trade union movement. They seem to believe that it is possible for a Communist to come along, to establish himself as the chairman or secretary or some high official of the union, or they seem to believe that the rank and file members of trade unions are quite oblivious of and do not understand what Communism means.

The MINISTER OF JUSTICE: The fact that so many are Communists is curious.

Mr. HEPPLÉ: No, it is not a bit curious. I want to say to the hon. the Minister that it is a very simple matter, and I have tried to explain it to the Government so often. It is merely this: In these cases Communists play a very active part and make a deep study of the affairs of their trade unions. That happens not only in South Africa, it happens all over the world. They are always very active and very diligent members of trade unions. And as a result of being very active and very diligent members of the trade unions they rise to the top and they get official positions. But that is something that members on the Government side of the House cannot understand. The Government fear is, once they are in that position, what can they do? There are a lot of charges made that in those positions they are able to bring the country to a standstill, they are able to do all kinds of things which are evil. But those matters are in the hands of the rank and file of the trade union movement. Officials of the trade unions cannot alone call strikes. Officials of the trade union movement cannot do things arbitrarily and on their own. The rank and file of the trade unions make the decisions, and no man is going to be so stupid as to go out on strike unless he has very strong cause to go on strike. That is what the Government has got to understand. I see reports, for instance, in this morning's *Cape Times* that a trade union in Britain which is termed "Communist controlled", because it has a Communist in an official capacity, is calling strikes among electrical workers. But that is a distortion. That is something that is said in order to pretend it is because they have a Communist in an official position they are on strike. That is not true. Workers do not go on strike and penalize themselves and go without pay merely for the satisfaction of pleasing a trade union leader who may be a Communist. There are causes for people doing these things and the Government must understand that.

Now, in the course of the Minister's application of the Suppression of Communism Act, my argument with the Minister amounts to this: It may not be the intention of the Government, but what, in fact, is happening to the trade unions because these people are now being removed, is that the trade unions are being placed in a very difficult position in the conduct of their affairs. The hon. the Minister of Labour has often said that no man is irreplaceable. I agree with the Minister that no man is irreplaceable, but in the meantime, whether it is the intention or not, the actions of this Government are emasculating the trade union movement of South Africa. I warn members on the Government side of the House that when the bad times come and the workers of South Africa—supporters of the Government Party as well as of other parties—are faced with difficulties with their employers, and when they have to fight their

employers, they will be reduced to such a weak position that they will be unable to fight back. That will definitely happen. And I issue the warning to the Government members in this House to-day that they will live to regret what they are doing to the workers of this country. They are going to reduce the workers of this country to a position in which they will be completely at the mercy of their employers. To-day in the trade union movement, no strong and powerful elements are arising to replace these people who are going. We can disagree with these Communists who have been holding these official positions, but not all of them are Communists anyway. What I fear is that the hon. the Minister in the application of this Act will feel that he has got to keep up the pressure. Now he says he is dealing only with those who, he is quite confident, are Communists, but because the definition of Communist under this Act is so wide, the Minister will gradually go much further than that. What I said yesterday stands, that there is a feeling among workers in the trade union movement to-day that they do not want to leave the bench and take an official position because they feel that at the bench they are safe, they are only at the mercy of the boss, but if they take an official position in the trade union they are at the mercy of the arbitrary law of the Suppression of Communism Act. I would like the hon. the Minister to take a greater interest in this matter. If he were to study the effects of the application of this law in a practical way instead of in a theoretical way in fulfilling the ambitions and desires of his Party, he would realize the great harm he is doing to South African workers. I do hope that the hon. the Minister will study the application of this Act and be more reasonable in the matter.

*Mr. HAYWARD: I shall be very brief. There is one urgent matter for which I wish to request the attention of the hon. the Minister, and that is the illicit liquor trade, especially in the small towns where perhaps there are only one or two European police and one non-European. These persons are known to the Coloureds and Europeans who take part in the illicit trade, and as a result they cannot catch the illicit traders. I wish to ask whether it is not possible for the hon. the Minister to give this matter special attention and whether he would in such cases consider the possibility of bringing police in from outside so that they could trace these persons, so as to put an end to the illicit trade in this manner.

Then there is another point. I am one of the persons who consider that in our legal system the penalties in some cases are too light for the crimes committed, and I wish to ask the hon. the Minister to appoint a commission to go into the entire question of punishments.

*The MINISTER OF JUSTICE: You mean that the penalties are not severe enough?

*Mr. HAYWARD: I take it that the hon. the Minister understands what I mean by the two points I raised.

*The MINISTER OF JUSTICE: I agree with what the hon. member for Port Elizabeth (District) (Mr. Hayward) said. It is unfortunate that there is so much illicit liquor dealing in the small towns. It means that one must employ traps to combat the evil. If one were to invade a town with traps from elsewhere then there would be a great deal of trouble. The police are very strict and I may add that there are numbers of cases that never appear in Court. A person is caught with 20 bottles of brandy or 60 bottles of wine in his possession, for instance. We cannot prove that he bought that liquor for the purpose of illicit dealings. All we can do is to confiscate that liquor. There are numerous cases that never appear in Court. It is obvious that persons who earn £20 per month, for instance, or who in some cases have no income, would not buy such large quantities of liquor for lawful purposes. They sit with 20 or 30 bottles of brandy in their homes and the police simply confiscate the liquor. Later they all apply to the police for the liquor to be returned to them, and they come to light with all sorts of excuses. In one case the person's child had a birthday and another's grandfather was getting married for the fifth time, and similar excuses, and then they want the liquor back, but we confiscate it. In this way we combat the evil to a large extent.

Then the hon. member referred to the question of punishments. It is very difficult to prescribe to the Courts what penalties they should impose. Hon. members will remember that when the Bill was introduced, the argument was raised that we should not prescribe to the Courts what penalties should be imposed. But I am of the opinion that magistrates and judges should heed the general feeling among the public. If there are crimes that constantly recur and the punishments do not help, then I think that judges and magistrates should take it into consideration and impose heavier penalties. The hon. member knows, too, that requests are often received by way of congressional resolutions for the imposition of heavier penalties. In the years that lie ahead I shall go into the matter to see whether heavier penalties cannot be imposed for crimes such as stock-theft and motor-car theft. The only way to discourage criminals is by imposing heavier penalties. We must do as in the case of housebreaking where the criminal gets the indeterminate sentence if he is found guilty of housebreaking for the third time.

In connection with the terrible spy stories we heard from the hon. member for North Rand (Mr. B. Coetzee) that a certain person wanted to blow up the bridge over which Gen. Smuts travelled each day to Irene, I would just like to tell the Committee that during the war Gen. Smuts never travelled

the route mentioned in the article. Therefore the story cannot be true, or otherwise those people must have been very poor spies if they did not know what route Gen. Smuts travelled.

May I refer to what the hon. member for Kensington (Mr. Moore) said in connection with external studies. This amount is paid on behalf of students of our department who take the Lower Law examination. The amount is paid to the extra-mural division of the University of South Africa or some other approved university but not to correspondence colleges. Their tuition fees are paid whether they pass the examination or not. But of course if the department is convinced that the person concerned is not seriously trying to pass the examination then the amount is stopped. Of course if he resigns the money has to be paid back. The other point raised by the hon. member, which was also raised by the hon. member for Cape Eastern (Mrs. Ballinger) is, of course, a very serious matter and a very interesting one. In our courts of law people are charged with crimes or offences from time to time and they are sometimes declared innocent. Sometimes after a trial lasting for days the public prosecutor or the Attorney-General withdraws the charges because there is no evidence to go to a jury. The accused is then penalized in that he has to meet all his own expenses. It is an impossible task for any Government to undertake to compensate people for legal expenses incurred by them in those circumstances, or to compensate them for any suffering they have had. I know the case which the hon. member has quoted. That case was before a committee of this House. It was referred to me and the matter was referred by me to the Cabinet and we discussed it. Here the Crown takes the case to court on the definite evidence of a medical doctor. His expert evidence points to the guilt of the accused. When the matter comes before the Supreme Court ultimately he is confounded by the evidence of other doctors and he comes to the conclusion that he has given wrong evidence and he retracts his former evidence. The fact remains that the Crown brought that case before the Supreme Court on definite and satisfactory evidence which it had, and that is why the magistrate, after the preparatory examination, sent the record to the superior court. The Crown cannot be blamed for the fact that the doctor in question retracted his evidence.

The case mentioned by the hon. member for Cape Eastern . . .

Mrs. BALLINGER: . . . is slightly different.

The MINISTER OF JUSTICE: . . . is a very strange case. This person was convicted and imprisoned. While he was in prison somebody else suddenly confessed to that crime. Naturally we released the man who had been convicted immediately. The man who had confessed was tried and it was found that there was no substance in his confession and he was found not guilty, so we had

released the first man and the second man was innocent, too.

Mr. MITCHELL: You lost two birds with one stone?

The MINISTER OF JUSTICE: That is so. You can hardly expect the Government in that case to pay the first man compensation for having been in gaol for some months.

Mr. MOORE: I am sorry I omitted to thank you for referring the matter to the Cabinet.

The MINISTER OF JUSTICE: Hon. members will realize that this is a very hard case. But once we start giving compensation in those cases we would have to give it in all cases where the Crown charges the man and the evidence is insufficient to secure a conviction.

With regard to the point raised by the hon. member for Cape Eastern about the banning of three teachers, I agree with her that it is rather unfortunate. The Director of Education in the Cape in his report last year expressed concern over the fact that Communism was being preached in the Coloured schools in the Cape Province to such a large extent. According to the evidence we have these teachers are very active in propagating subversive doctrines. They were devoting probably 25 per cent of their time to teaching and 75 per cent to propaganda. They were prohibited from attending meetings and I hope that this will serve as a warning to them. Ultimately I withdrew the ban as far as school teaching was concerned. The police were very concerned about them. They felt that the ban should not be raised so soon but we decided ultimately to raise the ban, and, as I said, I hope it will be a warning to these people not to mix teaching with propaganda in favour of Communism. I have no funds to pay them compensation for the two or three months during which they were not paid. They fell foul of the existing law, so they have to be satisfied. They had no right in the first instance, since they are teachers, to expose themselves by their conduct to prosecution under the Act.

Mrs. BALLINGER: The Education Department had no case against them.

The MINISTER OF JUSTICE: I have no control over the Education Department of the Cape.

Mrs. BALLINGER: But they had no charge against them.

The MINISTER OF JUSTICE: No, the charges came from our side. They fell foul of the law and they have to face the consequences.

I must apologize to the hon. member for Rosettenville (Mr. Hepple) for not having replied to his question. He asked me to postpone certain notices which had been sent to

one or two trade union officials. I may say that in every case where a trade union official is banned they come along and ask for a postponement for three or six months under various pretexts. In this case, as in all others, I referred the matter to the police to find out whether the position was actually as difficult as the trade unions say. They point out that they cannot find substitutes to do the work. The police report was to the effect that these people had been very active in the last few years, even after the passing of the Suppression of Communism Act, and they say that the excuse that the trade unions could not get any substitutes to do the work in the meantime was merely a blind. We decided therefore not to give any extension.

Mr. HEPPLÉ: Just on those grounds?

The MINISTER OF JUSTICE: Yes, on those grounds. We had decided to ban them; why then should we give them an extension of time. I think I gave an extension in the case of the Hairdressers' Union where good grounds were put up to me as to why the person concerned should continue in his post for two or three months. I can assure hon. members that some of the members of these trade unions have approached us and asked us not to give any extension but to let these men go because the longer they stayed the greater harm they do.

Mr. HEPPLÉ: Their own unions?

The MINISTER OF JUSTICE: Yes. Not all the members of the unions are in favour of the Communist secretaries they have.

Mr. HEPPLÉ: Have any members of the trade unions approached you privately?

The MINISTER OF JUSTICE: No, not privately, but this request was conveyed to me.

Mr. HEPPLÉ: From what source?

The MINISTER OF JUSTICE: I am not prepared to give the hon. member any names. These people expressed that opinion and it was conveyed to me. As far as a change in the prohibition is concerned, the hon. member knows that under the Riotous Assemblies Act the Minister of Justice may ban a person from attending any meeting other than religious, recreational or social meetings. Under the Suppression of Communism Act I can ban persons from attending any gathering whatsoever. Where we issue a notice under the Riotous Assemblies Act it is worded in the terminology of the Act and the person concerned is banned from meetings other than meetings of a religious, recreational or social nature. Where we issue a notice under the Suppression of Communism Act we use the words "any gathering". We have found that persons have tried to abuse the privilege of attending other meetings. We have found that meetings which are supposed to be of a religious or social nature are not religious or social gatherings. They are propaganda

meetings or organizational meetings—in fact anything except religious meetings. But in certain cases these people have applied to me for exemption and I have given exemption in certain cases to enable them to attend *bona fide* religious gatherings.

Mr. HEPPLÉ: Particular gatherings or generally?

The MINISTER OF JUSTICE: No, generally.

Mr. HEPPLÉ: Do you grant indefinite exemptions?

The MINISTER OF JUSTICE: Yes. We have said to these people: "This will not apply in your case if you attend *bona fide* church meetings of the church to which you belong."

Mr. HEPPLÉ: What about recreational meetings?

The MINISTER OF JUSTICE: I cannot remember any case where exemption has been granted in respect of sports meetings.

Mr. HEPPLÉ: Will you consider it?

The MINISTER OF JUSTICE: Yes, I will certainly consider it. When people apply to me for general exemption I go into the matter and see whether it is feasible to grant it.

Mr. DAVIDOFF: I want to raise an entirely new matter.

The MINISTER OF JUSTICE: That would be refreshing.

Mr. DAVIDOFF: I hope the Minister will feel refreshed. I want to refer to the question of the police raids on the Native hostels which have taken place in Johannesburg, particularly in the last month. I want to make it perfectly clear that in raising this matter I am not by any manner or means attacking the police. As far as this matter is concerned I appreciate that the men carry out the orders of their superior officers, but the superior officers are carrying out a policy laid down by the Minister and it is that policy laid down by the Minister that I propose attacking. I want to emphasize that the Minister, in this particular case, cannot pass the buck nor can he turn round and say that in raising a matter of this nature we are attacking the police. It is accepted that the object of these raids is to discover whether there are any illegal tenants in occupancy at the hostels or if there are any passless Natives or Natives in possession of liquor or Natives guilty of some other trivial statutory offence. I mention particularly the fact that these are trivial and statutory offences because I appreciate that if the police have any suspicion that a man wanted for a serious crime is residing or hiding in any particular place the police would be quite justified in obtaining a warrant and searching that place. But I submit that in cases such as

Collection Number: A3393

Collection Name: Bob Hepple Papers

PUBLISHER:

Publisher: Historical Papers Research Archive, University of the Witwatersrand

Location: Johannesburg

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